

## **Post-Conflict Elections: Uncertain Turning Points of Transition\***

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Elections held as part of a peace deal following a violent conflict highlight several crucial dilemmas of democratization in post-war societies. Such ‘post-conflict elections’ are now a feature of almost all efforts to democratize war-torn regions, with peace agreements routinely including provisions for elections be held as part of the process of conflict termination, often with the assistance, supervision or sometimes direct control of the international community. But while post-conflict elections have become an integral element of contemporary peace agreements, they can also themselves become the focus of increasing tension and renewed violence. Taking a comparative perspective, this paper focuses on several inherent dilemmas of post-conflict elections, including issues of timing, sequencing, mechanics, political parties, and the role of the international community. In each of these areas, post-conflict elections forces difficult choices to be made between short-term versus long-term priorities, representation versus stability, domestic versus international legitimacy, and a range of other sometimes incompatible objectives.

These dilemmas are reinforced by the competing discourses that dominate both academic and policy discussions of post-conflict elections. On the one hand, elections and democracy are often seen as a form of conflict management, with theorists arguing for the benefits of democratic competition as a means of managing the tensions inherent in all societies, including post-conflict ones (see Przeworski 1991).

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On the other hand, an increasing body of work points to the dangers of holding elections in conflict-prone societies, and the empirical reality that societies in the early stages of democratization are often more, not less, conflict prone (Snyder 2000). The role of the international community is another important factor. Competitive elections in post-conflict societies are often promoted by international actors for a range of varying and even mutually contradictory reasons. Typically, such elections are expected to simultaneously play a role in terminating civil wars; encouraging the transformation of warring armies into peaceful political parties; stimulating the development of democratic politics; choosing members of a legislature or other kind of representative assembly; forming a new government; and conferring legitimacy upon the new political order. For all of these reasons, post-conflict elections are today widely seen as an integral part of the process of war termination, international disengagement, and nation building.

However, the success of post-conflict elections in achieving these goals has varied considerably. In some cases, such as Namibia in 1989, El Salvador in 1994, Mozambique in 1994, elections clearly played a vital role in making a decisive break with the past. In others, such as Angola's abortive 1992 elections held under the Bicesse peace accord, or Liberia's 1997 elections, flawed elections created more problems than they solved. Haiti's parliamentary and presidential elections in 1995 led to the first ever transition of power, but also highlighted administrative deficiencies which undermined the credibility of the broader electoral process. By contrast, in Cambodia's transitional United Nations polls of 1993, the technically successful elections were soon overwhelmed by the realities of power politics as the 'losing' party at the elections returned to power through hard-line tactics. In post-war Bosnia, successive elections held under the Dayton agreement helped nationalist

parties cement an early grip on political power, while in Kosovo and East Timor a more measured electoral timetable played a more constructive role in terms of political development. More recently, in Papua New Guinea's rebellious island province of Bougainville, the combination of an extended electoral timetable, international observation and systemic innovations have helped secure one of the world's most successful, if little-known, cases of post-conflict peacebuilding. Liberia's 2005 elections marked the end of the transition following the country's second civil war, and resulted in Africa's first democratically-elected female head of state, former World Bank employee Ellen Johnson-Sirleaf. Finally, while it is still too early to evaluate the most recent high-profile elections in Afghanistan and Iraq, in both cases it is clear that elections themselves have not led to an end to hostilities, and in Iraq may have contributed to the ongoing sectarian conflict.

As this brief survey indicates, there has been a considerable variation in the relative success of elections in meeting the twin goals of war termination and consolidation of democracy from country to country and from case to case. The tension between these two overarching goals lies at the heart of this particular dilemma of democratization. As Terrence Lyons (2004, 272) notes, because post-conflict elections typically carry such tremendous burdens of expectation, they are often saddled with multiple and often mutually contradictory objectives: "They are designated in peace agreements as a primary instrument of implementation and hence play critical goals with regards to war termination. At the same time, they are designed to promote a process of democratization and to serve as "breakthrough" elections that initiate a new set of rules and institutions for competitive, multiparty politics ... "Success" with relation to one goal, say war termination, does not necessarily mark "success" relative to another, such as democratization".

In this paper, I address some of the core dilemmas confronting in post-conflict elections that flow from these multiple and sometimes contradictory goals.<sup>1</sup> I focus in particular on those specific dilemmas which tend to recur across both space and time: the inherent tensions between competitive elections and conflict management; the incompatibility of short versus long-term electoral objectives; the trade-off between efficiency and inclusion in terms of government structure; the merits of sequenced versus simultaneous local, regional and national-level elections; the choice between party-based and independent forms of electoral administration; and the need to simultaneously build local accountability while encouraging the development of national party politics. Each of these dilemmas of democratization for post-conflict elections will be investigated in the remainder of this paper.

### **Democratic Dilemmas and Post-Conflict Elections**

The overarching question facing all post-conflict elections is under what circumstances they help in building a new, peaceful democratic order, and under what circumstances they undermine prospects for stable democracy and pave the way for a return to conflict. As one survey notes, the high expectations often placed upon post-conflict elections tend to be accompanied by a weakness in the preconditions for their success: “most war-torn societies lack the political climate, social and economic stability, institutional infrastructure, and even political will to mount successful elections” (Kumar 1998a, 7). The international community has often not been sufficiently cognisant of the dangers in pushing for early post-conflict elections, particularly in countries which have recently emerged from civil war, without

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<sup>1</sup> This chapter also builds upon some of my earlier work focussing on other aspects of post-conflict elections: see, in particular, Reilly 2002 and Reilly 2004.

sufficient attention to the capacity of the host country to carry them out. On the other hand, the promise of early elections is often essential in getting commitments from major powers to deploy peacekeepers and fund post-conflict reconstruction.

