Election Dispute Management for West Africa

A TRAINING MANUAL

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West Africa Network for Peacebuilding

Foreword

From the 1950s through to the 1970s, the fever of 'decolonization' reigned in Africa giving rise to the fight for and attainment of independence. Although independence brought with it new found freedom, it also heralded deep-seated political instability that often accompanied the struggle for 'self-rule.' Most African nations have been embroiled in violence and coercion as a common means of power change resulting into coups and countercoups. Although governance in most African countries can be said to be ostensibly democratic, however, the wave of democracies experienced in the region from the 1990s did not translate to peaceful power sharing as was envisaged.

It has been established that elections generally are fraught with conflicts, especially in the African context where violence is inherent to elections due to the fact that the electoral process itself is hinged on an oppositional framework. The spate of election violence in most African countries in the recent times is disheartening. Election-related violence in Africa is so high that even an election considered to be "free and fair" in outcome may not have been entirely free of violence during the electoral process. At the same time, the voting process is riddled with accusations and counter-accusations of fraud and irregularities, exacerbated by the lack of credible legal instrument or mechanism for the aggrieved parties to resolve issues arising from electoral disputes. Thus, disputes are a common occurrence in elections as those who lose will always challenge the winners; even where there are democratic principles such as exist in advanced countries.

Elections in themselves are not inherently a source of violence, but when not conducted within an appropriate institutional framework could become tools used to exacerbate political, ethnic, regional, and religious tensions which could spill over into violence. The constitutional provision of most West African countries specifically guarantees the independence of electoral bodies but in reality, this independence in most cases, is not respected. Cases abound where those heading these bodies have been forced to resign before the elections were completed or ordered to declare election results they do not believe reflect the true outcome of the elections. The lack of independence and the capacity of election management bodies to deliver on their constitutional mandate is an obstacle to their ability to organise free, fair and transparent elections. Because the EMBs play a pivotal role throughout the cycle of the election process, their institutional capacity to develop and maintain effective strategies for dispute management is essential to the consolidation of democracy and mitigation of political conflicts in West Africa.

QUICK READ
The manual is divided into five modules with each respective session covering different thematic areas in the electoral process including; understanding Electoral Process; Managing Election Disputes; Understanding Stakeholders in Election; Spectrum of Election Dispute Management and the Multi track Diplomacy in Election Dispute Management.

It is for this purpose that the West Africa Network for Peacebuilding (WANEP) based on years of experience in monitoring elections, and as part of its contribution to the overall democratic stability and peace in the region, has designed a training manual on election dispute management in West Africa. The manual is divided into five modules with each respective session covering different thematic areas in the electoral process including; understanding Electoral Process; Managing Election Disputes; Understanding Stakeholders in Election; Spectrum of Election Dispute Management and the Multi track Diplomacy in Election Dispute Management.

Each module was carefully developed and designed to equip EMB personnel with the needed strategies for conflict analysis and election dispute management as well as enhance their understanding of elections and its critical importance to democratic governance. It is our fervent hope and wish that these modules would help fan the embers of peace and reconciliation within the West African Region and beyond.

Dr. Christiana Thorpe
President of ECOWAS Network of Electoral Commissions in West Africa

📄 **QUICK READ**
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Acknowledgement

QUICK READ
The Election Dispute Management for West Africa: A Training Manual is the upshot of meticulous efforts of many peacebuilding practitioners and academia's across West Africa for the actualization of peaceful and credible organization of elections in the region.

Contents

Acronyms

BATNA	Best Alternative To a Negotiated Agreement
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CSO	Civil Society Organization
ECOWAS	Economic Community of West African States
EMB	Election Management Bodies
EOM	Election Observation Mission
EU	European Union
GNU	Government of National Unity
INGO	International Non Governmental Organization
IPCR	Institute for Peace and Conflict Resolution
NGO	Non Governmental Organization
UNSCR	United Nations Security Council Resolution
WANEP	West Africa Network for Peacebuilding

Introduction

(a) Brief Background: A significant driver of political conflicts in West Africa is linked to violence that characterizes elections in the region. A retrospection of elections in most countries of West Africa, presents the absence of strong structural, institutional and normative democratic conditions to absorb and resolve tensions that arise during and after electoral process, which exacerbates violence and disputes. Given their competitive nature, in certain circumstances elections have increased the salience of ethnic, religious, and other societal differences, allowing actors to be mobilized for partisan purposes, triggering violence[1]. To conduct credible violent free elections, requires acceptable set of values that ensures fair electoral practices predicated on representation, accountability, inclusiveness, transparency, gender equality, tolerance and respect for diversity[2]. Thus an effective dispute management system is critical to foster these values and prevent violence or disputed elections in West Africa.

This training manual is part of the West Africa Network for Peacebuilding (WANEP)'s contribution to build the capacity of stakeholders in election in West Africa for election dispute management that ensures peaceful elections and stable democratic institutions and practice in the region. It is also in line with WANEP's complementary role to ECOWAS within the framework of a standing Memorandum of Understanding to coordinate civil society efforts in conflict prevention for West Africa.

(b) Assumptions—The manual is designed for 5 days training. Maximum benefiting participants per training is 25 persons. The format and structure supports use by both professional trainers as well as practitioners. It also requires a basic knowledge in conflict management. The necessity to mainstream gender throughout the training sessions is important.

(c) Scope of the Manual: Significant reference will be derived from the already published "Election Dispute Management Practice Guide for West Africa" by WANEP. However additional contexts are provided from the conflict management resources and also from the West African experience. However the experience and context can inform adaptation and use beyond the West Africa region.

(d) Using the Manual: The manual is divided into five modules with respective sessions that reflect the theme of the module. Before beginning each module, the trainer should be guided by the objectives and corresponding tips for trainers. The tips serve only as a guide and therefore are not restrictive. The use of the graphic illustrations is encouraged to further highlight the discussions on the session.

(e) Language: This manual has been designed in English but could also be adapted in other languages depending on the preference of the participants. However, it is important that the trainer understands how to adapt the language of training to properly reflect the core information of the manual.

(f) Training Evaluation: Trainers are encouraged to start each training with a pre-training evaluation and end with a post training evaluation. Evaluation for each module can be optional depending on the needs of the training. This helps to determine if participants' expectations have been met, which will also serve as a personal assessment to understand weaknesses and strengths in the training.

