



*A Global Pro Bono Law Firm*

# **ELECTIONS**

## **Peace Agreement Drafter's Handbook**

**Prepared by**

**The Public International Law & Policy Group**

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## USER'S GUIDE

The Public International Law & Policy Group's (PILPG) Peace Agreement Drafter's Handbook is a comprehensive guide on how to draft a peace agreement based upon comparative analysis of over sixty peace agreements in the past thirty years. This Handbook is intended to assist drafters, mediators, negotiators, and anyone else interested in the substantive and practical contents contained in peace agreements. The Handbook is designed to facilitate drafting peace agreements quickly, efficiently, and effectively.

The Handbook sets out for the drafter the essential components found in the majority of peace agreements since approximately sixty to seventy percent of all peace agreements draw on similar elements and language. However, every conflict is unique and the drafter may have to make adjustments to certain elements to enhance the agreement's relevancy and applicability to a particular conflict. Therefore, each chapter should be considered as ad hoc and reshaping the new agreement to address the nuances of each party's needs will be necessary. Similarly, the comparative provisions and sample language provided in the Handbook are by no means exclusive, recommended, or mandatory. The purpose of the Handbook is to assist a drafter prepare a well-crafted agreement and enhance the durability of future agreements by drawing upon the best practices from prior agreements.

The Handbook consists of several chapters all following the same basic format. Each chapter focuses on a particular section commonly found in peace agreements such as ceasefires, economic restructuring, and property restitution. Each chapter first identifies the basic elements in that particular section of a peace agreement. For example, in ceasefires, the basic elements include the identification and definition of prohibited acts, separation of forces, and verification, supervision, and monitoring. The primary notes found in each chapter provide a brief overview of a specific element. These elements are then addressed through comparative analysis. The analysis provides for the drafter language found in other peace agreements from which the most relevant to the drafter's conflict can be selected. Each section then concludes with sample language.

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## EXECUTIVE SUMMARY

In most post conflict situations the organization of credible elections is a primary and important step to initiate the process of democratization of war torn societies. The Universal Declaration of Human Rights recognizes popular will as the basis for a legitimate government's authority.

According to the National Democratic Institute, genuine elections must ensure, among other things, that the electorate (1) is free to make political choices without intimidation; (2) is adequately informed about the electoral contestants; (3) believes that its choices will be respected; and (4) is able to enjoy freedom of expression and association. In addition, the media must be able to operate freely and the electoral administration must be both impartial and effective. The international community has, and should, rely upon those broad principles as a road map in determining how best to carry out its role in the particular situation of a specific country.

Peace agreements are often the framework for the parties to set the guidelines and principles of a fair and transparent electoral process that will lead to the establishment of a responsive and representative government of the people. While the parties to different peace agreements may choose different electoral systems, the agreement usually provides the basic elements of the electoral process. Additionally, the nature of the conflict will determine whether the electoral process set forth in the agreement applies to national elections, local elections, or both.

This chapter focuses on peace agreements that address the establishment of a free and fair electoral process. There are seven basic elements found in these peace agreements which are: (1) the creation of an election commission and definition of its responsibilities; (2) measures to ensure transparency of elections and electoral campaign; (3) methods for voter registration and civic education; (4) measures to ensure freedom and openness of the media; (5) a timeframe of the electoral process; (6) international observers and monitoring of the electoral process; and (7) a voting system.

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BOSNIA AND HERZEGOVINA, General Framework Agreement for Peace in Bosnia and Herzegovina, December 14, 1995. (Bosnia and Herzegovina Agreement)

BURUNDI, Arusha Peace And Reconciliation Agreement For Burundi, August 28, 2000. (Burundi Agreement)

CAMBODIA, Agreement on the Comprehensive Political Settlement of the Cambodia Conflict, October 23, 1991. (Cambodia Agreement)

CHIAPAS (MEXICO), San Andrés Larráinzar Agreements, December 16, 1996. (Chiapas Agreement)

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MOZAMBIQUE, General Peace Agreement for Mozambique, October 4, 1992. (Mozambique Agreement)

SIERRA LEONE, Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone, July 7, 1999. (Sierra Leone Agreement)

## BASIC ELEMENTS

In drafting peace agreement provisions for elections, post-conflict nations have the unique opportunity to carefully consider what type of electoral systems and institutions will best promote their own goals with respect to democratization. Increasingly, societies are recognizing that an electoral system can help engineer cooperation and accommodation of the adversarial claims in a divided society. Electoral provisions must therefore be particularly tailored to fit each individual situation, while keeping in mind the basic elements that ensure a fair and transparent electoral process. The following section enumerates the basic elements of elections most often included in peace agreements.

### **Creation of an Election Commission and Definition of Its**

**Responsibilities:** Peace agreements generally provide for the establishment of an election commission to coordinate and organize elections. Most often, the international community has either selected or influenced the composition of an election commission for the post-conflict region. In cases where international involvement has been minimal, the government often will select an election commission after consultation with the other parties to the agreement. Sometimes a transitional government also serves as an election commission. The election commission primarily serves to supervise and ensure the fairness of the elections. Toward this goal, an election commission may be assigned specific duties, such as, organizing the election process, supervising the casting of ballots, and verifying the election's results.

### **Measures to Ensure Transparency of Elections and Electoral**

**Campaign:** Transparency requirements often include disclosure to citizens of campaign spending amounts; the processes for ballot distribution and vote counting; party activity and decision making; and election results. Some agreements provide measures for secret balloting but do not determine the specifics of the balloting process.

**Methods of Voter Registration and Civic Education:** Peace agreements do not usually specify the procedures for registering voters, but rather assign this task as a responsibility of an election commission. Voter registration provisions are often created to conform to international standards and voter registration costs are often kept to a minimum to prevent disenfranchised voters (i.e. requiring photographs where citizens cannot afford having their photographs taken). Some peace agreements also include provisions designed to educate the people on the electoral process and the major political issues facing the nation.

**Measures to Ensure Freedom and Openness of Media:** Not all peace agreements include provisions for a free and open media. However, during elections it is vital that the State establish some mechanism to guarantee equal access to the press for all political candidates, regardless of income levels. A free and open media requires not only a free press, but also that all political parties have equal access to the media in order to communicate with the voters. A free and open media promotes civic education; therefore, it might be appropriate to incorporate into their peace agreements relevant provisions contained in international instruments such as the Universal Declaration of Human Rights regarding free press.

**Timeframe of Electoral Process:** Many peace agreements contain specific language indicating either a date or a timeframe within which the government must hold elections. Specified timeframes may limit the ability of the controlling party to maintain power by refusing to hold elections. However, specifying a specific timeframe may prove to be a disadvantage if the parties fail to meet the proposed schedule.

**International Observers and Monitoring of Electoral Process:** Separate and apart from the international community's involvement in the creation of an election commission, most peace agreements also provide for the assistance of international monitors to verify the election process. The majority of peace agreements call for the assistance of international observers or monitors to certify the election results, although the mandate of observers is not always spelled out in the agreements, but can be left to the electoral commission or to an international organization.

**Voting System:** The constitutional process of selecting a political system determines which government positions and bodies the people will democratically elect. The decision about what type of system to adopt has important implications to the extent of representation that different minority groups will enjoy in the government. Peace agreements are often structured so that the voting system gives a voice to the entire population to the fullest extent possible, including women and traditionally underrepresented groups. In addition to providing universal adult suffrage, most peace agreements specify the type of electoral system to be created. Democratic institutional designs vary, but in general countries either use a majoritarian system, a proportional representation system, or some combination of the two.

