Electoral Institutional Change and Democratization: You Can Lead a Horse to Water, But You Can't Make it Drink

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Drawing on evidence from first and second elections in emerging democracies, this article addresses issues pertinent to understanding the interplay between institutional design and change on the one hand and on the other hand the course of the democratization process, its background and concomitants. Because the electoral system (understood broadly, that is, not only as seat allocation rules) is often seen as an institution conducive to the legitimation of emerging – and therefore fragile – democracies, it is important to examine how the development of the electoral system has influenced the democratic transition outcome, in a number of cases. Cases considered include Kenya, Mongolia, Nepal and Tanzania, while comparisons with countries outside the third world such as Bosnia-and-Herzegovina and South Africa throw additional light on the argument. By seeking to avoid both the fallacy of *electoralism* and the fallacy of *anti-electoralism*, the article argues that the electoral system is a crucial factor behind the unsatisfactory course of the democratization process in many countries. More emphasis should be put on sustaining the different prerequisites of democracy, while simultaneously more effort should be put into the preparation of elections, in order to progress beyond simple and inadequate electoral democracy. The technical refinement of the electoral process, while far from sufficient to guarantee democratic development, can be a step in that direction. Credible and transparent elections are conducive to internal legitimacy and the dynamic of the political-electoral process will gradually bring along more contestation, more participation, and the enjoyment of more rights and liberties.

Electoral and Other Democracies

The fallacy of electoralism[1] has increasingly been recognised – at least in the scholarly community – as a problem which aptly denotes the mistake of confusing the holding of elections with the advent and development of democratic regimes. Contemplating what has happened to 'the third wave'

of democracy, Larry Diamond adds a welcome extension to the debate about the relationship between the holding of elections and democratization – and thereby also to the conceptualisation of democracy – by focusing on three distinct categories of non-authoritarian regimes: pseudo-democracies, electoral democracies, and liberal democracies.[2] What the three categories of 'democracies' have in common are elections for public office taking place intermittently, but the categories differ decisively in the degree to which they actually allow meaningful competition and participation. In Diamond's words:

> Contemporary minimalist conceptions of democracy – what I term here *electoral democracy*, as opposed to *liberal democracy* – commonly acknowledge the need for minimal levels of civil freedoms in order for competition and participation to be meaningful. Typically, however, they do not devote much attention to the basic freedoms involved, nor do they attempt to incorporate them into actual measures of democracy.[3]

The crucial distinction between electoral and liberal democracies is related to whether or not political rights and civil liberties are primarily seen as crucial to ensuring meaningful *electoral* contestation and participation, or if they are also cherished between elections and are allocated wider importance to ensure other democratic functions as well.[4]

The third category consists of pseudo-democracies, which according to Diamond are 'less than minimally democratic but still distinct from purely authoritarian regimes. [They] ... have legal opposition parties and perhaps many other constitutional features of electoral democracy, but fail to meet one of its crucial requirements: a sufficiently fair arena of contestation to allow the ruling party to be turned out of power'.[5] Pseudo-democracies obviously take different forms, but the common denominator is that they tolerate the existence of opposition parties. This is potentially important – and not only theoretically – since the presence of legal opposition parties could be the foundation upon which future democratic development will build.

Diamond also suggests that the 'free' rating in the Freedom House surveys of freedom in the world[6] offers the best available empirical indicator of liberal democracy. Much can be said in support of that claim, as demonstrated by a comparison between the Freedom House survey methodology and the various elements Diamond lists for the purpose of clarifying how liberal democracies differ from the minimalist/formal/ electoral democracies.[7] However, Freedom House still presents the electoral democracies as the more comprehensive category which then subsumes the 'free' countries (Diamond's indicator of the number of liberal democracies).

We have here an obvious example of the phenomenon discussed by Collier and Levitsky, where they juxtapose 'moving up the ladder of generality' and the establishment of 'diminished sub-types'.[8]

The methodological problems involved in assigning scores to the various items on the political rights and civil liberties scales, the multi-dimensionality of the measurement of these two interwoven clusters of variables, the inherent problems of validity and reliability, the absence of a more elaborate weighing procedure, and the arbitrariness in setting thresholds between categories cannot be put aside as mere methodological truisms which one should not be concerned about. The point has been demonstrated elsewhere, based on a scrutiny of the electoral process in five transitional countries.[9]

Obviously, the empirical indicator of Diamond's electoral democracy category should be a country's appearance on the Freedom House list of countries which are electoral democracies without at the same time being also in the Freedom House category of 'free countries'. In 1997–98, that is in early 1998, there were probably 36 such countries (that is, 117 electoral democracies compared with 81 free countries). The number of pseudo-democracies can then roughly be estimated as the remainder of the Partly Free category (21 countries in the 1997–98 count), permitting some borderline cases. One problem encountered during the classification of countries for this article (see Table 2 below) is that countries scoring 3 on civil liberties were not easily classified as liberal democracies. A greater number of electoral democracies than the reader might suspect from the account given so far should therefore be expected.

