Thematic Workshop:
Elections, Violence & Conflict Prevention

Promoting Dispute Resolution and Security Sector Engagement

Barcelona, 22-26 March, 2010
“Electoral Justice seeks to prevent and, as necessary, appropriately address and resolve electoral conflicts in order to keep greater conflict from ensuing."

Draft Electoral Justice International IDEA’s Handbook
In reality...

Some examples where electoral justice failed to:

Prevent conflict?

Address conflict?

Resolve conflict?
Formal and Informal Approaches

One way to analyse and understand election dispute resolution is to distinguish between:

- **Formal:** Election Dispute Resolution Mechanisms

- **Informal:** Alternative Dispute Resolution Mechanisms
EDR systems FORMAL systems of appeals through which electoral actions and/or procedures can be legally challenged. Entrusted to a:

- Legislative bodies
  (legislative committee or political assembly)

- Jurisdictional organ
  (courts – regular, constitutional, administrative, specialised electoral courts)

- EMB
  (EMB with jurisdictional powers)

- Ad hock organ
  (elections under peace keeping)
Formal Electoral Dispute Resolution Systems

<table>
<thead>
<tr>
<th>Country/Case</th>
<th>Issue of complaint</th>
<th>Complaint towards</th>
<th>Complaint issued by</th>
<th>1st Challenge instance</th>
<th>2nd Challenge instance</th>
<th>3rd Challenge instance</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Party registration</td>
<td>Civil Registry Office</td>
<td>Political Party</td>
<td>EMB (high-level officer or organ)</td>
<td>Judicial Body for final resolution*</td>
<td>–</td>
</tr>
<tr>
<td>B</td>
<td>Vote counting</td>
<td>Polling Station</td>
<td>Political Party or voter</td>
<td>EMB (high-level officer or organ)</td>
<td>Regular Court</td>
<td>Constitutional Court for final resolution</td>
</tr>
<tr>
<td>C</td>
<td>Vote tabulation</td>
<td>Tabulation Centre/EMB</td>
<td>Political Party or voter</td>
<td>EMB (high-level officer or organ)</td>
<td>Legislative Body</td>
<td>–</td>
</tr>
</tbody>
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*The Judicial body could be a regular, constitutional, administrative or electoral court.
Informal Mechanisms

- CUSTOMARY GOVERNANCE concept
- DIALOGUE based

Some examples?

- Party liaison committees
- Mediation committees
- Panels of eminent people
## Security Sector Engagement

<table>
<thead>
<tr>
<th>Positive</th>
<th>Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Deterrence</td>
<td>- Lack of skills</td>
</tr>
<tr>
<td>- Investigation</td>
<td>- Loyal to incumbent</td>
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<tr>
<td>- Sanctions</td>
<td>- Fear prosecution with change of government</td>
</tr>
<tr>
<td></td>
<td>- Fear loss of privileges with change of government</td>
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Without enforcement, the best legislation can be bypassed or ignored.
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