The following section describes in detail each of these elements most commonly found in peace agreements addressing elections. The analysis includes exemplary language from previous agreements addressing each element and sample language for drafting provisions in future peace agreements.

## COMPARATIVE ANALYSIS

### Creation of an Election Commission

**Primary Note:** Peace agreements generally provide for the establishment of an election commission to coordinate, organize and monitor elections. An election commission primarily serves to supervise and ensure the fairness of the elections and it may be assigned specific duties, such as for instance, organizing the election process, supervising the casting of ballots, and verifying the election's results. When examining the international practice regarding the creation of an election commission it becomes clear that their role and responsibilities varies greatly, depending on the actual circumstances of each post-conflict situation. However, the issues that deserve careful consideration in setting up election commissions relates to their appointment, composition, and responsibilities.

Most peace agreements focus on the promotion of credible and successful elections. Although often unique to each particular situation, certain key elements appear in most peace agreements. The parties involved must determine which elements should be included and what types of democratic structures to create so that the electoral system is individualized to fit their particular case.

**Note:** Often, the appointment and composition of an electoral commission is realized with the involvement of the international community, which either selects or heavily influences the composition of the election commissions. In the alternative, where international involvement is minimal, the local government will select an election commission in consultation with the other parties to the agreement. International involvement may serve to ensure that the short-term political interests of the parties involved do not obscure the longer-term consequences of particular choices. The decision about how much international assistance is appropriate is specific to each case.

**Note:** With respect to the appointment and composition of the electoral commission, the Kosovo Agreement mandates the Organization for Security and Cooperation in Europe (OSCE) to establish a Central Election Commission, presided by a person appointed by the Chairman in Office of the organization. Nonetheless, the Kosovo election commission is inclusive and impartial and includes representatives of all national communities and political parties.

Kosovo Agreement

The Parties request the Organization for Security and Co-operation in Europe (OSCE) to adopt and put in place an elections program for Kosovo and supervise elections as set forth in this Agreement.

The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for:

Members of the Kosovo Assembly;

Members of Communal Assemblies;

other officials popularly elected in Kosovo under this Agreement and the laws and Constitution of Kosovo at the discretion of the OSCE.

The Parties request the OSCE to establish a Central Election Commission in Kosovo (“the Commission”).

The Commission shall consist of a person appointed by the Chairman-in-Office (CIO) of the OSCE, representatives of all national communities, and representatives of political parties in Kosovo selected by criteria to be determined by the Commission. The person appointed by the CIO shall act as the President of the Commission. The rules of procedure of the Commission shall provide that in the exceptional circumstance of an unresolved dispute within the Commission, the decision of the President shall be final and binding.

**Note:** The Mozambique Agreement leaves the international community out of the process, instead relying upon the government to set up the commission. This agreement allows the creation of the commission to remain entirely within domestic control.

### Mozambique Agreement

[F]or the purpose of organizing and conducting the electoral process, the Government shall set up a national elections commission, composed of individuals whose professional and personal qualities afford guarantees of balance, objectivity and independence *vis-a-vis* all political parties.

**Note:** The Sierra Leone Agreement confers the power to choose the members of the National Electoral Commission to the President and requires the President to consult all political parties and movements to determine membership and terms of reference of the Commission. This agreement makes no overt statement regarding the involvement, if any, of the international community in the process.

### Sierra Leone Agreement

In reconstituting the National Electoral Commission, the President shall consult all political parties and movements including the RUF/SL to determine the membership and terms of reference of that Commission, paying particular attention to the need for a level playing field in the nation's electoral politics.

**Note:** With respect to responsibilities and functioning of the election commission, peace agreements generally do not specify the particular details of how elections will be conducted. Rather, peace agreements often assign responsibility for working out such details to the election commission.

**Note:** Responsibilities of the election commission usually include: drafting electoral rules and codes of conduct, resolving electoral disputes and sanctioning violations of electoral rules, voters registration, ensuring transparency and secrecy of ballots, ballots distribution, accreditation of observers, proclaiming electoral results.

**Note:** The Burundi Agreement assigns to the election commission the duty to organize free, fair and transparent elections at the national, commune and *colline* levels; to proclaim the results of the elections and to promulgate the arrangements, the code of conduct, and the technical details, including the location of voting stations and times of voting. The Burundi Agreement also mandates the commission to ensure through appropriate rules that parties do

not operate in a manner that incites ethnic violence. Additionally, the election commission is in charge of resolving disputes that may arise in connection with the electoral process, including the duty to adjudicate complaints regarding observance of the rules of the elections and to hear disputes on compliance with the multiethnic requirements set forth in the agreement.

### Burundi Agreement

An Independent National Electoral Commission constituted in conformity with the provision of article 20 of the present Protocol shall guarantee the freedom, impartiality and independence of the electoral process.

#### Article 20

Elections at the commune level and at the national level shall be held during the transition period in accordance with the provisions and within the time-frames set forth in the present Protocol.

An Independent National Electoral Commission shall be established by the transitional Government as set forth hereunder.

The Commission shall be made up of five independent personalities and shall solicit advice from a multiparty commission of the transitional National Assembly. Its members shall be approved by a three-fourths majority of the transitional National Assembly, and may include non-Burundians who have expertise and integrity.

The Commission shall have as its functions:

To organize elections at the national, commune and colline levels;

To ensure that these elections are free, fair and transparent;

To proclaim the results of the elections within a period determined by law, which shall be as short as possible;

To promulgate the arrangements, the code of conduct, and the technical details, including the location of voting stations and times of voting;

To hear and adjudicate on complaints regarding observance of the rules of the elections. The decisions of the commission shall be final;

To ensure through appropriate rules that parties do not operate in a manner that incites ethnic violence or is otherwise not in conformity with the present Protocol;

To ensure, and hear disputes regarding, compliance with the multiethnic requirements set forth in the present Protocol.

**Note:** The Bosnia and Herzegovina Agreement establishes the basic duties of the election commission, including the supervision of international actors involved in the process. In this respect, the election commission establishes procedures for accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and to ensure that the Parties grant accredited observers unimpeded access and freedom of movement. The agreement also provides the commission with supervisory powers and enforcement powers in case of violations of the electoral rules. The commission's mandate includes the power to sanction violations of the rules and regulations and the duty of taking action to remedy any violation of any provision of the Agreement or of the electoral rules and regulations also by imposing penalties against any person or body that violates such provisions.

#### Bosnia and Herzegovina Agreement

Rules and Regulations. The Commission shall adopt electoral rules and regulations regarding: the registration of political parties and independent candidates; the eligibility of candidates and voters; the role of domestic and international election observers; the ensuring of an open and fair electoral campaign; and the establishment, publication, and certification of definitive election results. The Parties shall comply fully with the electoral rules and regulations, any internal laws and regulations notwithstanding.

Mandate of the Commission. The responsibilities of the Commission, as provided in the electoral rules and regulations, shall include:

supervising all aspects of the electoral process to ensure that the structures and institutional framework for free and fair elections are in place;

determining voter registration provisions;

ensuring compliance with the electoral rules and regulations established pursuant to this Agreement;

ensuring that action is taken to remedy any violation of any provision of this Agreement or of the electoral rules and regulations established pursuant to this Agreement, including imposing penalties against any person or body that violates such provisions; and

accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant accredited observers unimpeded access and movement.