There are also some fundamental difficulties with holding competitive elections following a period of violent conflict. In such situations, a combination of acute coordination problems, information asymmetries, hardening of communal divisions and fears for the future typically confront voters. One consequence of this can be a profound ‘security dilemma’ which afflicts both voters and candidates, whereby competing ethnic, religious, and political actors will often mobilize against the possibility of future threats, triggering a cascading tit-for-tat escalation and polarization from other segments of society. In many cases, rising levels of internal conflict have accompanied or been precipitated by transitions from authoritarian rule toward democracy. Despite their essential role, post-conflict elections have often fomented these tensions, becoming a lightning-rod for popular discontent and extremist sentiments (Rabushka and Shepsle, 1972; Dahl, 1971; Horowitz, 1985). Bosnia’s repeated post-Dayton elections held in 1996, 1998, 2000 and 2002 were an illustration of this process in action, as voters from different ethnic communities persistently re-elected hard-line nationalist leaders despite overt attempts by the international community to encourage moderate, pro-Western victors instead. The victory of Hamas, which the United States considers a terrorist organisation, at the January 2006 elections to the Palestinian Authority is another case in point.

Electoral competition in such circumstances can also encourage the politics of ‘outbidding’ – that is, competition for votes on the basis of increasingly extremist rhetoric and policies – a process which can foster ethnic tensions and increasing polarization of the political spectrum (Rabushka and Shepsle 1972, 187). Taken to an

extreme, outbidding cycles can lead to the outright failure of democracy, as minorities are excluded from power, restrictions are placed on opposition movements, and the ‘rules of the game’ are manipulated to benefit incumbents. For instance, political outbidding over access to higher education was an early motivator for the Sinhalese-Tamil conflict in Sri Lanka, formenting a cycle of escalating ethnic hostilities which led directly to the tragic civil war and erosion of democracy there (DeVotta 2004). In other cases, by electing hardline leaders committed to exclusionary visions of the country, post-conflict elections can become little more than ethnic censuses which increase the risk of conflict, threatening, ultimately, the failure of democracy itself – a recurrent problem that has been well-documented in ethnically-divided societies.<sup>2</sup>

In this view, the processes of electoral democracy in post-conflict societies can represent a danger to peaceful state-building. Increasing recognition of these dangers has led some to contend that democracy itself is part of the problem in such highly fraught situations, and that post-conflict societies are too fragile to be exposed to the competitive pressures of the electoral process.<sup>3</sup> But this oft-heard critique ignores several factors. First, elections can be purposively designed to encourage not zero-sum, winner-take-all outcomes, but rather the sharing of power between groups. Indeed, many would argue that some form of power-sharing is a primary requirement for successful democratization in post-conflict situations.<sup>4</sup> Second, post-conflict polities face a real need to construct a legitimate governing authority. Not least because so many of today’s conflicts take place within states, the overarching

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<sup>2</sup> Horowitz 1985. Recent research on India has improved our understanding of this process: see Wilkinson, 2004 and Chandra, 2004.

<sup>3</sup> For an example of this sentiment, see Chesterman 2004.

<sup>4</sup> See Sisk, 1996.

challenge is thus to build (or rebuild) a sustainable democratic state that can function without direct international involvement. Elections can be a crucial element in achieving this, providing that sufficient forethought is given to their purpose, timing, and likely effects.

### **Post-Conflict Elections and International Policy**

Post-conflict democracy-building is a difficult and disruptive process. Democratization by its very nature undermines established political orders, provides a pathway for new entrants to access the political system, highlights social cleavages, subverts existing power relations, and threatens incumbent authority. For all of these reasons, transitions to democracy in general and competitive elections in particular have the potential to be deeply destabilizing events. As Roland Paris (2004, 1) observes, “the process of political and economic liberalization is inherently tumultuous: It can exacerbate social tensions and undermine the prospects for stable peace in the fragile conditions that typically exist in countries just emerging from civil war”. Put simply, post-conflict democratization is a difficult, uncertain and often dangerous business.

Despite this, over the past decade many Western policymakers adopted a facile and naïve interpretation of democratic elections as being a natural and unproblematic form of conflict resolution, a process which began in the 1990s and may have reached its nadir with the truly extravagant claims regarding the beneficent impact of democratization and free elections made by the Bush administration in the post-September 11 era. Post-conflict elections in states such as Iraq are highly symbolic events which signal the establishment of a newly legitimate political order which, by implication, is expected to not be hostile to the United States. In other cases such as

East Timor, post-conflict elections have even marked the assumption of a new nation into the family of international statehood. However, post-conflict elections can also be highly fraught exercises which highlight many of the dilemmas of democratization examined in this volume. While elections certainly *may* play a role in settling violent conflicts and creating new political orders, they will not inevitably do so, and the multiple goals that post-conflict elections are supposed to achieve means that they are often overloaded with inconsistent and sometimes mutually conflicting objectives, such as ending armed conflict while simultaneously promoting vigorous political competition.

The uncritical alignment between democratic elections and national peace in the minds of many policymakers has its recent origin in the so-called ‘democratic peace’ thesis much cited by former U.S. President Bill Clinton during his term in office, which maintains that consolidated democracies both have not historically and will not in the future go to war with each other (Russett 1993). This thesis, which has strong empirical support but shaky theoretical foundations, was conjoined with the separate but related argument that democracies were more peaceful internally as well, and that intra-state conflicts were thus less prevalent and severe in democratic rather than autocratic environments (see, for example, Gurr 2000, 52-64). Both arguments have now been overtaken in U.S. policy by a broader conflation between democracy, liberalism and security which was elevated into an article of faith in the Bush administration – a conflation of hopes and beliefs which rests on many unspoken assumptions. One is the expectation that a move from authoritarian to democratic governance will inevitably lead to more peaceful inter-communal relations and lower levels of conflict in societies divided along ethnic, religious or other kinds of cleavages. Another is that democratic elections are the most reliable means of

generating moderate governments which do not pose a threat to others, or at least to the West.