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1 International Peace Institute, "Elections and Stability in West Africa: The Way Forward". May 2012

2 Electoral Institute of Southern Africa, "Principles for Election Management, Monitoring and Observation in the SADC Region". Johannesburg, 2004.

(g) Basic Training Methodologies

✴ *Role Plays:* A participatory method that vividly captures transferred messages in a practical way. It involves participants taking up roles and acting them out to deepen understanding and skills.

✴ *Brainstorm:* A process of rubbing minds together, exchange of ideas to arrive at possible solutions to a particular problem. Brainstorm always seeks to find the best way to achieve results through participatory and interactive system as opposed to the lecture method.

✴ *Discussion/Interactive Session:* It seeks to elicit varied knowledge of the topic under discussion from the participants.

✴ *Case Studies:* This is referential adapted from real life experiences. It utilises past situations. It involves studying what has been done by a group of people or institution and learning from it.

✴ *Experiential Learning:* A more personalised form of learning. Knowledge is acquired through direct experience.

✴ *Lectures:* This involves imparting theories and skills to an audience. The trainer operates under the assumption that the participants have little or no knowledge of the topic. It serves as addition to existing knowledge.

✴ *Multimedia presentation:* An interactive visual presentation that provides illustrations and key points which further enhance the knowledge and skills of participants.

✴ *Graphic Illustrations:* The use of images and pictures to deepen impression and ability of participants to associate the topic with context realities.

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Module 1

Understanding Electoral Process

Contents:
✓ Session 1: Understanding Elections (Definitions, Types, Processes)

✓ Session 2: Legal Framework of Elections (Electoral Laws, constitution, code of conduct, International laws/Standards (ECOWAS) etc.)

✓ Session 3: Regulatory and Oversight Institutions: Election Management Bodies, Constitutional Courts, Legislative Oversight, Election Observation Missions (Local/International)

✓ Session 4: Voters Registration and Voting Standards (voter registration, voting, polling/tabulation and reporting)

Key Learning Objectives:
At the completion of the module, the participants will

✱ Deepen their understanding of elections and its critical importance to democratic governance in any society or country;

✱ Appreciate the basic legal instruments (local and international) that facilitate successful electoral processes;

✱ Understand the strategic roles and importance of various key election regulatory and oversight institutions;

✱ Have improved knowledge of the relevance of the voters' registration and voting standards and their implication to a successful electoral process.

Methodology:
Plenary Presentation, Group Exercises, Graphic Illustration, Case Studies, experience sharing, Questions and Comments, Interactive Discussions, Brainstorm, Multimedia projection.

Overall Duration:
270 minutes

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The module will help Deepen their understanding of elections and its critical importance to democratic governance in any society or country;

Session 1: Understanding Elections

Time Guide: 90 Minutes

Tips for Trainer

Step 1: *A brainstorm exercise* at plenary is advised to elicit the existing knowledge of the participants about elections. The use of flipchart paper by the trainer to note these contributions from the participants is very important as it facilitates lively interaction and their perception on elections from their contexts. The skill of the trainer to provide equal opportunity for inclusive response by participants will provide broad perspectives on their understanding of elections which will assist the trainer in further discussions and explanations from his/her handout.

Step 2: *Use of graphics and diagrams through Multimedia slide presentations* or pasted on the flipchart board boost the participatory learning of the group and gives opportunity for further interaction, questions and discussions on the types of elections as it relates to the different contexts, experiences and background of the participants. It also serves as an experiential learning approach that deepens understanding and knowledge.

Step 3: The *use of case studies* provides practical examples which deepens the understanding of the participants especially in the discussions about the types of elections. This will further be complemented by the use of graphic illustrations. Participants should be encouraged to provide these case studies which serve as discussion points and also the ability of the trainer to appraise the level of understanding and followership of the participants in the session.

Step 4: *Breaking the participants into groups* of not more than 5 is encouraged for the simulated exercise provided in the handout. This highlights two key advantages of smaller group discussions and contributions and also informal opportunities for participants to discuss the key points of the session. The exercise of each group is recorded in a flipchart paper and presented to the plenary. The trainer should be cautious of managing time at the groups exercise (10 minutes) and the presentation (3 minutes) to provide equal opportunity for all groups to make their presentation at plenary.

Step 5: Opportunity for *questions and comments* as wrap up of the session is necessary to reflect on key points of the session.

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Trainers Handout: Understanding Elections

What is an Election?

It is a formal decision making process by which a population chooses an individual to hold public office. Elections have been the usual mechanism by which modern representative democracy has operated since the 17th century. Elections may fill offices in the legislature, sometimes in the executive and the judiciary and for regional and local government. This process is also used in many other private and business organizations, from clubs to voluntary associations and corporations.[3]

Three key points emerge from the definition of election:
✓ The Presentation of a Candidate(s)
✓ Formal decision making process by the population to choose the preferred candidate
✓ The emergence of an elected official

Candidates   Popular decision/choice   Elected official

Fig. 1: Graphic description of election
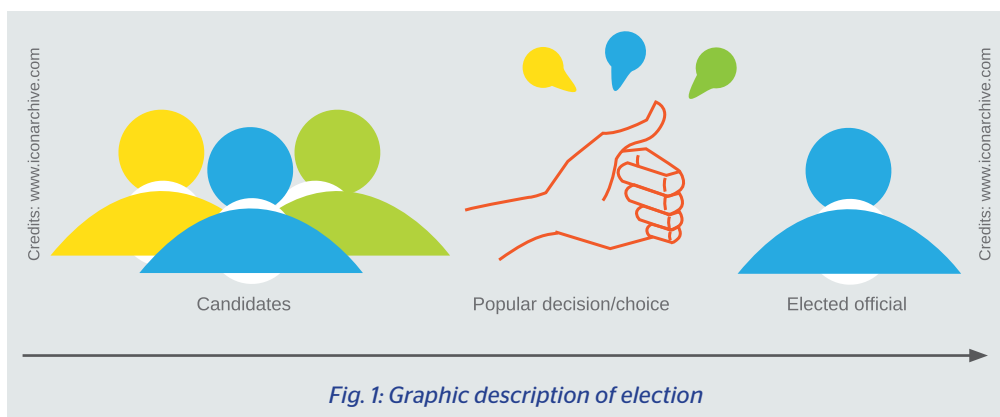
An election is basically a decision making process in which the people decide on who leads them. It can occur for a variety of reasons, including regular electoral cycles, resignation of political office holders, death of a political leader, disqualification of a candidate from office, etc.[4]

In order for an election to truly represent the popular wish of the people, it has to meet four basic conditions:

1. The involvement of more than one political party or candidate so that the people could make their independent choice on how their representatives should actually rule them.

