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**TRANSPARENCY OF ELECTIONS
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Introductory Remarks

The UN has been providing electoral assistance to Member States since its early years.

Starting in the 1950s, the UN was tasked with facilitating or supervising a number of referenda or elections as part of decolonization processes of non-self-governing territories: for example, a UN Advisory Council for the Territory of Somaliland under Italian Administration, created in 1950 to supervise and assist Somalia’s transition to independence, advised on numerous aspects of electoral preparations, including the registration of parties and voters and the drafting of electoral legislation. Namibia in 1990

Up until 1991, such electoral activities took place in a largely decentralized manner, without standardized policies. In that year, the General Assembly established an institutional and normative framework to structure an increasingly active field of work. The foundations of this framework, considerably expanded over the years since 1991, are still in effect today. Those foundations include the following:

- UN electoral assistance is provided with due regard for the sovereignty of each state. As a consequence, it is provided only at the specific request of a member state, or based on a mandate from the Security Council of General Assembly.
- Before assistance is agreed and provided, the UN assesses the needs of the state to ensure that the assistance is tailored to the situation.
- Assistance is to be carried out in an objective, impartial, neutral and independent manner, recognizing that the responsibility for elections lies with the state concerned.
- Assistance is provided with the understanding that there is no single model of democracy.
- A system-wide focal point – the Under-Secretary-General for Political and Peacebuilding Affairs of the UN Secretariat – has a leadership role in ensuring

coherence and consistency across the various UN entities that may become engaged in electoral activities. To do so, the focal point assesses states' electoral needs, decides on the assistance to be provided to a state, if any, and by which UN entity, and issues policies on electoral assistance methodology.

Further internal guidance has been articulated by the UN focal point and is similarly applicable to all UN electoral assistance. Two aspects deserve particular mention here:

- Norm-based but not prescriptive. UN assistance is considered to be a normative activity, in that it is aimed at helping the requesting state implement international and regional commitments, norms and principles with respect to elections, and in meeting the need for transparency and inclusiveness. Nevertheless, UN advice is not to be prescriptive, in recognition of the understanding that there is no “one size fits all” and that assistance is to be adapted to the context of the country concerned.
- Delivery with a political perspective and a view to manage conflict. UN electoral assistance must be cognizant of the fundamentally political nature of elections. It should aim to contribute to longer-term political stability by considering broad participation of all political groupings and viewpoints, and ways to promote the acceptance of results (UN DPA 2012).

Numerous UN actors are involved in electoral matters, all operating within this framework. In addition to the Department of Political and Peacebuilding Affairs (DPPA, as focal point), this includes the UN Development Programme (UNDP), the Department of Peacekeeping Operations (DPKO), the Office of the High Commissioner for Human Rights (OHCHR), UN Women (UNW), the UN Office for Project Services (UNOPS), and the UN Educational, Scientific and Cultural Organization (UNESCO).

The UN identifies eight basic types of electoral assistance: a) organization and conduct of elections; b) certification; c) technical assistance; d) expert panels; e) operational support to international observers; f) support to creating a conducive environment; g) electoral observation; h) supervision; and i) electoral observation.

Supervision and electoral observation have become rare; technical assistance is by far the most frequent form of assistance. The UN focal point defines the latter as **“the legal, operational and logistic assistance provided to develop or improve electoral laws, processes and institutions, [which] can cover all, or some, aspects of the electoral process, [and which] can focus on one electoral event or can be long term covering a number of electoral events.”** It focuses primarily

on election administration and institutions, but also may also be extended to a number of other stakeholders and institutions.

Transparency Of Elections

Transparency is a key principle for credible elections. A transparent electoral process is one in which each step is open to scrutiny by stakeholders (political parties, election observers and voters alike), who are able to independently verify the process is conducted according to procedures and no irregularities have occurred. Providing transparency in an election helps establish trust and public confidence in the process, as voters have a means to verify the results are an accurate reflection of the will of the people. Voters want to fully participate in democratic processes with the comfort of knowing that the election is being managed in a transparent and secure manner.

The concept of transparency of elections often focusses on the performance of EMBs because a direct relationship is often established between an EMB performance and the quality of an election, and in some cases even the quality of democratic governance.

Election transparency is the public ability to see and verify each essential step in elections, the essential steps being:

- (1) how to vote (electoral system and process - Transparent procedures encourage participation, promote public confidence and trust in the electoral system).
- (2) who can vote (voter list)
- (3) where and how to vote (list of polling stations, voting methods – paper, online or hybrid voting method)
- (4) how the votes will be tabulated (counting of the votes)
- (5) the results transmission chain
- (6) how to deal promptly and effectively with the different types of complaints that may arise in every stage of the electoral process.