**Note:** The Kosovo Agreement closely mirrors the Bosnia and Herzegovina Agreement, but additionally grants the electoral commission a communications and administrative staff. This agreement also presupposes a greater role for international election observers, but gives the commission the power to determine the scope of that role.

#### Kosovo Agreement

The Commission shall adopt electoral Rules and Regulations on all matters necessary for the conduct of free and fair elections in Kosovo, including rules relating to: the eligibility and registration of candidates, parties, and voters, including displaced persons and refugees; ensuring a free and fair elections campaign; administrative and technical preparation for elections including the establishment, publication, and certification of election results; and the role of international and domestic election observers.

The responsibilities of the Commission, as provided in the electoral Rules and Regulations, shall include:

the preparation, conduct, and supervision of all aspects of the electoral process, including development and supervision of political party and voter registration, and creation of secure and transparent procedures for production and dissemination of ballots and sensitive election materials, vote counts, tabulations, and publication of elections results;

ensuring compliance with the electoral Rules and Regulations established pursuant to this Agreement, including establishing auxiliary bodies for this purpose as necessary;

ensuring that action is taken to remedy any violation of any provision of this Agreement, including imposing penalties such as removal from candidate or party lists, against any person, candidate, political party, or body that violates such provisions; and

accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant the accredited observers unimpeded access and movement.

The Commission shall enjoy the right to establish communication facilities, and to engage local and administrative staff.

**Sample Language: Responsibilities of the Election Commission**

The Election Commission shall adopt electoral rules and regulations regarding the following: the registration of political parties and independent candidates; the eligibility of candidates and voters; the role of domestic and international election observers; the assurance of an open and fair electoral campaign; and the establishment, publication, and certification of definitive election results. The Parties shall comply fully with the electoral rules and regulations, notwithstanding any internal laws and regulations.

The responsibilities of the Election Commission, as provided in the electoral rules and regulations, shall include:

Supervising all aspects of the electoral process to ensure that the structures and institutional framework for free and fair elections are in place;

Determining voter registration provisions;

Ensuring compliance with the electoral rules and regulations established pursuant to this Agreement;

Ensuring that action is taken to remedy any violation of any provision of this Agreement or of the electoral rules and regulations established pursuant to this Agreement, including imposing penalties against any person or body that violates such provisions; and

Accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant accredited observers unimpeded access and movement.

The Election Commission shall enjoy the right to establish communication facilities, and to engage local and administrative staff.

**Sample Language: International Election Commission**

The parties request that the international community establish an Election Commission to supervise the preparation and conduct of elections. The Election Commission shall consist of persons appointed by the international community.

**Sample Language: Domestic Election Commission**

The government shall establish a national Election Commission to supervise the preparation and conduct of elections. The Election Commission shall be comprised of individuals [*selected by the*

*government*] who represent all political parties and movements, including [*specify political parties*].

**Sample Language: Transitional Government Election Commission**

The Transitional Government shall create an Election Commission to supervise the preparation and conduct of elections. The Election Commission shall be comprised of individuals [*selected by the government*] [*who represent all political parties and movements, including [specify political parties]*].

**Measures to Ensure Transparency of Elections and Electoral Campaign**

**Primary Note:** Most peace agreements assign the election commission the responsibility to ensure the transparency and integrity of the election process, through drafting and enforcing electoral codes of conduct. However, in some cases, peace agreements may require the government to promote transparency by undertaking specific actions, such as requiring disclosure to citizens of campaign spending amounts; the processes for ballot distribution and vote counting; party activity and decision making; and election results. Some agreements provide measures for secret balloting but do not determine the specifics of the balloting process.

**Note:** The Guatemala Agreement offers an example of this approach and focuses on the issue of transparency particularly in relation to the parties' political activities and campaign. The Agreement requires the implementation of measures to ensure regularity in the presentation of candidacies. Additionally, to ensure transparency in the financing of election campaigns and that voter preference is not supplanted by spending power, the agreement requires the Supreme Electoral Tribunal to set a ceiling for media campaign spending for each presidential candidate and requires political parties to make accounting records available for the verification of their sources of funding. To provide equal opportunities and equal media exposure, the agreement recommends the use of media time and space free of charge for all parties on an equal footing.

Guatemala Agreement

In order to promote greater transparency in the presentation of candidates by assemblies of political parties, action should be taken to ensure that all party members are informed of the convocation and holding of the general assemblies of political parties. The Electoral Reform Commission could examine whether compliance in convoking and holding the assemblies of political parties might be verified as a matter of routine by the National Registry or whether it would be useful to amend the law to enable the Supreme Electoral Tribunal to supervise effectively the convocation and holding of assemblies of political parties, as well as their results.

In order to ensure transparency in the financing of election campaigns and that voter preference is not supplanted by spending power, the Parties consider that the Supreme Electoral Tribunal should have the power to set a ceiling for campaign spending by each presidential candidate in the mass media. It is recommended that consideration be given to the possibility of providing and facilitating the use of media time and space free of charge for all parties on an equal footing.

Parties and candidates should be compelled to make available such accounting records and reports as may be required from them by the National Registry in order to verify that their sources of funding are lawful. The calculation of campaign spending should include, at market prices, any advertising donated to the parties during the election campaign.

**Note:** The Kosovo Agreement creates an independent electoral commission whose role is to supervise and ensure that elections take place in a transparent manner.

Kosovo Agreement

The responsibilities of the Commission, as provided in the electoral Rules and Regulations, shall include:

the preparation, conduct, and supervision of all aspects of the electoral process, including development and supervision of political party and voter registration, and creation of secure and

transparent procedures for production and dissemination of ballots and sensitive election materials, vote counts, tabulations, and publication of elections results.

**Note:** The Bosnia and Herzegovina Agreement explicitly includes language designed to elicit the promotion of secret, individualized voting and to ensure that all citizens, in casting their vote, are not coerced.

Bosnia and Herzegovina Agreement

The Parties shall . . . protect and enforce the right to vote in secret without fear or intimidation.

. . .

To ensure that the will of the people serves as the basis of the authority of government, the participating States will . . . ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public.

*Sample Language: Transparency Option 1*

The Election Commission shall be responsible for ensuring that all elections are free, fair, and transparent. The Election Commission shall adopt and implement procedures for monitoring elections. Official ballot results shall be made public.

Parties and candidate should be compelled to make available such accounting records and reports as may be required to verify that their sources of funding are lawful.

*Sample Language: Transparency Option 2*

The Election Commission shall be responsible for the preparation, conduct, and supervision of all aspects of the electoral process, including development and supervision of political party and voter registration, and creation of secure and transparent procedures for the production and dissemination of ballots and sensitive election

materials, vote counts, tabulations, and publication of elections results.

The Commission shall protect and enforce the right to vote in secret without fear of intimidation or retribution by guaranteeing that all voters have access to secret and personal ballots.

### **Methods of Voter Registration and Civic Education**

**Primary Note:** Peace agreements do not usually specify the procedures for registering voters, but rather assign this task as a responsibility of an election commission. Voter registration provisions are often created to conform to international standards and voter registration costs are often kept to a minimum to prevent disenfranchised voters (i.e. requiring photographs where citizens cannot afford having their photographs taken).

