PolicyPaper

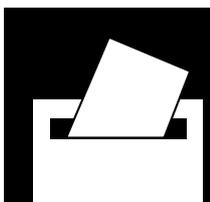# Electoral Management during Transition

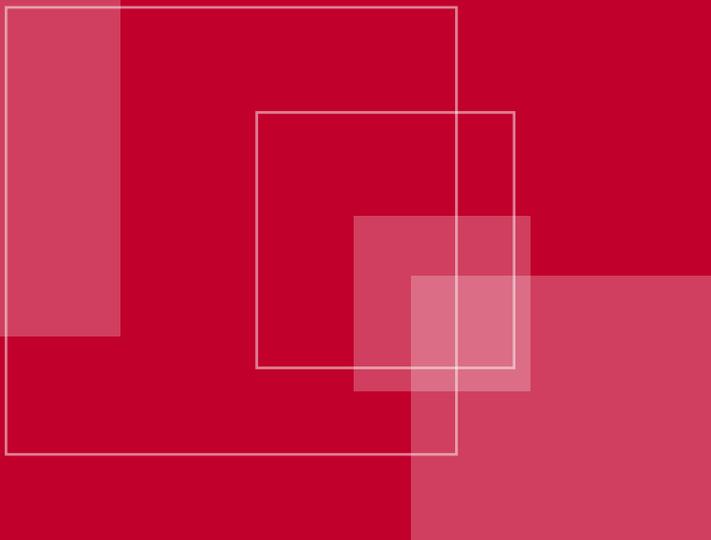## Challenges and Opportunities

The administration of elections during a transition from an authoritarian to a democratic regime is fraught with challenges. At the same time the transition offers decision-makers and election administrators opportunities to strengthen electoral management bodies as independent, impartial, credible and professional institutions. Recognizing the importance of policy choices to be made during democratic transition, this paper discusses some of the main issues to be considered and suggests recommendations to support policy-makers and practitioners in this area.

International IDEA at a glance

What is International IDEA?

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with a mission to support sustainable democracy worldwide.

The objectives of the Institute are to support stronger democratic institutions and processes, and more sustainable, effective and legitimate democracy.

International IDEA is the only global intergovernmental organization with the sole mandate of supporting democracy; IDEA's vision is to be the primary global actor in sharing comparative knowledge and experience in support of democracy.

IDEA's work is non-prescriptive and IDEA takes an impartial and collaborative approach to democracy cooperation.

What does International IDEA do?

International IDEA produces comparative knowledge in its key areas of expertise: electoral processes, constitution building, political participation and representation, and democracy and development, as well as on democracy as it relates to gender, diversity, and conflict and security.

IDEA brings this knowledge to national and local actors who are working for democratic reform, and facilitates dialogue in support of democratic change.

In its work, IDEA aims for:
• Increased capacity, legitimacy and credibility of democracy
• More inclusive participation and accountable representation
• More effective and legitimate democracy cooperation.

Where does International IDEA work?

International IDEA works worldwide. Based in Stockholm, Sweden, the Institute has offices in the Africa, Asia and the Pacific, Latin America and the Caribbean, and West Asia and North Africa regions. International IDEA is also a Permanent Observer to the United Nations.

Contents

Key Recommendations

1   *Provide for the political independence of the electoral management body (EMB) in the legal framework.* The EMB and its independence of action should be recognized in the highest legal order. Even where provisional statutory arrangements are made, commitment to the independence of action of the EMB should be secured.

2   *Ensure that the EMB has full authority over the election process.* The EMB must be able to define the mechanisms of implementation in order to fulfil its mandates and be able to align them with its capacity. To this end, the EMB should have the authority to issue and enforce regulations that interpret and elaborate on its core functions. Election staff at all levels should be accountable only to the EMB.

3   *Ensure the EMB's financial autonomy.* An EMB should be able to manage its budget autonomously. It must be subject to the same standards of financial integrity as other public institutions. The timely allocation of sufficient financial resources must be protected from political manipulation.

4   *Select EMB members in such a way as to instil competence and inclusiveness.* Commissioners should combine professional skills with experience so that they can act with competence and credibility. The selection of EMB members and staff should promote diversity and inclusiveness in terms of gender, ethnicity and other key socio-demographic characteristics.

5   *Invest in professional development.* Early steps taken by the EMB towards the development of a core staff of professional election administrators are an important part of its commitment to credible and sustainable elections. Attracting and retaining talented staff who can gain experience over several elections is important to the long-term capabilities of the EMB.

6   *Build confidence and trust with the voters and political actors.* To deliver on its mandate, an EMB must gain the trust and confidence of the voters and political actors in the transition process. Consideration should be given to confidence-building activities such as the updating of the electoral register, as well as avenues of dialogue and consultation with the political actors.

7   *Promote transparency, accountability and integrity.* The EMB's rules of procedure should be codified and accessible. They should emphasize transparency and accountability in the decision-making processes. Codes of conduct and working practices should aim to build an internal culture of transparency, accountability and integrity.

Executive Summary

Elections are milestones in the transition from an authoritarian to a democratic regime. The electoral management body (EMB) that supervises, administers and manages free and fair elections fosters trust in the electoral process and improves the prospects of democratic consolidation. This policy paper outlines the questions to which consideration should be given in supporting EMBs during transition to enable them perform their role.

The paper suggests that the Independent Model of electoral management may be the most suitable for most transitional contexts, while EMBs based on other models (Governmental and Mixed) may find it more difficult to build a public perception of themselves as the impartial arbiters of electoral contests. At the same time it is clear that the Independent Model itself is not a guarantee of actual independence of the EMB, which still needs to be demonstrated in action. Importantly, once the institutional autonomy of the EMB has been established, it tends to survive setbacks in democratic development.

It is recommended that the independence of the EMB should be enshrined at the constitutional level. The legal framework should address all salient issues that will enable the EMB to perform its functions with professionalism and integrity. Election-related legislation, including the amendment of the EMB's mandates and functions, should require special measures of consensus and consultation. All critical matters pertaining to elections should be carefully considered in the course of transitional political negotiations and consensus building, and provided for in the legal framework with sufficient clarity. The EMB's status will also be strengthened if all the participants in such negotiations have a shared understanding of the EMB's mandate and the functions necessary to deliver a credible transitional election.

Before the judiciary is given a supervisory or implementing role in transitional elections, an independent assessment should be carried out to determine whether it has the capability and broadly recognized independence necessary to fulfil an electoral function. Decisions on the role of the judiciary in transitional elections should not be made without a credible assessment and consideration of the public's perception of the judiciary and its actual independence.

Any decision on the mandates and functions that the EMB is to be given should take account of the transitional circumstances and the historical background, as well as the technical requirements. The combination of mandates and functions is more important than their quantity. For each mandate or function, the degree to which the EMB supervises, administers or implements a process should be considered. The EMB should have the authority to issue and enforce regulations that interpret and elaborate its core functions. It should not be placed in a position where it must police rules which it cannot reasonably enforce.

The EMB should have the authority to address and resolve complaints pertaining to the operational aspects of elections. However, to avoid pressure on the EMB

and any possible conflict of interest on its part, complaints over election results should be handled by a separate entity.

EMB commissioners should be selected for their professional skills and competence. The legislative framework should provide for their security of tenure and safeguard them from political pressure. Attracting and retaining qualified personnel is a challenge for the EMB that should be addressed from the outset through sound human resource policies and procedures.

A number of countries which have experienced transitions from authoritarian rule to multiparty democracy have chosen multiparty-based EMBs during their transitions. Many electoral analysts believe that political party representation on an EMB engenders consensus among political actors, resulting in greater confidence in the electoral process. Fostering greater trust and confidence is especially relevant in the initial stages of democratic transitions. As confidence in the electoral process grows, it may be appropriate to depoliticize the EMB.

An EMB in transition must distinguish itself from its predecessor and establish an institutional image that affirms its political independence. This image should be transmitted through the media and demonstrated in the EMB's actions, such as the updating of the voter register. The working practices of the EMB should promote an internal culture of transparency, accountability and integrity. The EMB should reach out to the public through campaigns of civic and voter education, and also have the capacity to react to crises. Both proactive and reactive media capabilities are necessary to respond to challenges to the EMB's independence at any time.

This paper includes detailed case studies of three transitions, in Chile, Ghana and Indonesia. These case studies highlight the experiences of and attempt to draw lessons from the key transitional elections in these three countries and the dynamics of the EMBs' interaction with the main actors in these processes. They also explore the steps taken to reform EMBs and how these changes affected their performance. The case studies are accompanied by statistical data, which place the electoral processes into context with other socio-political developments.

Introduction

In transitions[1] from authoritarian to democratic regimes, the reform of the electoral authority carries special significance. The transition to democracy presumes that ultimately political power is conferred by the will of the people through a fair and competitive electoral process. While democracy-assistance practitioners have been criticized for overestimating the role of elections in democratic consolidations (Carothers 2002), it is difficult to imagine progress towards democracy in the absence of free and fair electoral processes. There is a broad consensus that democracy should be more than just free and fair elections, but it cannot be less.

Since electoral administration was dubbed 'the missing variable' in research on the causes and consequences of democracy over a decade ago (Pastor 1999: 2), increased attention has been given to studies of the management of elections. The International Institute for Democracy and Electoral Assistance (International IDEA) has contributed to these efforts through its comprehensive handbook on electoral management design (International IDEA 2006).

The administration of elections during a transition is fraught with challenges, including administrative efficiency, political neutrality and public accountability (Mozaffar and Schedler 2002: 7–10). At the same time the transition offers policymakers and election administrators opportunities to shape the electoral management institutions. The choices made by these actors in a period of transition certainly influence the development of electoral management bodies (EMBs) as impartial, credible and professional institutions. Recognizing the importance of these choices, this paper discusses some of the main issues to be considered by reformers and the EMBs themselves during transitions and makes recommendations to support policymakers and practitioners in this area. It draws on International IDEA's global comparative knowledge and includes three specific case studies of democratic transitions—in Chile, Ghana and Indonesia. These case studies from different regions of the world examine electoral administration in transitional contexts, highlighting the challenges and responses, and offering valuable insights into the transformation of EMBs.

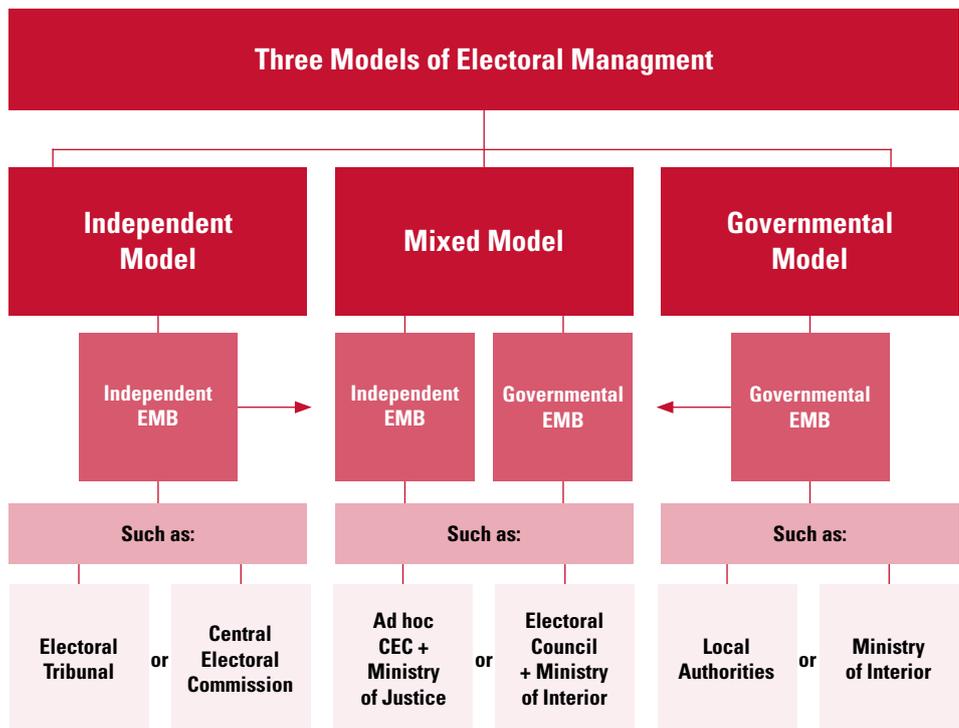*There is a broad consensus that democracy should be more than just free and fair elections, but it cannot be less.*

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I. Essential Considerations

EMB models and independence

The design of an EMB involves some basic choices about its place in the institutional framework of state administration. International IDEA has defined three broad models of EMBs—Independent, Governmental and Mixed. Under the Independent Model of electoral management, elections are organized and managed by an EMB which is institutionally independent of and autonomous from the executive branch of government. Under the Governmental Model, elections are organized and managed by the executive branch through a ministry and/or through local authorities. The Mixed Model usually involves dual structures—a policy or supervisory body, which is separate from the executive branch, overseeing the implementing body within the government.