2. The competing political parties or candidates are given equal opportunity to canvass for votes by having the freedom to hold meetings, access to the media and to communicate with voters about their policies.

3. An electoral process governed by well known/standardised instruments or legal rules.

4. People's right to make choices on the candidates and how to vote during elections.

QUICK READ
Three key points emerge from the definition of election:
The Presentation of a Candidate(s)
Formal decision making process by the population to choose the preferred candidate
The emergence of an elected official

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3 Wikipedia, The Free encyclopaedia. http:/ en.wikipedia.org/wiki/Election

4 WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building.

Types of Elections:

Primary election: this is a nominating election in which the field of candidates that will run in the general election are chosen. Victory in a primary usually results in a candidate being nominated or endorsed by a political party for the general election.
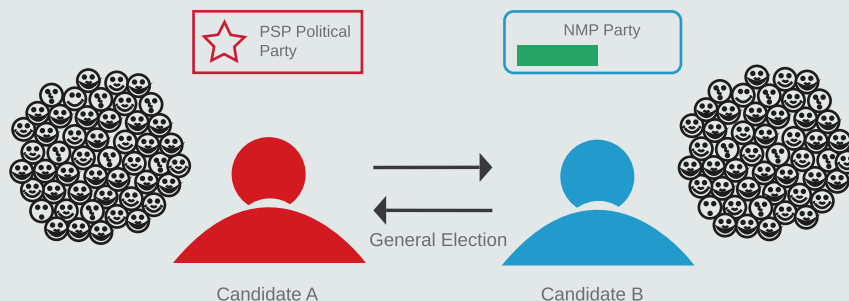
Fig 2: A Graphic Illustration of Primary elections

General Election: A general election is an election held to choose among candidates nominated in a primary (or by convention, caucus or petition) for federal, state and/or local office. The purpose of a general election is to make a final choice among the various candidates who have been nominated by parties or who are running as independents (not affiliated with a major political party) or, in some cases, write-in candidates. Measures such as proposed legislation (referendums), bond issues (approving the borrowing of money for public projects) and other mandates on government also can be placed on the ballot.
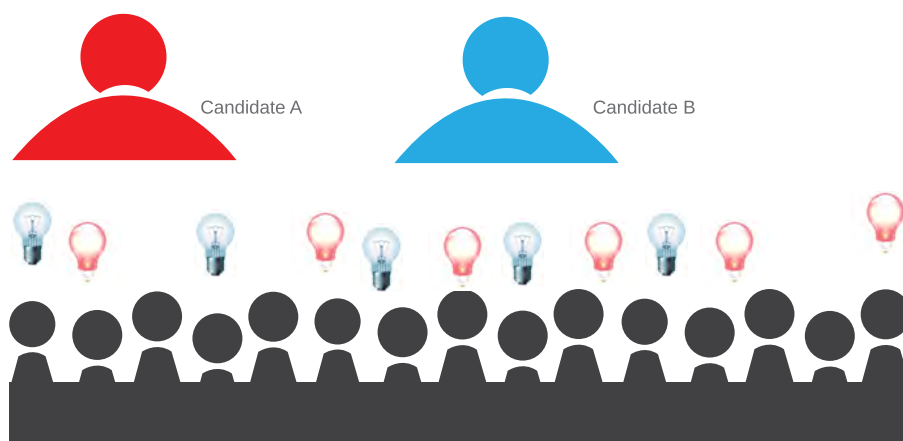
Fig 3: A Graphic illustration of General Elections

Block Vote Elections: A plurality/majority system used in multi-member districts in which electors have as many votes as there are candidates to be elected. Voting can be either candidate-centred or party-centred. Counting is identical to a First Past the Post system, with the candidates with the highest vote totals winning the seats. Plurality and majority systems are used for both presidential and parliamentary elections in West Africa.

Mali uses this type of election for its presidential election.

Total Number of Voters in Constituency—5,000

Candidate A 5,000 votes✓
Candidate B 3,500 votes✓
Candidate C 2,000 votes
Candidate D 1,500 votes
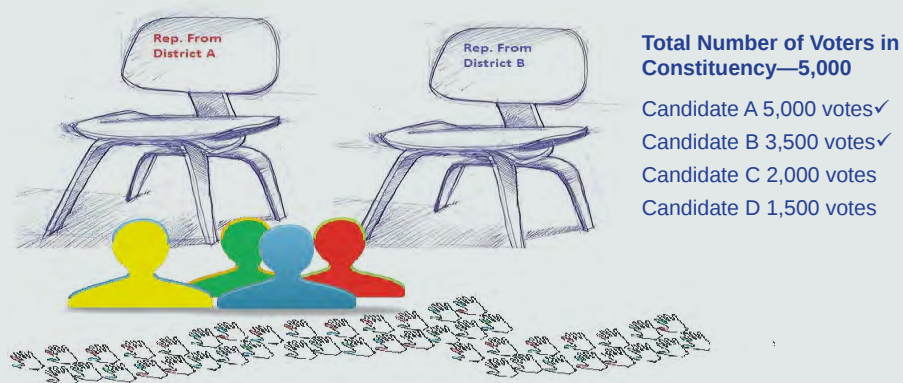
Fig 4: Graphic illustration of blocked Vote elections

*First Past The Post—*The simplest form of plurality/majority electoral system. The winning candidate is the one who gains more votes than any other candidate, even if this is not an absolute majority of valid votes. In Legislative Elections, the First Past Post system uses single-member districts and the voters vote for candidates rather than political parties. (See fig 4). This system is widely used in English speaking West Africa such as The Gambia where it is used for its presidential elections. It is the system that was inherited from the colonial past, and thereby familiar to the electorate; but the system is also rather simple and straightforward. But in spite of its familiarity and simplicity, its drawback is its inability to distribute legislative seats to competing political parties on the basis of their overall strength nationwide. In this sense, the system is most unfriendly to smaller parties.

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*Parallel System—*A mixed system in which the choices expressed by the voters are used to elect representatives through two different systems.

