



**Joint EC-UNDP Thematic
Workshop on
Sustainability in Electoral
Administration:
Adequate Resourcing for
Credible Elections**

Sustainability in EMB legal architecture

- Legal setup can either facilitate or complicate work of EMB
- Too much detail puts EMB in a straitjacket
- Too little detail puts additional burden on EMB to define many issues

Legal framework

- Constitution
- Electoral law – EMB law – Political parties law
- Executive Instructions
- Regulations
- Codes of Conduct
- International documents, i.e. UDHR, ICCPR
- Regional treaties [can also be a peace treaty]

Sustainability in EMB legal architecture

- Legal architecture of EMB impacts sustainability
- Type and Composition of EMB
- Mandate of the EMB
- Financing EMB

Sustainability of EMB



Financial -
Costs

Political –
Credibility

Financing of EMB

- Constitutional provision
- Electoral law, to be presented by EMB to Parliament directly or through Government
- To be part of Government budget or separate
- Imperative: To be distributed by Government in a transparent and speedy manner

Types of EMB

Governmental

Independent

Mixed

Models of Independent EMB

- Political vs. non-political
- Judicial vs. expert EMBs
- Permanent vs. temporary
- Centralized vs. decentralized

Mandate

- Supervise
- Conduct
- Tasks, i.e.
 - Registration of voters
 - Registration candidates
 - Polling and counting
 - Dispute resolution

Considerations

- Few staff, few tasks, less costly, but can be too little in terms of credibility of EMB among stakeholders and may not enable EMB to pursue continuous learning between elections
- Cost AND Credibility of EMB = elections acceptable for what price

Value for Money and Credibility

- Legal architecture should be able to adapt to changing political realities in order to reduce costs if credibility does not suffer
- Legal architecture to ensure continuity, while allowing for change
- In which legal document/s are status, mandate and tasks of EMB to be embedded?
- EMB to be driving force behind change of legal structure through constant evaluation

Thank you very much

Muito obrigado

Merci beaucoup

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