Some peace agreements also include provisions designed to educate the people on the electoral process and the major political issues facing the nation. Civic education is particularly important where the population is generally uninformed as to these issues. Peace agreements generally do not specify how such civic education campaigns shall be conducted, but may assign responsibility for such a campaign to the election commission.

**Note:** The Kosovo Agreement specifies that the electoral commission should determine voter registration criteria. The Agreement stresses the need to focus on registration methods to ensure the involvement of displaced persons and refugees.

#### Kosovo Agreement

The Commission shall adopt electoral Rules and Regulations on all matters necessary for the conduct of free and fair elections in Kosovo, including rules relating to: the eligibility and registration of candidates, parties, and voters, including displaced persons and refugees;

The responsibilities of the Commission, as provided in the electoral Rules and Regulations, shall include:

the preparation, conduct, and supervision of all aspects of the electoral process, including development and supervision of political party and voter registration.

**Note:** The Guatemala Agreement provides significant details regarding the process of voter registration. For instance, in an effort to prevent voter fraud, the agreement requires that the government issue to its citizens a single identification document that will serve as personal identification for all government related matters, including elections

### Guatemala Agreement

Given that lack of reliable documentation is an obstacle to the implementation of the various phases of the electoral process, the Parties consider that it would be useful to introduce a single identity document, with a photograph of the holder, which would replace the present local identity card and which, as an identification document for all civil matters, would also serve for elections. Such a document would be issued by the Supreme Electoral Tribunal, through the National Registry. To this end, the appropriate reforms of the Elections and Political Parties Act and the Civil Code would be undertaken. As a contribution to the next general elections, it would be extremely important and useful for all citizens to use the new single identity document.

**Note:** The Angola Agreement makes specific mention of the need for civic education. The UN and the National Electoral Council of Angola conducted a civic education campaign designed to educate voters on the purpose of the elections and the general manner in which voting should take place.

### Angola Agreement

A civic education campaign of voters on the objectives of the second round of the presidential elections, the electoral process and the manner of casting the votes shall be conducted within the requisite time schedules and through the appropriate means.

**Note:** The Guatemala Agreement includes a detailed excerpt on the importance of civic education. The responsibility of organizing a civic education campaign is attributed to the Electoral Reform Commission but the agreement also sets the specific goals the education campaign should achieve, such as: (a) explaining the importance of the right of citizens to vote and to be elected;(b) encouraging and promoting the timely preparation of electoral rolls; (c) providing information on how to vote, the documents to be presented at voting tables and centers and the hours during which voting takes place; (d) provide information on how to organize civic committees or join a political party.

### Guatemala Agreement

The increasingly active participation of citizens in the electoral process is a guarantee of the legitimacy and representativeness of the elected authorities. This objective would be more easily achieved if ongoing campaigns to educate, motivate and inform citizens were carried out. The Electoral Reform Commission would examine the possibility of conducting information campaigns to:

Explain the importance of the right of citizens to vote and to be elected;

Encourage and promote the timely preparation of electoral rolls;

Provide information on how to vote, the documents to be presented at voting tables and centres and the hours during which voting takes place;

Provide information on how to organize civic committees or join a political party.

### *Sample Language: Voter Registration and Civic Education*

The Election Commission shall be responsible for adopting rules and regulations relating to the registration of eligible voters.

The active participation of all citizens in the electoral process is important to promote democracy, legitimacy, and ensure that elected leaders represented the will of the governed. This objective would be

more easily achieved if ongoing campaigns to educate, motivate and inform citizens about the benefits of the electoral process were carried out. Toward this end, the Election Commission shall conduct civic education campaigns to:

Explain the importance of the right of citizens to vote and to be elected;

Encourage and promote the timely preparation of electoral rolls;

Provide information on how to vote, the documents to be presented at voting tables and centres and the hours during which voting takes place; and

Provide information on how to organize civic committees or join a political party.

### **Measures to Ensure Freedom and Openness of Media**

**Primary Note:** Not all peace agreements include provisions for a free and open media. However, during elections it is vital that the State establish some mechanism to guarantee equal access to the press for all political candidates, regardless of income levels. A free and open media requires not only a free press, but also that all political parties have equal access to the media in order to communicate with the voters. A free and open media promotes civic education; therefore, it might be appropriate to incorporate into their peace agreements relevant provisions contained in international instruments such as the Universal Declaration of Human Rights regarding free press.

**Note:** In addition, recognizing the connection between a free press and an informed citizenry, peace agreements often require that the press publish the results of elections. The parties may agree to incorporate these provisions directly in the agreement, or the agreement may vest authority for ensuring the freedom of the press with the election commission.

**Note:** The Angola Agreement identifies the important role of a free press in

legitimizing elections and provides that election results, as well as projections, are published in accordance with established law in a manner that is fair, consistent and balanced to all parties.

#### Angola Agreement

Notwithstanding the inalienable freedom of the press, publication of the election results by the mass media as well as any statistical projections of the outcome of the final determination of the results, shall be in accordance with the provisions of the law.

**Note:** The Mozambique Agreement stipulates that the national newspaper must publish the results of the election immediately upon its availability and mandates that the Electoral Commission ensure implementation of this provision.

#### Mozambique Agreement

The Commission shall have the following functions:  
To draw up and have published in the national gazette (*Boletim da República*) the lists of the results of the final vote tally.

**Note:** The Bosnia and Herzegovina Agreement establishes the importance and commitment of all parties to a free press. However, rather than articulate that an electoral result must be published by a certain publication with a specified time, the clause mandates that government can not interfere with access to the media by any political group.

#### Bosnia and Herzegovina Agreement

The Parties shall . . . ensure freedom of expression and of the press.

. . .

To ensure that the will of the people serves as the basis of the authority of government, the participating States will . . . provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process.

**Sample Language: Measures to Ensure Freedom and Openness of Media**

The [parties] [government] [Election Commission] shall ensure the freedom of the press.

To ensure that the will of the people serves as the basis of the authority of the government, the [parties] [government] [Election Commission] shall provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the political process.

To ensure that voters are informed about the election process and to promote electoral participation, all election results shall be published in the press.

**Timeframe of Electoral Process**

**Primary Note:** Many peace agreements contain specific language indicating either a date or a timeframe within which the government must hold elections. Specified timeframes may limit the ability of the controlling party to maintain power by refusing to hold elections. However, specifying a specific timeframe may prove to be a disadvantage if the parties fail to meet the proposed schedule.

**Note:** Most peace agreements set forth a specific schedule for the holding of elections. Providing a specific date by which to conduct elections gives all parties involved a set of shared expectations, potentially limiting the ability of the party in control to retain power by postponing elections.

**Note:** The Macedonia Agreement provides both a specific date for elections and specifies who will be allowed to observe.

**Macedonia Agreement**

Parliamentary elections will be held by 27 January 2002. International organizations, including the OSCE, will be invited to observe these elections.

**Note:** The Kosovo Agreement does not specify the election day by date, but rather gives a time frame within which the elections must be held and gives the Commission President the power to determine the exact date.

### Kosovo Agreement

Consistent with Article IV of Chapter 5, the first elections shall be held within nine months of the entry into force of this Agreement. The President of the Commission shall decide, in consultation with the Parties, the exact timing and order of elections for Kosovo political offices.