Mixed Member Proportional:
Refers to a mixed system in which the choices expressed by the voters are used to elect representatives through two different systems—Party-list Proportional Representation and (usually) one plurality/majority system—where the Party-list Proportional Representation system compensates for the dis-proportionality in the results from the plurality/majority system. Where the proportional representation is used, legislative seats are distributed to the contesting parties on the basis of their respective percentage shares of the total votes cast at an election. In contrast to English Speaking West Africa, this system is widely used for parliamentary elections in French speaking West Africa.

Under this system, prior to an election, each competing party provides a list of candidates, according to the available legislative seats and arranged in ranking or preferential order. After the election, each party's percentage share of the total votes cast is used to calculate the number of seats it has won, and the ranking order on the list of candidates is then used to determine the specific candidates elected. The list of candidates may be national or based on electoral divisions. The proportional system is political party based. The proportional system is used exclusively for parliamentary elections.[5]

District B

District A

Election Results
SPD Party—District A-D
Total votes cast = 7,000

MSA Party—District A-D
Total Votes Cast = 5,500

YQN Party—District A-D
Total Votes Cast = 3,000

District D

District C
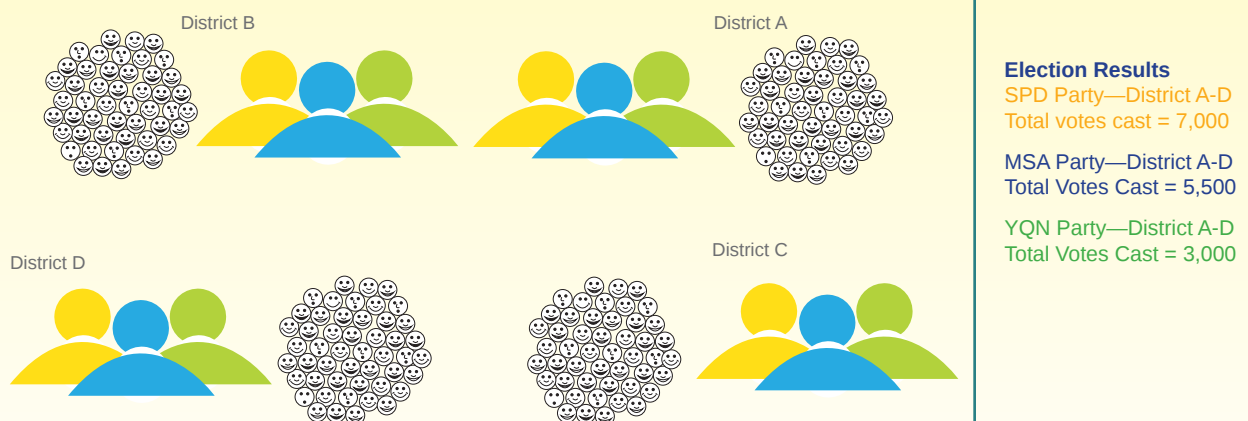
Fig 5: A Graphic illustration of Mixed Member Proportional Election

5 ECOWAS, "The Role of ECOWAS in Election Observation: Report of the Expert Workshop with the ECOWAS Council of Elders", Accra-Ghana. June 14-16, 2004.

*Parallel System—*A mixed system in which the choices expressed by the voters are used to elect representatives through two different systems.

*Party-List Proportional Representation—*Under this system, each party or grouping presents a list of candidates for a multi-member electoral district, the voters vote for a party, and parties receive seats in proportion to their overall share of the vote. See fig 5

*Party Block Vote—*A plurality/majority system using multi-member districts in which voters cast a single party-centred vote for a party of choice, and do not choose between candidates. The party with most votes will win every seat in the electoral district.

*Two-Round (Run-off) System—*A plurality/majority system. The name indicates the central feature of the system: that it is not one election, but takes place in two rounds, often a week or a fortnight apart. The first round is conducted in the same way as a normal First Past the Post election. If a candidate receives an absolute majority of the vote, then they are elected outright, with no need for a second ballot. If, however, no candidate receives an absolute majority, then a second round of voting is conducted, and the winner of this round is declared elected.[6]

6 Africa Elections Database: http://africanelections.tripod.com/terms.html

Election Process— What is it?

Election process depends largely on the society in question. The relative success of an effective election process hinges on the prevailing political context of a given society. Is it just emerging from war or a period of autocratic rule? Does it have existing experience of electoral democracy? Is the State interested in joining the comity of nations that are committed to the democratic ethos in all aspects of political life?

In all, it involves a wide range of activities that include:

* The establishment of the legal framework for elections;
* Putting in place the institutional framework for the conduct of the elections and managing challenges resulting from elections;
* Independence of the Election Management Body (EMB);
* Party(ies) application to participate in an election;
* Party primaries for nominating candidates;
* Campaigns;
* Balloting and counting;
* Declaration of results and management of disputes arising from declared results.
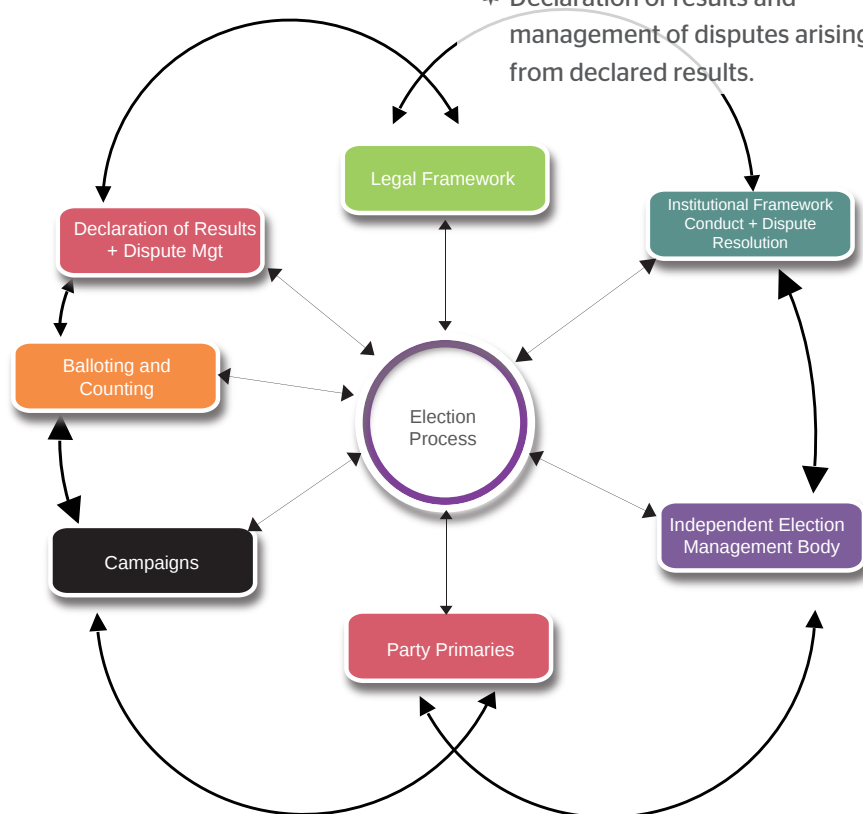
Fig 6. A graphic illustration of an Election Process

