



**123rd ASSEMBLY OF THE INTER-PARLIAMENTARY UNION
AND RELATED MEETINGS**

Geneva, 4-6.10.2010

SUMMARY RECORDS

**ON THE PANEL DISCUSSION HELD DURING THE 123rd ASSEMBLY IN GENEVA
(OCTOBER 2010)**

on the subject item

***"Providing a sound legislative framework aimed at preventing electoral violence,
improving election monitoring and ensuring a smooth transition of power"***

Chosen for debate by the First Standing Committee
(*Peace and International Security*)

during the 124th Assembly in April 2011 in Panama

**Providing a sound legislative framework aimed at preventing electoral violence,
improving election monitoring and ensuring a smooth transition of power**

Item 3(a) of the agenda

*Panel discussion on the subject chosen for debate by the First Standing Committee
on Peace and International Security during the 124th Assembly in April 2011*

Sitting of Tuesday, 5 October

(Morning)

The meeting was called to order at 9.15 a.m., with the President of the First Standing Committee, Mr. T. Boa (Côte d'Ivoire), in the Chair.

The MODERATOR noted that the document A/123/3(a)-R.1 containing the draft reports of the co-Rapporteurs had been distributed to participants. Unfortunately, Mr. J. Seelam, one of the co-Rapporteurs, had been unable to attend the present meeting; he thanked Mr. Seelam for the valuable contribution he had made thus far. The panel discussion would assist the co-Rapporteurs in finalizing the report and preparing a draft resolution to be discussed by the First Standing Committee during the 124th Assembly of the IPU to be held in April 2011.

Mr. W. MADZIMURE (Zimbabwe), *co-Rapporteur*, said that elections were not the real cause of electoral violence. The electoral process was part of a larger democratic process, which, when practised fully, resulted in a legitimate government. In such situations, the transition to or retention of power was smooth. However, attempts to circumvent the will of the people were accompanied by violence, which invariably led to polarization and had implications for human development and social cohesion. In many countries, where there were problems associated with an unequal distribution of wealth, constitutional change was often advocated with a view to promoting federal government. The population often waited for an election to express itself, and violence might ensue. Another problem was the fact that, in young democracies, transitional mechanisms were not well defined. In Kenya and Zimbabwe for example, the transitional mechanisms had not been sufficiently developed to deal with full democracy, and ugly events had been witnessed. Also, as democracy became more deeply rooted in countries, elections were being more viciously contested. In the past, elections in many African countries had been a formality in order to obtain international legitimacy, and the results were a foregone conclusion. However, times had changed, and people were gaining a greater understanding of issues of governance, corruption and politics, which was leading to greater participation in the electoral process, and to a change in the electoral landscape. With elections becoming more fiercely contested, parties were responding to the threat of losing power with the use of violence and propaganda. Also, opposition parties were expecting immediate ascendance to power, and often resorted to claims of fraud and lack of transparency, and to political violence. The challenge for many countries was to ensure that there was general acceptance of the fact that elections could be won or lost. In many developing countries, there was often no distinction between the ruling party and a State institution simply because good governance and an opposition had been lacking in the past.

Provided that there was political will, it should be possible to hold free and fair elections at any time, even in conditions of instability. Consultations with stakeholders during the election process were important, but where the legislative framework was very weak, he noted that no

mechanism existed to inform stakeholders of how to conduct themselves in an election. Electoral systems could also be a cause of electoral violence, particularly the first-past-the-post system. Some countries were, therefore, using a combination of the first-past-the-post system and proportional representation in order to ensure that the views of all were accommodated.

Lastly, he said that international observation of an election could help promote legitimacy.

Mr. A. BRADLEY, *Director of Global Programmes, International Institute for Democracy and Electoral Assistance (International IDEA), Panellist*, said that a sound legal framework formed the basis of democracy and set the stage for elections to resolve conflicts, whereas a flawed framework sparked conflict. The legal framework should be built on international obligations, be comprehensive, stringent and fair, and should cover components including qualification to register as a voter and restrictions on candidature, rules governing seat allocation and terms of office, and methods of filling vacancies arising between elections. It should also address the removal of mandates, vote secrecy and election management. The election system should be tailored to the prevailing social, economic and political circumstances in the country, and elections should be a tool to mitigate existing tension. Electoral dispute mechanisms should be in place and regulations for political parties should cover funding, finance, the use of State resources, disclosure, campaigning and media access. International and domestic groups should be permitted to observe all aspects of the electoral cycle, and electoral management bodies should be independent, professional and well budgeted for. Provision should be made for well-balanced sanctions that could be enforced when necessary. The legal framework should be reformed after an election in view of lessons learned.

Turning to current and future opportunities and challenges concerning the legal framework, he underscored the need to take a holistic approach, and noted that a focus on only one aspect of governance could weaken international accountability. The role of private companies, such as public relations firms and the media, was a new area to be considered. He also asked whether the legal framework should be designed to include governments of national unity, which were being formed following disputed elections with a view to resolving conflict. The lack of attention given in developing countries to the workings of customary legal systems was also an area of concern.

Lastly, he noted that the International IDEA was an intergovernmental organization of 25 Member States that was promoting a number of initiatives worldwide. He highlighted one particular initiative that aimed to protect and promote the integrity of the electoral process, under which a global commission would be established with a view to developing recommendations for comprehensive and sustained international support for electoral processes, strengthening knowledge sharing, and supporting the institutional and professional development of key actors in the electoral process.