The gross Freedom House figures indicate that the sizes of the four categories outlined by Diamond have not changed much since 1995. This apparently supports his point about stasis, namely 'that the third wave of democracy has come to a halt, and probably to an end'.[10] However, such a drastic conclusion requires – as a minimum – annual transition tables between categories (three-by-three or four-by-four) which neither Diamond nor Freedom House have provided. Nor have such tables been presented in recent discussions of whether illiberal democracy is increasing or declining in the world. This discussion cannot be settled by looking only at the increasing percentage of countries among the electoral democracies ranked by Freedom House as free.[11]

Diamond points to three fundamental differences between full-fledged liberal democracies and electoral democracies: (1) qualitatively better elections as well as the absence of reserved power domains for the military or other forces not accountable to the voters in the liberal democracies, (2) 'vertical' accountability of elections is complemented with 'horizontal' accountability in liberal democracies, and (3) extensive provisions also

between elections for political and civic pluralism, as well as for both individual and collective freedoms.[12] The basic features of liberal democracy are spelled out in nine specific elements which overlap considerably with Robert Dahl's seven institutional requirements for *polyarchy*. Diamond's own recommendation, after his conclusion about the possible end to the third wave of democracy, is to engage in undertakings which in all three kinds of democracies will be conducive to the consolidation – or further development/completion in the two least developed categories – of the democratic regime, namely institutional, policy, and behavioural changes.

The Case for Conducting Qualitatively Acceptable Elections in Transitional Democracies

In immediate response to Diamond's recommendation,[13] the argument presented here is that the development of a fully legitimate electoral regime – which *might* later develop into a more complete (deepened, consolidated) liberal democracy – requires an electoral process acceptable to all major stakeholders, including the ordinary voters.

Obviously, the holding of acceptable elections is only a necessary, not a sufficient, condition for a development towards a full-fledged liberal democracy. All attempts to improve the electoral process, however, will necessarily increase the social costs of subverting the democratization process. This is a crucial element in negative consolidation, that is efforts to *avoid* democratic regression, which is at least as important as positive consolidation. It is certainly one important means of counterattacking the reduction of an electoral democracy to a pseudo-democracy or something worse, a point made by many writers.[14]

This is not to imply that one should concentrate on the electoral field only, far from it. Diamond indicates a number of causes also worthy of attention if the intent is to consolidate democracies within all three categories and the various intermediary forms. But it will be instrumentally valuable to improve on the electoral component, not only in the liberal democracies as part of an ongoing effort to increase the democratic score, but also – and even more so – in electoral democracies which must be lifted up one category, if democracy is to be completed, as has been pointed out by Schedler.[15]

The claim of this account is thus that all variants of democratic transition, development, and consolidation – positive as well as negative – in all not fully consolidated democracies, in the third world and elsewhere, will benefit from a renewed and reinforced interest in, analysis of, and improvement to the electoral system and the entire electoral process.[16] Such

activities are important tasks in a democratization context because they are, directly and indisputably, conducive to the legitimation of new and fragile democracies, as discussed by Lijphart and Waisman.[17] Only when voters experience meaningful contestation and participation in the political process, within the framework of relevant institutions and a certain socio-economic development, and only when they understand, however imperfectly, the importance of political rights and civil liberties, will they develop some kind of normative commitment to democracy. That is an ingredient in the consolidation process which should not be forgotten, in spite of the focus that many analyses train on the importance of elites and their behaviour.[18]

In her discussion of the prospects of democracy in Central America, Karl outlines an 'optimistic' as well as a 'pessimistic' scenario. According to her, the development in the undemocratic, pessimistic direction is facilitated if – among other things – elections are generally seen as flawed, losers are inadequately represented and so on.[19] There is no reason why this should only be valid in relation to Central American countries. The same reasoning will probably apply to most, if not all, third world countries experiencing democratic transition. Moreover, there is actually no reason to restrict the point to third world countries only, as it will probably apply to most countries in political transition.

This is not the same as saying that qualitatively better elections will in the course of time solve all problems, for that would be a regrettable relapse to electoralism. As Bratton also believes, it is possible to steer a middle course between the two fallacies of electoralism and anti-electoralism.[20] Many observers have recently pointed out that the prerequisites for democracy are in scarce supply, which explains the tendency to democratic stagnation and retrenchment encountered in some parts of the world.[21] Crucial social, economic, and political cultural conditions are obviously lacking, and the same might apply at the institutional level. Qualitatively acceptable elections and the framework for such elections are only some of the many institutional preconditions which must be in place before we can be truly optimistic about future democracy in the third world. But that is just one more reason for engaging in the process of developing and refining the electoral process and the understanding of what is needed in order to have 'free and fair' elections as an element in progressing towards a consolidated democracy.[22]

It should be possible to identify the phases where the electoral process has failed, in order to provide the tools for doing better if and when conditions are conducive to qualitatively better elections, which in any case requires that the incumbent government/party will actually allow a true democratic process to unfold. The recent focus on political elite behaviour – sometimes carried out under the label of agency factors – makes it obvious

that the democratic intentions and inclinations of such political and administrative elites might be tested by looking at how they legislate and regulate the electoral process. *Do such elites actually do what is needed or do they do less?* That appears to be the main question. And if they do less, what are the reasons for not doing better: is it lack of knowledge of electoral processes, lack of money, or lack of democratic intent, or some combination of these?