Simulated Exercise:

As part of the ongoing post conflict reconstruction and political stability process in Mali, its Military Head of State has announced the plan to conduct a democratic election in the country in less than a year to pave way for the return to democratic governance in the country. In a recent meeting by the Heads of Governments of the Economic Community of West African States (ECOWAS) to discuss the possibility of a successful election in the country, the President of the Commission was mandated to set up a committee to advise the Commission on the most effective type(s) of election to conduct in the country. As an expert, you have been contacted to make a short presentation to the President of the Commission on the most appropriate type of election to hold in the country. What will be your mode of presentation and why?

Take Away

A successful election involves 4 key elements:

1. The involvement of more than one political party or candidate;

2. Freedom of candidates or political parties to canvass for vote and communicate their manifesto to the voters;

3. An electoral process governed by standardised legal rules;

4. Peoples' right to make choices of the political party or candidate to vote for.

There are various election types as practiced by various societies/countries depending on their prevailing context. These include:

a. Primary elections

b. General Elections.

Types of general elections include:
Block vote election, First Past the Post Election; Mixed Member Proportional etc.

Election Process includes a legal framework, an institutional framework, independent Electoral Management Body, Party primaries, campaigns, balloting + counting, declaration of results and dispute management.

Further Reference:

* WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peacebuilding.

* Joseph TANYI MBI (2007), "A Brief Overview of the Meaning of Democratic Elections", in Cameroun Journal on Democracy and Human Rights, Vol.1. No.1.

* African Elections Database. http://africanelections.tripod. com/terms.html

* ECOWAS, "The Role of ECOWAS in Election Observation: Report of the Expert Workshop with the ECOWAS Council of Elders", Accra-Ghana. June 14-16, 2004

* Wikipedia. The Free Encyclopaedia. http:/ en.wikipedia.org/wiki/election

Session 2: Legal Framework of Elections

Time Guide: 60 minutes

Tips for Trainer:

Step 1: An *interactive discussion* of the participants' understanding of what a 'framework' means is important in setting the stage for this session. The clarity of this concept to the participants is essential to their understanding of the technical discussions on the legal framework. The trainer can explore the option of sharing stick-up papers to participants to write which legal instruments they know within their contexts that supports electoral process. This is pasted on the flipchart paper and sets the stage for interactive discussion on each identified instrument by the participants.

Step 2: A *plenary presentation* using multimedia device or flipchart by the trainer on the legal framework applying the participants' contributions and reality is important for understanding. The use of legal technical jargons should be limited by the trainer. Emphasis should be placed on simplicity of language and examples to enhance clarity and knowledge of the participants.

Step 3: The use of a *case study* is relevant to enhance the understanding of the participants on the basic elements of a legal framework and its importance to the electoral process. A familiar case study will facilitate better understanding and opportunity for participant interrogation and discussion. It also enables the trainer evaluate the assimilation of the participants about the session.

Step 4: The *exercise* (10 minutes) in the handout will be performed in a group of not more than 5. When possible, the trainer can alternate group membership to encourage informal bonding, knowledge sharing and learning from different perspectives by all participants. The use of flipchart to present responses (5 minutes) at plenary is encouraged.

Step 5: Opportunity for *questions and comments* is encouraged to round up the session.

Trainers Handout: Legal Framework of Elections

Understanding the Legal Framework of Elections:

It refers to all legislations and pertinent legal and quasi-legal materials or documents used that guide the successful conduct of elections. The legal framework is designed to protect the rights of all citizens and peoples involved in the electoral process and give possible complainants an effective avenue for redress. Within the framework, there is clarity for election related offences and also clearly spelt out regulation and enforcement of rights in line with the laws governing a given state or society. The legal framework is built on four basic pillars:

a. The constitution

b. The electoral law/code

c. Code of Conduct

d. International Legal Standards

Fig:7 A graphic illustration of the four basic components Legal Framework for Election

The Constitution | The Eectoral Law | Code of Conduct | International Legal Standards

Legal Framework of Election
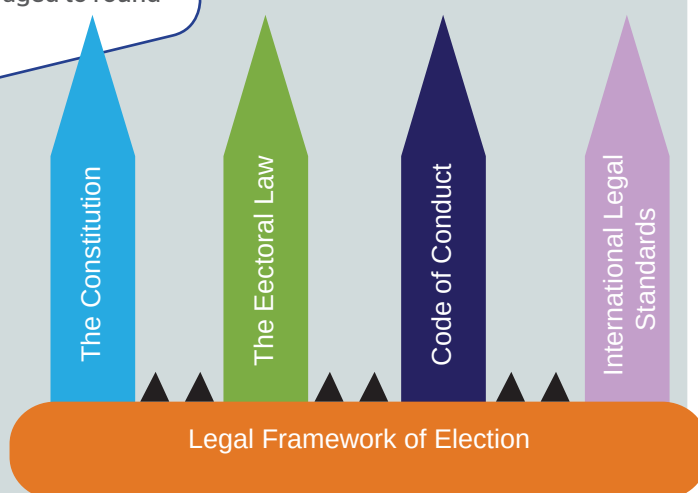
a. The Constitution:

The constitution of any country practising electoral democracy defines the rights of the citizenry, specifically in relation to how a government is formed. It contains electoral rights and the basic principles of the electoral system. Some constitutions have provisions on the details of the electoral process, most especially the type, composition and responsibilities of Electoral Management Bodies (EMBs). When electoral laws are part of a country's constitution, it gives little room to alter the system. It will also be difficult to make constitutional amendment on electoral issues, as it will require a long system procedure
which could generate dispute and disrupt the election calendar.

