


REINFORCING CREDIBILITY AND ACCEPTANCE OF ELECTORAL PROCESSES

The Role of Electoral Stakeholders and Electoral Administrations

The involvement of
government and its impact
on the credibility of the
process

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INTRODUCTION

- There is a growing awareness amongst citizens that governments need to be accountable to their citizens
- Public accountability is therefore a key attribute of democracy – with the election of representatives an important step in the process
- Elections do not take place in a vacuum but part of the wider governance system
- The credibility of an election is impacted by state institutions other than the government that may or may not be directly involved in the election (eg dept responsible for civil registry, ministry of transport if used to deliver materials)
- This could include the finance system in a country in that it impacts on the ability of the electoral authority to effectively monitor party and campaign finance, or the impact of the justice system on electoral justice where a country with a slow long-winded justice system delays election related decisions
- Government plays a key role in elections because it is the source of funding. Its role therefore cannot be over emphasised

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- What needs to be considered is how and the extent to which government (ie the Executive arm of the State) involvement impacts on the process and the perception of the electorate as to this role
- This presentation looks more narrowly at the different aspects that government itself plays in regard to the conduct of elections

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- How then does government impact on the credibility of the process?
- Electoral models
 - Governmental model – France, Netherlands
 - Mixed model - Senegal and Mali
 - Independent model – South Africa, Kenya, Lesotho
 - All these models have a degree of reliance on the government in one way or another, with governmental model having a higher degree.

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Model/ Explanation	No %	Examples of countries
Governmental (conducted by government department)	44 21%	Africa: Algeria, Equatorial Guinea , Morocco Asia: Bahrain, Iran, Kuwait, Lebanon, Singapore, Syria, UAE, Viet Nam Europe: Austria, Switzerland, Cyprus, Germany, Denmark, Italy, Sweden North America: Cuba, United States of America
Mixed (government conducted, independent oversight)	25 12%	Africa: Congo (Brazzaville), Cape Verde, Mali, Senegal Asia: Japan, Sri Lanka, Pakistan, Solomon Islands, Timor-Leste Europe: Andorra, Hungary, Iceland, Netherlands, Portugal, Slovakia North America: Belize South America: Argentina
Independent (conducted independently of executive)	143 67%	Africa: Angola, Chad, Egypt, Ethiopia, Kenya, Liberia, Nigeria, Tanzania, RSA Asia: Bangladesh, Indonesia, India, Iraq, Korea, Kazakhstan, Malaysia, Turkey Europe: Bulgaria, Belarus, Spain, Moldova, Poland, Romania, Serbia, Ukraine North America: Canada, Costa Rica, El Salvador, Honduras, Mexico South America: Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Venezuela

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- Impact of models of electoral administration on election credibility
 - Governmental model involves a Minister who is a member of cabinet. This can be construed as compromising the credibility of the electoral process. Eg Equatorial Guinea where civil service's impartiality and independence of the administration of the election was called into question
 - Independent EMBs – such as South Africa which invites nominations from the public and interviews conducted by a panel which includes the Head of the Constitutional Court, the Gender Commission and the Human Rights Commission and open to the public. Even in countries with an independent EMB they may also be compromised. Eg Kenya in 2007 election as mentioned above and also through the strong reaction of the police to the riots related to fraudulent elections
 - Mixed model – in some countries such as Mali, Cape Verde and Senegal where the Ministry in charge of elections overseen by an Autonomous Electoral Commission, produced credible results where we have seen a new president taking office

In summary credibility is dependent on public trust irrespective of the model you use. In countries where the government is seen as an extension of the ruling party it is easy for govt's action to be construed as tilting the playing field in favour of the ruling party

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- **Legal framework**

- The legal framework underpins the electoral process
- Designed by a national assembly/parliament comprising political party representatives.
- In an Assembly dominated by one party, election legislation such as Electoral Act, Electoral Commissions Act, media regulations, Political Parties Act, etc will reflect the intention of the dominant party
- Manipulation of the legal framework by incumbent parties/leaders to ensure dominance and re-election takes various forms. Eg making registration of opposition parties difficult or harassment, detention and trying opposition leaders
- or control of delimitation of constituencies- eg South Africa pre 1994
- Zanzibar where the law in 1995,2000 and 2005 required that voters be identified by traditional leaders who, it was alleged, in some instances refused to register opposition voters
- Not including the date of elections in either legislation or the constitution to ensure regular elections are held within a time frame known by all citizens