The first electoral process requirement which one should be concerned about is one stated not only by Diamond in the quote already cited but also by many others, namely *the provisions for political and civic pluralism, as well as for both individual and collective freedoms.* This concern coincides with the main tendency in recent discussions of how to develop and refine post-election evaluation procedures and approaches. The key question ('Was it free and fair – or at least acceptable?') to a considerable degree hinges on what actually happened *before* polling day – and even *before* the electoral process started.[23]

This perspective, namely that it is necessary to focus mainly on the pre-polling period if one's intention is to improve the quality of elections in a democratic perspective, implies stressing the presence of, respect for, and unhindered use of relevant political and civil rights and freedoms. These are the very qualities that Dahl convincingly argued are prerequisites which must be in place, in other words must be institutionalised, before we can even think of elections being potentially free and fair. However, these rights and liberties are of value not simply during the time of election campaigns alone. It is democratically unacceptable to restrict the use of political rights and civil liberties to a period every fourth or fifth year called *election time.* The democratic process cannot be and should not be restricted in time. Dahl puts it this way:

> In this perspective, free and fair elections are the culmination of the process, not the beginning. Indeed, unless and until the other rights and liberties are firmly protected, free and fair elections cannot take place. Except in countries already close to the thresholds of democracy, therefore, it is a grave mistake to assume that if only leaders of a non-democratic country can be persuaded to hold elections, then full democracy will follow.[24]

It has been depressing to see how little concern for the complexities of the transition processes western politicians and development aid administrations and also many first time election observers have been able to muster. And it has been surprising to observe the swiftness with which many academics have forgotten that the course of democratization is also dependent on a complicated and interwoven set of structural preconditions,

including political history and culture, literacy levels, the existence of a middle class, or the level and distribution of wealth. The literature on the relative importance of socio-economic conditions and political factors in Latin America has been convincingly reviewed by Mainwaring, but it is worth asking whether an even better understanding of the relationship between the two would follow if the situations during first and second transitions were analysed separately.[25]

It is worth contemplating if the second transition (the consolidation phase) is generally more dependent on structural factors, while the first transition (the regime change) might also or possibly more so depend on agency factors. The possibility of checking the democratic intentions and inclinations of political and administrative elites by looking at the legislation and regulation of electoral processes then becomes particularly pertinent, as the first transition will normally include the founding election, while the second transition will include second and subsequent elections. This perspective might help explain the remarkable decline in quality that Bratton's survey found between founding and second elections in sub-Saharan Africa. Be that as it may, both founding and second (or later) elections can be used to evaluate the intentions of ruling elites.[26]

One surprising consequence of the ordinary international approach to support of democratization and elections has been a general lack of willingness to engage in serious discussions of election quality, both before and after the election event, and in connection with first *and* second elections. The impression is easily gained that the mere holding of an election was enough for the international community – with or without foreign observers – and that the interest in seriously evaluating the entire election exercise was minuscule outside academic circles, no matter how many foreign observers were flown into the country.

Inside academic circles the ability and willingness to engage in election evaluation has also differed as is evident from comparisons of different evaluations or analyses of the same elections. It is not difficult to understand this as election evaluation is a risky and difficult business because of the interwoven methodological, theoretical, and empirical complexities of grading performances along different process dimensions without having a clear grading scheme and some agreed-upon weighing schemes.[27]

It is in this context interesting to note how difficult the development of adequate election evaluation tools has been and how the current front line in election observation methodology, development and refinement has moved in the direction of upgrading the in-depth analysis of the pre-polling period, instead of heavily investing in massive polling day observation.

Electoral systems[28] are often seen as encompassing only allocation rules for converting votes to seats. It can, however, be argued that a broader

electoral system concept exists covering the entire electoral process from start to end, that is all formal and informal rules and practices which might have a bearing on how political attitudes in the electorate are converted into a certain distribution of seats in parliament. As has probably become evident already, this discussion employs the broader electoral system concept, integrating into it the system for allocating seats to parties on the basis of the votes cast.

What Should Be Done?

The willingness of political and administrative elites to engage in activities which will be instrumental in achieving a level of democracy over and above that of an electoral democracy is not particularly difficult to measure and evaluate. The main test is whether key decision-makers are willing to engage in legislation and regulation which focus on the general democratic situation and not only on the more narrow or trivial election related activities. Basic political rights and civil liberties are one such issue – obviously a *sine qua non* – and so is the overall institutional set-up for the election, such as the electoral law, the seat allocation system, and the provisions for having a truly independent and impartial electoral commission. Election quality is not achieved by concentrating on election day activities only, far from it, even though they are still important – but only if the course of events during the pre-polling phase is acceptable.[29]

The prevalence of this understanding is increasing, and election administration and electoral system advisors as well as organisers of electoral observation missions are therefore well advised to pay considerably more attention than previously to the pre-polling phase. What goes on before polling is the main key to both success and failure. An indication of the elements which are particularly important during the three main phases is given in Table1, which also shows how the various elements can be tentatively attributed to the two traditional dimensions of electoral observation.

It is possible to approach the issue of what should be done by looking at genuine third world electoral success stories. They are, however, few and far between. It might also be difficult to decide how much of these experiences can be generalised and how much is to be attributed to particular conditions which evade generalisations. Recent examples of good quality elections include Namibia since 1989, South Africa 1994 and 1999, Ghana 1996, and Mongolia 1996.

It is much easier to find examples of problematic third world elections which have contributed to setbacks to the democratization processes. It might, however, be equally difficult in relation to such cases to tell what can

TABLE 1
KEY ELEMENTS IN AN ACCEPTABLE ELECTORAL PROCESS

	'Free'	'Fair'
Before polling day	• Freedom of speech • Freedom of assembly • Freedom of association • Freedom from fear in connection with the election • Freedom of movement • Absence of impediments to standing for election • Equal and universal suffrage	• A transparent electoral process • An election act and a system for seat allocation which grants no special privileges to any party, group, or person • An independent and impartial electoral commission (and administration) • Impartial voter education programmes • Absence of impediments to inclusion in the electoral register • Adequate possibilities for checking the provisional electoral register • An orderly election campaign • Equal access to public mass media • No misuse of government facilities for campaign purposes
On polling day	• Opportunity to participate in the election • Absence of intimidation of voters	• Secrecy of the ballot • Adequate provisions to ensure that voters only vote once • Well designed ballot papers without serial numbers • Access to the polling stations for accredited party • Representatives and election observers • Impartial assistance to incapacitated voters • Proper treatment of void ballot papers
After polling day	• Legal possibilities of complaint • Adequate possibilities for resolution of election related conflicts	• Proper counting and reporting procedures • Proper precautionary measures when transporting election material and securing polling stations • Impartial reports by the media on election results • Impartial treatment of election complaints • Acceptance of the election results by all involved