Figure 1: The Three Models of Electoral Managment

CEC = Central Electoral Commission

Whichever model is chosen, all EMBs should demonstrate fearless independence in the sense that they are not affected by governmental, political or other partisan influences in their decisions.

Whichever model is chosen, all EMBs should demonstrate fearless independence in the sense that they are not affected by governmental, political or other partisan influences in their decisions. Experts on elections rightly regard securing and safeguarding EMB independence as a priority for democratic transitions. Studies have shown that independent and professional EMBs that are free from government control offer a much greater chance of successful elections (Hartlyn et al. 2008). The institutional autonomy of EMBs has also been positively linked with successful democratization (Gazibo 2006). This lends weight to the argument that

a permanent, independent EMB not only plays an important role in securing free and fair elections, but also improves the prospects of democratic consolidation.

Importantly, the independence of the electoral authority is also regarded as a condition for the effective exercise of electoral rights. In its General Comment to article 25 of the International Covenant on Civil and Political Rights, the Human Rights Committee has stated that '[a]n independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant' (para. 20).

Since Governmental and Mixed models rely heavily on institutions of the executive branch to fulfil their functions, they may find it more difficult to be perceived as impartial, even if they seek to be genuinely independent. This is especially relevant where state institutions have been part of an authoritarian regime and, as is often the case in transitions, their bureaucracies are intertwined with the incumbent political power. For this reason International IDEA has suggested that the Independent Model of electoral management is most likely to ensure an EMB's independence of decision and action (International IDEA 2006: 22).

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It should be stressed that the choice of a model is only a starting point. The formal model says very little about an EMB's actual independence. In fact, most non-democratic regimes in today's world boast an Independent Model of electoral administration. Formal independence of the EMB has not been shown to be linked with improved integrity of elections (Birch 2011). Scholars are developing more nuanced approaches to gauge actual EMB independence (Mozaffar 2002; Aparicio and Ley 2008). Election experts have also proposed empirical tests of independence, such as the administration of three successive general elections that are accepted as free and fair by the majority of stakeholders and independent election observers.[2]

Research into the institutional independence of EMBs also suggests that, once such independence has taken root, it tends to replicate itself over time and even survive assaults by authoritarian rulers (Gazibo 2006: 629). This point is illustrated by the case study on Ghana, and to some extent that on Chile. This 'institutional resilience' may serve as an inspiration for architects of transition reform to utilize fully the available opportunities to strengthen the foundations of EMBs' institutional independence.

Operational continuity, institutional memory and cost-effectiveness are substantial arguments in favour of maintaining a permanent EMB at least at the national level.

Considerations presented in this paper are largely applicable to both permanent and temporary EMBs. However, if temporary transitional electoral commissions are contemplated, it should be considered how their experience will be preserved for the next electoral event. The benefits of maintaining a permanent institution should be weighed against the perceived advantages of a temporary body. Operational continuity, institutional memory and cost-effectiveness are substantial arguments in favour of maintaining a permanent EMB at least at the national level.

Legal framework

The foundations of an EMB's independence are set out in the country's legal framework. The constitution generally offers the strongest authority and legal protections for an EMB's independence. In the cases studied in this paper—Ghana, Indonesia and Chile—each EMB was declared independent in the constitutional framework. Provisions that are embodied in the constitution are almost always more deeply entrenched than statute laws as the former require, for example, a qualified majority in the legislature or a referendum to be amended. The authority and clarity of the constitution foster stakeholder confidence in the electoral process.

Within the framework of authoritarian regimes that do not have a democratic history, the EMB is often neither recognized nor independent. Sometimes the first nationally representative election to be conducted in the early stages of democratic transition—for example, in Spain (1977), Indonesia (1999), Nepal (2008), and recently in Tunisia and Egypt—is held specifically to elect a body that will have the legitimacy to amend the constitution. The formal independence of an EMB may therefore need to be secured beforehand through provisional legal instruments. Where this is the case, the active participation of key stakeholders is crucial to secure broad ownership of any interim instruments. Institutions that already exist under the constitution but are dormant may also be resurrected, as happened in Chile.

Decisions on the role of the judiciary in transitional elections should not be taken without a credible assessment and consideration of the public perception of the judiciary and its actual independence.

In some countries, the judicial authorities may already be defined in the constitution as separate from the authorities of the executive and legislative branches, and may be well placed to serve as an interim supervisory electoral authority. In such circumstances, an independent assessment of the judiciary is necessary to determine whether it has the capability and broadly recognized independence necessary for it to fulfil an electoral function. The level of credibility the judiciary enjoys in the country will have a bearing on the public's trust in its role in supervising, or in some cases managing, transitional elections. For this reason, decisions on the role of the judiciary in transitional elections should not be taken without a credible assessment and consideration of the public perception of the judiciary and its actual independence.

All critical matters pertaining to elections should be carefully considered in the course of political negotiations and consensus building, and provided for with sufficient clarity in the legal framework.

While the EMB and its independence should be recognized at the apex of the legal framework, the EMB's mandate and functions should be defined in legislation that allows for cautious amendment. That is, the mandate and functions should allow some flexibility for future changes, but changes should require additional safeguards, for example consultation with stakeholders such as civil society organizations (CSOs), political parties that are out of power and the EMB itself. In the absence of such safeguards, there is a risk that the EMB's independence may be undermined through modifications to its mandates and functions introduced by a future self-interested majority in the legislature.

The dynamics of transition often involve negotiations between political actors, resulting in electoral legislation that reflects compromises made during such negotiations, including gaps or provisions which are not sufficiently clear. Where this is the case, an EMB may be forced to fill the gaps and make decisions on contentious or sensitive issues which can easily trigger disagreement and conflict. Its independence and credibility may come under greater strain in such situations. It is therefore advisable to ensure that all critical matters pertaining to elections are carefully considered in the course of political negotiations and consensus building, and provided for with sufficient clarity in the legal framework. An EMB's status will also be strengthened if all the participants in such negotiations have a shared understanding of its mandate and functions.

Experience from a number of transitions, including the case study of Indonesia, points to the challenges posed by changes in the legal framework in the run-up to elections. If there is a stable legal framework before the elections take place, this will make it easier for the EMB to prepare and administer a credible process. Where changes in electoral legislation are made in advance of elections, their timing should be adjusted to allow the EMB sufficient time to implement them.

International IDEA's *Guidelines for Reviewing the Legal Framework of Elections* (International IDEA 2002) provide a useful list of issues to consider when designing or reviewing a legal framework for electoral management. Some of these issues are addressed below.

EMBs should have the resources and authority to implement quality controls over the production of the electoral register and an explicit mandate to certify it to be used in an election.

Mandate and functions

An EMB must deliver a highly complex nationwide operation. At the very least, technical failures in the conduct of an election will detract from the perception of an EMB as competent and professional. At worst, they can create deep-seated suspicion and allegations that they are an excuse to manipulate the electoral process. An EMB in transition must have the mandate to undertake its work effectively and in an independent way but must also have the necessary capabilities, staff and resources to conduct the election successfully.

Core functions of EMBs generally include authorities for: determining who is eligible to vote; receiving and validating the nominations of the candidates; conducting the polling; and counting and tabulating the votes. EMBs may also play a role in related areas, including voter registration, boundary delimitation, voter education and information, media monitoring and electoral dispute resolution. The degree to which the EMB has oversight of and independence in implementing these functions varies. For example, an electoral register that is drawn from a civil registry administered by another ministry would not require as much involvement by the EMB as one that is being significantly revised or prepared anew. However, the EMB should have the resources and authority to

implement quality controls over the production of the electoral register and an explicit mandate to certify it to be used in an election.

In some cases, the necessary public and private infrastructure may not be in place to allow an EMB to perform certain functions. In Indonesia, for example, the regime did not have the capacity to regulate political funding, even during the New Order period, when it possessed significant powers. Thus, while a mandate to strictly regulate and enforce political financing rules is generally desirable, it may not always be feasible. An EMB should not be put in the position of having to police rules which it cannot reasonably enforce. This will only detract from its credibility. While certain mandates and functions may be strategically assigned to the EMB, it should have the authority and the resources to determine the most appropriate form and degree of implementation. This paper suggests that an EMB in transition should have the authority to issue and enforce **regulations** that interpret and elaborate its core functions.

An EMB should not be put in the position of having to police rules which it cannot reasonably enforce. This will only detract from its credibility.

Voter education and information are often part of an EMB's functions. They are rightly regarded as indispensable for democratic consolidation. One strong reason why the legal framework should empower an EMB to conduct voter education and provide information as a way of consolidating democracy is that otherwise the government may be reluctant to fund it, citing as the reason that this function is not part of an EMB's mandate. At the same time this function should not be left to EMBs alone. Political parties, CSOs, corporations, government agencies, educational institutions and the media may all have an important complementary role to play to help ensure that voters have all the information they need to make informed choices. An EMB's responsibilities in this sphere could be partially or wholly delegated to other institutions, including CSOs. For example, in Ghana there is a sister commission to the EMB that is responsible for civic and voter education (International IDEA 2006: 67).

Closely tied to the issue of resources is the EMB's ability to autonomously manage its **budget**. If funding is delayed or is conditional this can severely undermine the integrity of an election process. While an EMB must be subject to the same standards of financial integrity as other public institutions, the timely allocation of adequate financial resources must be protected from possible political manipulation. The EMB should have two budgets: the budget for the funding and maintenance of the institution, such as infrastructure, capital assets, running costs and permanent staff, which is aligned with the usual budget processes; and an operational budget for conducting specific electoral events.[3]

The uniqueness of each country and each transition argues against any attempt to set up a standard ideal combination of an EMB's powers.

An EMB's performance is judged, inter alia, by its ability to create a **'level playing field'** for all political participants in the electoral process. A lack of electoral equity—for example, an electoral environment which is skewed in favour of the governing party—can undermine free and fair elections and the credibility of an EMB. Countries in transition may not be familiar with the concept of a level playing field. They may also be influenced by the tradition that electoral advantages, including the use of public resources for campaign activities and

favourable access to the media, lie with the government. In countries such as Indonesia, the electoral law governing transitional elections attempted to level the playing field by strictly controlling and limiting media advertising by the political contestants, requiring the EMB to allocate all campaign activities equally to each contestant and forbidding the use of public resources for election campaigns. Some EMBs, for example in Bangladesh and India, have issued a code of conduct to govern the use of public resources by government ministers during elections.

The uniqueness of each country and each transition argues against any attempt to set up a standard ideal combination of an EMB's powers. An assessment of the political transition that is going on, the history of the country concerned and the technical requirements should determine the optimal combination of mandates and functions for the EMB. This optimal combination is not necessarily a matter of quantity. As the history of central banks cautions, sometimes institutional independence can be strengthened when certain powers are removed. The removal of the power of deficit spending, for example, has protected central banks from informal pressure from the government (Elster 2000: 153). Broad consultation with local stakeholders to ensure national ownership is a key component of defining this combination. Knowledge of comparative experiences elsewhere in the world may also help to avoid common pitfalls that arise in the transition design process. Related to this, it is advisable for the legal framework for elections to provide a mandate for the EMB to participate in international electoral activities.

The management of electoral complaints and disputes also illustrates the idea that the removal of some powers may offer protection from informal pressure. An EMB commission is often mandated to address complaints about the operations of the electoral administration, as was the case in Ghana. The successful approach evidenced in the case studies makes a distinction between these complaints and those that are made over the election results. This experience suggests that a two-tier approach to electoral complaints or challenges, which takes some of the pressure off an EMB, should be given serious consideration. However, the Ghana experience also highlights a caution—that regular judicial processes can be too slow in the context of the tempo of electoral processes. If the judiciary is to be an arbiter of electoral complaints, therefore, a specialized tribunal with rules of procedure that meet the timelines of the electoral process should be considered.[4]

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Membership and staffing

The **composition of the EMB**, at the commissioner level and civil service level, is another important means of ensuring its effective independence (López-Pintor 2000: 62). The way in which commissioners are selected and removed, and the procedures for the hiring, dismissal and promotion of the professional staff of an EMB, have a strong bearing on its capacity to make and apply independent

The deficit of trust, which characterizes many transitional environments, may undermine the reputation of newly established institutions even before they become operational.

decisions. At the commissioner level, leadership is important both to the perception of the EMB's impartiality and independence and in the combination of skills the EMB incorporates, such as a civil society background, experience of government bureaucracy, an understanding of media representation, and legal and operational experience.