The evidence for both claims is (surprise!) more complex. While there is little question that consolidated democracies are, on average, both less prone to large-scale internal conflict and much less likely to go to war with each other than their authoritarian counterparts, historical and comparative research has repeatedly found that countries undergoing the wrenching process of *democratization* are neither. As one such study concluded, “while mature, stable democracies are safer, states usually go through a dangerous transition to democracy. Historical evidence from the last 200 years shows that in this phase, countries become more war-prone, not less, and they do fight wars with democratic states” (Mansfield and Snyder 1995, 79). Many indicators of intra-state conflict also tend to rise in the initial period of democratization (de Nevers 1993).

A major insight of political science scholarship in recent years thus concerns the dangers of early democratization in fragile states.<sup>5</sup> In such circumstances, electoral competition can quickly come to be characterized by centrifugal pressures, in which the moderate political centre is overwhelmed by extremist forces, leading to zero-sum politics in which some groups are permanently included and some permanently excluded. One consequence can be the failure of democracy itself, as majority group hegemonic ‘control’, often aided by the assumption of martial law or outright military rule, is justified in part by the need to restore order and stability. This is often accompanied by the exclusion of minorities, changes to the rules of the game to

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<sup>5</sup> In a book-length analysis of this phenomenon, Snyder (2004) argues that democratization is most likely to stimulate internal conflict when elites are threatened by rapid political change and when the expansion of popular participation precedes the formation of strong political institutions.

benefit incumbents, restrictions on opposition movements and the undermining of democratic institutions. The failure of Indonesia's first, abortive experience of democracy in the 1950s period is a good example of this dilemma of early democratization before civic institutions have developed. Indonesia's initial fall into authoritarian rule was largely a response to the chaotic experience of democracy between 1950 and 1957, when a combination of religious, cultural and regional conflicts, combined with a fragmented party system and weak institutions, led to and the declaration of martial law by president Sukarno. Shifting coalitions of secular, Islamic, nationalist, communal and regional parties had resulted six changes of government in seven years, providing a ready pretext for the overthrow of democracy and forty years of authoritarian rule under the Sukarno and then Suharto regimes (Liddle 1997, 311).

Rapid political change and insecurity are almost endemic to the circumstances in which post-conflict elections are held. Domestic political institutions are weak or non-existent, voters are suspicious, and elites' hold on power is tenuous. This is a dangerous combination of factors. At different times during the 1990s, for instance, post-conflict elections in war-torn African states such as Angola and Sierra Leone led to a resumption of warfare as a result, in part, of the threats these elections represented to incumbent elites. Likewise, the prospect of forthcoming elections and ethnic powersharing in Rwanda has been identified as a factor in the 1993 genocide there.<sup>6</sup> Elsewhere, in Cambodia, Bosnia and Liberia, post-conflict elections cemented

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<sup>6</sup> Paris (2004, 75-6), for example, writes that "the effort to move Rwanda in the direction of democracy did not have the pacifying influence that international peacebuilders had hoped for and apparently expected. The international community had presented the plan for power sharing followed by democratic elections as a means of resolving Rwanda's civil war, but attempts to foster peace and stability in Rwanda by promoting political liberalization ultimately backfired, in the worst possible way".

in power essentially non-democratic elites – often the very same individuals who had been instrumental in the prior conflict. Finally, in post-conflict Rwanda, Ethiopia and Uganda, the winning parties to the conflict held elections to legitimize their victory – thus subverting the conflict-mediating functions which such elections were supposed to perform. Cases such as these lend some weight to the World Bank’s suggestion that elections in war-torn societies should be deferred by up to a decade to allow state building to occur (World Bank 2003).

None of this means that democracy is necessarily a negative factor for the management of internal conflicts. By providing an institutional framework for diverse social groups to gain access to government, participate in decision-making, and influence policy outcomes, democracies are capable of responding to societal conflicts by accommodation rather than repression, in sharp contrast to authoritarian regimes. This is one reason that theorists like Adam Przeworski characterize democracy as a political arrangement which processes, but never definitely resolves, social conflicts (Przeworski 1991, 10-14). Under this interpretation, a functioning democracy serves as a system of *conflict management*, with potential conflicts channelled into constitutional arenas, such as non-violent competition between political parties, rather than armed conflict on the streets. These arguments have been buttressed by empirical studies which emphasize the success of consolidated democracies in accommodating social cleavages and tensions through peaceful means (Hegre et al 2001, 33-48).

However, Przeworski’s arguments also highlight one of – indeed, perhaps the most fundamental – dilemma facing post-conflict elections: the problem of uncertainty. Consolidated democracy works to manage conflicts precisely because electoral outcomes are, by definition, uncertain: the payers of the game do not know the

outcome, but commit to the game with the understanding that they may lose in the short term but still be winners later on. Democracy requires this certainty of uncertainty to engender loyalty from all players and thus to survive over the long-term. But in post-conflict societies, the uncertainty of election outcomes is itself a source of tension, and a major threat to incumbent elites which can make them wary of committing to the game at all. For this reason, some kind of pre-election bargain on post-election outcomes is often required, as was the case in South Africa's transition from apartheid, when strong constitutional guarantees helped to reassure the key players (Sisk 1995).

The aftermath of the 1993 elections in Cambodia is a good example of this dilemma in action. The culmination of the largest and most expensive UN peacekeeping mission to date, the massive international reconstruction of Cambodia reached its apex in 1993 when the United Nations both ran and oversaw an electoral process which was technically almost faultless, but which resulted in the election of two main parties, the Cambodian People's Party and FUNCINPEC, each of whom had expected to control power alone. Amid threats of renewed civil war from the incumbent CPP if it was excluded from government, a clumsy post-election powersharing deal brokered by the United Nations saw a coalition government featuring 'co-prime ministers' from the two parties installed. As it reflected neither the election results nor common policy ground between the two parties, this arrangement proved highly unstable in practice: the CPP remained in effective control of most of the armed forces, the bureaucracy and the judiciary, while FUNCINPEC's attempt to gain a greater share of real power paralysed the executive branch and the National Assembly. After a prolonged succession of political crises, the coalition fell apart completely in 1997 when the CPP forces of the 'second Prime Minister', Hun

Sen, attacked those of FUNCINPEC and the ‘first Prime Minister’, Prince Ranariddh, and claimed power alone.