Source: J. Elklit and P. Svensson, 'What Makes Elections Free and Fair', *Journal of Democracy*, Vol. 8, No. 3 (1997), p.37.

be generalized and how much is to be attributed to particular conditions evading generalization. Thus, Burnell's classification system for democratic failures and their explanation does only provide more general points directly related to the problem at hand, even though the most appropriate category might often be 'false starts/premature democratization' and the best explanation comprises a mixed bag of several of the explanations suggested.[30] Another classification which might prove helpful in classifying elections for analytical purposes has recently been provided by Merloe who in a discussion paper distinguishes between post-conflict elections, breakthrough elections, consolidation elections, elections in democratically backsliding countries, and elections taking place as part of a managed transition.[31]

It might, furthermore, be difficult to say precisely what should have been done and what might have worked better *if* implementation had actually been feasible. In some cases problems were only identified after the event; in other cases they were clearly spotted before the event, brought to the attention of the relevant political or administrative authorities, and then nothing or too little was done. So there is ample scope for improvement, if the political and administrative readiness is there – and if it is not (as has sometimes been the case) what kind of election – and what kind of democracy – are we then dealing with? An electoral democracy voluntarily sliding backwards? Merloe's five types of election contexts add an interesting new dimension to this discussion.

Table 2 below, 'Elections Classified by Type of Democracy and Quality', represents a first attempt to classify a sample of first and second elections in new democracies according to the type of democracy and the general quality of the election. The idea is to present qualitatively acceptable and less acceptable elections together in order to see if this will help generate useful conclusions. The basis for the classification is relevant Freedom House scores in combination with an assessment of the election's congruity with the criteria already displayed in Table 1 – before, during, and after the event. Any evaluation of the quality of an election must include the degree to which it was 'free and fair', but it should also include a concern for the level of inclusiveness (over and above the suffrage component of the 'freeness' dimension) as well as the technical quality (see below). Suggestions for other elections that might be included in Table 2 are invited.

The next step is to identify common features within two groups of elections: elections scoring high and elections scoring low on the *combined* quality dimension. If the first group is tentatively seen as consisting of elections in the two highest categories on the quality dimension, it appears that what connects these rather different election situations is the intention and the willingness of political and administrative authorities to have elections of good quality in combination with a certain degree of respect for

the rule of law. The basic claim is thus that the key factor to explain the overall character of these elections is the determination of the political (and administrative) elite to have and to conduct elections which could be considered acceptable (or even better than just acceptable, if possible) by most local political stakeholders, as well as by the international community. Precisely because of this determination (which might obviously be caused by different motives for different actors, including that of the incumbent president or party being convinced that they will win easily and therefore can allow themselves to have elections which are acceptable by international standards), the electoral process is as far as possible conducted according to generally accepted norms and standards.[32] This argument is, of course, related to some basic points in Di Palma's discussion of democracy crafting.[33]

Exactly the opposite is the case when we look at elections in the two categories at the bottom end of the quality scale. Obviously, agency factors are not only conducive to a positive democratization; they can also – within a given set of structural factors – cause the democratic development to slow down or even fall back – and to do so both during the initial transition phase and during the consolidation phase.

TABLE 2
ELECTIONS CLASSIFIED BY TYPE OF DEMOCRACY AND QUALITY

	Liberal Democracies	Electoral Democracies	Pseudo-Democracies
Good quality		Botswana 1965+ Ghana 1996 Mongolia 1996 Namibia 1994	
Reasonable quality	South Africa 1994, 1997 South Korea 1997	Malawi 1994 Mexico 1997 Mozambique 1996 Nepal 1991 South Korea 1996 Zambia 1991	
Below average quality		Mongolia 1992 Tanzania 1995	Singapore 1997
Low quality		Bosnia-and-Herzegovina 1996, 1997	Kenya 1992, 1997 Nigeria 1999 Zambia 1996 Zimbabwe 1995

Note: 'Free' countries in the Freedom House lists are classified as electoral democracies, not as liberal democracies, if their Civil Liberties score is 3 or worse. The order of elections within cells is alphabetical.

It is important to avoid a circular argument here. For this reason the elections are classified according to how they score on the indicators in Table 1 and only then are conclusions drawn about possible explanations of the pattern that emerges, rather than proceeding by showing how such explanatory factors contribute to election quality. Such classification is, indeed has to be, qualitative in nature. However, a finer, possibly multi-dimensional grading system might ruin the possibilities of drawing clear-cut conclusions, for many fewer elections would be banded together.

It might, however, *subsequently* be instructive to see what specific administrative and technical solutions have been chosen in these particular situations, as this might be an adequate operationalisation of a well thought out and orderly electoral process – a kind of benchmark – against which the intentions and capabilities of political and administrative elites can then be evaluated. In this way, Table 3 below might be instrumental in identifying ways and means of improving and developing the electoral institution as such, while issues related to political rights and civil liberties, allocation of sufficient funding and so on must be taken into account separately.