Mr. N. KACZOROWSKI, *Head, Election Department, Office for Democratic Institutions and Human Rights (ODIHR), Organization for Security and Co-operation in Europe (OSCE), Panellist*, said that since its establishment, the OSCE had taken a comprehensive approach to security encompassing three dimensions that were considered interdependent, namely: the politico-military, economic and environmental, and human dimensions. The Office for Democratic Institutions and Human Rights was the OSCE institution responsible for the human dimension. Its main mandate was to assist the 56 OSCE participating States in implementing their commitments, including those with respect to elections. Since the early 1990s, the Office for Democratic Institutions and Human Rights had observed more than 230 elections, thereby accumulating comparative knowledge on democratic elections conduct in the OSCE region. In the 1996 Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, Heads of State or Governments of the participating OSCE States had

recognized that continuing human rights violations, the threat to the independent media and electoral fraud endangered stability in the OSCE region, and had noted the link between flawed elections and instability, disrespect for fundamental freedoms and security, and elections that did not meet international standards and violence. Conflicts were a natural element of interaction between peoples, and an essential part of any healthy democratic debate. While elections were both a form and source of conflict and tension, democratic elections provided a voice to the voiceless and a sense of community. Moreover, electoral processes developed in some countries could help manage conflict between different political forces in a peaceful manner. The electoral violence seen in the OSCE region, although exceptional, was more insidious than in other parts of the world, and took the form of intimidation of candidates, pressure on vulnerable groups and purchase of votes from national minorities. Harassment of civil society, particularly domestic observer groups, was yet another form of electoral violence.

There were five key principles, which, if correctly applied, would help to ensure that elections served as an effective mechanism to prevent violent conflict. First, inclusiveness and openness: institutional frameworks should be designed in an inclusive and open manner with a view to achieving the broadest possible consensus. The choice of system should be a sovereign decision to be taken after an extensive national debate involving not only political parties and parliament but also other sectors of society. Proportional representation provided for greater diversity and inclusion and tended to produce a parliament that was conducive to negotiation and coalition-building, whereas the first-past-the-post system could lead to polarization. The principle of inclusiveness should also apply to the drafting of electoral legislation to ensure the greatest possible compliance by all stakeholders. Second, transparency and public confidence: the election administration established must be inclusive and representative and enjoy wide public confidence in order to legitimize and promote acceptance of the election outcome. In addition, a transparent and open election process would help to build confidence, as would the presence of national and international observers. Access to free and independent media was essential for freedom of expression, public accountability and transparency, and civil society groups that acted responsibly would help draw attention to problems that officials might be reluctant to identify. Third, inclusive participation and representation: parties excluded from an election would be obliged to use other means to express their views, and inclusive political party and candidate registration might contribute to conflict mitigation. In addition, with regard to voter registration, particular attention should be paid to national minorities and vulnerable groups, such as women and internally displaced persons, with a view to promoting community integration. Fourth, respect for human rights and fundamental freedoms: the violation of human rights was a root cause of instability and conflict, and a democratic election could not be held without respect for fundamental human rights and basic freedoms, such as freedom of expression, assembly and a free media. Fifth, accountability: candidates and voters whose electoral rights had been violated should have recourse, otherwise they might use other means to express themselves, and independence of the judiciary was a prerequisite in that regard. Impunity was also a root cause of election-related conflict, and it was important that those who had violated laws were held accountable, and punished by an independent court of law.

In his experience, the holding of democratic elections in accordance with existing standards was the best way of avoiding election-related violence. As Kofi Annan, former Secretary-General of the United Nations, had once said, there were many good reasons for promoting democracy, not least the fact that when it was sustained over the long term, it was a highly effective means of preventing conflict. Democratic governance could help to channel internal dissent in a peaceful manner, whereas authoritarian and highly personalized forms of governance, ethnic discrimination, violations of human rights and corruption were some of the root causes of many current internal conflicts.

Debate

Mr. A.F. SOROUR (Egypt) said that electoral violence, which was a negative aspect in many countries, was caused by a number of factors, including the absence of a culture of democracy and the rule of law, and a lack of control and shortcomings of the electoral process. He highlighted the importance of equitable and fair elections for the peaceful transfer of power. It should not be assumed that a safe electoral process depended on the legislative framework; a culture of respect for the rule of law must prevail. Turning to the Egyptian election process, he said that a supervisory committee headed by a senior judge had been established, as well as a general committee in each constituency. The use of offensive language, and religious beliefs as mechanisms for promoting a political party, was prohibited during the election process. One of his country's main problems was the fact that losers often resorted to violence after balloting result announcements. He drew attention to the importance of media transparency and a culture of freedom of expression, and stressed that the ultimate goal should not revolve around the use of deterrents only, but should provide for the rights of the people to elect their own representatives.

Mr. R. LEON (Chile) said that it should be clearly indicated in the documents before the meeting that differences should be resolved first by dialogue and subsequently by elections. Violence should be avoided, and he agreed that there was a clear need to strengthen those international rules and standards. He concurred with the view that impunity created more violence, and noted that it had still not been possible to extradite from Argentina the assassin of the President of Chile, who had been murdered more than 30 years earlier. He thanked the members of Group of Latin American and Caribbean countries (GRULAC), who were supporting Chile's decision to present the matter to the IPU Committee on the Human Rights of Parliamentarians. Clear standards must exist in Member countries to prevent countries giving political shelter to the murderers of democratically elected persons.