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- **State Resources**

- Govt as the custodian of state resources can negatively or positively use these resources which impact on the electoral process
- This includes state media and coverage of contesting parties. Several examples can be cited such as 2010 Sri Lankan presidential election state television covered incumbent's campaign extensively, ignoring the other 21 candidates, campaign activities were held using civil servants as staff, state owned buildings as venues and state vehicles as transport. State owned bodies took adverts in the media on behalf of the incumbent.
- The misuse of government resources to mobilise campaigns to the advantage of the incumbent skews the “rules of the game”
- Such practices have in recent years led to Codes of Campaign Conduct being developed – often not enforceable by law. EG 11 out of the 16 SADC countries have such codes but only in five violations incur legal penalties

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- **State Funding -**
 - Govt plays a key role in elections as it is the source of funding for elections
 - This includes funding of an EMB to conduct the election, funding for registration, funding for logistics to conduct the election, funding for political parties
 - Withholding funds or selective funding impacts on the credibility and outcome of the process
 - The system of funding and accountability of an EMB is critical to its credibility

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- Funding ctd
 - Some EMBs, such as Costa Rica, Ghana and Namibia funded directly from the national account (same for eg as judiciary funded in some countries) and can be perceived as free of political interference as they have control of the purse strings
 - Funding through the national budget can impact on credibility of an electoral authority when it has to seek approval of the committees of parliament to negotiate its budget
 - Does not always mean control as in Senegal, the Electoral Commission (which monitors the execution of elections) is funded directly by the legislature without leading to difficulties while Swaziland's Elections and Boundaries Commission been subject to erratic flows of funding in the pre-election period (2013) preventing it from executing some of its function such as delimitation of constituencies(fiscal challenges)

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- Similarly in Senegal Department of the Interior responsible for execution of elections, public funding not been abused, loyalty to the ruling party, including elections takes precedence over public service as appointment for advancement depended on party loyalty.
- The biggest area of contention in regard to state funding is that of political party funding and an area open to abuse.
- Can and often is used as a tool by ruling parties to prevent opposition and new parties from participating in the electoral process.
- On the other hand providing funding of political parties has fiscal implications.
- Skewed access to funding by parties ensures that there is no level playing field in the election contestation

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- **Public Service**

- In some countries where electoral staff drawn from the civil service are perceived as politically aligned, impacts on credibility of the process irrespective of the electoral administration model. Again looking at Senegal, where the nurturing of bureaucratic professionalism and de-politicisation of public administration has ensured impartiality, integrity and credibility of public servants
- In instances where the lines between party, executive structures of the state, loyalty to the ruling party including in the election process may take precedence over public service especially if appointment and advancement may depend on party loyalty, could lead to rejection of election results and costly and lengthy post election litigation

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• Costs of Elections

- Irrespective of the model of the administration of the election there are financial implications
- Establishing an independent EMB at national, regional, local and sub local levels comes at greater cost than an election under the auspices of an already existent and functioning Ministry or State body.
- Independent EMBs also have to balance using government resources to reduce costs while ensuring that they retain their independence and the confidence of the electorate in their neutrality
- At the same time the opportunity costs of using the civil service (removed from their regular work for extended periods of time, undergoing training, planning and preparing for elections) often not considered in costing the Government Model

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- Conclusion
 - In essence Government plays a role in the electoral process and has a role to play
 - There is no one model, rather the model is influenced by the context, resources and environment in which the election takes place
 - Credible elections are a cornerstone of democracy and the avenue whereby citizens can participate and hold political parties accountable

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- In closing let me share a quote from a man revered by all the late Nelson Rolihlahla Mandela

“I must step down while there are one or two people who admire me”