The Electoral Process

The electoral process should be seen as unfolding in a number of chronological systematic steps, some of which are also partly simultaneous and partly overlapping. The structuring of the entire electoral process in ten steps was first suggested by Bill Kimberling in a presentation of problems related to voter registration.[34] In Table 3 two more steps (steps 11 and 12) have been added to give a slightly more complete coverage of the entire electoral process. The outline of the twelve steps of the standard electoral process demonstrates that there is a logical-systematic sequence of electoral process functions to perform, which should come more or less in the order indicated in Table 3 if the process is to unfold in a natural, orderly way and without problems deriving from the order in which matters are addressed.

Good quality elections are then elections where the full respect for and procurement of basic preconditions are accompanied by an election preparation process in which the electoral calendar looks more or less like Table 3, with ample time allowed for all the different phases. It is also a precondition that legislation has provided an institutional framework conducive to a meaningful contestation – 'a level playing field' – and a high level of inclusiveness and participation – and that the law and all accompanying rules and regulations are duly implemented at all levels. This latter, partly more technical aspect of the electoral quality concept includes for example that logistical matters are addressed adequately, that counting and tabulation of the results are precise, and that ballot paper accounts are correct.

TABLE 3
THE TWELVE STEPS OF THE ELECTORAL PROCESS

Step	Electoral process functions	Clarifications
1	• Establishment of the legal framework for the electoral process	• Includes the entire electoral legislation, i.e. from the constitutional framework to rules and regulations • The seat allocation system is also covered under this heading
2	• Establishment of adequate organisational management structures, i.e. systems for managing the electoral process, including securing the adequate financial and other means	• The character and composition etc. of the electoral commission, if any • The relationship between the electoral commission and its implementing arm, i.e. the election administration
3	• Demarcation of constituencies and polling districts	• Only the physical implementation, since the relevant legislation belongs under Step 1 • This also goes for the decision on what decision-making and administrative structures to apply, i.e. if – for instance – a separate demarcation commission is foreseen
4	• Voter education and voter information	• Might overlap chronologically with Steps 5 and 6 Must come before voter registration, but might need to be repeated later also
5	• Voter registration	• Might overlap chronologically with Steps 4 and 6 • Rules for public scrutiny of the voters' roll
6	• Nomination and registration of political parties and candidates, i.e. providing ballot access	• Might overlap chronologically with Steps 4 and 5
7	• Regulation of the electoral campaign	• Spending rules, if any • Rules for access to publicly owned media, if any • Code of conduct?
8	• Polling	• Rules regulating the presence of party agents, domestic and international election monitors etc.
9	• Counting and tabulating the vote	• Counting at polling stations or centralised? Are opposition parties allowed to check the count?
10	• Resolving electoral disputes and complaints; verification of final results; certification	• The electoral court system, if any • Time limits for handling of electoral complaints and disputes
11	• Election result implementation	• Are those elected actually allowed to perform their roles, i.e. are there any administrative or other hindrances? • Are those elected actually willing to take office, that is to perform their role?
12	• Post-election handling of election material; production of the official election statistics; archiving; closing the books	

Polling itself comes quite late in the process – as Step 8 – so it both presupposes and depends on how well the seven preceding steps have been performed. Because of this, it is regrettable that up until now the political focus both locally and internationally has primarily been on the polling process itself and the immediate outcome of that process in a narrow sense, that is the distribution of votes among parties and candidates. It is also remarkable, as more and more observers and analysts of elections in third world countries seem to agree that too little attention has been paid in the past to the early steps of the electoral process and too much attention to what goes on at polling day, which for many reasons is unfortunate.

If it is a correct observation that third world elections of an acceptable quality are only possible if and when political and administrative elites are genuinely interested in having such elections – which then tends to be yet another precondition – it becomes obvious why so many election and democratization advisers are fighting an uphill battle and why so many opposition party leaders are continually being frustrated. Multi-party elections might be called and take place according to current legislation, but the general electoral and administrative framework and the state of mind of central political and administrative actors might still be such that good elections – meaning elections conducive to some kind of democratic improvement – are not really possible.

Some of the problem areas in the early phases of the electoral process are listed and commented on below. Implementation of these different elements where they are not yet in place will most certainly improve the electoral process, so one claim is that this is what should be done. But another claim is that the attitudes of the political-administrative elites towards the implementation of these provisions is an adequate way of testing the willingness of these elites to engage in democratic consolidation, even though it may not be the only way of doing so and may not always be the best. But it is easy to analyse the willingness to engage in electoral institutional reform, because nothing will happen if key decision-makers have not realised that this is a *conditio sine qua non* for improvement in the score for overall election quality. This is where the problems lie, as demonstrated by many third world countries, some of which featured in the lower part of Table 2. Obviously, the political heavy-weights have to be convinced one way or the other that this is what should be done, if they want to be seen as having elections of an acceptable quality (but they only rarely do). Obviously, their main concern is international legitimisation for their regime.

Areas of Concern

Step 1: Establishment of the Legal Framework for the Electoral Process

• The entire set of electoral laws, by-laws, rules and regulations and so on should be in place and fully articulated before the calling of the election: The rules of the game should be known before kick-off – and they should not be changed at half-time! It is also an important principle that electoral legislation should be understandable for the largest possible number of voters. It is easy to mention countries where these principles have not been adhered to. Sometimes it was not possible, as in Bosnia-and-Herzegovina 1996 and 1997, or in South Africa 1994, where even the country's constitution had to be changed during the process. In other cases the incumbents wanted to make life more difficult for the opposition parties, as in Kenya in 1992 when the Attorney-General used his power to shorten the period for parties to nominate their parliamentary candidates without even informing them.[35] In yet other cases, the electoral legislation is difficult to comprehend. The law has been amended over and over again, which makes it difficult to read and understand as the provisions have gradually become more inconsistent. In such cases a clear, consolidated version is not much to ask for.