Ms. U.N. JAYARAM (Malaysia) said that during the 19th and 20th centuries, political parties had risen to the pinnacle of power and become the mainstay of parliamentary democracy. The election commission established in Malaysia pursuant to the Constitution carried out its duties in full compliance with the rule of law and was responsible for activities that included conducting the general election and bi-elections, registering electors, and delimiting constituencies. In the interests of transparency and fairness, electoral procedures in Malaysia were based on the Federal Constitution, State constitutions and electoral acts, and all political parties and independent candidates were permitted to take part in the elections. Outlining some of the confidence-building measures implemented by the election commission, she said that the nomination papers of the candidates for a particular constituency were examined by the candidates, their proposers, seconders and one other person appointed by each candidate on the morning of nomination day. Party supporters were separated during the procession of contesting candidates to the nomination centre in order to ensure zero conflict. Noting that election campaign enforcement teams were established in every constituency, she said that the campaign period allowed by law ran from the date of nominations until midnight, a day before polling day, and campaign activities were restricted to the display of posters and flags, the use of pamphlets, closed-door or house-to-house campaigns. Police permits had to be obtained for open air rallies and public campaigns. On polling day, election agents from all the political parties involved were permitted to scrutinize the voting and vote-counting procedures. Under existing legislation, an aggrieved party could submit a petition to the High Court within 21 days of the publication of the results of the elections in the gazette. The general elections held in Malaysia in March 2008 had shown that the election campaign enforcement teams had helped

to encourage participatory democracy and had also been effective in reducing hostilities and ill feelings among contesting political parties. Lastly, she noted that elections alone did not provide a guarantee of democratic rule; respect for the rule of law, a transparent political and electoral institution, a strong civil society and a vigilant media were necessary for the smooth transfer of power.

Mr. J.L. TOLEDO (Cuba) said that the right of citizens to freely elect their government was an international principle enshrined in United Nations documents, including the 1993 Vienna Declaration and Programme of Action, which stated that democracy was based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. Regrettably, forces were colluding to subvert and divide the institutional order of States in the Latin American region. In recent times, coups d'état in some countries had gone against democratic processes, and the events in Honduras and Ecuador to attempt to impose a military dictatorship had been unanimously rejected by the international community, including the IPU. Turning to the political system in Cuba, he said that elections took place every two and a half years for representatives of municipal assemblies and every five years for deputies of the National Assembly. Broad participation of the population was ensured through free, direct and secret ballots, and safe and transparent electoral processes. Noting that steps were being taken to improve certain areas in order to guarantee effective government for the people, by the people, he said that no one, however powerful they might be, had the right to dictate how political systems should be governed, nor to infringe in any way on the constitutional order of States to favour their own interests.

Mr. C.W. KIM (Republic of Korea) said that in order to prevent electoral violence, election fraud, and to ensure fair elections, it was imperative to enact legislation regulating the entire election process and to establish an independent body to manage elections in an impartial manner. His country had experienced a period of turbulence following the conduct of fraudulent elections in 1960. It had revised its Constitution in 1963 in response to strong opposition and criticism from the people, and had established a national election commission as an independent body to manage the entire election process with a view to securing democracy. In 1988, a formal presidential transition committee had been set up to prepare for the inauguration of the 13th President of the Republic of Korea, and provide for a smooth handover of power. Regular elections and the peaceful and effective transfer of power within the existing institutional framework were prerequisites so as to minimize any instability that might occur in the transitional period and consolidate democratic values.

Mr. B. BOUTOUIGA (Algeria) said that the question of external interference in election processes must be addressed. Direct interference through the financing of certain groups by developed countries, and indirect interference through the use of observers, posed a problem, particularly when the country concerned had natural resources, such as uranium and oil, which could be exploited. In some poor developing countries, elections proceeded normally, but in others, external financial resources were used to fund elections while people were dying from starvation. He requested clarification on how, in such situations, elections could be used by the people to shape their own destiny.

Ms. N. MAZAI (Belarus) said that it was the electorate only who should decide who was to take power. The handover of power should be carried out in accordance with national legislation and international standards, and she drew attention in that regard to the Declaration on Criteria for Free and Fair Elections and the Universal Declaration on Democracy adopted by the IPU. The report of the First Standing Committee should highlight the need for

parliaments to comply with relevant international instruments. In January 2010, following the advice of international organizations, the Parliament of Belarus had amended the Electoral Code with a view to achieving greater liberalization and transparency in the electoral process. Greater attention should be paid to the quality of internal and external election observation, and she noted some contradictions that persisted in the international observation of elections – including the fact that there were 20 participating countries in the OSCE where elections had never been observed, and the absence of universally recognized standards of what constituted a democratic election. International observers, including some parliamentarians, were welcome to attend the next presidential election in December 2010. Lastly, she hoped that the discussion would help to promote an effective legislative basis, universal standards for electoral processes and the proper observation of elections.

Mr. K.R. KHAN (India) said that free, fair and transparent elections were the cornerstone of a mature democracy. However, conflict and tensions resulting in violence during elections had become the major reason why the process of consolidating democracy in several countries had slowed down. Harsh punishment for election-related violence must be enforced, and strong, trusted observation and monitoring mechanisms should be put in place. Turning to his own country's experience, he said that India was the largest working democracy in the world with some 700 million people participating in the electoral process. India had a strong legal framework and a constitutional mechanism for conducting smooth elections, which enhanced their credibility. The entire election process was carried out under the supervision and control of the election commission, and over the previous 60 years, some 15 general elections to the Federal Government, 300 general elections for the state assemblies, and 13 presidential and 13 vice-presidential elections had been carried out free of violence, paving the way for a smooth transfer of power. It was one of the few countries to use an electronic voting method to prevent electoral fraud. It had recently become mandatory for candidates contesting an election to declare whether they had any criminal cases pending against them, and their expenditure during an election, the level of which was set by the election commission. India also had a strong media that reported on the conduct of the election.