**Note:** Like the Kosovo Agreement, the Croatia Agreement uses a time frame model rather than a specific date. The Croatia Agreement marks the latest date for elections at all levels of government, and determines that date in relation to the end of the transitional period. This agreement is particularly useful for transitioning governments.

### Croatia Agreement

Not later than 30 days before the end of the transitional period, elections for all local government bodies, including for municipalities, districts, and counties, as well as the right of the Serbian community to appoint a joint Council of municipalities, shall be organized by the Transitional Administration.

### **Sample Language: Timeframe of Electoral Process**

Elections for [*insert area where elections will be held*] shall be held no later than [*specify number of days/ months after the signing of this agreement*] [*or after the achievement of a specified milestone*].

## International Observers and Monitoring of Electoral Process

**Primary Note:** Separate and apart from the international community's involvement in the creation of an election commission, most peace agreements also provide for the assistance of international monitors to verify the election process. The majority of peace agreements call for the assistance of international observers or monitors to certify the election results, although the mandate of observers is not always spelled out in the agreements, but can be left to the electoral commission or to an international organization.

International observers may enhance the stability of the election process and lend credibility to the election's outcome by verifying with impartiality that the elections were free and fair. At the same time, the international community has increasingly recognized the importance of including domestic nonpartisan observers in the election process.

**Note:** The Sierra Leone Agreement leaves the role of electoral monitors unspecified and mandates the National Electoral Commission to request the assistance of the international community and particularly that of the UN, OAU and ECOWAS in monitoring the presidential and parliamentary electoral process.

### Sierra Leone Agreement

The [National Electoral Commission (NEC)] shall request the assistance of the International Community, including the UN, the [Organization of African Unity (OAU)], [Economic Community of West African States (ECOWAS)] and the Commonwealth of Nations, in monitoring the next presidential and parliamentary elections in Sierra Leone.

**Note:** The East Timor Agreement grants monitoring power and the authority to determine the manner in which the monitoring process would be carried out to the United Nations Secretary-General.

### East Timor Agreement

The United Nations Secretary-General shall have the responsibility and authority to monitor and verify compliance with this Agreement. This authority includes monitoring the election of members of the Regional Council of People's Representatives of the SARET [Special Autonomous Region of East Timor] and verifying that such elections are free and fair. For this purpose, the United Nations Secretary-General may establish in the SARET such offices as he deems necessary which would operate within a specific time-frame to be further agreed upon between the United Nations and the Indonesian Government.

**Note:** However, the most important issues in defining the scope of an international election monitoring mechanism are deciding the composition of international observers' mission and defining the role and responsibilities assigned to it.

**Note:** With respect to the composition of international observers, it should be noted that both public multilateral organizations and private institutions may be used, depending also on their pre-existent presence in a certain territory or on their previous involvement in managing a specific conflict.

**Note:** When peace agreements directly define the extent of observers' involvement in the electoral process, the standards for supervising the elections are usually determined on the basis of generally accepted principles and practices developed by international organizations on how to conduct electoral observation. The mandate and responsibilities of international monitors are defined in peace agreement on the basis of two criteria: (1) international observers may be assigned either a narrow mandate of monitoring the process or (2) may be vested with the broader authority of monitoring and certifying the validity of the elections.

**Note:** The Bosnia and Herzegovina Agreement invites international observers, but emphasizes the limit of their mandate stressing the need for non-interference in the election process. In the Bosnia and Herzegovina Agreement, both observers from the Commission on Security and Cooperation in Europe (OSCE) and from any private institutions and organizations are invited to observe the electoral process.

### Bosnia and Herzegovina Agreement

The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE [Commission on Security and Cooperation in Europe] participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavor to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

**Note:** In the Angola Agreement, the United Nations and international observers are assigned the role of certifying validity of the presidential elections after consultation with the newly elected organ and after verification of the fulfillment of certain requirements.

### Angola Agreement

Under the terms of articles 8 and 12 of Law 5/92, of 16 April 1992, the second round of the presidential elections will be organized by the competent Angolan State institutions, including the National Electoral Council, with the appropriate support, verification and monitoring of the United Nations, as well as the participation of international observers.

The United Nations shall certify by a formal declaration, after consulting the organ which succeeds the [Joint Politico-Military Commission (Comissão Conjunta Politico-Militar) (CCPM)], the fulfillment of all the indispensable requirements and all the requisite conditions for the holding of the second round of the presidential elections, especially those arising out of the fulfillment of all the obligations under the Lusaka Protocol.

### *Sample Language: International Observer Option 1*

The parties invite observers from the international community and appropriate private organizations to provide support, verification, and

monitoring of elections. The observers shall certify the elections by formal declaration after their completion.

**Sample Language: International Observer Option 2**

The parties invite observers from the international community and appropriate private organizations to provide support, verification, and monitoring of elections. The observers from the international community shall establish such offices as and take whatever actions they deem necessary to monitor the elections and verify compliance with this Agreement.

## Voting System

**Primary Note:** The constitutional process of selecting a political system determines which government positions and bodies the people will democratically elect. The decision about what type of system to adopt has important implications to the extent of representation that different minority groups will enjoy in the government. Peace agreements are often structured so that the voting system gives a voice to the entire population to the fullest extent possible, including women and traditionally underrepresented groups. In addition to providing universal adult suffrage, most peace agreements specify the type of electoral system to be created. Democratic institutional designs vary, but in general countries either use a majoritarian system, a proportional representation system, or some combination of the two.

**Note:** The Mozambique Agreement simply mandates the Government to draft the electoral law in consultation with the opposition party RENAMO and within a specified timeframe.

### Mozambique Agreement

The Government undertakes to assist in obtaining facilities and means so that [Resistencia Nacional Mocambicana (RENAMO)] may secure the accommodation and transport and communications facilities it needs to carry out its political activities in all the provincial capitals, and in other locations to the extent that the available resources so permit.

**Note:** The Burundi Agreement offers a model of proportional representation system, but with special provisions for the first election.

### Burundi Agreement

There shall be elections for the National Assembly, which shall take place after the commune elections and before the election of the President. The National Assembly shall have 100 directly elected members. As an exceptional measure and for the purpose of the first election only, and only if one party has received more than three-fifths of the directly elected seats, an additional 18 to 21 members in total shall be co-opted in equal numbers from the lists of all the parties that have obtained more than the threshold vote, or two persons per party if more than seven parties qualify.

The electoral system for the National Assembly shall be the system of blocked lists with proportional representation. The revised electoral code shall prescribe that lists be multi-ethnic in character and reflect gender representation. For each three names in sequence on a list, only two may belong to the same ethnic group, and for each five names at least one shall be a woman.

**Note:** The Kosovo Agreement contains an example of a mixed system: two-thirds of the seats in the Assembly are assigned through a majoritarian system, and one third with proportional representation through election by members of qualifying national communities.

### Kosovo Agreement

Kosovo shall have an Assembly, which shall be comprised of 120 Members.

Eighty Members shall be directly elected.

A further 40 Members shall be elected by the members of qualifying national communities.

Communities whose members constitute more than 0.5 per cent of the Kosovo population but less than 5 per cent shall have ten of these seats, to be divided among them in accordance with their proportion of the overall population.

Communities whose members constitute more than 5 per cent of the Kosovo population shall divide the remaining thirty seats equally. The Serb and Albanian national communities shall be presumed to meet the 5 per cent population threshold.

