External Voting: Legal Framework, Operations and the Role for External Assistance

Jeremy Grace
International Organization for Migration

European Commission
United Nations Development Program
International IDEA

Joint Training on Effective Electoral Assistance

Accra, 29 June - 3 July 2009
Overview

- Lessons learned from
  - OCV Operations in Bosnia and Herzegovina, Kosovo, East Timor, Iraq, and Afghanistan
  - Technical assistance missions under Political Rights and Enfranchisement System Strengthening (PRESS) project
  - Work on best practices for external and IDP voting

- Topics
  - General observations on external voting requirements
  - Legal framework questions
  - Managing security threats
  - Steps to get an external voting operation up and running.
Some General Observations

- External voting operations are not immune from the standards and practices required for genuine elections
- Unique procedures and administrative capacity
- Legal framework must be addressed early ....
- ...but the framework sometimes developed without the specialized input from the EMB and other technical support providers
- Involves a larger constellation of actors
Framework Questions

- The decision to conduct an external vote
- Representation issues
- Type/scope of external program
The Decision to Conduct External Voting

- Legal/constitutional basis
- Diverse paths to external voting
- Is it a human right?
- Unique case of refugees and asylum seekers
  - Equality of representation
  - Link between the displaced and their home communities,
  - Moderating effect on political life in post-conflict societies?
  - Communications networks among displaced communities
  - Contributions to peace-building

- But ... weighed against
  - Extra-ordinary costs
  - Tight timelines
Role for Technical Assistance

- Support transparency in decision-making by...
- Identifying and sharing best practices and standards
- Sharing of experiences amongst EMBs
- Country-specific advice
- Special focus on unique case of refugees: Costs and timelines versus inclusion
Type of Voting Program

- In person absentee voting
  - At embassies and consulates
  - At external polling stations
  - Global or in selected countries only

- By-mail voting
Electoral System Issues

- Impact of external voting in electoral system choice
- Should external voting be limited to specific institutions?
  - Arguments for and against
  - Administrative complexity
  - All power is local...
- Delimitation and apportionment
  - Protect equality of the vote
  - Time consuming and political calculations
  - Census versus results of registration
Election Security

- Refugee and migrant voters in the political calculus
- Refugee host states may have their own interests in the election outcome
- Linking humanitarian assistance to where and how refugees vote
- Data confidentiality
- Principle of Non-Refoulement
Operations

- Profile the external/displaced electorate
- Analyze/Assemble the legal framework
- Public consultations and discussion
- Inventory of obstacles, responses, and timelines
- Perform cost projections
- Identify support organizations
- Establish a consensus