The deficit of trust, which characterizes many transitional environments, may undermine the reputation of newly established institutions even before they become operational. Broad and inclusive consultations on the composition of an EMB may be an important confidence-building measure. The credibility of the institution will be strengthened if the selection process for EMB members is perceived as participatory and transparent.

In transitional societies, public servants are more likely to have been discredited as electoral officials due to their perceived links with the authoritarian rule or involvement in previous, flawed elections. In this context, a balance should be found between professional experience and expertise, on the one hand, and the moral standing and credibility of EMB members, on the other. One of the best-known examples of confidence-building was the composition of the transitional EMB in South Africa, where the government appointed international members, including experts from Canada, Zimbabwe and Eritrea (Goodwin-Gill 2006: 122).

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At the same time, bureaucrats from the preceding regime may be the only people who have the organizational and administrative experience necessary to coordinate and manage the complex logistical operations that elections involve. As the studies of Chile and Indonesia demonstrate, highly credible leaders in the electoral administration may come from positions within the past regime. Individual character can surmount past associations and ensure that critical skills are retained for the EMB. The Indonesian experience also highlights how representatives who were involved in the drafting of amended election laws could be strong candidates for the EMB, as they were intimately involved in the process and understood not just the letter of but the spirit or intention behind the legislation.

One of the choices to be made in determining the composition of an EMB is whether it should include nominees of political parties or non-partisan experts or both. **Multiparty EMBs** comprise a mixture of political party nominees. The legal framework may entitle all the political parties contesting an election to be represented on the EMB, or include a threshold for representation. Political party-based appointments imply that EMB members are serving as party representatives or agents. However, while each individual member may be seen from the outside as partisan, each is also ensuring that the others do not take partisan advantage, so the EMB can still be credibly perceived as an impartial body. The sum of partialities thus becomes a guarantee of impartiality. **Expert-based EMBs** are made up of individuals appointed on the basis of their integrity and professional standing. They may be nominated by political parties or civil society but cannot serve in a partisan manner. Qualifications for membership of an expert-based

EMB often include impartiality (defined, for example, by not having recently been a member of a party's leadership structure), a minimum age, professional qualifications and electoral knowledge. The members of expert-based EMBs are often eminent public figures renowned for their political neutrality and expertise in fields such as the law, public administration, political science or the media.[5]

A number of countries which have experienced transitions from authoritarian rule to multiparty democracy, including countries of Central and Eastern Europe, have chosen multiparty-based EMBs during their transitions. Many electoral analysts believe that political party representation on an EMB engenders consensus among actors in the electoral contest and contributes to enhanced transparency, resulting in greater confidence in the electoral process (International IDEA 2006: 88–89; Goodwin-Gill 2006: 122). Research in Latin America has shown that multiparty EMBs have delivered successful elections in emerging democracies and enjoyed the necessary confidence and trust (Hartlyn et al. 2008: 89–90). Fostering greater trust and confidence is especially relevant for the initial stages of democratic transitions. As confidence in the electoral process grows, the depoliticization of an EMB may be appropriate. This point is well illustrated by the Indonesian case study.

Diversity and more specifically ethnicity are important factors in the organization of multiparty elections in many emerging democracies. In some countries this has had an effect on public expectations of the EMB. If the selection and appointment of its members and senior staff reflects a balance of ethnic, regional, linguistic and other key socio-demographic characteristics, an EMB can convey a positive signal about the inclusiveness of its management. This approach is more likely to gain the confidence and support of all ethnic and other demographic groups for the EMB's credibility and even-handedness, and to positively affect the eventual acceptance of election results.

Equally important considerations apply to **gender** balance. Ensuring gender balance at all levels in its own personnel and activities, whether or not this is required by the electoral legislation or government policy, will promote an EMB's credibility and allow it fully to tap the available resources for its membership and staffing needs. It is important to ensure that women are also represented fully at all levels of the EMB secretariat and its temporary election staff. The EMB should lead by example on gender balance issues in all its activities. Essential considerations include ensuring gender balance among the invitees to and participants at workshops and seminars organized by the EMB, and the inclusion of gender-based issues in the content of training, and voter education and information programmes. Gender considerations are also important to enfranchise all eligible voters in transitional elections in the light of the cultural, traditional and religious context. For example, during the 2012 elections in Yemen special voter registration centres and polling stations for women were set up, staffed by female officials.

A number of countries which have experienced transitions from authoritarian rule to multiparty democracy have chosen multiparty-based EMBs during their transitions.

Ensuring gender balance at all levels in its own personnel and activities will promote an EMB's credibility.

The legal framework will generally specify the **number** of members of an EMB commission. This varies considerably worldwide and may not necessarily reflect the size of a country. EMBs with larger memberships may provide for broader representation, whereas a smaller number can facilitate discussion and decision making. EMBs which include political party nominees tend to have more members than expert-based EMBs. As the 1999 elections in Indonesia demonstrated, the size of the EMB needs to balance the need for representation against the demands of effective decision-making processes. As mentioned above, considerations of confidence building often carry great weight in transitional elections. The experience of Mexico may be useful as an example of how to achieve the right balance: representatives of the political parties competing in elections are included in the EMB (the General Council of the Instituto Federal Electoral) as non-voting members.

If the EMB leadership is elected by its members, this can send an important signal of change and instil additional confidence in the EMB's institutional independence.

While it is important that EMB members have a high **status**, it is also important that they do not behave as though they are bigger than the EMB institution they serve. Personality-based institutions can be highly polarizing. A good-practice model for EMB members to follow is to personalize the institution they serve, rather than institutionalize the leader(s) of the EMB.

If the **EMB leadership** is elected by its members, this can send an important signal of change and instil additional confidence in the EMB's institutional independence. For example, members of the transitional EMB in Indonesia— the National Election Commission (Komisi Pemilihan Umum, KPU)— were authorized to elect their chairman and vice-chairman for the first time, demonstrating a break from the previous practice of appointment to these posts by decree.

It helps to retain the **institutional experience** of the EMB if the terms of office of its members are staggered. If appointments to membership are not staggered, the new EMB members should be appointed long enough before the next election to enable them to master their responsibilities.

In many countries the tenure protection for EMB members in the electoral law is the same as for senior judicial officers.

EMB members' **security of tenure and immunity** from any harassment, ranging from salary cuts to malicious prosecution, will enable them to carry out their work impartially, professionally, and without fear or favour, and to resist political pressure. EMB members may be less confident about taking decisions which are unpopular with the executive branch or the legislature if they know that they may be removed from office, or have their salaries and conditions of employment reduced, without due process of law. In many countries the tenure protection for EMB members in the electoral law is the same as for senior judicial officers: they can only be removed from office for a cause such as misconduct or mental or physical incapacity.

Of particular importance to the operation of EMBs are the **rules of procedure** for consultation and decision-making processes, such as quorums and voting procedures, along with their transparency. Establishing these rules and ensuring

that its decision-making processes are codified and transparent should be a priority for a transitioning EMB. The working practices of the EMB should promote an internal culture of transparency, accountability and integrity.

Rules governing the behaviour and conduct of EMB members and its staff are commonly issued as **codes of conduct**. It is good practice to require all EMB members, staff and contracted personnel to sign a document indicating their acceptance of and adherence to the EMB's code of conduct as a condition of their appointment. An independent tribunal may be set up to deal with allegations of breaches of the code against EMB members, as in Nigeria, Tanzania and Zambia (International IDEA 2006: 73).

EMB **meetings** that are open to the public are likely to promote greater trust. Where meetings are open to the public by law, it is important that the EMB publicizes the dates of its meetings. Decisions taken during each meeting also need to be publicized. On the other hand, closed EMB meetings, while less transparent, may allow more open discussion, especially on sensitive matters, and members do not have to fear public reprisals for their personal views on any matter brought before the EMB. However, closed meetings may also lead to public suspicion about influences on the EMB. It is therefore advisable for closed EMB meetings to be followed quickly by a public announcement or media conference on their deliberations and results. Publishing minutes and summaries of EMB meetings can keep the public informed about the EMB's decisions and activities. By moving away from the arbitrary and opaque processes that usually characterize authoritarian regimes, an EMB demonstrates its commitment to accountability and transparency and to its role in the transition itself.

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Establishing a **core** staff of professional election administrators is a key investment. Elections are fairly unusual operations in the sense that EMBs have to expand their staffing dramatically in order to conduct an election and then reduce it (the only similar exercise is holding a census). Burgeoning from a core staff, EMBs have to select, recruit and train tens or even hundreds of thousands of workers for the polling operation. The development and delivery of procedures and training materials to enable this expansion are essential to the success of an election, especially as temporary election workers are the main interface between an EMB and the electorate. It is important for the legal framework to provide that electoral officials at all levels and civil servants who have a role in the management of elections are completely and solely accountable to the EMB. The adoption of codes of conduct for electoral staff also contributes to ensuring impartiality and professionalism. The aim should always be to instil in public opinion a strong sense that the electoral process is in good and trustworthy hands.

The professionalization and retention of skilled staff within the EMB should therefore be a fundamental concern for human resource management and policies at the outset for a transitioning EMB.

The maintenance and development of materials and systems (financial, human resources and assets) to support these activities require high levels of professionalism and systems for continual improvement and modification. The professionalization and retention of skilled staff within the EMB should therefore be a fundamental concern for human resource management and policies at the

outset for a transitioning EMB. The extensive experience of the international community in transition processes has shown the importance of developing and retaining professional election administrators. The Building Resources in Democracy, Governance and Elections (BRIDGE, http://www.bridge-project.org) curriculum for capacity development has been successfully used in many countries at all stages of development. Similarly, the ACE Electoral Knowledge Network (http://www.aceproject.org) provides a wealth of information about election administration.

Trust and confidence

Building public trust and confidence in an EMB is of paramount importance. In particular, during a political transition and where the EMB has historically been controlled, redefining the image of the institution is critical. Where the EMB has been transfigured through negotiations among elites, the process of negotiation itself may achieve this. Through its involvement in negotiations, the opposition may have gained a reasonable measure of confidence and ownership in the process that will ensue. But even where there has been a negotiation among elites for a transitional election, belief in the EMB's independence still has to be communicated to the electors. It is the votes of the electorate that ultimately count, not those of party leaders.

Confidence among the electorate is strongly determined by two interconnected factors: political parties' penetration of the electorate; and specific measures (such as civic education and liaison with civil society) undertaken by the transitioning EMB to affirm and demonstrate its independence. Where political parties and civil society are organized and are able to influence a large part of the electorate, elite confidence in the EMB can be transmitted through these structures. Where parties and associations are weak, or much of the electorate does not participate in politics through structured channels, the measures undertaken by EMBs to affirm their independence are correspondingly more important.

In redefining itself as a politically independent entity, a transitioning EMB must have strong outreach capacities. The case study on Ghana provides a clear illustration of the efforts and benefits of the Electoral Commission (EC)'s actions to establish the Inter-Party Advisory Committee as a forum for consultation and interaction with political parties. It directly engaged the political parties and sent a clear signal to the electorate, whether or not they had political affiliations, that the electoral authority was acting in a way that was different from previous arrangements. Engaging with political actors in a transparent manner is an essential confidence-building measure, and highlights that a politically independent EMB should not be isolated from political parties, but rather insulated from their partisan interests. The Ghanaian EC's actions to directly address the opposition's criticisms of the previous election underpinned an effective strategy—to define

Redefining the image of the institution is critical during a political transition and where the EMB has historically been controlled.

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itself by acknowledging past patterns of actual and perceived fraud, and to tackle those issues in a visible and consultative manner.

During the course of an election process, the public has two major opportunities for direct and unmediated engagement with the electoral authorities—voter registration and actual polling. The efforts made by the EMBs in each of the three case studies emphasize the importance of addressing both real and perceived deficiencies in the electoral register, which is often a tool for manipulation by authoritarian regimes. Highly visible efforts by an EMB to address deficiencies in the electoral register are not only a technical requirement for credible elections, but also a valuable opportunity for direct engagement with the electorate. This opportunity can be used to define the image and perceptions of the EMB by providing citizens with the chance to make their own assessment about the EMB's transparency, professionalism, competence and political independence. Even when there is only limited time—which is usually the case during a transition—a full or partial voter registration updating exercise can be an important tool to build trust and confidence.

Highly visible efforts by an EMB to address deficiencies in the electoral register are not only a technical requirement for credible elections, but also a valuable opportunity for direct engagement with the electorate.