As Cambodia returned to its familiar politics of intimidation and authoritarian rule, Hun Sen proceeded to change the electoral system to benefit his government and restrict opposition movements. The electoral formula was changed so that seats were allocated according to the ‘highest average’ method at the provincial level, rather than the nationwide ‘largest remainder’ system introduced by the United Nations in 1993 – a change which wiped out smaller parties. In response to calls for greater local accountability, district boundaries were adjusted and a number of new districts created with the result that over one-third of all seats were chosen from single-member districts. These technical changes were accompanied by widespread intimidation of opposition politicians and their supporters. The net effect was the elimination of most opposition parties, to the advantage of the larger incumbents. At the 1998 elections, which the CCP won outright, calculations suggest that up to 10 additional parties would have gained representation had the election been held under the 1993 electoral laws.<sup>7</sup> Despite this, a range of international observer groups gave their stamp of approval to the 1998 elections, with the European Union particularly keen to see Cambodia’s re-elected receive international blessing, regardless of the sharp decline in the quality of its democracy.

### **Short-term Versus Long-term Objectives**

Despite such setbacks, there is also evidence of learning by the international community regarding the dilemma posed by the disjuncture between the short-term

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<sup>7</sup> My thanks to Michael Maley for the data on this point.

and longer-term objectives of post-conflict democratization. We now have a much deeper understanding of the relationship between civil society, political institutions and international actors as agents of post-conflict peacebuilding than before. Scholars and policymakers alike increasingly appreciate the importance of select incentives in moving societies from war to peace, and the self-reinforcing role of democratic procedures in helping them stay there. Yet there is one crucial aspect of post-conflict democracy building that continues to be overlooked: the *temporal* dimension of democracy building. Given that democracy is a long-term process of political development, a key dilemma common to nearly all post-conflict elections is the trade-off between the short-term goals of war-termination and the longer-term goals of democracy-building.

Over the course of the 1990s, the United Nations and other international bodies developed a kind of standard operating procedure for post-conflict peacebuilding as part of the new global consensus on the virtues of democracy (Newman and Rich 2004). Once a minimum level of peace had been obtained (which did not necessarily mean a full cease-fire agreement), and a basic level of infrastructure was in place, the next step was usually to hold some kind of elections – often within a year or two of the start of the mission – followed by a rapid hand-over to the newly-elected authorities, and an even more rapid departure of international troops and personnel. Under this approach, elections came to be seen as the crowning event of the post-conflict peacebuilding phase, enabling the re-establishment of legitimate domestic authority, and allowing international forces to disengage and, in most cases, depart.

One immediate manifestation of this dilemma is the question of election timing. How early a fragile state should hold elections and referenda, for example, represents an inherent dilemma of all post-conflict peacebuilding and democratization efforts.

Hasty, rushed or premature elections have become common for several reasons: the need to 'do something' quickly, to start the process of political development and, of course, to have an identifiable 'exit strategy' for international involvement. A classic case is the November 1996 elections in Bosnia, a date dictated in large part not by events on the ground but rather the desire of the Clinton administration to show progress in the Balkans in time for mid-term elections in the United States.

More diffuse temporal concerns also encourage premature elections. Democracy, as the mantra goes, is a long-term process, but the domestic political pressures that weigh on the Western states that usually oversee and implement these missions are almost all short-term. Quick results are required. An early establishment of home-grown institutions, such as representative legislatures and multi-ethnic peace and security forces, is needed to create both the shell of a state and to create a legitimate body politic for the international community to deal with. Financial pressures mean that many missions have an incentive to scale-back their immediate presence and reduce the levels of their assistance as soon as it is minimally feasible to do so (see Lyons 2005).

All of this places considerable timing pressures on the post-conflict election timetable, and frequently leads to elections being held as early as possible in the life of a peace-keeping mission in order to create some kind of legitimate government – a pressure which in Iraq led to elections being held in the absence of popular security and in the face of a boycott from one of the country's main ethnic groups, the Sunni. Such 'premature elections' can also create multiple ongoing problems for the development of peacetime politics in deeply-divided societies even years after the war has ended – as demonstrated by the regular re-election of hard-line nationalist leaders in post-conflict Bosnia, where nationalist parties and elites have not only continued to be

elected by the voters, but have attempted to use the democratic political process to continue to press their sectarian aims. In most cases, the early application of elections immediately following a conflict almost guarantees that the contest will become a de facto contest between the former warring armies masquerading as political parties. By contrast, an extended process of consultations and local level peacebuilding, in which some of the real interests and concerns that provoked the conflict are addressed in a step-by-step fashion *before* national elections are held, may offer better prospects for a peaceful transition in post-conflict societies.

A related dilemma is the virtue of referenda on deeply-divisive issues, such as independence or self-determination, compared to the virtues of constructing a phased series of consultations rather than one take-it-or-leave-it choice – the latter exemplified by the rolling series of independence referendums in the early 1990s which precipitated the break-up of Yugoslavia, or the 1999 autonomy plebiscite in East Timor. Because they channel complex questions of political identity into an all-or-nothing, zero-sum choice, the comparative evidence suggests that referenda are unsuited to solving deeply-divisive issues, and are particularly inappropriate for the combustible conditions which apply in post-conflict societies (Reilly 2003). These failures suggest the need to give more attention to alternative models of post-conflict transition and methods of self-determination, such as those employed in the powersharing and autonomy arrangements in the Bougainville conflict, in which time periods were deliberately lengthened or left unspecified.