Mr. N. ANASTASIADIS (Cyprus) observed that the holding of free and fair elections was an indicator of a strong democracy. Democratic elections provided for the peaceful resolution of the competition for political power and also served as the means for the people to express their will freely. Election monitoring constituted a powerful tool for promoting democracy, political rights and good governance, and for strengthening democratic practices. When done correctly, it could help build public confidence in the electoral process, but might also expose violation of election-related rights, which might undermine electoral consistency. However, if political processes were to have a realistic impact on the lives of citizens, monitoring should not be limited to polling day alone, but should also include other activities, such as public campaigns, funding, voting, counting, judicial procedures in cases of controversial election results, but also protection of the human rights of those elected from abuse of power by authoritarian governments. Institutions and international organizations should resolve to remain involved in the process to monitor the periods between and after elections.

Mr. A. AL-OMAIR (Kuwait) said that all political regimes should be based on democracy, which had to be protected. Guarantees at all levels were required, and he drew particular attention in that regard to the importance of the separation of powers in order to ensure independence. In Kuwait, the Constitution underpinned the relations between the different branches of power, and established the principles on which Kuwait had been founded. It also provided for guiding principles to prevent violence during elections and for the peaceful and smooth transition of power.

Mrs. L. SLISKA (Russian Federation) said that double standards remained a problem with respect to election campaigns in some countries and observation missions. Elections should be organized in accordance with peaceful principles and within the framework of international law, and sanctions should be imposed on those countries that allowed electoral violations and fraud. In some cases, not only electoral rights, but also human rights were being violated. For example, up to 350,000 so-called "non-citizens" had not been allowed to take part in the recent parliamentary elections in Latvia, having been excluded from the electoral process for some 20 years, but the international community had taken no action. She hoped that the discussions, which she welcomed, would facilitate the development of fair electoral processes.

Mr. S. ABDULRAHMAN (Bahrain) said that appropriate legislation facilitated the peaceful transfer of power, prevented electoral violence, and enabled elections to take place in a suitable environment. Turning to the steps taken to prevent electoral violence in Bahrain, he said that legislation had been enacted providing for the establishment of a commission composed of judges to supervise elections. The possibility also existed for parties to appeal the results of an election. A number of electoral offences had been identified, including the publication of documents that threatened or insulted the electoral commission or slandered those involved in the elections. Under law, government officials were banned from becoming candidates before resigning from their positions. In the interest of transparency, NGOs and civil society organizations were permitted to supervise elections, and the representatives of candidates were also allowed in electoral centres and polling stations.

Mr. J. JAHANGIRZADEH (Islamic Republic of Iran) said that electoral violence occurred when adopted regulations were ignored and violated. He drew attention to two types of electoral violation: first, attempts by actors to terminate the elections or to ensure that they were not held at all, and second, rivalries between candidates. With regard to the first, he said that it was important to enhance national security and remove the obstacles to the election process. Measures to prevent rivalries between candidates included the adoption of a code of conduct/ethics for political parties, the imposition of heavy fines and special activities to prepare election candidates for defeat. The general public and NGOs had a role to play in preventing such violations through the creation of an atmosphere that was conducive to discussion and the adoption of preventive measures. Claims concerning irregularities in vote-counting could be resolved by verifying the accuracy of the claim, or re-holding the election in a particular constituency, among the same voters. Other measures to prevent electoral violations included the signature of results sheets by representatives of all parties, entrusting courts or institutions with the power to settle disputes, and ensuring the impartiality of the responsible authorities. In some countries, unresolved issues left over from former elections and other factors such as preventive regulations paved the way for further violations. Efforts to promote dialogue, understanding and co-existence among the main organizers of elections, and action to create appropriate and reliable mechanisms for the investigation of complaints could also help prevent electoral violations and facilitate the smooth and peaceful transfer of power:

Mr. B. ZHANG (China) said that the topic of preventing electoral violence, improving election monitoring and ensuring the smooth transition of power was a very important one. Peace and stability, economic development and the rule of law were prerequisites for the prevention of violence and conflict, and countries should focus their efforts in that regard. The adoption of legitimate and lawful preventive measures in the early stages of any crisis would help eliminate conflict, as would the implementation of comprehensive strategies to address the various root causes of conflict. While the international community could provide

constructive assistance in dealing with the relevant issues, national sovereignty must be respected, and the government of the country concerned should assume primary responsibility. Noting that parliaments also had a role to play in preventing conflicts and violence, he recalled that two months earlier, the National People's Congress of China had passed a law on the mediation of social conflicts.

The delegate of SOUTH AFRICA said that while elections provided citizens with the opportunity to determine their future and to make their voices heard, they must be carried out in an environment free of violence, intimidation and fear. His country had come from a very divided past, and since 1994, parliamentarians had played an important role in building a culture of tolerance in South Africa. The Parliament of South Africa had passed a number of pieces of legislation determining the framework for the electoral process with a view to the holding of free and fair elections. A time period for the holding of elections had been provided for in the Constitution, and an independent electoral commission had been established to oversee all matters relating to elections and electoral processes. Various mechanisms for the resolution of disputes had been put in place, including an electoral court. An electoral code of conduct that all political parties and candidates were required to sign in public had been drawn up, and severe penalties were imposed in the event of contravention. The proportional representation system in South Africa was inclusive and allowed all political groupings to participate in the election process. Incidents of violence had decreased significantly since 1994 as a result of the efforts of political parties, the legislative framework and the mechanisms put in place to deal with such incidents. Voter education also had an important role to play in ensuring that people understood their rights as voters, and South Africa placed significant emphasis on that area. Election monitoring was an important tool in helping to ensure that elections were conducted in a free and fair environment, and he agreed that it should not be confined to polling day, but should start many months before an election to ensure that all the processes were free and fair. South African members of parliament often participated in election observer missions across the continent, and South Africa welcomed the participation of those missions during its election campaign periods. It was important that such missions did not go to a particular country with a predetermined outcome; they should be unbiased and neutral and should act impartially. As a result of the sound legislative framework and Constitution put in place since 1994, the transfer of power had been smooth and incident-free. Lastly, he noted that more young people and women were taking part in electoral processes, but that the participation of women in those processes tended to fall when violence broke out.