**Note:** Another model of mixed system is offered by the Lebanon Agreement, which provides an interim electoral system that equally divides the parliament by the categories of religious group, specific denomination, and geographic district. The resulting system resembles a majoritarian system with added proportional requirements for the religious make-up of the parliament.

#### Lebanon Agreement

Until the Chamber of Deputies passes an election law free of sectarian restriction, the parliamentary seats shall be divided according to the following bases:

Equally between Christians and Muslims.

Proportionately between the denominations of each sect.

Proportionately between the districts.

**Note:** The Chiapas Agreement provides for a majoritarian system for municipal councils, but allows for the continuation of the electoral rules of pre-existing indigenous councils.

#### Chiapas Agreement

In order to administer the municipalities, there will be councils elected by direct popular vote, as well as indigenous councils elected according to practices and customs, subject to their prior regulations

and their incorporation into the electoral law currently in force in the State of Chiapas, which shall be defined when it is considered as an indigenous council.

**Note:** The choice of electoral system is a complex one and depends upon the specific circumstances of each post-conflict situation.

**Note:** In a majoritarian system (used in countries such as the United Kingdom, the United States, Italy, Canada, Australia, Botswana, and India), representation is based on geographic constituencies and voters directly elect a representative (either by majority or plurality vote).

**Note:** Proportional representation systems (used in the majority of established democracies including Austria, Israel, Costa Rica and Colombia) come in many varieties, but in general voters tend to elect representatives by voting for parties in larger geographic areas.

**Note:** Some nations (e.g., Germany, New Zealand) use a combination of the two systems, electing some legislative seats by the majoritarian system and some by the proportional representation system.

**Note:** The main argument for proportional representation is that it produces a legislature that more accurately represents the diversity of opinions and party preferences of the people. While a majoritarian system tends to have less diversity of opinion, directly elected representatives provide greater accountability and stability. Especially in nations with deep ethnic rifts, great consideration must be given to whether minority groups would be better served by a more diverse legislature or by having their own representative in a majoritarian district. A mixed system may provide the stability of a majoritarian system with the diversity of a proportional representation system.

**Note:** Any of the electoral systems briefly described above can also be used at the local level. Due to the direct role of local government in people's lives, geographic representation often has primacy in local elections

**Sample Language: Proportional Representation**

The electoral system for the legislature shall be based on a system of proportional representation.

**Sample Language: Direct Representation**

The electoral system for the legislature shall be based on a system of majoritarian representation in single-member districts.

**Sample Language: Hybrid Representation**

The electoral system for the legislature shall be comprised of [*specify the number*] members who are directly elected in single-member districts, and [*specify the number*] members who are elected by proportional representation [*or specify some other election method according to local customs and practices as may be appropriate*].

**Sample Language: Organization of Elections**

Elections shall be organized at the national and local levels. Local elections shall provide voting centers in locations that facilitate access to the polls for both citizens and for elections monitors.

## SUMMARIES OF RELEVANT AGREEMENTS ADDRESSING ELECTIONS

### Afghanistan

Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions

Date: December 5, 2001

The Afghanistan Agreement included the establishment of a 30-member Interim Authority to govern the nation until the convening of an Emergency Loya Jirga, or grand council, to determine the future government of the country. The Agreement called for the assistance of the United Nations to create a census and to register voters. At the meeting of the Loya Jirga in June 2002, the Interim Authority elected Hamid Karzai to lead Afghanistan's Transitional Government. Although many delegates expressed dissatisfaction with the influence of warlords and the international community in the Loya Jirga, the gathering was the first representative meeting of Afghanistan's diverse population since 1987.

Following his appointment as President by the Loya Jirga, Karzai announced his selection of a new cabinet. The transition to democracy in Afghanistan faces substantial challenges. The new government faces several pressing domestic challenges, including expanding the limited reach of the central government, combating regional warlords, disarming local militias and clearing mines, drafting a new constitution and preparing for the first elections.

### Angola

Lusaka Protocol

Date: November 15, 1994

An on-going civil war severely hampers Angola's democratic development. However, an earlier Angolan peace agreement (1991) included a commitment to hold long promised general elections. In 1992 Angolans voted in presidential and legislative elections for the first time. Even though the United Nations certified the elections to be free of major fraudulent activities, the losing party, UNITA, refused to accept the results and the country slipped back into war.

As a remedy, the Lusaka Protocol called for a second round of presidential elections to be organized by the Angolan State institutions, including the National Electoral Council, with the appropriate support, verification and monitoring to be

provided by the United Nations and international observers. Such international involvement was deemed necessary to guarantee public safety, public freedoms and commerce throughout the national territory. In accordance with the Lusaka Protocol, the United Nations monitored voter registration, which was set within a strict timeframe. The UN also participated in a campaign to educate voters. Following the elections, the UN issued a statement certifying that the election was free and fair. However, the Lusaka Protocol did not lead to peace in Angola. Fighting between rebels and the Angolan government resumed and continued until a nationwide cease-fire in 2002.

### **Bosnia and Herzegovina**

The General Framework Agreement for Peace in Bosnia and Herzegovina  
Date: November 21, 1995 (initialed in Dayton); December 14, 1995 (signed in Paris)

The Bosnia Agreement created a foundation for a representative government by requiring free, fair and democratic elections in a politically neutral environment. It included provisions to protect and enforce the right to vote in secret without fear or intimidation. The Agreement relied on the Organization for Security and Cooperation in Europe (OSCE) and other international organizations to certify that elections are effective and free of fraud. The Agreement allowed international observers to create an election regime and to supervise the preparation of local and national elections. Under the terms of the Agreement, the Election Commission was to adopt electoral rules and regulations, and be responsible for compliance with election regulations. The Agreement allowed for universal suffrage for persons over 18 years old. Finally, the Agreement required that voting take place in the home municipality (pre-conflict census location) in order to address the problem of displaced people.

Since the signing of the Bosnia-Herzegovina Agreement in 1995, Bosnia-Herzegovina has made demonstrable if uneven progress toward a stable political system along democratic lines. Multi-ethnic and pro-Dayton political parties have increased their participation at all levels of government. This promising development, coupled with the increase in government competencies (such as election administration) and the admittance of Bosnia-Herzegovina into the Council of Europe, suggest that citizens and politicians are gradually establishing governments to combat challenges such as ethnic separations, youth emigration, corruption and economic stagnation.

General elections scheduled for October 2002, seen as a critical juncture in Bosnia-Herzegovina's post-war development, did not bring renewed support for the incumbent Alliance for Change government. Nationalist parties increased their representation in government and thus have mandates to form new local governments throughout the country. The election results were viewed as an indication of voter dissatisfaction with moderate political parties and the pace of reform.

## **Burundi**

Arusha Peace and Reconciliation Agreement for Burundi

Date: August 28, 2000

The Burundi Agreement created a National Electoral Commission to establish electoral rules and laws, the code of conduct and the technical details (e.g., schedule, location of voting stations, etc.). The Agreement called for free, fair and transparent local, national and presidential elections. People of all ethnic groups and both genders are allowed to participate. The Agreement set up a system of proportional representation through the National Assembly, which, in conjunction with the Senate, was to elect the first post-transitional President by a two-thirds vote. Under the Agreement, the National Electoral Commission must publish the election results as soon as they are available. Finally, the election provisions in the Agreement called for ethnic and gender diversity in voting lists: for each three names in sequence on a list, only two may belong to the same ethnic group, and for each five names, at least one must be a woman. Additionally the Agreement requests monetary and technical help from the international community.