The Constitution

The right to vote and to be voted for

Democratic Institutions/Terms of Office

Body/Agency that conduct elections

Composition of Non Elected institutions
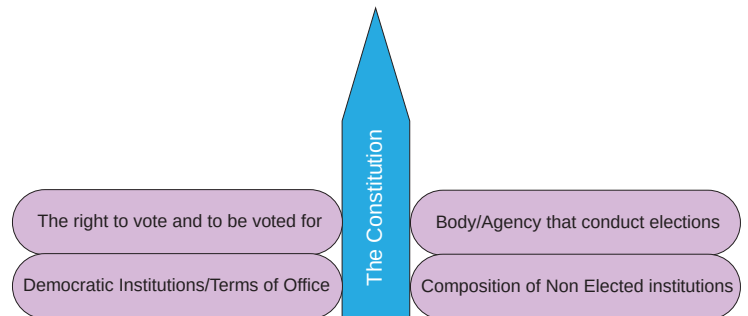
Fig 8: A graphic illustration of the constitutional supported laws for effective electoral process

b. The Electoral Law/code:

The electoral law is designed solely to address issues relating to the conduct of elections in a country. It defines what parties, citizens and the media are allowed or not allowed to do in the phases of the election season. It also provides strategic incentives and deterrents for all actors to conform or abide by approved ways. The electoral laws are formulated to promote consistency, equity and a common understanding of electoral process. The legal framework that defines the electoral laws is based on international treaties and agreements and backed by constitutional authority. Most countries of the world practising democracy, including those without a written constitution, establish their EMBs entirely by statute law. In other cases, some countries have both the constitution and an elaborate supplement of electoral laws. It defines status and functions of the EMB, and spells out its operational strategies, funding and responsibility. Codes of conduct are also clearly defined in the electoral law as well as how to deal with issues relating to election malpractices.

The Electoral Law

Election Dispute Management

Political Party/Candidacy Rights

Independence, Composition, term of office, powers and functions of the EMB

Maximum intervals for conducting elections

Suffrage Rights/Qualification

The procedure and nature of the electoral system
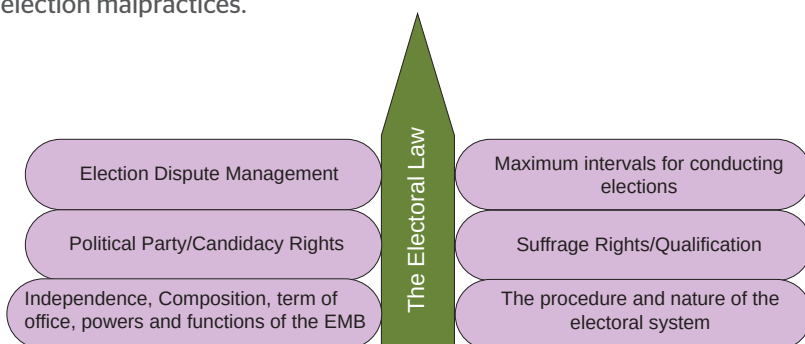
fig.8 A graphic illustration of basic norms that support an effective electoral law

QUICK READ
A successful election involves 4 key elements:
The involvement of more than one political party or candidate;
Freedom of candidates or political parties to canvass for vote and communicate their manifesto to the voters;
An electoral process governed by standardised legal rules;
Peoples' right to make choices of the political party or candidate to vote for.

c. Code of Conduct:

A code of conduct is a set of rules outlining the responsibilities of or proper practices for an individual, party or organisation. Within countries practising democracy, politicians are most likely to respect the code of conduct they develop for themselves than any law. In some countries, the EMB supports the political parties to develop a mutually agreed code of conduct which increases the liability of the parties to any possible complicity to malpractices during the electoral process. Specifics included in codes of conduct vary from country and government although most ethical codes of conduct, such as refraining from bribery or use of derogatory language, remain standard.[7]

MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES

1. General Conduct

(1) No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.

(2) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.

(3) There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.

(4) All parties and candidates shall avoid scrupulously all... "corrupt practices" and offences und... intimidation of...

d. International Legal Standards

Nations of the world are expected by international morality to adhere to the various international legal instruments and regional standards they ratified in respect to human rights, including election related matters. The most historical and applicable document in this respect is the Universal Declaration of Human Rights. Article 21 of the Declaration states in its clauses (1) and (3) that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives" and "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures".
In West Africa, the two most important legal instruments relating to elections are the Declaration of Political Principles of The Economic Community of West African Sates, A/DCL.1/7/91 (Fourteenth Session of the Authority of Heads of State and Government, Abuja, 4-6 July 1991) and the Economic Community of West African States, Protocol A/SP1/12/01 on Democracy and Good Governance, Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, Dakar 2001. The formal applicability of such standards to a particular country will depend upon its international undertakings in relation to the relevant documents. These instruments serve as overall normative guidance in the conduct and participation of elections in a given country or society.

Guiding Principles for Legal Framework of Elections

A legal framework shall...

1. Be unambiguous, understandable and transparent

2. Seek to ensure that boundaries of electoral units are drawn to be objective to accord equal weight to each vote and representation

3. Ensure that all citizens are guaranteed the right to universal suffrage

4. Provide equal rights to contest elections without discrimination

5. Be freely and publicly available to all stakeholders

6. Require that an independent and impartial EMB be established

7. Ensure that a transparent and accurate voter's register is maintained

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7 www.ehow.com

8. Protect the rights of all qualified citizens to register and vote

9. Ensure that contesting parties/candidates have the right to freedom of expression, association and access to the electorate

10. Guarantee the rights of all political parties/candidates to access the media

11. Ensure that all polling stations are accessible with secrecy of ballot and accuracy of recording of ballots

Simulated Exercise:

Select any country of your choice in West Africa to respond and present the following questions to plenary:

a. Which of its particular laws relate to the conduct of elections?

b. What do the laws say about electoral offences before and during elections?

c. Explain how Democracy and Good Governance support the electoral laws of the country?

d. What electoral issues or challenges have occurred in the country selected in relation to the prevailing election legal framework and what would you suggest as corrective measures for future elections?