Mr. M. NAGO (Benin) said that the fundamental question that should be asked was why electoral violence existed. The electoral violence perpetrated by the party in power could cover a number of areas including electoral fraud, amendment of the Electoral Code a few months before the election, and a lack of impartiality concerning the electoral administration. The opposition parties could also engender violence if they failed to accept the election results. He underscored the importance of transparency, in particular in the actions of the party in power, in preventing electoral violence. If election observation by the international community was to be effective, observers should monitor the entire electoral cycle. There was little to be gained from observing only the period immediately preceding and following polling day.

Mr. I. CHELARU (Romania) emphasized the importance of effective legislation covering political parties, campaign financing, citizens, and media activities. Legislation defending human rights and the principle of non-discrimination also had a key role to play. Romania attached particular significance to electoral observer missions. It had invited international observers to its elections, and had responded promptly to OSCE recommendations. Parliamentarians from Romania participated regularly in electoral observation missions, most

recently for the general elections in Bosnia on 3 October 2010. In order to ensure free and fair elections without violence, a proper balance must be struck between respecting the rights of the candidates and voters, and ensuring a climate of public order and stability. To that end, no limitations should be placed on freedom of expression or association, but language inciting hatred or violence should not be tolerated. The law must provide for prompt and effective legal remedies. He pointed out that relevant provisions of several human rights instruments adopted by the United Nations, the Council of Europe and the European Union had been incorporated into Romanian legislation.

Mrs. M. MENSAH-WILLIAMS (Namibia) said that during elections female candidates were victims of violence and intimidation more often than their male counterparts. She drew attention to an incident that had occurred one month earlier in the Democratic Republic of the Congo, where 400 women and children had been raped and kept as sex slaves. She questioned the inaction of the United Nations Peacekeeping Force despite the numerous resolutions passed by the United Nations. A stronger global stance should be taken on violence against women in general, and the matter should also be addressed in electoral legislation.

Mr. J.M. GALAN (Colombia) said that free and fair elections were a prerequisite for a solid, democratic and sustainable electoral system. However, several countries in Latin America suffered from institutional weaknesses, and action must be taken to strengthen the electoral institutions, including through the establishment of an electronic voting office to increase transparency, and the provision of proper training for tellers to prevent fraud. Issues that deserved further consideration were the need for greater clarity and accountability regarding the funding of political parties and campaigns, and the influence on the political system and elections of organized criminal groups that used their colossal financial might to obtain power and protect their own illicit interests. As part of its efforts to ensure justice and the proper punishment of crimes committed by military groups, Columbia was seeking the extradition from the Russia Federation of an Israeli mercenary who had trained thousands of paramilitary officials who had committed massacres and illicitly influenced elections in the country.

Mr. A. ELZEIN (Lebanon) said that Lebanon was a country with multiple religions and many religious minorities. It had suffered from violence and wars and continued to suffer from foreign interference in its internal affairs. However, it was one of the few countries where the President gave the rule of power to his successor and where the parliament changed in response to the voice of the voters. Parliamentary elections had continued after the civil war, and the Israeli occupation had not led to any suspension of the Constitution or to any limitations on freedom of expression and democratic practices. The attempts to destroy the Lebanese model that was based on democracy, pluralism, freedom and national dignity had not been successful, and the dignity and determination of the Lebanese people had enabled the country to overcome aggression and oppression.

Mr. S. TAPWONGSIRIRUT (Thailand) said that, despite the election violence that had occurred in some instances in the past, Thailand stood firm on free and fair elections. In accordance with the Constitution, an independent election commission for national and local elections had been established, but certain obstacles still needed to be overcome. An extensive and effective training programme for all parties should be implemented to provide information on action to be taken in the event of violence. Witness protection programmes were required to ensure an effective judicial process, and all parties involved must abide by the law.

Mrs. B. SULIMAN ABAS (Sudan) said that her country was striving for free, democratic and peaceful elections that would lead to the peaceful transfer of power within the framework of

legal rules. In view of the unusual circumstances in Sudan, the legislation and acts governing the electoral process had been suspended. However, the peace process had seen a return to that legislation, and a new set of rules for the electoral process had also been developed, under which a quota for women representatives had been set and a permanent, independent supervisory body had been established to oversee that process. The most recent elections had been observed by 863 regional and international observers. She was pleased to report that the electoral process had not been marred by violence, and that the transfer of power had been smooth.

Mr. M. NAJIB (Indonesia) said that elections were an indispensable part of democracy, and the electoral process determined the accountability and credibility of the winners. He hoped that the forthcoming elections in Myanmar would be conducted in a free, fair and inclusive manner, and emphasized the role of international observers to ensure credibility.