Parties seem to be adhering to the Burundi Agreement, which provided for a three-year transitional period. In an unprecedented historic moment and in accordance with the provisions of the Burundi Agreement, President Pierre Buyoya stepped down on April 30, 2003 and transferred power to his Hutu vice-president, Domitien Ndayizeye. However, it is unclear whether the country can hold free and fair elections and abide by the stipulations of the Burundi Agreement.

## **Cambodia**

Agreement on a Comprehensive Political Settlement of the Cambodia Conflict  
Date: October 23, 1991

The Cambodia Agreement set up a system of proportional representation by calling for elections to be held on a provincial basis. Under the Agreement, each candidate for political office was required belong to a political party, which the Agreement stipulated must be formed by 5,000 votes. The Agreement provided for universal suffrage and secret ballots. The Agreement specifically called for the freedom of speech, movement, assembly and fair media access to all political parties. Elections were to be held under the auspices of the United Nations in a neutral political environment.

Cambodia's first self-administered national elections, held in June 1998, took place amid a climate of violence and intimidation. Coupled with flaws in the legal framework and lack of independent electoral authorities, this environment did not produce a genuinely competitive process.

In February 2002, Cambodia held its first local elections since the 1991 peace agreement was signed. While the general level of violence declined in comparison with the national elections of 1993 and 1998, the pre-election period was still marred by political killings, intimidation, voter coercion and vote buying. National elections held in July 2003, were relatively peaceful, although the run-up to those parliamentary elections saw a troubling list of rights violations, including the government's continuing failure to investigate cases of political violence, arbitrary restrictions on public rallies and party meetings, and unfair and unequal access to the broadcast media.

## **Chiapas (Mexico)**

San Andrés Larráinzar Agreements  
Date: February 16, 1996

As stated in the Conclusion to Document 1 of the San Andrés Larráinzar Agreements, the purpose of these Agreements was to address "the feeling in Mexican society that a new relationship between the State and society and the country's indigenous peoples was necessary." The Chiapas Agreements called for a fair and transparent electoral process based on indigenous traditions. They established councils that are elected by direct popular vote to administer elections,

according to indigenous custom and practice. The Agreements created mechanisms that guarantee proportional representation of natives on civic election councils. They included a proposed amendment of the constitution to include legislation on the right of indigenous people to elect their own authorities according to their own rules. Finally, the Agreements had provisions guaranteeing participation by women.

Despite the 1996 Agreements, violence continued. In December 1997, 45 people were massacred in Acteal, Chiapas by members of an armed civilian group that supported the ruling party. The attacks took place within a context of government-supported or officially tolerated violence and widespread impunity. At the same time, supporters of the ruling party have also suffered attacks.

The July 2, 2000 national elections resulted in the victory of Vicente Fox of the PAN (National Action Party) and the first democratic transfer of presidential power between parties since the 19th Century. Electoral reforms in Mexico also made it possible for opposition parties to challenge the seven decades of political dominance by the Institutional Revolutionary Party - PRI.

### **Croatia**

The Erdut Agreement

Date: November 12, 1995

The Croatia Agreement directed the United Nations to establish a transitional government to organize elections at all levels. International bodies were responsible for monitoring and verifying the elections. Overall, Croatia has enjoyed successful elections, yet democratic institutions still lack public confidence.

Croatia has made great strides in its democratic development, beginning with the 2000 electoral defeat of the authoritarian Tudjman regime and continuing under the leadership of President Stjepan Mesic and Prime Minister Ivica Racan. Croatia became a member of NATO's Partnership for Peace program in 2000, and became a candidate for European Union membership in June 2004. On April 2, 2003, the National Parliament adopted changes to Croatia's election law, Law on Election of Representatives in the National Parliament. The changes to the election laws increased representation of Serbs as well as other minority groups that had not been represented in the Parliament. These changes reflected the enactment of the Constitutional Law on National Minorities, which increased special representation of minorities in Parliament.

## **East Timor**

Agreement Between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor; Agreement Regarding the Modalities for the Popular Consultation of the East Timorese Through a Direct Ballot  
Date: May 5, 1999

The East Timor Agreements call for universal adult suffrage, giving the people the right to elect officials to represent them in the Regional Council of People Representatives. Once elected, these officials have legislative power and are expected to use this power to best serve the needs of the East Timorese people.

Following the May 1999 Agreement, the people held a referendum on independence in August 1999. Prior to the referendum, militia loyal to Indonesia, apparently assisted by the military, tried in vain to use terror to discourage a vote for independence. When the referendum showed overwhelming support for independence, loyalists went on the rampage, murdering hundreds and reducing towns to ruins. An international peacekeeping force was needed to stop the violence. Subsequently, the United Nations Transitional Administration in East Timor (UNTAET) was established in October 1999 and mandated with preparing East Timor for self-government. With independence, UNTAET was replaced with the United Nations Mission of Support in East Timor (UNMISSET) to provide assistance to central administrative structures in the country.

In April 2002, Xanana Gusmao, a hero of the independence movement, won the presidential election with an overwhelming majority to become the country's first head of state.

## **Guatemala**

Agreement on the Definitive Ceasefire  
Date: December 4, 1996

The Guatemala Agreement established an independent institution, the Supreme Electoral Tribunal, to safeguard the electoral process. The Tribunal was given the responsibility of promoting education and participation in the voting process, as well as providing easy access to voting centers. The Tribunal includes one representative from each party in order to achieve fair and balanced representation.

The Agreement ensured authentic voter identification by calling for the issuance of a photographic voter identification card that could be presented at the polling station.

Since the Guatemala Agreement brought an end to decades of civil war, Guatemalans have faced many challenges in promoting democratic governance. A lack of political will has stalled the implementation of the Guatemala Agreement and hampered political, economic and social reform. Political parties and governments have not reached out to citizens nor effectively addressed the country's pressing problems. Citizens, particularly women and indigenous peoples, are largely removed from politics and disillusioned with the political process, leading to notably high rates of voter abstention in the 2003 presidential elections.

### **Kosovo**

Interim Agreement for Peace and Self-Government in Kosovo  
Date: February 23, 1999

The Kosovo Agreement created a Kosovo Assembly of 120 members. Under the Agreement, 80 members are elected directly and the remaining 40 are elected based on the national communities. The members of the assembly are democratically elected for a term of three years. Under the Agreement, members of parliament select, from among their ranks, executive leaders, a president and two vice presidents, representing all the major national communities. In addition, the Agreement recognized the existing communal borders. It provided that each commune have an assembly, an executive council and administrative bodies and that the communal assembly proportionally represent each national community. All governmental responsibilities not expressly assigned elsewhere are the responsibilities of the communes.

The Kosovo Agreement's election provisions have largely been successful. In November 2001, Kosovo elected a new parliament. Political parties and civic groups worked together with the international community to engage the public in a peaceful process that culminated in the election of 120 members of the Central Assembly. In February 2002, the Assembly approved Kosovo's first elected government. A third election cycle for representatives to 30 municipal assemblies took place in October 2002. In July 2004, Kosovo's Central Election Commission was reconstituted with members chosen by the UN administration.