Take Away

Legal Framework of Election is built on 4 basic Pillars

1. The *Constitution* which contains as part of its statutory provisions all institutional and citizens' rights to clearly defined electoral process as well as the basic principles guiding electoral process;

2. The *Electoral law* which is formulated to guide the Election Management Body (EMB) and to provide consistency, equity and a common understanding of the electoral process;

3. A c*ode of conduct* designed as a set of rules by political parties and candidates to guide their behaviour and compliance and observance to ethics and laws of an electoral process;

4. *International Legal Standards* are universal instruments designed to ensure ethical standards and protection of citizens' rights in electoral processes

Further Reference:

✱ WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peacebuilding.

✱ www.ehow.com

Session 3: Regulatory and Oversight Institutions

Time Guide: 60 minutes

Tips for Trainer:

Step 1: The session is suggested to start with **Group Exercise** (5 minutes) contained in the handout. Participants return to their last groups and work further on their identified case studies, highlighting the regulatory and oversight institutions that are supported by the legal frameworks in their country. The responses are recorded on a flipchart and presented to the plenary (3 minutes) by a nominated member of the group. The exercise and the follow-up plenary interaction will enhance the appreciation of the participants to understand the relationship between the legal framework and the oversight/regulatory institutions.

Step 2: The group presentations set the stage for the **plenary presentation** and discussions by the trainer. These **practical exercises/case studies** are applied to the presentation. The use of **multimedia with graphic illustrations** by the trainer is likely to deepen the participants understanding of the session. The trainers should consider the option of allowing the participants interject by asking questions for clarification and enhanced understanding.

⎙ QUICK READ
A code of conduct is a set of rules outlining the responsibilities of or proper practices for an individual, party or organisation. Within countries practising democracy, politicians are most likely to respect the code of conduct they develop for themselves than any law.

Step 3: **Questions and Comments** form a significant aspect of this session. It enables the participants interact and share experiences/knowledge with the trainer on identified case studies. It breaks the ice of the plenary and provides a semi-formal interactive session amongst the participants and the trainer.

Trainers Handout: Regulatory and Oversight Institutions:

Understanding of Regulatory and Oversight Institutions:

Regulatory or oversight institutions play important roles in delivering regulatory policy and ensuring quality of processes related to their core area of focus. In relation to democratic elections of countries, a regulatory or oversight institution derives its power and relevance from statutes and laws recognised or constituted by the State for stability of democracy and democratic institutions. These institutions capacity to monitor and regulate the operations and activities of all stakeholders in election ensures its credibility, collective trust and overall acceptability of the outcome by the citizens.

These Institutions include:

a. Election Management Bodies (EMB)

b. Legislative bodies

c. Constitutional Courts and other courts

d. Election Observation Missions (local and international)

a. Election Management Bodies:

EMBs are independent institutions or various bodies legally responsible for managing one or more elements that are essential for the conduct of elections and of direct democracy instruments. Legal provisions guarantee its objectivity, independence, unbiased and effective administrative structures for the conduct of elections. Its specific functions include:

✓ *Pre-election*—Determining who is eligible to vote; receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates); conduct voter registration; procurement of electoral materials; voter education; management or oversight of campaign financing and media monitoring.

✓ *Election*—Conducting balloting; counting votes; totalling from polling locations, announcing results (depending on its legal structure as well as the country context).

✓ *Post-election*—electoral dispute resolution, monitoring and evaluation reports, run-off elections etc.

b. Legislative Bodies:

These are elected law making arms of government with the responsibility of providing sound legal framework for free and fair elections which include the adoption of electoral systems (in line with constitutional and legislative provisions) that ensure fair representation and inclusive outcomes for a smooth electoral process and change of government. Other functions in relation to election include:

✓ Ensuring the independence and impartiality of EMBs with due emphasis on accountability, integrity and transparency of the entire election process;

✓ Encourages EMBs to be cost effective, use appropriate up to date Information and communication technologies so as to make the electoral process people friendly, efficient and safe from malpractice while ensuring transparency and public confidence;

✓ Enacts strong regulatory, investigative and prosecutorial powers to EMBs to deal with instances of electoral fraud, intimidation and other improprieties committed in the course of an election;

✓ Identify weaknesses in an prevailing electoral apparatus and legislation and to take steps to redress such weaknesses;

✓ Ensures appropriate legislation and mechanisms for an independent, fair, transparent, expeditious and accessible electoral dispute settlement mechanism that has the confidence of election stakeholders and the wider public

c. Constitutional Courts:

In some francophone countries of West Africa, a constitutional court is established as part of the election process. Part of its responsibilities include:

✓ To check whether the electoral laws that are passed by the legislative arm are in compliance with the provisions of the constitution.

✓ It also protects the citizens against the breach of their basic rights in participating in organised elections

✓ The court ensures that the presidential and parliamentary elections as well as referendum(s) are transparent and free, sincere and credible.

✓ It proclaims the results of such elections and examines/presides on post election disputes.

d. Election Observation Mission (EOM), (Local and International):

This is designed with the primary purpose of guaranteeing the integrity of an election process in accordance with electoral laws and international regulatory standards. EOMs apply at transitional democracies and also longstanding democratic systems. In most unstable democratic or transitional democracy, it reassures a sceptical public about the importance of the electoral process and the relevance of each voter's participation. Often in these environments, the public's only experience with politics concerns human rights abuses, fraudulent elections and military or autocratic rule. In these circumstances, basic notions of civic responsibility need reinforcement and anxieties must be overcome. Publicity surrounding the formation of Election Observation Missions and their presence at voting stations on Election Day enhances public confidence and encourages citizen involvement in the electoral process. Public statements and reports issued by EOMs about the electoral process may lead to changes in policies that promote a more equitable election. Deployment of observer missions to troubled areas serves to discourage intimidation, fraud and irregularities. Also when they monitor the vote counting process through independent vote tabulation or other means, they provide an unbiased source for verifying official results.