The success of the peacemaking process in Bougainville, an island at the eastern extremity of Papua New Guinea that has been the site of the largest and most violent conflict in the South Pacific since the Second World War, has received surprisingly little attention to date. The Bougainville war centred around demands for

Bougainville's independence made by rebel groups, a demand opposed not only by Papua New Guinea but also many Bougainvilleans themselves. Before the conflict began, Bougainville's substantial contribution to Papua New Guinea's national economy was disproportionate to its small size and population, mainly due to an enormous open-cut copper, gold and silver mine that operated on the island from 1972 until the conflict caused its closure in 1989. The cascading violence came to a head in 1997, when the Papua New Guinea government commissioned an international mercenary service, Executive Outcomes, to attack the rebels. But in a surprise move, the Papua New Guinean army's chief commander announced the refusal of his forces to work with the mercenaries, who were ejected from the country, and the incumbent Prime Minister and several key ministers involved in engaging the mercenaries stood down. Taking advantage of these changes, rebel forces began to make direct contact with the central government. Further developments resulted in the New Zealand government facilitating talks between the Bougainvillean leaders. These talks resulted in a cease-fire agreement, followed by the deployment of an unarmed 'Peace Monitoring Group', led by Australia, on the island, accompanied by a UN observer team. Since then, successive agreements – notably the so-called the 'Loloata Understanding' of March 2000 and the Bougainville Peace Agreement signed at Arawa in August 2001 – paved the way for the election in 2005 of an autonomous government and agreement on a future referendum on Bougainville's political status to be held after an extended period of autonomy.

Importantly, both the election of the autonomous government and the longer-term referendum plans involve an extended time period, in sharp contrast to the rush to elections that has taken place conflicts in Angola and the Balkans. Bougainville's first autonomous government elections were not held until June 2005, four years after the

signing of the Bougainville Peace Agreement, while the timing of the independence referendum is set at some unspecified time in the future, after some ten to fifteen years of autonomous government. This drawn-out timetable appears to have played a role in allowing many local-level peace initiatives, which would otherwise have been subsumed to electoral considerations, to flourish. It also allowed a series of innovative reforms to the electoral process to be introduced: Bougainville's new autonomous parliament reserves seats for specific regions, former combatants, and women (the last of whom have played a particularly important peacemaking role). These various innovations have helped to deliver one of the more successful post-conflict electoral processes of recent years. In a further institutional innovation, future Bougainville elections will be held under the alternative vote, a 'vote-pooling' electoral system which some scholars advocate as a means of promoting moderation and accommodation in divided societies by coercing cooperation across ethnic lines (Horowitz 1985; Reilly 2001).

A final key temporal issue which confronts many post-conflict electoral process is the sequencing of local, regional and national elections. The coordination of election timing at the national and sub-national level directly effects the development of local and national-level parties and the extent to which national or regional consciousness takes hold politically. Some scholars such as Juan Linz and Alfred Stepan argue that new democracies should hold national elections first, before regional or local ones, in order to generate incentives for the formation of national, rather than regional, political parties (Linz and Stepan 1996, 98-107). Others such as Larry Diamond believe that simultaneous national and local elections "can facilitate the mutual dependence of regional and national leaders. The more posts that are filled at the regional and local level ... the greater the incentive for regional politicians to

coordinate their election activities by developing an integrated party system” (Diamond 1999, 158). This was the approach taken in post-Suharto Indonesia, with identical party-based ballots being presented to voters at simultaneous elections for national, provincial and local assemblies – a strategy which helped strengthen the nascent party system, as it encouraged party coordination and enabled national issues to take priority over local ones for most of the campaign.

In transitional elections in East Timor, as well other post-conflict cases such as Kosovo and Afghanistan, the United Nations chose to start at the local level first: rather than leading with national elections, the preferred sequence was to hold local or municipal elections as a precursor to national ones, allowing steps towards democratization to be taken gradually. The relative success of these cases suggest that scholars such as Linz and Stepan are likely mistaken in advising that national elections should be held before local ones, at least if the aim is to inculcate voters in the routines of electoral politics and party politics in new democracies.<sup>8</sup> For transitional elections, a first-run test of municipal or local elections before national ones appears to have much to recommend it. However, if party-building is the aim, then simultaneous national, regional and local elections are likely to be most favourable to the development of strong nationwide parties.

There is evidence of genuine learning over time by the UN and other international actors on most of these issues, with more recognition of the need for sustained international involvement for several years after a conflict rather than the rushed ‘in-and-out’ approach of former years. In recent major international assistance operations

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<sup>8</sup> Indeed, of the three cases cited by Linz and Stepan in support of their argument – Spain, Yugoslavia, and the USSR – only Spain held its first truly competitive elections at the national rather than the regional level. My thanks to Bethany Lacina for bringing this to my attention.

such as Kosovo, East Timor and Afghanistan, pressure to hold ‘instant’ national elections has been resisted in favour of a two-year period of political development as part of a much longer process of democratization. In both Kosovo and East Timor, relatively peaceful national elections which had been preceded by successful municipal elections were held in 2001. In Afghanistan, presidential elections were held in 2004, almost three years after the fall of the Taliban, while the parliamentary poll was further postponed until September 2005. Even the 2002 *Lloya Jirga* process in Afghanistan -- which brought Afghan tribal representatives and elected delegates together to choose an interim government in a process that was only partially democratic -- can be seen as a kind of local election. By contrast in Iraq, national elections to a constituent assembly were pushed through within a year of the conflict being declared over by the U.S. president. In general, the comparative evidence suggests that a bottom-up approach to electoral timing is probably the best way to encourage the development of party politics and to inculcate voters in the routines of electoral politics.