• The legislative framework includes provisions concerning the electoral system (in the narrow sense), that is the system for allocating seats on the basis of the votes cast. The importance of the electoral system for the development of (1) inclusiveness, (2) accommodation and tolerance in (previously) divided societies, and (3) party systems of a certain character is well established – something that is not the subject here. However, discussions about the criteria for keeping or changing a specific electoral system[36] only rarely attract the attention of incumbent parties who have benefited from the system already in place (or expect to do so in coming elections). This is easily explained as yet another case of rational behaviour, for elites will often only legislate those institutional changes which they consider instrumental to the advance of their own immediate interests. An argument can often be made for using a proportional *representation system to achieve inclusiveness and to avoid turning* elections into an all-or-nothing event where the stakes are too high, as is especially likely to be the case in cultures where losing is something that makes one feel very ashamed indeed. The positive importance of using proportional representation systems in several countries in southern Africa – most notably in South Africa in 1994 and 1999 – is beyond dispute, even though the debate about electoral systems for the region has been flourishing since the early 1990s.[37] The consequences for the electoral outcome of a change in the seat allocation system has been demonstrated

on various occasions, including Mongolia 1992–96. Interesting discussions have been conducted in many countries including quite recently Tanzania and Jordan about the merits of different electoral systems, but only rarely do the beneficiaries of the current systems see such debates as particularly rewarding to engage in. A special – and controversial – issue is the use of so-called 'special seats for women' (as in Tanzania) or similar arrangements to promote female representation in parliament.

Step 2: Establishment of an Adequate Election Management Structure

• A truly independent, impartial, and dedicated electoral commission is instrumental for achieving an electoral outcome that at the end of the day is acceptable to most contestants, particularly the losers. Appointment procedures contribute to the way in which an electoral commission is perceived by the political parties, that is to its credibility and legitimacy, but in practice the appointment procedures are often not conducive to such feelings among opposition parties. Public vetting of would-be commissioners is one way of increasing public confidence, but various models for electoral commissions and their appointment do exist, and it is primarily the overall performance of the electoral commission which counts.[38] Examples of electoral commissions who have not been able to gain the trust of some of the electoral contestants are many, and in some cases there are good reasons for this.[39] Obviously, losers might feel inclined to blame the electoral commission for their poor performance. Therefore, and because it contributes to the development of the very essential understanding of the importance of the rule of law, it is absolutely necessary that electoral commissions perform their tasks in the most irreproachable way and are perceived as impartial.

• It has often been difficult for law-makers to construct and legislate a good division of labour between the electoral commission itself and its implementing arm (under the Chief Electoral Officer, or whatever the local title is). The electoral commission is sometimes seen as a board of directors, while the day-to-day problems might require a much more 'hands-on' administration, which can then complicate enormously the relationship between the commission and its staff.

• Adequate funding of the entire electoral process is a *sine qua non*, even though the resources available in the country might be too few to run a fully acceptable election. Foreign funding has become a possibility in some cases, but sometimes such money comes too easily, and is encouraged by the funders as one way of co-opting the players, even though the desired results might not be achieved.

Step 3: Demarcation of Constituencies and Polling Districts

• Gerrymandering is a particular problem, especially in electoral systems relying on single-member constituencies. Proportional representation systems, or majority/plurality elections in multi-member constituencies, often rely on previously existing administrative divisions and seat allocation in relation to some objective standard (such as population or electorate size) which is another attractive feature of such systems. Gerrymandering in third world countries often takes the form of allocating more seats to regions where the incumbent party/group is strong than to other parts of the country (Kenya 1992 and 1997; Nigeria 1999). Different constituency sizes are, however, fully acceptable in regions where geographical conditions or residential patterns make it unreasonable to go for full electoral equality (as in the Himalayas, Nepal 1991+).

Step 4: Voter Education and Voter Information

• Impartial and precise voter education must start early in order to ensure that all potential voters are aware of why and how to register. It should be the responsibility of the electoral authorities to conduct such campaigns, particularly in societies and regions with a high rate of illiteracy. Regionally (or otherwise) skewed information campaigns by public authorities are not acceptable, while it is unrealistic to demand the same standards from the political parties. Their contribution should, however, be appreciated, because of their interest in going an extra mile.

Step 5: Voter Registration

• Politically equality unconditionally requires that all members of the collectivity are registered as voters so that they can participate in the elections (as voters and as candidates) if they so choose. That is why the registration phase is so important, and that is why it is so dismal that it is often not taken seriously enough by politicians, electoral commissions, and election administrators. Registration is an excellent opportunity to start one's voter education campaign and to test the preparedness of the election administrative apparatus, but the opportunity is not always fully utilised. Examples are plentiful and clearly connected to the general standard of population book-keeping in third world countries (Nepal 1991 is an example of a country with an interesting mixture of double- and under-registration, while Zambia 1991 and particularly in 1996 offers a standard example of a very modest level of registration quality). Kenya 1992 is another case in point,[39] but the problem is certainly a much more general one. Not to require proper voter registration, as happened in South Africa in 1994, is not a solution to the problem of inadequate civil

registration. The South African debate during the first months of 1999 about how to achieve an acceptable level of registration before the 2 June 1999 elections illustrated well how a combination of political, administrative, and financial problems can complicate an otherwise well thought out plan.