The development of a communications strategy can help maintain the confidence of the electorate. Importantly, this strategy should encompass both traditional and new social media. EMBs should pay close attention to and learn to effectively use social media channels, which have recently played an important role in mobilizing protests against authoritarian regimes in a number of countries including Egypt and Tunisia.

Other institutions

Consolidation of the electoral institutions tends to parallel improvements in the performance of other key democratic institutions. Improving the quality of elections in emerging democracies requires the generation of a 'virtuous circle' across state institutions, civil society actors, the rule of law, and acceptance of the rules of the game by political parties (Hartlyn et al. 2008: 93). The democratic transformation of an EMB may be reinforced or weakened by the behaviour of other institutions.

As an institution of horizontal accountability (O'Donnell 1994), an EMB may be encouraged by demonstrations of independence from similar institutions such as constitutional courts, ombudsmen and central banks. For example, decisions of the Constitutional Tribunal in Chile had important implications for the 1988 referendum, including the re-establishment of the supervisory authority of the hitherto dormant constitutional electoral body (the Tribunal Calificador de Elecciones or Electoral Court, TRICEL).

The case studies illustrate that, as the role of the security forces is integral to an authoritarian regime, their position in the transition, including vis-à-vis

future electoral processes, is critical at both an elite and a popular level. There are indications that the security forces, or key elements within these forces, tacitly supported the transitions in all three case studies, withdrawing from the political arena. An important element of this withdrawal in the case of Indonesia was that senior military leaders were free to compete in future elections. In order to avoid jeopardizing the electoral prospects of their members, the armed services had an incentive to support fair elections conducted by an impartial and independent electoral commission.

Other institutions of great importance are the media and civil society. A free and independent media is an important channel for an EMB to communicate with voters and political actors. Social media have also become powerful disseminators of information. The EMB may utilize all these media to reach out to the public through campaigns of civic and voter education. It should also have the capacity to react to crises and challenges to its own independence at any time.

Dialogue with CSOs is another avenue of communication with voters. Some EMBs hold regular meetings with CSOs as a platform to build confidence and promote transparency. CSOs may assist EMBs in voter education campaigns. Many also deploy domestic observers to scrutinize the electoral process and offer a commentary on its quality and credibility.

Notes

[1] A political transition may be defined as the interval between one political regime and another. The term 'transition' here refers to periods of opportunity for the emergence or consolidation of democracy.

[2] Carl Dundas on the ACE Practitioners' Network: http://aceproject.org/electoral-advice/archive/questions/replies/469670784#815906622, accessed 24 May 2012.

[3] For more information on financing of EMBs see chapter 7 of International IDEA, *Electoral Management Design: The International IDEA Handbook* (Stockholm: International IDEA, 2006).

[4] For more information on models and principles of election dispute resolution see International IDEA, *Electoral Justice: The International IDEA Handbook* (Stockholm: International IDEA, 2010).

[5] For a detailed comparison of the advantages of multiparty- and expert-based EMBs see chapter 4 of International IDEA, *Electoral Management Design*.

II. Case Studies

T he case studies that follow provide a historical overview, a synopsis of the regime and EMB transition, as well as an analysis of each case. The impact of the regime transition and credible elections on other arenas in each study is illustrated in the statistical snapshots that follow in the Annex, where the changes in the political characteristics of the case study countries can be clearly related to the progressive consolidation of elections.

INDONESIA

Historical overview

After gaining independence at the end of World War II, Indonesia experienced an extended period of authoritarian rule under the consecutive presidencies of Sukarno (1945–67) and Suharto (1967–98). Indonesia's first independent constitution, drafted under Sukarno and adopted in 1945, enshrined the five principles of *pancasila*, which were, briefly: belief in one supreme God; humanitarianism; nationalism expressed in the unity of Indonesia; consultative democracy; and social justice. These principles defined an 'Indonesian' political culture as a basis for the newly independent nation, but under Sukarno *pancasila*'s 'consultative democracy' regarded political and social dissidence as deviant behaviour.

During his 32-year rule, President Suharto built upon the foundations of *pancasila* to create the 'New Order', establishing a highly centralized, military-dominated government. The period was characterized by significant economic growth and industrialization (Miguel et al. 2005), but also by corruption and the suppression of political opposition, which was viewed as disruptive to Indonesia's unity and stability. Membership of Golkar (the political arm of the ruling elite, and self-described as a 'functional group' and not a political party) was mandatory for entry into the civil service, ensuring Golkar's dominance.

A sweeping electoral victory by Golkar in 1971 led to the large array of opposition political parties being 'simplified' by fiat in 1973. This was formalized in the 1975 Political Parties Act, which forced the parties to become coalitions. The main Muslim parties were unified as the United Development Party (Partai Persatuan Pembangunan, PPP), while the Christian and secular parties became the Indonesian Democratic Party (Partai Demokrasi Indonesia, PDI). Golkar (the stated mission of which was 'to engage in politics to suppress politics'), the PPP and the PDI were declared the 'three pillars' of *pancasila* democracy.

As the only legal participants in elections, the PPP, the PDI and Golkar were placed under the authority of the Ministry of Home Affairs, while other forms of political activity were declared illegal. Elections were conducted as 'festivals of

democracy' every five years to provide a cover of legitimacy for government rule. They were administered by a government-appointed election institute (Lembaga Pemilihan Umum, LPU), a Governmental Model EMB under the Minister of Home Affairs.

Transition

The severe impact of the 1997 Asian financial crisis on Indonesia's economy led to Suharto's resignation in May 1998, amid intense public pressure and associated civil unrest, even though he had only been re-elected two months earlier. Power was transferred to Vice-President Habibie in the same month and new legislative elections were scheduled for June 1999. They were to determine the 462 elected representatives of the 500-seat People's Representative Assembly (Dewan Perwakilan Rakyat, DPR). The remaining 38 seats were reserved for military and police appointees. Elections for provincial and district assemblies were also scheduled, from which 135 representatives were drawn, along with 65 functional representatives (based on constituencies of occupational, ethnic, religious and gender identities) to collectively form the 700-seat People's Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR). Amended political and electoral laws were rapidly drafted and adopted in January 1999 to provide the framework for the elections.

The changes in the electoral law led to the rapid emergence of more than 150 political parties. Restrictions imposed after 1967 that had banned members of the Indonesian Communist Party (Partai Komunis Indonesia, PKI) from voting in elections were lifted in order to meet the requirements of universal suffrage. Under the rules established for the 1999 elections, 48 parties were deemed eligible to compete. Changes were also enacted to the civil service rules, removing the stricture of compulsory support for Golkar and requiring political neutrality in the professional performance of civil servants' duties. Provisions concerning 'money politics', a persistent concern even under the New Order regime, were also introduced, capping individual and corporate donations and requiring parties to submit financial reports, both before and after elections.

To administer the 1999 elections the National Election Commission (Komisi Pemilihan Umum, KPU) was established on 10 March 1999. This was intended 'to indicate a breakaway from the old election system which had manipulated the election process and allowed massive election fraud in the past' (Balais-Serrano and Ito 1999: 10). The newly formed KPU was composed of representatives from each of the competing 48 political parties and five government-appointed officials (there was also an intense but unsuccessful effort by the military to have a representative). Perhaps best described as a multiparty-governmental commission, its procedures weighted the votes of the members. Each party representative had one vote (a total of 48), while each governmental appointee's vote had a weight of nine (a total of 45). Replicating the previous electoral structure, the KPU

acted as the supreme election body with policy authority, while implementation of the process was the mandate of the National Election Committee (PPI) which served as a secretariat to administer and manage provincial and regency election committees, as well as vote collection committees.

The KPU was able to elect its own chairman and vice-chairman for the first time. In the past, these posts had been appointed by decree. The elected chairman of the new KPU, Rudini, was a former Minister of Home Affairs and a former Army Chief of Staff, who had directed the general elections in 1992 but was also a well known critic of the previous government. As the representative of the Musyawarah Kekeluargaan Gotong Royong (MKGR) party, he was one of the political party representatives on the commission. The chair of the PPI was Jakob Tobing, who had held senior Golkar positions but had joined the PDI-P party in 1998 and was their party nominee on the commission. Tobing would go on to chair the highly influential PAH I Committee (Panitia AdHoc I, Ad Hoc Committee) of the MPR, which was to guide the constitutional amendment process.

The extremely short preparation period allowed for the transitional elections—the legal framework was amended just five months before polling—contributed to the range of operational challenges that arose. These were noted in electoral observation reports, leading one group to state that 'the relationships in practice among the KPU, PPI and the Secretariat did not always function smoothly. Conflicting and incomplete regulations were sometimes put in place. It was often difficult to establish what decision had been taken on important practical questions, leading to confusion and a lack of transparency' (National Democratic Institute (NDI) and Carter Center 1999: 7). Similarly, observers questioned the performance of the commission's members: 'While the KPU undertook an enormous volume of work immediately following its establishment in March, it was unfortunate that many of its political party members stood for election and spent significant time campaigning' (NDI and Carter Center 1999: 7).

The lack of detail in the electoral law created uncertainty and controversy over the necessary elaboration of the electoral system, which was left to the commission to articulate. The use of the Stembus accords, which allowed parties to form pre-electoral alliances to agree to combine their votes for the purpose of seat allocation, was a major source of difficulty. The procedures for these accords were managed haphazardly with multiple amendments during the process, which led to a post-election deadlock when several party members of the KPU refused to validate the election results. The stalemate was only broken by President Habibie, who on 4 August 1999 (almost two months after the election) validated the results by decree, allowing for the formation of the legislative assembly to proceed, but without resolving the underlying complaints about the process.

The MPR elected Abdurrahman Wahid as President of Indonesia and Megawati Sukarnoputri (the daughter of the former president) as vice-president in 1999. However, in July 2001 President Wahid was impeached and removed by the MPR with a supporting public show of force by the military (Barton: 363),

elevating Megawati to the presidency. Concurrent with these events, the MPR entered into discussions over the constitutional framework that led to four amendments between 2000 and 2002. To ensure direction and continuity for the constitutional amendment process, the PAH I Committee was formed, as noted above, chaired by Jakob Tobing.

The constitutional amendments changed the presidency to be directly elected by the people, imposed a two-term limit, required that the full membership of the MPR be elected (removing military and security sector appointees), specified that the election commission be independent and created a Constitutional Court—distinct from the Supreme Court—the powers of which include hearing requests for the dissolution of political parties and resolving disputes over election results. Legislation on the independent electoral commission was passed in 2003. Notably, four of the nine commissioners who would be appointed to the new, independent General Elections Commission (KPU) were involved in the discussions over the law for the body.[6] The body was heralded by the Asian Network for Free Elections (ANFREL), which noted that for 'the first time in Indonesia, elections will be managed by a General Elections Commission (KPU) that is independent, nationally hierarchical and permanent at national, provincial and regency/city levels' (Shimuzi and Hazri 2004: 37).

Ahead of elections scheduled for 2004, one of the first activities undertaken by the new commission was to compile a new electoral register. Across the great expanse of the island nation of Indonesia this was a massive undertaking, but arguably a crucial investment. According to public opinion polls conducted by the International Foundation for Electoral Systems (IFES) prior to the elections in 2004, the KPU enjoyed 60 per cent name recognition, of which share 64 per cent considered the institution to be neutral while 19 per cent did not. Across all respondents, 65 per cent expected the 2004 polls to be free and fair, as opposed to 15 per cent who did not.

The 2004 elections, the first test of the independent KPU, were a massive operational challenge: elections were conducted nationwide for the national legislature (the DPR) and provincial and regency/city legislatures in April 2004, as well as first- and second-round presidential elections in July and September. Aside from the revised voter registration system, the KPU also laid the groundwork for a computerized system to collate election results centrally from the polling station level. The performance of the KPU was seen as a major improvement over past elections. However, tensions between the KPU and the Election Supervisory Committee (Panwaslu) were evident, in particular regarding the treatment of electoral complaints and their referral to the Constitutional Court (Shimuzi and Hazri 2004).

The transition of power from President Megawati to the election winner, President Susilo Bambang Yudhoyono, was broadly seen as a significant success of the process. Indonesia returned to the polls in 2009 for legislative and presidential

elections. President Yudhoyono retained the presidency against a background of a broadly positive economic performance and a stance against corruption. Legislative revisions were proposed to the composition of the KPU as political parties sought to re-establish their representation within the commission, and the new KPU law enacted in 2011 removed the previous requirement that candidates for KPU membership should not have held party membership for at least five years. However, this change was ruled unconstitutional by the Constitutional Court, and the original provision was reinstated.