### **Electoral Mechanics: Efficiency Versus Inclusion**

A recurring dilemma animating the choice of political institutions in all democracies, including post-conflict states, is the trade-off between stability and governability versus inclusion and representation. Classically, ‘representational’ institutions are considered to facilitate the direct translation of popular preferences and cleavages into the political sphere with as little interference as possible. This is often seen as being best facilitated by political parties representing distinct social groups, proportional representation elections to promote the representation of minorities, and low thresholds or other barriers on the formation of new parties. Together, these institutions should ideally lead

to the development of a diverse multiparty system in which all significant social groups and interests are separately represented. By contrast, 'efficient' institutions are those that can deliver clear parliamentary majorities to disciplined political parties offering distinct policy alternatives as the basis of their claim to government. These are more likely to be associated with majoritarian electoral laws and the presence of 'catch-all' parties which can command electoral support across social cleavages. In combination, these should ensure the concentration of executive power in single-party government, with minority and majority interests alike aggregated into a few large parties which alternate in power over time.

These scholarly debates have direct implications for institutional choices -- particularly the choice of electoral system, which has long been recognised as one of the most important institutional choices affecting the nature of democracy. They can have profound implications for the extent to which the voices of the poor and other marginal groups can be heard and their power enhanced. For example, systems in which the parliament is elected from many small geographically-defined electoral districts tend not to be as good as representing minority opinion than proportional ones, but may be better at building links of local accountability. These choices can also influence other aspects of the political system, such as the development of the party system, linkages between citizens and their leaders, political accountability, representation and responsiveness. Because of such impacts, constitutional and electoral system choices have many long-term consequences for the process of democratic governance, and the choice of electoral system is one of the most important political decisions for any country.

Electoral systems are often categorized according to how proportionately they operate in terms of translating votes cast by electors into seats won by parties. A typical three-

way structure divides such systems into plurality-majority, semi-proportional, and proportional representation (PR) systems. Plurality-majority systems typically give more emphasis to local representation via the use of small, single-member electoral districts than to proportionality. Amongst such systems are plurality (first-past-the-post), runoff, block and alternative vote systems. By contrast, proportional representation systems – which typically use larger multi-member districts and deliver more proportional outcomes – include ‘open’ and ‘closed’ versions of party list PR, as well as ‘mixed-member’ and ‘single transferable vote’ systems. Semi-proportional systems such as the single non-transferable vote offer yet other approaches, as do various mixtures of plurality and proportional models – such as the ‘mixed’ models by which part of the parliament is elected via PR and part from local districts, a common choice in many new democracies over the past decade (see Reynolds, Reilly and Ellis 2005).

Most of the major transitional elections conducted in recent years, including almost all of those held under UN auspices, have utilized some form of PR. Prominent transitional electoral operations in Namibia (1989), Nicaragua (1990), Cambodia (1993), Mozambique (1994), Liberia (1997), Bosnia (1996, 1998, 2000, 2002), Kosovo (2001), Sierra Leone (2002), Rwanda (2003) and Iraq (2005) were all conducted under proportional representation rules. In particular, the simplest form of proportional representation – party-list PR – appears to have become the de facto norm for UN-administered elections. But the adoption of such systems for post-conflict elections has usually been dictated more by administrative concerns, such as the need to avoid demarcating individual electoral districts and to produce separate ballot papers for each districts, than these wider political issues. Indeed, in many post-conflict elections, national PR systems are the only feasible way to hold an election,

as a uniform national ballot can be used, no electoral districts need be demarcated, and the process of voter registration, vote counting and the calculation of results is consequently simplified. In Liberia in 1997, for example, population displacement and the lack of accurate census data led to the abandonment of the old system of single-member majoritarian constituencies in favour of a proportional system with a single national constituency (Reynolds, Reilly and Ellis 2005).

In Iraq, experts favoured a system based around provincial boundaries, to ensure greater accountability and representation of local constituencies. However, this would have entailed a lengthy national census. In the interests of time, it was therefore decided to fall back on a single, nationwide district elected by proportional representation in which  $1/275^{\text{th}}$  of the vote was sufficient to gain a seat for the 2005 constituent assembly and national parliament elections. While this doubtlessly facilitated the administration of the election itself, it also had the effect of fragmenting the legislature, marginalizing numerically smaller groups like the Sunni while encouraging ethnic polarization amongst the electorate (Diamond 2005). Many new democracies have therefore preferred 'mixed' electoral systems, in which part of the legislature is elected on a national level by proportional representation, and part at the local level from single-member districts, so that both proportionality and accountability are maximised. For example, at the August 2001 elections for East Timor's 88-member constituent assembly, most seats were elected on a nationwide basis by list PR, but there was also separate single-member electorates corresponding to each of the country's 13 districts. A similar system in Iraq may have guaranteed the Sunni minority a baseline of political representation at the provincial level, thus helping to assuage the political alienation which is at the root of Iraq's insurgency today (Diamond 1995, 269).

Perhaps the most unusual electoral system choice for a post-conflict election in recent years has been the decision to use the single non-transferable vote (SNTV) for the September 2005 parliamentary elections in Afghanistan. Under SNTV each elector has one vote, there are several seats to be elected in the district, and the candidates with the highest number of votes fill these positions. As a result, the number of candidates a party nominates in each district becomes a critical choice: too few, and parties miss out on valuable chances to win additional seats; too many, and they risk splitting their vote too thinly and losing winnable seats. Despite being structurally majoritarian, SNTV can thus advantage smaller parties and deliver relatively proportional election outcomes. However, by forcing candidates from the same party to compete against each other for the same pool of voters, personalistic attributes are emphasised over and above those of the party. The resulting candidate-centred, intra-party competition has been widely identified as a cause of factionalism, corruption and clientelistic politics in states like Japan, where the abandonment of SNTV in 1994 was fuelled by a series of corruption scandals linked to factional competition which damaged confidence in the political system. While SNTV in Afghanistan was seen as having the virtue of simplicity, these pathologies mean that it is also an extremely risky choice for a new democracy, particularly if encouraging cohesive national political parties is an objective. In an ethnically-complex, clan-based society such as Afghanistan's, SNTV makes it unlikely that a consolidated party system can develop in the short-term. Illustrating this, the 2005 Afghan parliamentary elections featured over 5,800 candidates – in Kabul alone the ballot paper displayed over 400 names – resulting in a fractionalized and incoherent parliament which is likely to remain highly divided and unable to coordinate around pressing policy challenges.<sup>9</sup>

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<sup>9</sup> See 'Democracy, sort of', *The Economist*, September 24, 2005, 34.