• Systems for local public display of voters' registers and ample opportunities for corrections are an integral part of an acceptable registration system. Copies of the consolidated register should not be made available to the incumbent party only – it is either all of them or none of them!

Step 6: Nomination and Registration of Parties

• Parties should be free to organise, to assemble without being hindered by bureaucratic orders, to register (if that is the part of the political-administrative tradition of the country), and to nominate candidates of their own choice, selected according to procedures decided by the party itself according to its own decision-making procedures.[41] Restrictions on these rights are not conducive to a full-fledged democracy. An illustrative example in this regard is the various restrictions on candidate nomination in Chinese village committee elections.[41]

• Other restrictions are sometimes established, as the requirement in the Nepalese electoral law that parties must field at least five per cent female candidates in order to allowed participation in the election. The effect is negligible as most of these candidates are allocated to seats unwinnable for women, as in some constituencies in the Himalayas.

Step 7: Regulation of the Electoral Campaign

• Equitable access to public media for all registered parties is a must, even though it is often violated.

• Public funding of political parties and/or candidates – generally or for electoral campaign purposes only – is a controversial issue, in particular because it might call forward parties and candidates who are only participating because of the funding. As such funding is a means to 'level the playing field' there should ideally be provisions for allocating sufficient funds also to new and previously unrepresented parties, but that is exactly what may attract less serious parties and candidates. It is equally problematic to let previously represented parties allocate funds only to themselves, since that might perpetuate the party system already in place and deny new parties a fair chance of access.

• Spending limits on election campaign and related costs both for parties

and individual candidates is another controversial issue, particularly since it is difficult to exercise control and auditing can only take place after the election. Still, such a practice will encourage accountability and as democracy develops, it will become part of a system of checks and balances that will be increasingly integrated in the democratic culture. So the long term impact will be more important that the short term impact. Vote buying and related practices are a related issue which is even more difficult to handle.

• The incumbent party must not be allowed to use government resources for campaign purposes as has happened many times [43]

Step 8: Polling
• Rumours about election day fraud and misbehaviour are many and often difficult to control. The presence of well-trained and dedicated polling station staff is one prerequisite for achieving a reliable polling result. It is probably correct – as suggested by Bratton[44] – that election rigging does not primarily taking place on polling day, which is another reason for focusing on the previous steps in the process. However, it is not true that violations never occur on election day – only that the occasion is less important than what one would think on the basis of the many election observer missions. However, newspaper reports about the Nigerian elections in 1999 indicated clearly that observers were less than happy with what they noticed.

Step 9: Counting
• The use of decentralised counting (that is at polling station level) is preferable, because it removes problems related to transportation of uncounted ballot papers, and it makes it easier for local electorates to follow and understand the process. A positive consequence of this will be more confidence-building at the local level when results are reported accurately. The flip side of decentralised counting is obviously that it makes it possible to sanction negatively polling districts (wards, villages) who did not vote 'correctly' – or to use the threat of sanctions as in Singapore 1997.[45] Another argument against decentralised counting is that it makes it easier in situations with extensive vote buying to check the delivery of 'the goods'. Party agents and election observers should always be allowed to follow the count. A further possibility is to combine decentralised counting with a recount at the national level, to check accuracy and other features, as in Venezuela.

Step 10: The Electoral Court System
• Provisions for an electoral court system which can handle electoral

complaints and disputes in an expeditious and impartial manner are necessary. It can be argued that the number of electoral court cases is a good indicator of the quality of the work of the electoral commission (and the conditions they worked under).

Several other areas of concern could also be indicated, but that should not be necessary. The list demonstrates convincingly that it is possible to point to specific and important areas within the electoral institution which can be used simultaneously to (1) evaluate the democratic intent and seriousness of political and administrative elites in new democracies and (2) to indicate areas where election administration and system improvement will be most helpful, if asked for.

Conclusion

The electoral institutions matter for the democratization process and so does electoral institutional change, be it improvement or the opposite.

A crucial factor when it comes to explaining the level of electoral quality and the electoral institution's independent contribution to democratic consolidation appears to be the democratic intent and seriousness of the relevant political and administrative elites – in combination with respect for the rule of law – while the amount of foreign financial support poured into the election or the number of election advisors (not to speak of election observers) is less important. The international community might be able to counteract democratic setbacks and de-democratization, but further democratization will normally have to come from within the country in question.

Having a full-fledged liberal democracy – as well as elections of good quality – presupposes respect for basic political rights and civil liberties, not only formally and at election time, but in actual practice, year in and year out. It also presupposes that real political competition is possible, and that there is a vibrant civil society, that non-governmental organisations and political parties are allowed to develop and flourish, that relevant information is available through the media and so on. The possibility of full and equal participation – and active and systematic efforts to ensure inclusiveness – is another crucial element, the importance of which has become evident in South Africa in the run-up to the June 1999 parliamentary and provincial elections.

Actors, whether domestic or international, who are genuinely interested in promoting a democratic development and a democratic culture in a country which is not yet a full-fledged liberal democracy should therefore concentrate their election-related efforts on those first steps in the electoral process where the returns both in the short and the long run are highest and

most visible. And it can come as no surprise that actors with the opposite interest actually disregard suggestions for improvement in the early phases of the electoral process.

It is within the context of the preconditions stated above that the various elements of the electoral institution matter, and that includes a truly independent and impartial electoral commission, the character of the seat allocation system, and the registration rules and their implementation.

All these elements should be of prime concern to anyone who would like to see democracy develop and thrive in the third world. It might, however, be difficult/impossible to achieve in countries where the political and administrative elites are uninterested in taking the democratic route and perhaps only do so superficially because that is the price for getting much needed development assistance from the international community.