In the post-reform era, Indonesia had held five democratic elections, including direct legislative and presidential elections in 2004 and 2009. Although electoral violence had fortunately been rare in Indonesia, the potential for such violence persisted. The adoption of laws on general elections in 2003 and 2008, the establishment of an independent election committee and an election monitoring board had been instrumental in promoting free and fair elections in the midst of radical political change in Indonesia. Electoral disputes had been resolved legally through a dispute settlement mechanism in the constituency general court. Education and prosperity had an essential role to play in preventing electoral violence and in increasing the quality of democracy, and he would welcome the views of the rapporteurs on various best practices in that regard. Parliamentarians should encourage and facilitate investment in a sound legislative framework and in improving election monitoring. He agreed that the smooth transition of power in a democracy did not only require fair and free elections, but also respect for the rule of law, transparent political and electoral institutions, a strong civil society and a vigilant media. Lastly, he would welcome further information on how a vigilant media could help prevent electoral violence.

Mr. C. SANTOKHI (Suriname) said that legislative, administrative, and organizational measures as well as recommendations and mechanisms adopted to foster free and fair elections should be implemented before, during and after an election in order to ensure a smooth transfer of political power and to prevent confusion, which could ignite tension. All stakeholders, including parliaments, should play a role in that process. However, the effectiveness of the measures taken would depend on the political history and culture of a nation, and on the will and trust that existed among the political parties. Several constitutional, legislative and administrative measures had been taken by the multi-party coalition and opposition to guarantee an effective and legally secure transfer of power, and he stated that the President was elected by the parliament after the parliamentary election. However, there were still gaps in the transition procedures that could create confusion and tension, including the position and status of a president-elect, and the protocols and procedures to be followed in the transition period. The Parliament of Suriname had established a working group of opposition and ruling coalition members to address those issues and guarantee a transparent and legitimate transfer of power.

Mr. F.K. KUNDI (Pakistan) said that elections should serve to promote democracy, and that violence could be prevented by holding fair and free elections. He highlighted the importance of an effective legislative framework and of the smooth transfer of power, and stressed that the electoral process, which should be formulated with equal input from all political parties, should provide equal opportunities to all stakeholders. Independent election commissions helped ensure fair and free elections, and the IPU should circulate a survey to its

Members concerning the independence of election commissions. Electoral violence undermined the electoral process, and was not conducive to the progress of democracy. Various steps were required at different levels in order to prevent electoral violence, including a legislative process based on equity and justice. In Pakistan, polling stations were usually the target of election-day violence in order to disturb the polling process, and the IPU should provide support to countries in the form of building capacity to adapt new technologies for user-friendly electoral processes. In addition, the effective monitoring of elections was essential in order to prevent electoral violence and ensure full compliance with relevant procedures. Pakistan was committed to combating electoral violence and ensuring effective electoral monitoring. The Constitution had been amended to provide for parliamentary oversight of the electoral process, and the members of the election commission of Pakistan – a neutral body – would be appointed on the recommendation of a parliamentary committee consisting of members of the ruling party and the opposition. A ban on caretaker governments had also been imposed.

Mrs. L. BENNANI SMIRES (Morocco) said that countries with fragile political systems were easy targets for outside interference, particularly when they possessed large quantities of valuable natural resources. More often than not, interference by the international community served to deepen divisions in a particular country, and was not conducive to economic and social development. She stressed the importance of international neutrality regarding the internal affairs of sovereign nations, and noted that the use of international observers, while important, should not be seen as a means to exert pressure on certain groups.

Mr. S. KAROUI (Tunisia) said that electoral violence could be direct or indirect, and would ultimately have a negative impact on the wishes of the electorate. Noting that a transparent electoral process was essential in preventing election violence, he said that a supervisory body composed of individuals known for their integrity had been established in Tunisia to oversee the electoral process and ensure its impartiality and integrity. Legislation in Tunisia permitted each of the many parties to be properly represented in the electoral process, and his country would not hesitate to invite international observers to monitor its elections. Lastly, he would welcome an exchange of experiences on how electoral processes could be conducted with impartiality and tolerance.

Ms. E. BAZAÏBA (Democratic Republic of the Congo) said that in her country's experience, consensus on issues pertaining to an election must be built among all stakeholders well in advance of an election in order to prevent electoral violence. Agreement would have to be reached on matters including the body responsible for organizing the election, the date and time of the election and the method of voting, and on steps to be taken to ensure maximum levels of participation, including among women and minorities. Awareness-raising was another important activity, and her country had particular experience in that connection with regard to women, who were the main victims of instability and conflict. People from all social groups and classes should work together on the electoral process with a view to preventing post-electoral violence.

Mr. J.-J. EKINDI (Cameroon) said that electoral violence was more common after national elections than after local elections because of collusion from those in power who wished to remain in their positions. The IPU might wish to launch an initiative to promote transparent and non-violent elections, inviting countries whose elections were considered to be free and fair to voluntarily sign up and share their experiences. Such an initiative could provide for the standardization of criteria for transparent and non-violent electoral processes that could serve

as a benchmark. Noting that some countries still chose their election observers, he said that the initiative could also help facilitate more objective and comprehensive election observation.

Mr. A. NDJAVE NDJOY (Gabon) said that there was no miracle cure for preventing electoral violence and ensuring a peaceful political transition. As an election involved multiple actors with different views and interests, violence might occur despite the preventive steps taken prior to the election. Action could be taken to limit the risks of post-electoral violence, and in that regard, he highlighted the importance of ensuring the broadest possible political participation throughout the electoral process. In Gabon, elections were organized by an independent body and electoral staff were trained. Meetings were organized to facilitate exchanges between competing groups prior to polling day in order to maintain a peaceful climate, and all political actors were required to sign and adopt a code of good conduct, banning any form of violence. The media had been trained and were involved in awareness-raising activities. Other important elements in preventing electoral violence included respect for the rights of minorities, the use of transparent ballot boxes, and the creation of appropriate legislative and political conditions.