Analysis

The transition of Indonesia from an authoritarian regime to electoral democracy was the culmination of many factors, providing context to the adoption of a politically independent EMB. The financial crisis that propelled Suharto's resignation in 1998 was partly driven by an emerging middle class which had evolved thanks to the economic prosperity achieved under the New Order administration. The trauma of the Asian financial crisis effectively undid the implicit agreement whereby living standards would be improved and stability assured in exchange for Golkar's dominance. The lack of transparency and meaningful representation in what was effectively a one-party state, amid widespread corruption and declining economic conditions, was no longer tenable.

The transition of the electoral authority from a tightly controlled governmental body to a mixed partisan-governmental body and then a politically independent model is of special interest. The transition took place amid an explosion in the number of political parties, which had been starved of opportunities to express their views under the New Order administration. The initially partisan institution was arguably necessary in order to achieve consensus and reduce distrust at a moment when Golkar remained entrenched in the civil service. The sheer number of party representatives on the commission, however, combined with the compressed timeline for conducting the transitional elections, revealed the need for an EMB to be able to employ effective decision-making processes to match the requirements of the electoral process.

The trade-off between efficient and timely decision making and inclusive representation is a common conundrum for multi-partisan bodies. Given the social and political conditions in which Indonesia was making its transition in 1999, inclusiveness was arguably the greater virtue than efficiency. However, the phenomenon of commission members campaigning for election at the same time as they were responsible for the conduct of the election, and the collapse of unity in the post-election environment, provided the rationale for the adoption of a more professional and independent EMB model.

Despite the long suppression of political activity, Golkar, the PPP and the PDI quickly adjusted to meet the demands of political competition, and became the strong parties of the 1999 transition. Similarly, the explosion of smaller parties that emerged from various associations and the speed with which they mobilized politically indicated that, despite years of political inactivity, transferable political skills were readily available to support a pluralistic competition. The organized participation that was quickly mobilized by both emergent and established parties, and their participation in the partisan-representative KPU, exemplify the contention that political parties are an important conduit for generating confidence in an EMB. That this confidence broke down after the election—due to the tensions between parties over the results—similarly opened the way for the public to be receptive to the idea of an Independent Model EMB.

Pivotal to the 1999 electoral process and subsequent constitutional amendments was the emergence of key individuals. For the transitional election, KPU Chairman Rudini's prior experience in the 1992 elections and the broad acceptance he enjoyed among political stakeholders were important to the success of the 1999 elections, despite the post-election turmoil over the results. The influence of Jakob Tobing, due in part to his experience as the head of the PPI in 1999 and subsequent chairmanship of the PAH I Constitutional Committee, appears to have been decisive in securing the arrangements for the independent commission that emerged in 2003. Also, the participation of four of the future commission's nine members in the development of the 2002 General Election Law allowed for an intimate familiarity not only with the letter of the new laws but also with the nature of the arguments and spirit of consensus that underpinned the provisions that were enacted.[7]

The posture adopted by the Indonesian military was also a key determinant in this transition, its subsequent consolidation and the electoral process. The withdrawal of the armed forces from the political arena could not be forced. There was, however, a strong tradition of constitutionalism and commitment to internal stability and unity. The initial disengagement of the military did not take place without difficulty, as its attempt to have a representative on the transitional KPU demonstrates. But its subsequent 'show of force' to support the impeachment of President Wahid, and its later acceptance of the loss of reserved seats in the assemblies, reflected a willingness to cede its formal role in Indonesia's governing assemblies and to withdraw from the political sphere.

Also noteworthy in the transition is the particularly Indonesian phenomenon that senior military officers, retired from the armed forces, have been able to compete successfully in elections. With this avenue demonstrably open to them, there was a reduced incentive to interfere in the electoral process. Had the armed services been perceived as intervening in politics through this channel, they might have jeopardized their members' future electoral prospects. The armed

services therefore had an incentive to support fair elections conducted by an impartial and independent electoral commission.

Notes

[6] Interview with Dr Chusnul Mari'yah, former KPU Commissioner, 29 October 2011.

[7] Ibid.

GHANA

Historical overview

Ghana gained independence in 1957 through a process of transition that was defined by electoral events. Following general elections in 1951 and 1954, and amid concerted civil and political activism, the British government agreed to a firm date for independence if a reasonable majority in favour of independence was elected in the 1956 Legislative Assembly elections. The main proponent of independence, the Convention People's Party (CPP), won 71 of the 104 seats. The United Kingdom honoured its agreement and Ghana became independent the following year. In 1960, a new constitution transformed Ghana from a parliamentary system to a republican system headed by a powerful president. A 1964 constitutional referendum, however, turned the country into a one-party state. In February 1966, that regime was overthrown in a coup. The ensuing period was characterized by periodic returns to civilian rule and further coups.

In spite of these events, a party system and a tradition of electoral competition persisted: 'elections and established political parties are as much a legacy of recent Ghanaian history as military coups' (Lyons 1999: 159). Ghana also had a history of independent electoral authorities. Immediately before independence, responsibility for administering elections was transferred from the Ministry of Local Government to an independent entity overseen by a sole electoral commissioner. Elections organized by the sole commissioner were considered credible. There was thus a historically established tradition of EMB independence and an expectation among the electorate of fair elections (Debrah et al. 2010: 1).

In 1981, J.J. Rawlings took power in Ghana through another coup. There followed a period of repression. Activists were abducted or disappeared and the country experienced a temporary 'culture of silence' during which there was little criticism of government policies or actions. However, Rawlings himself initiated a loosening of the political system by the late 1980s. Facing domestic pressure from civil society and international demands for political liberalization in order to secure funding, Rawlings agreed to embark on a process of political reform. In 1988 he laid out a programme that would return the country to constitutional rule, acquiescing to a new constitution, elections and the creation of the Fourth Republic.

Transition

As the first step in the transition, a constitutional referendum was organized by the Interim National Electoral Commission (INEC). Hastily convened, the INEC generally lacked the confidence of both the political opposition and civil society. The new constitution established a formally independent EMB, the Electoral Commission (EC). Under the transition plan, the EC was mandated to conduct presidential and parliamentary elections in November and December 1992.

The EC commissioners were nominated by the president and approved by the Council of State. Under the relevant provisions, they could not be removed except on the grounds of insanity or infirmity, either of which had to be certified by a medical professional. Once appointed, commissioners served until the age of 70, under the same conditions as High Court justices. The EC was given the authority to handle complaints arising from registration and polling, while all post-election disputes regarding the results were handled by the judiciary. Another key power of the EC was the power to make its own regulations relevant to the electoral process, granting it significant constitutional and operational autonomy (International IDEA 2006: 62; Debrah et al. 2010: 11–12).

The EC may have enjoyed these powers, but the time available for it to prepare for the November 1992 presidential election was barely more than six months. As Lyons points out, 'As many observers recognized, the playing field was far from level. The presidential election was marred by a hastily compiled and clearly bloated voters' register, an electoral commission appointed by Rawlings that the opposition regarded as partisan, and an electoral process open to manipulation' (Lyons 1999: 162). A number of observers' reports after the election, on the other hand, including those of the Commonwealth Secretariat and the Carter Center, concluded that these flaws probably did not greatly affect the outcome (Lyons 1999: 162). Rawlings had significant rural support and would probably have won a fair election.

A perception that the referendum had been rigged by the INEC, and a lack of confidence in the EC during the presidential elections led the opposition to boycott the 1992 parliamentary elections. It compiled a long list of electoral complaints in a widely disseminated document, *The Stolen Verdict*. The EC took these complaints seriously in the preparation of the 1996 elections. During the period 1992–6, other institutions, such as the Supreme Court, also 'demonstrated increasing independence from the ruling party' (Lyons 1999: 163).

Of particular importance, the EC took two measures to assert its credibility and impartiality during this period. First, it set up the Inter-Party Advisory Committee (IPAC) in 1994, two years before the next election was due. The IPAC was created on the EC's own initiative based on its assessment of the opposition's distrust. This partly compensated for the fact that the electoral commissioners were still those appointed by Rawlings. The IPAC was designed to build confidence in the process by involving the parties in discussions over electoral procedures, and

in this the EC showed a high degree of conscientiousness. 'Even though some of the charges contained in *The Stolen Verdict* lacked credibility, the Electoral Commission treated them all seriously and put in place multiple measures to reassure the opposition that any attempts at fraud on election day would be detected' (Lyons 1999: 163–4).

The second crucial measure was to completely revise the electoral register. The new register was prepared under the informal supervision of the IPAC. New safeguards included the fact that voters registered in the place where they would vote, the process was overseen by political party agents, and provisional lists were exhibited to allow voters to review them and make corrections (resulting in the participation of 73 per cent of voters). The list was provided to the political parties and photo ID cards were issued to voters. As a result of these measures, 'by election day, the opposition had by and large accepted the accuracy of the voter rolls, removing a major controversy that had undermined the legitimacy of the 1992 elections' (Lyons 1999: 164).

A number of technical improvements, such as the use of transparent ballot boxes, voting screens and indelible ink, were also introduced for the 1996 elections (Debrah et al. 2010: 16). The international community provided much of the funding necessary for these improvements as well as some discreet diplomatic pressure to ensure that sceptical parties remained in the IPAC (Debrah et al. 2010: 13, Lyons 1999: 164).

As a result, the opposition ended its boycott and accepted the results of the 1996 elections, even though Rawlings won again. In the 2000 elections, which were conducted by an EC which had by then gained significant credibility, the ruling party was defeated and accepted its defeat.

Analysis

Ghana's EC established its independence in a relatively short period of time. The 1992 constitution had provided the formal requirements of autonomy and independence. The timeline and conditions that it faced with the November 1992 presidential election deadline allowed it little opportunity to develop its own character and operational processes or to address perceptions that it was not credible. The criticism of the presidential election and the opposition's boycott of the parliamentary election highlighted the weakness of the foundations for its political independence, but the actions the EC took to strengthen these foundations after the 1992 elections were deliberate and focused. The single most important factor was its own determination, expressed through the bold decisions it took to assert its independence with the support of political parties, civil society and to some extent the international community. The EC used all the powers it was granted to demonstrate its political independence. The exercise of these powers allowed it to establish the IPAC, as well as the specific rules

governing the voter registration process in 1995. The full use of these powers 'set in motion the machinery for the conduct of credible elections' (Debrah et al. 2010: 11–12).

The willingness of an EMB to use its powers in a way that is likely to cause the incumbent power to resist requires an unusual degree of leadership, and sometimes even personal courage. In many ways such leadership is the basic ingredient of the 'fearless independence' expected of independent EMBs. In the case of Ghana, the specific actions of the commissioners played an important role: 'Kwadwo Afari-Gyan, the chairman of the Electoral Commission, skilfully calmed the fears of political parties and activists regarding electoral procedures' (Lyons 1999: 163).

The IPAC served three important functions in the EC's transition: confidence and consensus building with the political elite; technical improvements in electoral administration; and spreading the message that the EC was intent on establishing its credibility and independence. It was able to achieve all three because Ghana's existing multiparty system was an effective vector for communicating trust concerning the sincerity of the EC. As some observers noted, 'the political system that emerged post-1992 is widely perceived to be suitable for holding credible elections because the elite have consensus on the democratic system and are supportive of elections and multiparty politics' (Debrah et al 2010: 2).

The IPAC also became a forum in which electoral complaints could be addressed, providing a channel that deterred frivolous complaints while at the same time reinforcing confidence. This supports two key points. First, the EC did not isolate itself from the political parties, but was insulated from any dominant pressure. Second, while there was no formal requirement to be a consultative forum, the EC demonstrated a clear commitment to make its decision making transparent and inclusive.

While the IPAC provided a means of maintaining and deepening elite consensus, the electoral register was both a technical necessity and a public relations exercise for the broader electorate. Operating together, they formed a virtuous circle that gave the EC access to the electorate at two levels: through the established channels of the existing parties (via the IPAC); and by direct experience, through participation in the 1995 voter registration exercise. The EC's efforts to improve the electoral register offered direct contact with the electorate. The high rate (73 per cent) of participation in the exhibition and challenge process speaks to the level of voter education and engagement. Such a demonstration effect may have been the source of civil society's revived interest in elections. In 1992, for example, there were 200 local observers; in 1996, there were 4,200 (Gyimah-Boadi 1999: 173).

The division of responsibilities between the EC and the judiciary over electoral complaints or challenges has a direct bearing on the nature and type of pressure to which the EMB is subjected. An EMB with all-encompassing authority

to determine electoral complaints has a high degree of control, but such an arrangement also subjects the institution to high levels of political pressure. Dividing the responsibility with the judiciary takes some pressure off the EMB, but makes a vitally important component of the electoral process subject to the influences of another institution. In Ghana, the EC has established a reputation for efficiency and credibility, but the judiciary's processes have been described as 'cumbersome and slow' (Debrah et al. 2010: 6). In spite of these criticisms, the arrangement appears to have been to the benefit of the EC, by providing an outlet for some pressures that might otherwise mount. Also, the EC's effective efforts to manage its own institutional image have ensured that voters correctly assign responsibility for key decisions.