All these steps are the key to public oversight and accountability in elections.

The United Nations Perspective

The overall aim of UN electoral assistance is to instill confidence in electoral processes and thereby help build political legitimacy (United Nations 2013; and also much earlier, United Nations 1992). A central objective when supporting member states is to help ensure compliance with their international commitments, but also to help bring about an environment in which electoral contestants are more likely to win magnanimously or lose graciously). This goes to the heart of UN Charter-mandated conflict management functions (United Nations 1945: preamble and article 1).

For the UN, the key to meeting this goal does not necessarily lie, or not exclusively, in the quality of the electoral process itself or the performance of the electoral management body (EMB). A process that is fair, that respects human rights and conforms to international norms, and that is transparent and well administered by a credible authority, provides a good basis for trust.

According to internal policies, the United Nations support in the design, reform or functioning of EMB should be in pursuit of a number of guiding principles, considered to be cornerstones of EMB performance in the conduct of credible and accepted elections. These guiding principles include: protecting the independence of the EMB from any undue influence; impartiality (both real and perceived) in all its dealings with other stakeholders; transparency in decision-making and administration; and professionalism, meaning the conduct of all stages of the process in accordance with various principles and in an accurate, competent and efficient manner, by suitably skilled staff (UN DPA 2014).

The focus on building the confidence of voters and political actors in the electoral process is not an isolated approach of UN engagement. It is rather a demonstration of a key tenet of UN electoral assistance, regularly expressed by the UN Secretary-General in biennial reports to the General Assembly: “the true measure of an election is whether it engenders broad public confidence in the process and trust in the outcome” (United Nations 2011). Citizens must have trust that an outcome reflects

their will, and “building this trust from the beginning is the key priority and focus of United Nations advice” (United Nations 2013).

But how is public confidence to be brought about, and what role does support towards the quality of election management play in this?

The literature on electoral integrity and electoral management often describes a direct relationship between the quality of an election and its credibility in the eyes of voters: the higher the quality, the more credible a process is believed to be, and the more likely a losing candidate would accept her or his loss. And conversely, flaws, errors, underperformance and in particular fraud are believed to damage the quality of an election and undermine public trust (Norris 2014, among many other publications).

UN thinking asserts, in effect, two significant footnotes to this thesis:

1. UN experience suggests that – while technical quality, professionalism in election management, and adherence to international norms are highly important – confidence in an election is also shaped by its broader political context, including the stakes involved in an election and the political cost of losing; in other words, by macro-level factors that go beyond the quality of the electoral process itself or the effective performance of the EMB. It is assumed that in a high stake, winner-take-all political system, the willingness of contestants to accept an electoral loss will be under considerable strain, irrespective of the technical conduct of the election. UN experience further suggests that it is political leaders, rather than election administrators, who play a key role in facilitating an acceptance of credible election results, as it is they who set the tone in the behavior of their supports (United Nations 2013; 2015b; 2017). UN reports go on to note that “the [electoral] process is important but not an end in itself”, citing the Universal Declaration of Human Rights which speaks not only of processes but in fact emphasizes outcomes in requiring that “the will of the people shall be the basis of the authority of government” (United Nations 2017).
2. A second complement that can be discerned in UN reporting on the relationship between the quality of a process and the acceptance of results is

the following: it is not only actual flaws or fraudulent acts that lead contestants to reject an outcome. Perception plays a large role.

How does the UN apply its conception of electoral management and acceptance of results in practical terms?

The UN Secretary-General has outlined a series of suggested steps that can help create a conducive context for credible and therefore broadly accepted elections, noting that there is no single recipe (United Nations 2017). These steps include:

- Adopting the electoral rules through dialogue and on the basis of broad political consensus.
- Enhancing the inclusiveness of an election and pursuing the full participation of marginalized yet politically relevant groups. These typically include women, minorities, populations in inaccessible areas, as well as those vulnerable due to poverty or other reasons.
- Emphasizing the responsibility of political leaders to engage in peaceful, constructive behaviour, and to refrain from incitements, threats, unfounded allegations, and disengagement from a process.

Challenges to transparency in the digital age

Electronic voting and counting technologies pose a challenge to ensuring transparency, since many visually verifiable steps in a traditional election (such as how ballots were marked) are automated inside a machine and, therefore, cannot be seen by the voter and others. In such circumstances, particular efforts must be made to provide transparency in each step of the process.