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

<table>
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<th>Governmental</th>
<th>Independent</th>
<th>Mixed</th>
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*Maputo, Mozambique, 4-8 March 2013*
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
جزيلا اشكر