### **Electoral Administration: Independent or Party-based?**

Another dilemma of post-conflict elections is the role and responsibilities afforded to electoral commissions, the bodies charged with running the elections themselves. While constitutional and electoral reforms have attracted a voluminous academic literature, issues of electoral administration remain under-studied by scholars and under-rated in general in terms of their effect on post-conflict polities. There are several models of election administration used around the world. Some countries locate responsibility for the administration of elections within a government portfolio like the interior or home affairs ministry. Others situate the responsibility for administration of elections within other aspects of governance, such as the public records office, the tax department or even the postal service. In some countries, the body responsible for running elections is created anew before each electoral event. And in some cases, as in Cambodia in 1993 or East Timor in 2001, the United Nations itself takes responsibility for running the elections.

Probably the most important administrative decision concerns the composition of the body managing the elections, and specifically whether the elections are run by the government of the day or by some form of independent electoral commission. Their perceived neutrality and independence from political interference lends credibility to the electoral process, which is a crucial determinant of the success of any election. A truly independent commission is one that is able to operate effectively without direct ministerial control, including in terms of its financial and administrative functions, and is (ideally) comprised of non-partisan appointees. In practice, many independent commissions around the world do not have complete financial independence and may

be comprised of party representatives rather than non-partisan appointments, but are still able to operate free from government interference or control.

By contrast, in some countries electoral management bodies are comprised not of independent civil servants, judges or other officials, but rather by the political parties contesting the elections themselves. This practice can provide a form of non-partisan independence if the composition of party representation is balanced in such a way as to ensure genuinely neutral functioning. The influence of the United States is particularly important here, as the American form of electoral administration is based on political appointees and party representatives, and many post-conflict democracies, particularly in Latin America, have followed this model for their own elections. Some authorities argue that, when there is no better tradition or an existing body of widely respected independent civil servants, a party-based electoral authority may be the only realistic choice (López-Pintor 1998, 53). But recent problems with this model in important transitional elections such as Indonesia and Haiti, as well in established democracies (most notably, the 2000 presidential poll in the United States), emphasizes its propensity for politicization and deadlock.

Most established and emerging democracies have chosen non-partisan models of electoral administration. Indeed, since the world's largest democracy, India, adopted this model at independence there is a clear trend towards the adoption of independent electoral commissions staffed by non-partisan civil servants. The comparative evidence strongly suggests that independent commissions run by apolitical civil servants are definitely a preferable model, and the United Nations explicitly advocates this model wherever possible. Party-based commissions have an almost inevitable tendency to split along party lines. In Haiti, for example, the Provisional Electoral Council was made up of representatives of the political parties, but was also deeply

divided along party lines, and internal mistrust and divisions prevented it from working efficiently (Nelson 1998, 76). In Cambodia, by contrast, a non-partisan electoral commission was widely seen as one of the outstanding elements of the entire United Nations transitional administration and elections of 1993. Non-partisan commissions were also a prominent and successful part of United Nations missions in Namibia and in East Timor.

The dangers of using party-based electoral administrations in transitional situations was graphically demonstrated by Indonesia's transitional elections in 1999. Amid the flowering of new political movements that often accompanies a democratic opening, a requirement that all political parties be represented on the General Elections Commission (KPU) resulted in a deadlocked and unwieldy body of no less than 53 officials, most of them party representatives (including some individuals who were also candidates for the election). As a result, during the preparation for one of the most important transitional elections of the 1990s, the body charged with running the elections was almost completely dysfunctional, being deeply divided along party lines and unable to take even basic decisions (at one stage, fist-fights broke out between different members of the commission). Following the elections, the Indonesians moved quickly to discard the party-based KPU and replace it with a much smaller, non-partisan body of 11 non-party and non-government representatives. Such cases underline that independent and permanent electoral management bodies are a clear best practice of electoral administration, a conclusion which has also been reinforced by a global study of electoral management bodies (López-Pintor 2000).

## **Encouraging National Party Politics**

A final dilemma confronting post-conflict elections is the nature of the emerging party system and the extent to which party politics becomes institutionalised. Scholars of democracy have long considered political parties to play a crucial role not just in representing interests, aggregating preferences, and forming governments, but also in managing conflict and promoting stable politics. As the key agents of political articulation, aggregation and representation, political parties are the institution which impact most directly on the extent to which social cleavages are translated into national politics. Parties perform a number of essential functions in a democracy: ideally, they represent political constituencies and interests, recruit and socialize new candidates for office, craft policy alternatives, set policy-making agendas, form governments, and integrate disparate groups and individuals into the democratic process (Diamond 1997, xxiii). These linking, mediating and representational functions mean that political parties are one of the primary channels for building accountable and responsive government in new democracies.

This stylized depiction of the roles parties play in terms of democratic consolidation, however, can be undermined by the reality of communalism, clientelism and other forms of particularistic politics. In post-war situations, party politics tends to reflect the social cleavages which created the conflict in the first place. If the conflict had a strong ethnic dimension, for instance, then these will tend to be reflected in the new democratic system, particularly if 'ethnic parties' are allowed to form freely. The presence of such parties, in turn, can quickly incite inter-group competition while inhibiting cooperation. As Gunther and Diamond write, "The electoral logic of the ethnic party is to harden and mobilize its ethnic base with exclusive, often polarizing appeals to ethnic group opportunity and threat ... the ethnic party's particularistic,

exclusivist, and often polarizing political appeals make its overall contribution to society divisive and even disintegrative” (Gunther and Diamond 2001, 23-4). At the margins, the presence of such parties can lead to what Sartori dubbed ‘polarized pluralism’, where the ideological distance between the parties expands, to the detriment of the political centre. Indeed, in western democracies, the presence of parties with extremely divergent policies and preferences has historically been an important predictor of political instability.