Ms. J. DEAN (New Zealand) said that with the exception of New Zealand and Australia, there was minimal participation by women in parliament in the South Pacific. New Zealand attached importance to the development of a sound legislative framework for elections in the Pacific Islands. Much of its aid was aimed at building capacity and professionalism in the public services of the Pacific Island nations. It also provided assistance to the judiciary in those countries and, where possible, maintained dialogue with parliamentarians in all States in the Pacific as democracy could be fragile in the region. Fiji, for example, had no parliament and did not currently hold elections, and the wider Pacific region as a whole was working carefully to encourage the reinstatement of democracy in that country. New Zealand, for its part, was currently reviewing its electoral law and was working towards a consensus position across parliament with a focus on disclosure of election expenses and the funding of political parties. Noting that the police in New Zealand were currently investigating enrolment irregularities in local party elections, she said that a robust electoral roll was no guarantee against electoral fraud, and she urged all countries to be vigilant in that regard.

The delegate of ANGOLA – *in a written submission* – said that in western countries, voter apathy had been evident as a result of the blurring of lines between the left/right dichotomy. In Africa, democratic institutions remained fragile in large part due to the instability that marked transition periods and the violence that erupted at all stages of the process. National reconciliation processes were crucial, as was the physical reconstruction of countries. In addition to voter education, he suggested that elections should be free, fair and conducted in a peaceful and transparent manner. All political contenders must benefit from the same freedoms and access to State resources, election results must be respected by all parties and disputes settled through dialogue. When all those conditions were met, the electoral process would be more participatory, inclusive and transparent. Although elections were a *sine qua non* for democracy, they were not an end in themselves, but part of a broader process of political transition.

Mr. F.M. MAALIM (Kenya) recalled that the post-election violence that had erupted in Kenya following a disputed presidential election in 2007 had attracted international condemnation and intervention in equal measure. The panel of eminent personalities established as part of the international intervention had been successful in putting an immediate end to the violence and had suggested a number of reforms, including the passing and subsequent promulgation of a new Constitution. It was now mandatory for 30 per cent of

the seats in any election to go to women, and legislation on funding was also being drawn up by parliament. Turning to the prevention of electoral violence, he said that international election observer teams were useful in validating election results. Strong institutions governing elections were also important, and Kenya was providing for the establishment of an independent electoral body and ensuring judges were vetted. Commissions on electoral violence were also useful in establishing the causes of violence and preventing its recurrence.

Mr. Q. ABDELKARIM (Palestine) said that the impact of foreign intervention on countries that had chosen to govern themselves and exercise their right to self-determination must be taken into account. Palestine had chosen democracy as its goal and was strongly attached to its principles. However, the unfair occupation of its territories made its ambitions more challenging. Although free and fair elections had been held in his country, one third of parliamentarians had been arrested, and the Legislative Council had been prevented from exercising its authority. Although internal democratic machinery was important, freedom and democracy, including in the electoral process, could not be achieved unless foreign occupation throughout the world, particularly by Israel, was to cease.

Mr. S. JARA (Mexico) said that the participation of all sectors of society in democratic electoral processes was one means of preventing electoral violence. The most serious problems concerning electoral violence occurred in emerging democracies, and particular attention should be paid to those countries with a view to the development of appropriate legislative frameworks. In that regard, he said that magistrates or judges must be impartial, and the courts must be able to settle disputes in the electoral process. The media should play a responsible role in those processes, and funding should not come from illicit sources. Also, sanctions should be provided to prevent electoral violence. The IPU might wish to establish a permanent working party to undertake observations before, during and after an election, and report on the findings. He would also welcome the establishment of a global forum on elections to take into account the culture of elections throughout the world.

Ms. N. MOTSAMAI (Lesotho), referring to the importance of inclusivity in politics in order to deal with problems related to elections, said that since its first democratic election in 1965, Lesotho had implemented the first-past-the-post system. Over time, that had created serious political tension and mistrust among actors, and resulted in mass protests and civil unrest, particularly following elections. After the 1998 general election, an interim political authority had been established with a mandate to initiate a national dialogue on electoral systems and to identify one that was appropriate for the country's circumstances. It had emerged from the dialogue that the problem had always been the electoral system itself, and the fact that under the first-past-the-post system, the number of seats secured in parliament was not usually a true reflection of the performance of parties on the ground. A new system that compensated the losers or smaller parties, known as the "mixed-member proportional" had been selected, and the Constitution had been amended accordingly. Since that system had been introduced, no fewer than 10 parties had been brought to parliament. However, she pointed out that the system was not a panacea for all political ills because Lesotho continued to experience challenges related to elections.

Mr. S.H. CHOWDHURY (Bangladesh) said that while elections were important, they were not the only prerequisite for democracy. What happened between elections was as, if not more, important. The absence of violence did not necessarily imply that elections had been free and fair; the neutrality of the election commission, the civil service, the law enforcement agencies, and the integrity of the voters' list were all important considerations in that regard. Turning to election observation, he said that elections should be viewed as a process that

began well before the election was announced, and continued until the newly elected government assumed power; long-term observation was, therefore, preferable. However, in his view, it was not the observers who decided if an election was free and fair, but the voters themselves; he highlighted the importance of voter education and awareness-raising in that connection. In order to ensure that an administration relinquished its authority, Bangladesh had designed a system whereby an elected government would step down three months before the end of its term, and an interim administration would take over in the run-up to the election.