The process of appointment for the Ghana commissioners raises another aspect of how an EMB can develop political and fearless independence. The effective life tenure of an EMB commissioner is an important design question. On the one hand, it can be seen as providing vital job security for the incumbent that diminishes the possibility of corruption and permits 'fearless' action. On the other hand, tough conditions for the removal of an incumbent could lead to the entrenchment of corruption. Balancing these concerns is both case-dependent and personality-centric. In Ghana's case, tenure allowed the commissioners to demonstrate their ability to resist pressure from the executive (for specific examples see Debrah et al. 2010: 6, 12). Moreover, historical examples of the commissioners' impartiality have established a standard of performance that future commissioners will be expected to emulate.

CHILE

Historical overview

In 1973, a coup led by General Augusto Pinochet and other leaders of the Chilean armed forces deposed the elected president, Salvador Allende. In 1978 the military regime, nominally led by Pinochet, organized a referendum to legitimize military rule. The question posed to voters was a 'yes' or 'no' vote on the regime's authority to create a new institutional and political order. The referendum was based on Pinochet's perceived need to redefine his legitimacy through the ballot box rather than rely on the approval of the military junta that he had used to seize power (Drake and Jaksić 1991: 38). It was also a tactic in an internal power struggle within the military regime. The presidency was supposed to rotate among the services, but the army, and hence Pinochet, sought to retain it.

The 1978 referendum yielded a 75 per cent 'yes' vote, consolidating Pinochet's position. It had been highly controlled, however, with severe limits imposed on the opposition campaign. 'The fairness of the electoral process is difficult to judge, though there appears to have been no massive fraud. But there were no electoral registers and the ballots were counted by government authorities, so the potential for manipulating the results was considerable' (Drake and Jaksić 1991: 54). Following the referendum Pinochet moved quickly to create a new 'institutional order'. This took the form of a new draft constitution instituting a 'protected democracy'. The first parliament, for example, was appointed, not elected. The 'protection' was to be provided by the military, and in particular by the army, which retained significant powers to influence the political life of the nation.

A draft constitution was ratified in another 'non-competitive' referendum in 1980, passing with 67 per cent of the vote. Again, opposition candidates were hardly allowed to campaign. Collier and Sater concluded that 'it is not altogether easy to see the result as an unarguably limpid expression of the popular will' (Collier and Sater 1996: 364). At the same time they noted that Chile had benefited from a strong economy partly as a result of the regime's economic reforms. As a concession to the opposition, the 1980 constitution made provision for a further constitutional referendum in 1988.

The 'protected democracy' was tested almost immediately in the early 1980s when a severe economic crisis led to social protest against the regime. The crisis exacerbated differences within the regime and prompted the emergence of a small group that called for greater liberalization ahead of the 1988 referendum. The referendum had been 'designed to consecrate and prolong, not to terminate, an authoritarian regime' (Drake and Jaksić 1991: 7) but for the electorate and opposition parties it presented a political opportunity. The opposition did not at first intend to participate, since it believed that engagement in a process that was likely to be rigged would legitimize the 1980 constitution and the junta's rule. However, a bargain evolved between the opposition and the regime: if the opposition participated in the referendum, the government would allow the re-formation of any non-Marxist political party that was able to gain 33,500 signatures from registered electors (Collier and Sater 1996: 378).

Since the previous referendum had been held under highly controlled circumstances, the problem for the opposition, once it decided to participate, was to persuade its supporters to participate: 'Having agreed to play by Pinochet's rule, his opponents now had to convince the voters that the process was credible' (Constable and Valenzuela 1991: 302). The regime, at the same time, knew that it faced questions of international as well as domestic legitimacy, and it considered the former to be extremely important. At the same time, the military regime's internal divisions were deepening and hardening. All these factors combined to pressure the regime to take extra measures to legitimize the referendum.

Transition

The first measure taken by the regime to seek to legitimize the pending 1988 referendum was to create a Constitutional Tribunal, which had the power to review all legislative and constitutional revisions for their consistency with the constitution prior to their entry into force. According to Barros, 'this meant that for the first time, the junta's legislative power was to be subject to review by an external institution that the dictatorship had created and mandated to hold itself to the terms of its own constitutional agreement' (Barros 2001: 20). True to the strong bureaucratic and constitutional tradition in Chile, the Constitutional Tribunal, once mandated, was bold in its actions and increasingly struck down decisions that the junta had approved.

One of the areas directly affected by the tribunal's rulings was the election process. The tribunal declared unconstitutional an article that placed an ad hoc electoral court in charge of elections, and ruled instead that the Electoral Court (Tribunal Calificador de Elecciones, TRICEL), a constitutional body in place since 1925, should oversee the forthcoming referendum. 'This ruling meant that the plebiscite, unlike the 1980 plebiscite held to ratify the constitution, would occur with electoral registries and independent oversight and counting. Through this ruling and subsequent decisions, the constitutional court created legal conditions for a fair electoral contest and structured incentives for the opposition to participate and eventually beat the military at its own game' (Barros 2001: 20).

The Constitutional Tribunal also ruled that an independent electoral commission had to be established, 'because the spirit of the constitution required it, even if the law did not' (Constable and Valenzuela 1991: 303). The Electoral Service (Servicio Electoral, SERVEL) was created under a constitutional law in 1986 as an autonomous organ with its own budget. It inherited the functions of the Directory of the Electoral Register. The director of SERVEL, nominated by the President and approved by a majority of the Senate, can only be removed in the same manner. The Director of the Register at the time SERVEL was set up was Juan Ignacio Garcia Rodriguez, who then became director of SERVEL. (Garcia Rodriguez has overseen every national electoral process and referendum in Chile since 1986.)

SERVEL was mandated with the responsibility of organizing, supervising and auditing all electoral events required by the constitution. It was also authorized to prepare and maintain the electoral register, administer identity documents and election supplies, and maintain the register of political parties, and it carried out other duties and functions specified under the Organic Constitutional Law of Political Parties. SERVEL had a comparatively small bureaucracy and depended heavily on the Ministry of the Interior for the actual holding of elections (a Mixed Model EMB). One of the legacies of pre-1973 Chile was a 'highly professional and apolitical establishment unbeholden to private economic interests' (Valenzuela

and Dammert 2006: 68). This tradition of bureaucratic autonomy meant that institutions such as the Constitutional Tribunal, SERVEL and TRICEL were not only nominally independent: the opposition and the electorate trusted in their independence.

The credibility which the independent electoral and judicial institutions gave to the conduct of elections went far beyond what the regime had anticipated. As a result, political party activity was re-energized and the opposition conducted a vigorous and well organized 'no' campaign. To the surprise of the regime, the 'no' campaign prevailed, winning by 54 per cent of the vote to 43 per cent. This led to a series of negotiations between the government and the opposition that modified and liberalized some provisions of the 1980 constitution. The new constitution was adopted by a referendum in July 1989. Five months later, the elections held to create a new government were won by a centre-left coalition, Concertación. Pinochet accepted these results and instructed his government to organize a smooth transition.

Analysis

There were several turning points in Chile's transition that led to an outcome in 1988 that many would have considered unlikely eight years earlier. The first was the creation of the Constitutional Court, which then created an autonomous legal framework that led to the creation of SERVEL and the reactivation of TRICEL. Once the normative framework was in place, the regime had little choice but to respect it. This was particularly true given that the junta was also seeking international legitimacy, and the political liberalization process it had initiated was being watched closely from outside.

In many cases, regimes embark upon liberalization with the expectation that it can be controlled without a loss of political power. This calculation is almost always based on an underestimation of the strength of the opposition, or of the capability of a disaggregated opposition to unite if only to defeat the ruling party. In other words, in one way or another, it is always based on a ruling party's overestimation of its own popularity.

In Chile, it was said that Pinochet had 'overstated their [Chileans'] fear of a communist threat, and underestimated their democratic vocation' (Constable and Valenzuela 1991: 310). The ruling party believed that the transition it had initiated was gradual enough for it to be able to anticipate and react to decisive challenges. As Barros noted regarding the decisions of the Constitutional Tribunal: 'These rulings, even when they turned against the junta, were tolerable because the piecemeal implementation of the electoral system meant that the battle never appeared irretrievably lost' (Barros 2001: 21). But their cumulative effect was to prove the junta wrong. As one of the tribunal members later said: 'Few people

knew it at the time, but we changed the course of Chilean politics. We made the process something people could believe in' (Constable and Valenzuela 1991: 304).

Drake and Jaksić conclude that 'ultimately, Pinochet was limited by the very institutions that gave him power—the armed forces and the state—institutions that were subject to the framework of a highly regularized legal process and that responded to a greater or lesser degree to the press of broader societal forces.' They argue that these forces had led among other things to the downfall of the secret police, which had prevented Pinochet from adopting a more authoritarian constitution in 1980 (which he had initially desired and drafted). This shaped the political opening that was fully exploited by the opposition, and 'forced him to accept the negative verdict of the electorate in a plebiscite that had been carefully planned to perpetuate his rule until his death' (Drake and Jaksić 1991: 22).

The role of TRICEL as the final court for electoral complaints and certification of the election results for all elections called for in the constitution was, as noted above, established by the 1925 constitution, but amended in the 1980 constitution under Pinochet. The 1980 amendments affected its composition, the method of selecting its members, and its legal autonomy—and led it to be a far more independent body. With the rulings of the Constitutional Tribunal, TRICEL's autonomy was securely anchored in the constitution, as was SERVEL's. In terms of functional independence, it could be argued that SERVEL's relatively small size and its dependence on other state organs to actually implement elections could be seen as potential weaknesses, but these were counterbalanced by the historical legitimacy that it possessed.

As López-Pintor wrote, 'the electoral authority in a number of Latin American countries has been historically held in such high public esteem that it survived even military regimes, notably in Uruguay between 1974 and 1980, and in Chile from 1973 to 1988. In Chile, the head of the Service of Elections, a Senate appointee, has served in this position since the early 1960s under a wide range of military and civilian governments' (López-Pintor 2000: 34). Other observers highlight the fact that 'the organization of elections [in Chile] has been irreproachable, being subject to detailed regulations, supervised by independent bodies of constitutional rank, and linked to a long tradition of correctness in the country's elections [...]. The validity of election procedures is reflected empirically in the number of complaints presented in each election, which refers to votes nullified by manipulated results' (Toloza and Lahera 2000: 49).

The institutional anchoring and pre-existing strength of the country's 'informal systems' allowed the EMB arrangement to play a crucial role in the political transition. That SERVEL and TRICEL possessed a legacy of credibility meant that, once they were resurrected by the rulings of the Constitutional Tribunal, they were able immediately to play a confidence-building role, giving the opposition persuasive reasons to contest the election, even at the price of de facto recognizing the legitimacy of the 1980 constitution.

The case of Chile highlights two contending hypotheses in a democratic transition from a military regime, which could also apply to transitioning EMBs. Alfred Stepan's 'mode of transition' theory asserts that militaries that negotiate their own removal from politics can still control the rules of the game in such a way that they maintain their privileges even in a democratic system. In the case of Chile, the civilian government initially did not have the power to remove the heads of the military. The election procedure for the Senate also ensured that a large number of seats were likely to remain in the hands of the military. A competing hypothesis, that of 'electoral dynamics', makes the counter-claim that once democracy is established, political parties will have every incentive to expand their own influence in order to satisfy their constituencies. They will therefore gradually wrest power from the military, whatever the arrangements originally negotiated to preserve the military's power. Stanley writes that in order for the 'electoral dynamics' effect to occur, 'civilian achievements in curtailing military power must in some way be conveyed to the electorate'. In other words, the electoral dynamics hypothesis is meaningless 'if voters are not aware of the achievements of civilian politicians in challenging the military' (Stanley 2001: 72).

The Chilean transition stands out among the cases studied in this paper in that there was a political transition without an obvious EMB transition. The EMB in Chile, the Directory of the Electoral Register, had historically been perceived as independent, even though it was an office within the Interior Ministry. But it was sidelined during the early years of the Pinochet regime. It was revived in an effort by Pinochet to legitimize his rule through the ballot box in 1989, which was an example of a regime miscalculating its level of support among the electorate. The independence and achievements of the EMB (especially as a Mixed Model) reflect the strong 'informal system' traditions of Chile's democratic history, which were reawakened when the formal system supported and permitted their expression.