For this reason, many scholars of ethnic conflict advocate the need for broad multi-ethnic parties or coalitions of parties as a key mechanism for ameliorating conflict in ethnically-divided societies. In such party systems, elections tend to be fought out between a small number of relatively large and cohesive parties, and politicians “crowd the center” in their quest for the median voter, avoiding sharp differentiation with their competitors. As a result, “they tend to have a moderating influence on the way interests are aggregated” (Haggard 1997, 140). But forging centrist, programmatic political parties in a post-conflict society is easier said than done, as parties often form around the very same cleavages which spurred the original fighting, leading to a polarized political system and the continuation of the former conflict through the new democratic process.<sup>10</sup> Increasing awareness of the problems caused by such polarized or otherwise dysfunctional party systems has lately spurred multilateral bodies such as the United Nations – which have traditionally been wary of direct involvement in politics, preferring more traditional kinds of development assistance -- to take a more active role in assisting political party development in some countries.<sup>11</sup>

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<sup>10</sup> See Mimmi Soderberg chapter, this volume.

<sup>11</sup> For a survey of these approaches, see Reilly 2006.

The most ambitious actors in this field have been the international democracy promotion organizations which have proliferated over the past decade (Carothers 1999). Because they are not bound by the same strictures as multilateral agencies, some of these have attempted to intervene directly in the development of the party system in recipient countries. In Bosnia, for example, the U.S. National Democratic Institute openly and actively promoted putatively multi-ethnic parties such as the Unified List coalition in preference to nationalist parties such as the Serbian SDS or the Croatian HDZ at the 1996 elections (see National Democratic Institute 1996). Also in Bosnia, a range of related reforms to the electoral system and other areas introduced in recent years by the OSCE have attempted to undercut nationalist parties by changing voting procedures and, in some cases, barring candidates from election (Belloni 2004). Kosovo also saw overt attempts by the international community to mandate multi-ethnicity in the political system (Simonsen 2004). However, despite some inflated claims to the contrary, the success of such interventions has been modest, and ethnic parties continue to dominate the political landscape.

The vexed problem of transforming armies into parties after a protracted period of conflict continues to trouble international interventions in this field. As one survey of post-conflict elections concluded, “Democratic party building is proving to be a slow process. In all the [post-conflict] countries, political parties are organized around personalities, narrow political interests, and tribal and ethnic loyalties” (Kumar 1998b, 218). Historically, the most successful example of such a transition is probably the armies-to-parties transformation wrought by the United Nations in Mozambique, where a special-purpose trust fund and some creative international leadership succeeded in bringing the previous fighting forces of Frelimo and particularly Renamo into the political fold. Financing political party development has been an

important element of a number of other post-conflict elections. One approach involves channelling technical or financial assistance from international donor agencies, NGOs, or multilateral agencies to party organizations in those states in which the international community has taken a prominent role, such as countries emerging from a period of violent conflict. Recent proposals for political party assistance in Afghanistan have also focussed on this kind of approach.

## **Conclusion**

The core problem facing post-conflict elections in the contemporary era is the ideologically-driven belief that all good things go together – a belief which ignores a great deal of contrary evidence regarding the interaction between post-conflict politics and democracy. While well-crafted elections may indeed be important instruments of peacebuilding, polls held in highly conflictual environments often have pernicious consequences. They can act as a catalyst for the development of parties and other organisations which are primarily (and often solely) vehicles to assist local elites gain access to governing power. They can promote a focus on regional, rather than national, issues. They are inevitably an unattractive option for those groups who see themselves being consigned to a permanent minority status, and are therefore likely to be violently opposed by the potential losers. They can serve to place in positions of elected authority leaders committed to exclusionary visions of the country – in many cases, the same characters who started or fought the conflict in the first place.

Despite these well-known dangers, the outcomes that post-conflict elections are expected to foster have become increasingly overloaded by policymakers and politicians. Following the fall of the Berlin Wall and the collapse of legitimate

alternatives, democracy came to be seen by the United Nations and the international community more generally as an essential element of post-conflict reconstruction, with erstwhile conflicts to be transformed into peaceful electoral competition via ballots rather than bullets. As a result, elections have become a standard part of the prescription of contemporary peacebuilding. In addition, the post-September 11 era has seen the emergence in American foreign policy of a grander rhetoric of democracy (and, by extension, elections) as essential elements in building peaceful states and combating religious fanaticism in the Middle East. As a result, many transitional elections are now saddled with unrealistic expectations, and expected to achieve inconsistent and sometimes incompatible goals.

A more realistic and less ideological appraisal of elections is required -- one which recognises that elections can be potentially advantageous *or* injurious to post-conflict democratization, and that success is dependent on a careful consideration of timing, sequencing, mechanics and administration issues. On the basis of experience to date, such an appraisal would likely include a recognition that while elections cannot be postponed for more than a few years as part of a post-conflict peace deal, rushed elections held in situations of insecurity will almost inevitably aid extremist parties and candidates; that highly-proportional PR systems may be administratively convenient but have hidden and sometimes debilitating political costs; that independent electoral commissions are demonstrably preferable to party-based models for established and emerging democracies alike; and that a sequenced step from local to national elections is optimal for most post-conflict societies, particularly those with little prior experience of democracy. Policymakers need to pay more attention to these issues, and to the link between these technical choices and the broader goals of building stable and democratic post-conflict polities.

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