## **Lebanon**

The Taef Agreement

Date: October 22, 1989

The Lebanon Agreement expanded the existing parliament to 108 seats, with the two major parent groups - the Christians and the Muslims - equally represented. The signatory parties appoint members to the expanded seats to be replaced in the national elections. The various subgroups are divided within the Christian and Muslim headings according to their affiliations. The Agreement specifies that, within each parent group, the subgroups must be proportionally represented. The elections themselves are to be free from sectarian restriction. The Agreement establishes that, upon the election of the national assembly, a senate will be formed to represent all national families, with its powers confined to crucial issues. The Agreement redefined the roles of the President, the Prime Minister and the Speaker of the House. Power shifted from the Christian president to the Sunni-Muslim Prime Minister and the Shia-Muslim Speaker of the House. Lebanon held parliamentary elections in 1996 and Gen Emile Lahoud was elected president in 1998. In September 2004, Syrian interference with the Lebanese presidential elections, in contravention to the Taef Agreement, compelled the Cabinet and Lebanese National Assembly to circumvent the electoral process by extending President Lahoud's term by three years.

## **Macedonia**

Framework Agreement

Date: August 13, 2001

Although a sense of crisis still dominated Macedonia throughout 2002, the signing of the Macedonia Agreement in August 2001 significantly reduced the level of violence between ethnic Macedonians and ethnic Albanians. The Macedonia Agreement set a specific date for national elections to be supervised by international organizations. Parliamentary elections were successfully held in September 2002, confirming the public's support both for the Agreement and the political parties that promoted its vision for a united country.

The 2002 parliamentary contest was widely viewed as Macedonia's first truly fair election and resulted in a change of power in both the ethnic Macedonian and ethnic Albanian parties. The Social Democratic Party of Macedonia (SDSM) and Democratic Union for Integration (DUI) have formed a coalition government with

the shared goal of implementing the Macedonia Agreement. The new government has introduced anti-corruption measures and announced a plan of action for implementation of the Agreement. In an encouraging sign, the President of Parliament stated that his goal was to strengthen parliament's legislative role and institutional capacity. Despite substantial challenges, Macedonia's parliamentary elections have created a new opportunity for the restoration of security and revitalization of the economy—two of the major challenges to democratization.

## **Mozambique**

General Peace Agreement for Mozambique

Date: October 4, 1992

The Mozambique Agreement called for simultaneous Assembly and Presidential elections one year after the signing of the Agreement. It provided for the establishment of a national election commission and requested technical and material support from the United Nations and international observers. The Agreement required the registration of political parties and the submission of a list of candidates. Finally, the Agreement called for universal suffrage for everyone over 18 years old, directing electoral districts to be created by provincial boundaries.

Mozambique's peace agreement has largely been a success with regard to its election provisions. In December 1999 Mozambique held its second national elections. They were the most competitive elections Mozambique has ever experienced. The impression of both domestic and international monitors was that the balloting was well administered. However, the elections suffered some logistical problems and irregularities, particularly during the counting process. Though the balloting was generally applauded, the results were contested by the RENAMO-UE (Resistencia Nacional Mocambicana-Uniao Eleitoral) coalition, who alleged that significant fraud occurred in the counting process. They demanded a recount or new elections and threatened the establishment of a parallel government. The government remained steadfast in its position that the elections were fair. The prolonged controversy over the election results caused considerable tension and threatened to undermine substantial gains in the country's democratic development.

## **Sierra Leone**

Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone 1999.

Date: 1999.

The Sierra Leone Agreement created a national election commission, which may seek international assistance and whose members both the government and the rebel group select. Under the Agreement, the elections are to be carried out in accordance with the constitution. In the event of a conflict between the provisions of the Agreement and the constitution, the Agreement governs. The Agreement also amended the constitution to guarantee equitable representation.

In May 2002, Sierra Leone conducted remarkably peaceful elections that resulted in a landslide victory for President Ahmad Tejan Kabbah's Sierra Leone People's Party. One local election monitoring organization reported “no systematic or serious electoral malpractices/irregularities that compromised the outcome of the results.” At the same time, incidents such as a recent cross-border incursion led by Liberian rebels and an attack on military barracks in Freetown indicate an underlying fragility and unstable political environment. As part of the country’s efforts to repair its social infrastructure, a Truth and Reconciliation Commission was created, as well as a Special Court, which issued war crime indictments in 2003 against leaders including rebel leader Foday Sankoh and Liberian President Charles Taylor. Foday Sankoh died in July 2003 before he could stand trial.

## ADDITIONAL RESOURCES

<http://www.cnn.com/WORLD/election.watch/>

Provides up to date information on current elections from CNN

<http://www.electionworld.org/>

Provides a detailed website with information about current, past, and upcoming elections, government systems and historical analysis.

<http://209.50.195.230/eguide/elecguide.htm>

Electionguide.com is a website developed by International Foundation for Election Systems that provides links to the most current elections as well as election results and information since 1999.

<http://psephos.adam-carr.net/>

Adam Carr's Election Archive includes information about elections worldwide.

[http://en.wikipedia.org/wiki/List\\_of\\_election\\_results](http://en.wikipedia.org/wiki/List_of_election_results)

Wikipedia is a free encyclopedia with a list of election results from around the world as well as past elections, party information and government structure information.

<http://www.ndi.org/>

The National Democratic Institute is a non-profit institute working to strengthen democracy worldwide. Webpage has links to various informative sites as well as information generally on democracy and the election process.

<http://www.politicsandelections.com/>

Politics and Elections.com has political and electoral information for over seventy countries as well as current election updates.

<http://www.idea.int/institute/inst-intro.html>

The International Institute for Electoral Democracy and Assistance, an intergovernmental organization, website provides news articles, information on programming and publications on elections.

<http://electionresources.org/>

This webpage lists election resources on the internet by country.

## ABOUT THE PUBLIC INTERNATIONAL LAW & POLICY GROUP

The Peace Drafter's Handbook is a product of the Public International Law & Policy Group, a 501(c)(3) non-profit committed to providing global *pro bono* legal assistance to states and non-state entities involved in peace negotiations and in bringing war criminals to justice. PILPG also provides policy formulation advice and training on matters related to conflict resolution. This Handbook can be found on our web site (<http://www.pilgp.org>). A CD-ROM version of the Handbook is also available.

PILPG has advised over a dozen countries on the legal aspects of peace negotiations and constitution drafting, and over fifteen countries in Europe, Asia and Africa concerning fundamental questions of public international law and foreign relations. PILPG has also advised four international criminal tribunals.

The four primary practice areas of PILPG are:

- Peacebuilding
- International Justice
- Post-Conflict Political Development
- Public International Law

As a *pro bono* law firm, PILPG relies almost exclusively on volunteer legal assistance from more than sixty legal advisors and former diplomats, as well as major international law firms. On average PILPG is able to provide over \$1.5 million worth of *pro bono* services annually.

PILPG provides legal assistance to a large number of clients without a physical infrastructure or any full time paid staff, and is thereby able to commit over 95 percent of its resources directly to project activities. Frequently, PILPG sends members in-country to facilitate the provision of legal assistance, and its members often serve on the delegations of its clients during peace negotiations.

PILPG maintains volunteer points of contact in Washington DC, New York City, Boston, Seattle, Cleveland, London, Paris, Rome, The Hague, Stockholm, Belfast, Krakow, Budapest, Zurich, Tbilisi, Kabul, and Nairobi.

From 1996-1998, PILPG operated under the auspices of the Carnegie Endowment for International Peace. In July 1999, PILPG was granted official Non-Governmental Organizations status by the United Nations.