Annex. Statistical Indicators

Polity IV: Political characteristics

The Polity IV Project undertaken by the Center for Systemic Peace provides time-series data about the characteristics of a country's political regime. The following charts map the characteristics of 'Executive Constraint' and 'Polity' scores against the date of elections before and after periods of transition. The Executive Constraint variable reflects the degree of constraint imposed on the chief executive. A score of one reflects unlimited authority, and a score of seven denotes a polity where the executive has parity with or is subordinate to accountability groups (such as the legislature) on most activities. The Polity score is a value derived from subtracting the measure of democracy from the measure of autocracy.

The charts for each of the case study countries demonstrate a clear and consistent pattern where both the measure of executive constraint and the Polity score improve around election years. The dilution of the authority of the chief executive is a significant indication of a shift in the decision-making processes from a unipolar to a multipolar arrangement, in other words that the concentration of power that is common to an authoritarian regime is being spread across a range of accountable groups. As power becomes less concentrated, the polity becomes more democratic. The shifts in both these measures coincide closely with election years and in each case demonstrate significant improvements in the periods of transition: for Indonesia in 1999, and again in 2004; for Ghana in 1996; and for Chile after the election in 1988.

The transition of the EMB, its role in the broader political transition, and the progressive consolidation of elections over the following 10 years underline the pivotal role that elections have played in transforming the political characteristics of the case study countries.
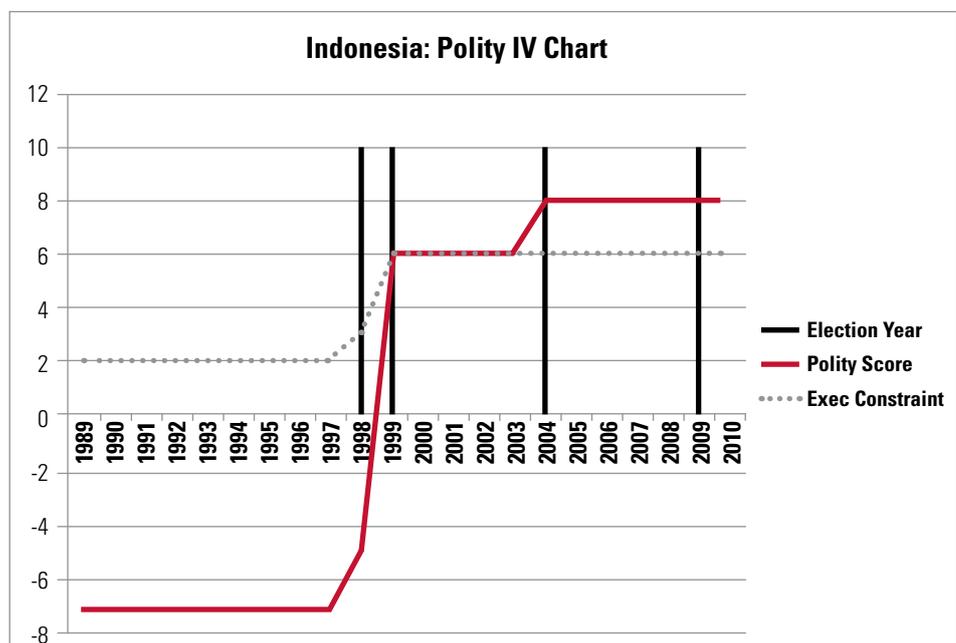
Chart: 1.1

Chart: 1.2

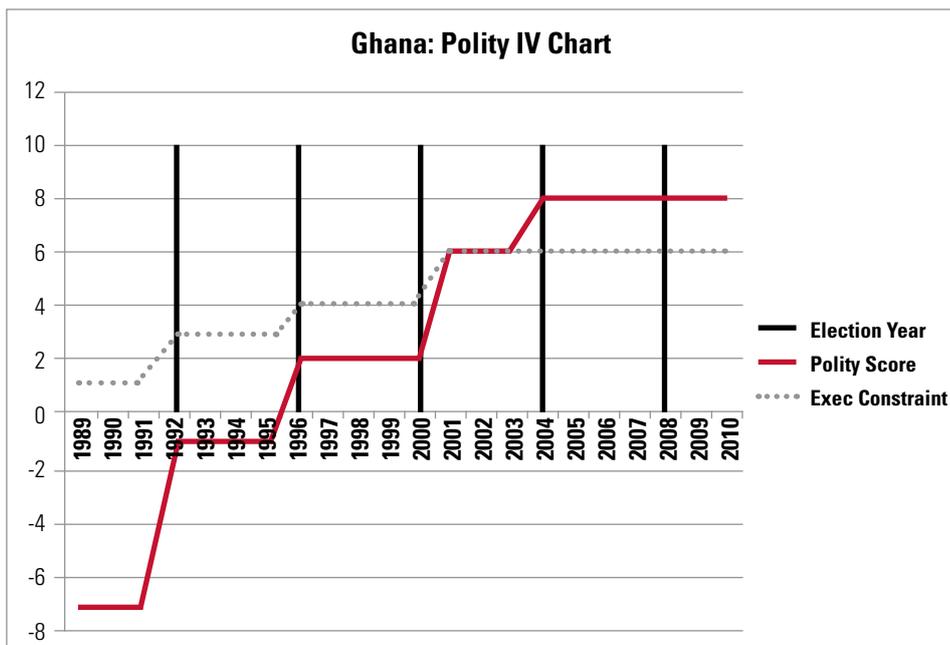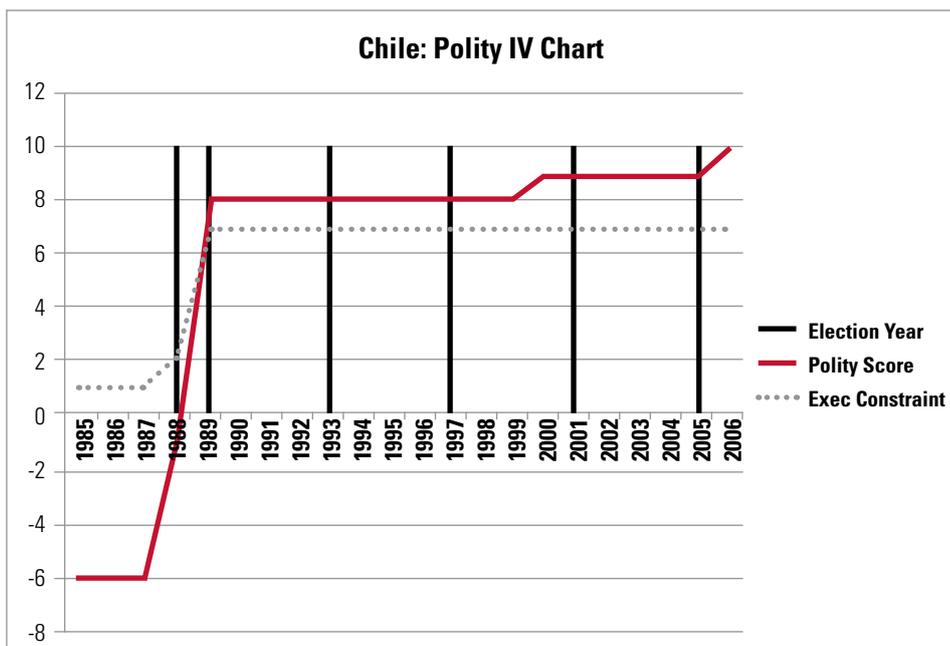
Ghana: Polity IV Chart

Chart: 1.3

Chile: Polity IV Chart

Freedom House: Political rights and civil liberties

Freedom House provides time-series data for countries, measuring political rights and civil liberties on a scale of one to seven, where one represents the most free and seven the least free. The pattern across the three case studies again reflects an improvement triggered by the transition of the regime, and indicates that election years are pivotal points for the ratings.

The correlation between (a) the improvement in political rights and civil liberties and (b) credible elections arguably contributes to a self-reinforcing cycle. Voting is a major exercise of political rights. As elections improve in quality so too does the ability to exercise those rights. Similarly, political parties that are expanding their influence and must compete periodically have an interest in ensuring that civil liberties are upheld and expanded. The strengthening of these rights and liberties in turn strengthens the 'informal systems' that influence expectations about the performance of the EMB, such as transparency, efficiency and political independence. Accordingly, as political rights and civil liberties improve, they inherently promote the independence of the EMB.
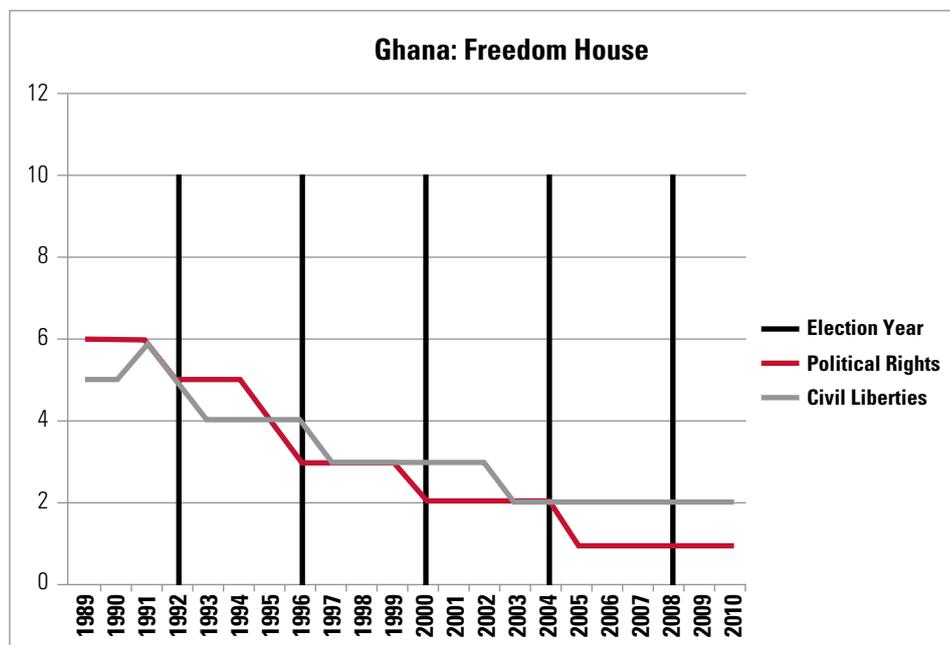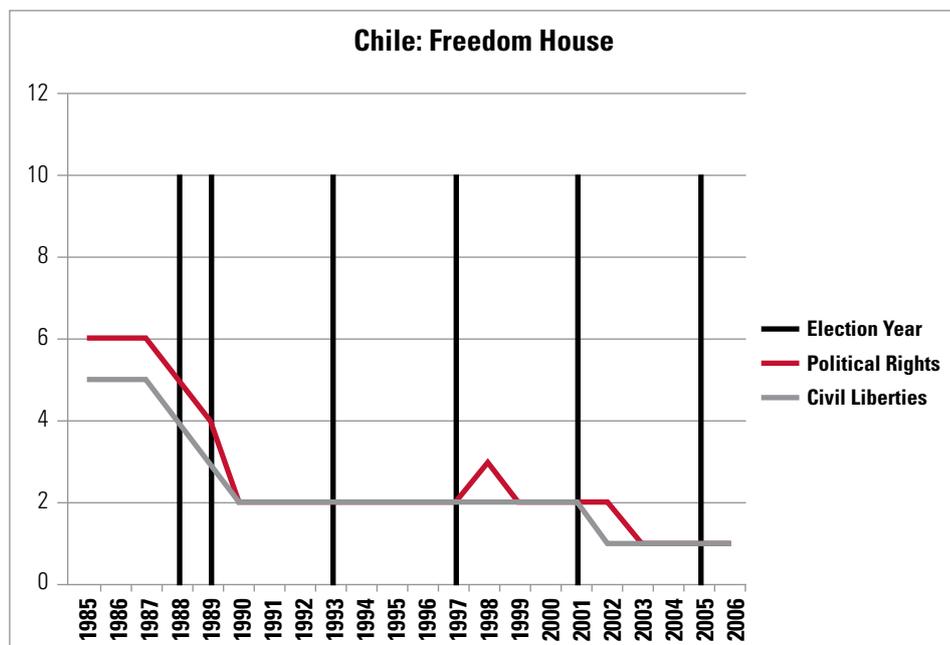
Chart: 2.1

Chart: 2.2

Ghana: Freedom House

Chart: 2.3

Chile: Freedom House

References and Further Reading

Angell, Alan, *Democracy after Pinochet: Politics, Parties and Elections in Chile* (London: Institute for the Study of the Americas, 2007)