It has been argued that the early steps in the process – from legislating the electoral process to regulating the electoral campaign – should in particular attract our attention. If the provisions and procedures listed under the first seven steps of the electoral process are implemented and adhered to openly and responsibly, then it becomes less important to subject the remaining elements to detailed observation and monitoring. There is obviously a balance to strike, but the conclusion is that it is more conducive to a worthwhile electoral process to focus on and support earlier rather than later steps in the process.

If sufficient effort is put into ensuring the quality of the electoral process before polling day, and if the election-related legislation is carried through in a politically unbiased way, then qualitatively better elections will follow. One must therefore focus on the legislative and administrative processes in the early phases, and the budgetary and technical independence of the electoral administration should be a main aim. The registration phase is also more important than is often realised, and the same applies to the strengthening of political parties, as they must be able to present to the electorate viable alternatives to the incumbent party.

The conclusion in relation to election observation and monitoring is similarly that such activities should also concentrate on the early phases of the electoral process. Instead of sending election monitors and observers (who in any case are usually too few and too ill equipped to pass a reliable judgement on the quality of the election), it would be better to have expert teams analyse the country's performance during the seven first steps of the electoral process, while polling day observation could be left to locals, in other words party agents and non-governmental organisations with a vested interest in a credible outcome of the elections, dedicated to monitoring their country's process towards a more democratic future.

NOTES

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2. Larry Diamond, 'Is the Third Wave Over?', *Journal of Democracy*, Vol.7, No.3 (1996), pp.20–37.
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4. Diamond, op. cit., p.25; see also Jørgen Elklit, 'Is the Degree of Electoral Democracy Measurable? Experiences from Bulgaria, Kenya, Latvia, Mongolia, and Nepal', in David Beetham (ed.), *Defining and Measuring Democracy* (London: SAGE, 1994), pp.89-111.
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6. See for example Adam Karatnycky (ed.), *Freedom in the World. The Annual Survey of the Political Rights & Civil Liberties 1997–1998* (New Brunswick, NJ and London: Transaction Publishers, 1998).
7. Karatnycky, op. cit., p.592ff.; Diamond, op. cit., pp.23–4.
8. Karatnycky, op. cit., p.3–4.
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13. Diamond, op. cit., pp.33–4.
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15. Schedler, op. cit., pp.94–9; it should be remembered, however, that Schedler uses electoral democracy as a broader concept than does Diamond.
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18. Scott Mainwaring, 'Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues', in Scott Mainwaring, Guillermo O'Donnell and Samuel Valenzuela (eds.), *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective* (Notre Dame, IN: University of Notre Dame Press, 1992), pp.294–341.
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28. Or 'rules', see Rein Taagepera, 'How Electoral Systems Matter for Democratization', *Democratization*, Vol.5, No. 3 (1998), pp.68–91.
29. Elklit & Svensson, op. cit., Bratton, op. cit., p.62.
30. Burnell, 'Arrivals and Departures ... '.
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32. Among the many available analyses and descriptions of such elections, apart from literature already mentioned in these end notes, use has also been made of the following: Peter Burnell, 'Taking Stock of Democracy in Zambia', paper for ECPR workshop on 'Democracy in the Third World: What Should be Done?', Mannheim, 26–31 March 1999; Yonhyok Choe, 'How to Manage Free and Fair Elections. A Comparison of Korea, Sweden and the United Kingdom', Gothenburg Studies in Politics 44 (Gothenburg: Department of Political Science, University of Gothenburg, 1997); Staffan Darnolf, 'Democratic Electioneering in Southern Africa. The Contrasting Cases of Botswana and Zimbabwe', Gothenburg Studies in Politics 45 (Gothenburg: Department of Political Science, University of Gothenburg, 1997); Election Observation Centre, *Kenya General Elections 1997. Final Report, For Donors' Democratic Development Group* (Nairobi, Jan. 1998); John D. Holm, 'Elections in Botswana: Institutionalization of a New System of Legitimacy', in Fred M. Hayward (ed.), *Elections in Independent Africa* (Boulder, CO and London: Westview Press, 1987); Krishna Kumar (ed.), *Postconflict Elections, Democratization, and International Assistance* (Boulder, CO and London: Lynne Rienner Publishers, 1998), pp.121–47; Samuel S. Mushi and Rwekaza S. Mukandala (eds.), *Multiparty Democracy in Transition. Tanzania's 1995 General Elections* (Dar es Salaam: Department of Political Science and Public Administration, University of Dar es Salaam, 1997); NEC, *The Report of the National Electoral Commission on the 1995 Presidential and Parliamentary Elections* (Dar-es-Salaam: NEC, 1997); Palle Svensson 'Prospects for Free and Fair Elections in Kenya 1997–98' (unpublished paper, Aarhus, Aug. 1997). Aili Mati Tripp, 'Political Reform in Tanzania: The Struggle for Associational Autonomy', paper presented at ECPR Workshop 'Democracy in the Third World: What Should be done?', Mannheim, 26–31 March 1999 (Madison, WI: Department of Political Science, University of Wisconsin-Madison, 1999 – a version of the paper is forthcoming in *Comparative Politics*); John A. Wisemann, 'Early Post-redemocratization Elections in Africa', *Electoral Studies*, Vol.11, No.4 (1992), pp.279–91; John A. Wiseman, 'The Slow Evolution of the Party System in Botswana', *Journal of Asian and African Studies*, Vol.XXXIII, No.3 (1998), pp.241–64.
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