Ms. F. FOUITI (Syrian Arab Republic) said that, while electoral violence and the guarantee of the smooth transfer of power were extremely important issues, there were questions that were no less important, for example democratic elections and post-electoral democracy. She drew attention to the fact that members of the democratically elected Palestinian Parliament had been arrested by the Israelis a number of years earlier, and had yet to be released despite repeated calls to that effect from democratic institutions around the world.

Mr. J. KAWANGA (Uganda) said that although Uganda had been independent for 48 years, it had never had a smooth transition of power from one government to another. It was currently seeking to put in place appropriate legislation for the holding of free and fair elections, and requested IPU assistance in that regard. It was important to ensure internal democracy within organizations and acceptance of the situation by the security agencies.

Ms. M.W.K. NALUMANGO (Zambia) stressed that electoral violence must be prevented at all costs. Elections should give citizens the opportunity to express themselves and provide a constitutional guarantee of freedom. The media had an important role to play, and she highlighted the importance of independent and responsible reporting. An independent electoral commission had been established in Zambia to promote free, fair and orderly elections, and she noted that greater transparency could be achieved by involving all political parties in the electoral process.

Mr. S.S. JIBIA (Nigeria) pointed out that there were 63 registered political parties in his country, and highlighted the importance of internal party democracy in preventing electoral violence. He agreed that the media, which should be non-partisan, played a key role in the prevention of post-election violence. The influence of international organizations and the behaviour of international election observers should also be taken into consideration.

Ms. N. HUSSAINI (Afghanistan) said that public participation in elections in her country was decreasing: 75 per cent of people had voted in the presidential election of 2004 compared to 45 per cent for the presidential council in 2009. Despite the fact that 14 countries were supporting Afghanistan through the international coalition, the security situation in the country was getting worse. The Afghan people desired peace, social progress and an end to the protracted conflict. She called upon the international community to change their military strategies and continue the struggle against terrorism.

The delegate of ARGENTINA said that discussion should focus on the role of parliaments and parliamentarians in preventing electoral violence. The problem was not a lack of rules, but violation of those rules by those who had created them, and she highlighted the need for binding codes of conduct. Transparency was another essential element of credibility, as was the example set by parliamentarians to the general public – in particular the vulnerable and poor, who were often treated as clients of the political system, rather than as individuals with rights.

Turning to the comments made by the delegate of Chile, she said that although she did not agree with the decision of her government, the matter should be dealt with bilaterally. Argentina had been active in the fight against impunity and had established a universal criminal code, and she did not accept the assertion that the country provided refuge to assassins.

Mr. M. KIUCHI (Japan) said that, since the act on cooperation for United Nations peacekeeping and other operations had been reviewed in 1998, Japan had despatched personnel to eight international election observation activities. It had also conducted other election observation activities, responding to requests from national governments and other organizations. Fair elections were a prerequisite in order to achieve democratic progress. The election and ballots held after the cessation of armed conflict were part of the peace-making process, and he himself had had experience of observing elections in Bosnia in 1998, at a time when strong ethnic hostilities had persisted. People from many nations had gathered in that country with a common understanding of the importance of free and fair elections in order to achieve democracy and stability. He had been inspired by that experience and would encourage Japan to engage in international election observation activities more actively than ever before.

Mr. A. BRADLEY, *Director of Global Programmes, International Institute for Democracy and Electoral Assistance (International IDEA), Panellist*, said that elections were part of the process to build democracy. Continued efforts must be made to build capacity and ensure an inclusive, multi-stakeholder, transparent and participatory approach. It was clear that there was no "one-size-fits-all" solution, and he highlighted the importance of taking into consideration home-grown initiatives that could be built upon.

Mr. N. KACZOROWSKI, *Head, Election Department, Office for Democratic Institutions and Human Rights (ODIHR), Organization for Security and Co-operation in Europe (OSCE), Panellist*, thanked all participants for their contributions. Highlighting some topics raised in the discussions, he said that voter education and continued sharing of information with voters were of particular importance. The provision of training to enable civilian forces to act impartially in the event of violence was essential. Democracy was about respect for rules, political opponents, and the will of the people, and efforts should be made to achieve a level playing field, including through the sharing of available resources to enable election contestants to mount a credible campaign. Lastly, he acknowledged the importance of observing the post-election phase, including the adjudication of complaints and appeals and the announcement of results, and he called on international observers to develop a methodological framework to achieve greater precision in their reporting of election-related violence.

Mr. W. MADZIMURE (Zimbabwe), *co-Rapporteur*, said that it was clear from the discussions that political will existed in order to achieve democratic, non-violent and free and fair elections. However, what appeared to be lacking was the capacity and the legal framework for free and fair elections in a number of countries. The involvement of regional and international organizations, in particular for observation activities well before and after an election, was very important, as was civic education in order to promote an understanding of politics and of the implications of elections on the lives of people.

The MODERATOR drew attention to the need for proper elections to be held, in particular in countries such as his own that were emerging from crises, and highlighted the importance of confidence in institutions and among all those in political life, as well as the need for transparency. The justice system that would deal with appeals should be impartial, and the defence and security forces must be able to work without any kind of threat,

intimidation or violence. Levels of education should also be taken into account, and he wondered how electronic voting systems would work in countries where up to 50 per cent of the population was illiterate. Democracy was at different stages in different countries, and each posed its own challenges. However, violence was not a part of democracy, and he invited participants to consult further with the co-Rapporteurs to ensure that the document to be discussed at the 124th Assembly accurately reflected the problems countries faced in holding non-violent elections.

The meeting rose at 12.50 p.m.