Antlov, Hans and Cederroth, Sven (eds), *Elections in Indonesia: the New Order and Beyond* (London: Routledge, 2004)

Aparicio, Francisco Javier and Ley, Sandra Jessica, 'Electoral Institutions and Democratic Consolidation in the Mexican States, 1990–2004', Centro de Investigación y Docencia Económicas (CIDE), December 2008

Ayee, Joseph R. A. (ed.), *The 1996 Elections and Democratic Consolidation in Ghana* (Legon: Department of Political Science, University of Ghana, 1999)

— (ed.), *Deepening Democracy in Ghana: Politics of the 2000 Elections* (Accra: Freedom Publications, 2001)

Balais-Serrano, Evelyn and Ito, Takeshi, 'Democratization in Indonesia: Report of the 1999 Election Observation Mission 25 May–10 June 1999', ANFREL, Bangkok, December 1999

Barros, Robert, 'Personalization and Institutional Constraints: Pinochet, the Military Junta, and the 1980 Constitution', *Latin American Politics and Society*, 43/1 (April 2001)

Barton, Greg, *Abdurrahman Wahid: Muslim Democrat, Indonesian President* (Sydney: University of New South Wales Press, 2002)

Birch, Sarah, 'Electoral Institutions and Popular Confidence in Electoral Processes: A Cross-national Analysis', *Electoral Studies*, 27 (2008)

Birch, Sarah, *Electoral Malpractice*, (Oxford: Oxford University Press, 2011)

Boafo-Arthur, Kwame (ed.), *Voting for Democracy in Ghana: the 2004 Elections in Perspective* (Accra: Freedom Publications, 2006)

Bratton, Michael and Van de Walle, Nicolas, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (Cambridge: Cambridge University Press, 1997)

Bunce, Valerie J. and Wolchik, Sharon L., 'Favorable Conditions and Electoral Revolutions', *Journal of Democracy*, 7/14 (October 2006)

Carothers, Thomas, 'The End of the Transition Paradigm', *Journal of Democracy*, 13 (2002)

Caviedes, Cesar, *Elections in Chile: The Road Towards Redemocratization* (Boulder, Colo.: Lynne Rienner, 1991)

Collier, Simon and Sater, William F., *A History of Chile, 1808–1994* (Cambridge: Cambridge University Press, 1996)

Constable, Pamela and Valenzuela, Arturo, *A Nation of Enemies: Chile under Pinochet* (New York: W. W. Norton, 1991)

Debrah, Emmanuel, Pumpuni, Asante, E. Kojo and Gyimah-Boadi, Emmanuel, 'A Study of Ghana's Electoral Commission', CODESRIA Research Reports, Dakar, 2010

Diamond, Larry, *Developing Democracy: Towards Consolidation* (Baltimore, Md.: Johns Hopkins University Press, 1999)

Diamond, Larry, Linz, Juan J. and Lipset, Seymour Martin (eds), *Politics in Developing Countries: Comparing Experiences with Democracy* (Boulder, Colo.: Lynne Rienner, 1995)

Drake, Paul W. and Jaksić, Iván (eds), *The Struggle for Democracy in Chile, 1982–1990* (Lincoln and London: University of Nebraska Press, 1991)

Dundas, Carl W., *Election Management Bodies: Constitutive Instruments* (London: Commonwealth Secretariat, 1999)

Electoral Commission of Ghana, *Elections 2004: Ghana's Parliamentary and Presidential Election* (Accra: Friedrich Ebert Stiftung, 2005)

Elklit, Jorgen and Reynolds, Andrew, 'The Impact of Election Administration on the Legitimacy of Emerging Democracies: A New Research Agenda', 96th Annual Meeting, American Political Science Association (APSA), Washington, DC, 31 August–3 September 2000

Ellis, Andrew, 'Constitutional Reform in Indonesia: A Retrospective' (Stockholm: International IDEA, March 2005)

Elster, Jon, *Ulysses Unbound* (Cambridge: Cambridge University Press, 2000)

Fontaine, Arturo (ed.), 'Modernización del régimen electoral Chileno', United Nations Development Programme, Chile, 2007

Gazibo, Mamoudou, 'The Forging of Institutional Autonomy: A Comparative Study of Electoral Management Commissions in Africa', *Canadian Journal of Political Science, 39/3* (September 2006)

Goodwin-Gill, Guy S., *Free and Fair Elections: New Expanded Edition* (Geneva: Inter-Parliamentary Union, 2006)

Gyimah-Boadi, Emmanuel, 'Ghana's Elections: The Challenges Ahead', in Larry Diamond and Marc F. Plattner (eds), *Democratization in Africa* (Baltimore, Md.: Johns Hopkins University Press, 1999)

Hartlyn, Jonathan, McCoy, Jennifer and Mustillo, Thomas M., 'Electoral Governance Matters: Explaining the Quality of Elections in Contemporary Latin America', *Comparative Political Studies*, 41/1 (2008)

International IDEA, *Guidelines for Reviewing the Legal Framework of Elections* (Stockholm: International IDEA, 2002)

— *Electoral Management Design: The International IDEA Handbook* (Stockholm: International IDEA, 2006)

King, Dwight Y., *Half-hearted Reform: Electoral Institutions and the Struggle for Democracy in Indonesia* (Westport, Conn.: Praeger, 2003)

Liddle, R. William (ed.), *Crafting Indonesian Democracy: International Conference Towards Structural Reforms for Democratization in Indonesia: Problems and Prospects* (Jakarta: Ford Foundation, 2001)

Linz, Juan J., *Crisis, Breakdown, and Reequilibrium* (Baltimore, Md.: Johns Hopkins University Press, 1978)

Londregan, John Benedict, *Legislative Institutions and Ideology in Chile's Democratic Transition* (Cambridge and New York: Cambridge University Press, 2000)

López-Pintor, Rafael, *Electoral Management Bodies as Institutions of Governance* (New York: United Nations Development Programme, 2000)

Lust-Okar, Ellen and Amaney, Ahmad Jamal, 'Rulers and Ruled: Reassessing the Influence of Regime Type on Electoral Law Formation', *Comparative Political Studies*, 35 (2002)

Lyons, Terrence, 'Ghana's Elections: A Major Step Forward', in Larry Diamond and Marc F. Plattner (eds), *Democratization in Africa* (Baltimore, Md.: Johns Hopkins University Press, 1999)

Maley, Michael, 'Administration of Elections', in Richard Rose (ed.), *International Encyclopedia of Elections* (Washington, DC: Congressional Quarterly Press, 2000)

Miguel, Edward, Gertler, Paul and Levine, David I., 'Does Social Capital Promote Industrialization? Evidence from a Rapid Industrializer' (Berkeley, Calif.: Econometrics Software Laboratory, University of California, January 2005)

Molina, José and Hernández, Janeth, 'La credibilidad de las elecciones latinoamericanas y sus factores: El efecto de los organismos electorales, el sistema de partidos y las actitudes políticas', Presentation to the Latin American Studies Association, 1998

Mozaffar, Shaheen, 'Patterns of Electoral Governance in Africa's Emerging Democracies', *International Political Science Review*, 23/1 (2002)

— and Schedler, Andreas, 'The Comparative Study of Electoral Governance: Introduction', *International Political Science Review*, 23/1 (2002)

National Democratic Institute (NDI) and the Carter Center, 'Statement of the National Democratic Institute (NDI) and the Carter Center International Election Observation Delegation to Indonesia's June 7, 1999 Legislative Elections', Jakarta, 9 June 1999

O'Donnell, Guillermo, 'Delegative Democracy', *Journal of Democracy*, 5/1 (1994)

O'Donnell, Guillermo and Schmitter, Philippe, C., *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore, Md.: Johns Hopkins University Press, 1986)

Panford, Martin Kwamina, *Some Observations on the Elections and Transition in Ghana, 1991–1996* (Boston, Mass.: African Studies Center, Boston University, 1998)

Pastor, Robert A., 'The Role of Electoral Administration in Democratic Transitions: Implications for Policy and Research', *Democratization, 6/4* (1999)

Rosas, Guillermo, 'Trust in Elections and the Institutional Design of Electoral Authorities: Evidence from Latin America', *Electoral Studies* (2009)

Schedler, Andreas, Diamond, Larry and Plattner, Marc F. (eds), *The Self-restraining State: Power and Accountability in New Democracies* (Boulder, Colo. and London: Lynne Rienner, 1999)

Schwarz, Adam, *Indonesia: the 2004 Election and Beyond* (Singapore: Institute of Southeast Asian Studies, 2004)

Shimuzi, Maiko and Hazri, Herizal, 'Indonesia General Assembly Election Presidential Election Report of International Observation Mission', ANFREL, Bangkok, December 2004

Stanley, Ruth, 'Modes of Transition v. Electoral Dynamics: Democratic Control of the Military in Argentina and Chile', *Journal of Third World Studies*, XVIII/2 (2001)

Tilly, Charles, *Democratization* (Cambridge and New York: Cambridge University Press, 2007)

Toloza, Cristián and Lahera, Eugenio, *Chile in the Nineties* (Stanford, Calif.: Stanford University Press, 2000)

Trebilcock, Michael and Chitalkar, Poorvi, 'From Nominal to Substantive Democracy: The Role and Design of Election Management Bodies', *Law and Development Review*, 2/1 (2009)

Vaughn, Bruce, *Indonesian Elections* (Washington, DC: Congressional Information Service, 2004)

Valenzuela, Arturo and Dammert, Lucia, 'Problems of Success in Chile', *Journal of Democracy*, 17/4 (2006)

Zakaria, Fareed, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York and London: W. W. Norton, 2004)

Electronic resources

ACE Electoral Knowledge Network, available at <http://www.aceproject.org>

Building Resources in Democracy, Governance and Elections, available at <http://www.bridge-project.org>

Economist Intelligence Unit, *Democracy Index 2010: Democracy in Retreat*, available at <http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf>

Freedom House, *Freedom in the World* rankings, available at <http://www.freedomhouse.org/report/freedom-world/freedom-world-2012>

International IDEA, *Unified Database: Community-supported democracy and election data*, available at <http://www.idea.int/uid/>

Marshall, M. and Cole, B., *State Fragility Index and Matrix 2010* (Polity IV), Center for Systemic Peace, available at <http://www.systemicpeace.org/SFImatrix2010c.pdf>

Transparency International, *Corruption Perceptions Index 2010*, available at <http://www.transparency.org/policy_research/surveys_indices/cpi/2010>

United Nations, Office of the High Commissioner for Human Rights, 'General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal

Access to Public Service', 7 December 1996, available at <http://www.unhchr.ch/tbs/doc.nsf/(symbol)/d0b7f023e8d6d9898025651e004bc0eb?Opendocument>

UN Human Rights Committee (HRC), *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 12 July 1996, CCPR/C/21/Rev.1/Add.7, available at: http://www.unhcr.org/refworld/docid/453883fc22.html [accessed 24 May 2012]

United Nations Conference on Trade and Development (UNCTAD), Online Statistical Databases, available at <http://unctadstat.unctad.org/ReportFolders/reportFolders.aspx?sCS_referer=&sCS_ChosenLang=en>

Acronyms and Abbreviations

ACE	ACE Electoral Knowledge Network
ANFREL	Asian Network for Free Elections
BBC	British Broadcasting Corporation
BRIDGE	Building Resources in Democracy, Governance and Elections
CSO	civil society organization
CPP	Convention People's Party (Ghana)
DPR	Dewan Perwakilan Rakyat (People's Representative Assembly) (Indonesia)
EC	Electoral Commission (Ghana)
EMB	electoral management body
IDEA	International Institute for Democracy and Electoral Assistance
IFES	International Foundation for Electoral Systems
INEC	Interim National Electoral Commission (Ghana)
IPAC	Inter-Party Advisory Committee (Ghana)
KPU	Komisi Pemilihan Umum (National Election Commission and General Elections Commission) (Indonesia)
MPR	Majelis Permusyawaratan Rakyat (People's Consultative Assembly) (Indonesia)
NDI	National Democratic Institute
PAH I	Ad Hoc Committee [for constitutional reform] (Indonesia)
PDI	Partai Demokrasi Indonesia (Indonesian Democratic Party)
PKI	Partai Komunis Indonesia (Indonesian Communist Party)
PPI	National Election Committee and Electoral Supervisory Committee (Indonesia)
PPP	Partai Persatuan Pembangunan (United Development Party, Indonesia)
SERVEL	Servicio Electoral (Electoral Service) (Chile)
TRICEL	Tribunal Calificador de Elecciones (Electoral Court) (Chile)

Acknowledgements