A post election evaluation conducted by EOM may also influence the positions of electoral contestants regarding the overall legitimacy of the process. A relatively positive assessment could encourage acceptance of the results of all parties or vice versa. Observation Missions can be categorised into Local observers and International observers. EOM's find their roles cutting across entire electoral phases. Specifically, their responsibilities include the following:

✓ Whether election laws are clearly defined and meet basic international standards;

✓ Whether these laws are understood by election officials, political contestants and the public;

✓ Whether EMBs are impartial and have adequately trained personnel;

✓ Whether there has been a history of electoral problems and/or there is a possibility of manipulation;

✓ Whether competing political parties and/or candidates are capable of effectively monitoring their electoral process in order to defend their interests;

✓ Whether the news media have a history of balanced and objective coverage of elections;

✓ Whether the public has a high degree of confidence in how the EMBs and the political contestants will operate;

✓ Whether there is accurate and standardised registration of voters and voters register;

✓ Whether the election constituencies have been properly delimited;

✓ Whether the qualified political parties and electoral contestants

have fair and equal opportunities to participate in the electoral process;

✓ Whether proper voting and counting have taken place;

✓ Whether transparent and standardised tabulation of voting results and official announcement has been performed by the EMBs
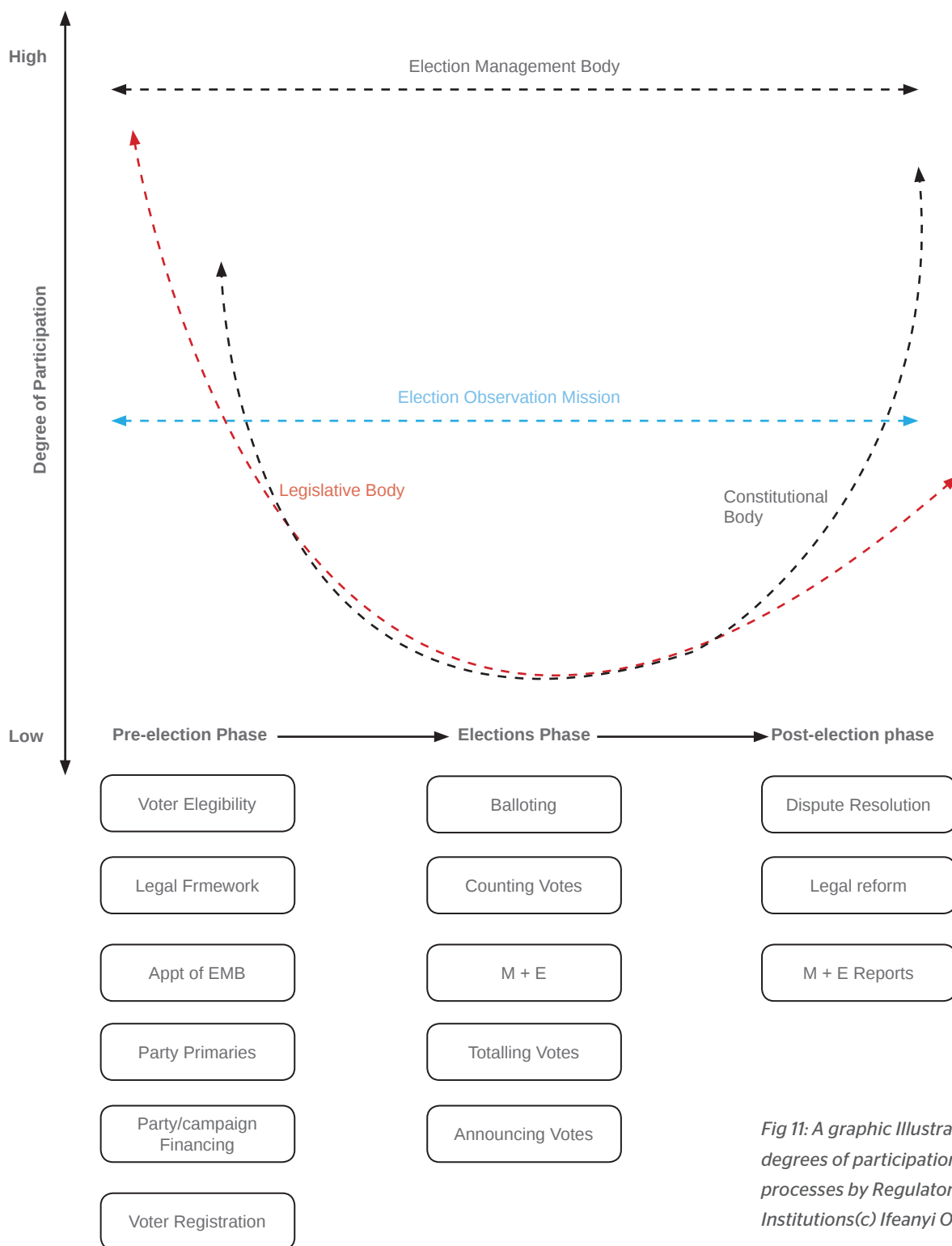
Fig 11: A graphic Illustration of degrees of participation in electoral processes by Regulatory/Oversight Institutions(c) Ifeanyi Okechukwu

Simulated Exercise:

Using your country as a case study, highlight the basic regulatory or oversight institutions. What has been their challenge in organising elections? Recommend options to address each challenge.

Take Away

Regulatory or oversight institutions focusing on elections are backed by law and international statues to facilitate a transparent, standardised and credible election process in any country or society. These institutions vary in various countries. However in West Africa, four basic institutions play significant roles in elections within the ECOWAS member countries. These are Election Management Bodies, Legislative bodies, Constitutional courts and Election Observation Missions.

1. *Election Management Bodies* are independent bodies established by law with the responsibility of administering the electoral process for fair and smooth democratic transition.

2. *Legislative Bodies* are the elected arm of government with the responsibility of providing sound legal framework for credible elections

3. *Constitutional Court* exists in some francophone West African countries with the responsibility of ensuring the transparency and credibility of electoral processes. It also protects the rights to fair and equal participation of all stakeholders in an electoral process.

4. *Election Observation Missions* can consist of local or international observer groups. Their presence guarantees the integrity of an election process in accordance with electoral laws and international regulatory standards.

Further Reference:

✱ Benin Bulletin of the Constitutional Court (2013) "Better Know the Constitutional Court of Benin", Media of information and Education No. 001, 1st Trimester.

✱ Mr. Mathias Hounkpe and Prof Ismaila Madior Fall (2011), "Electoral Commissions in West Africa- A Comparative Study, Abuja. OSIWA

✱ Mr. J.D. Seelam and Mr. W. Madzimure(2011) "Providing A Sound Legislative Framework Aimed at Preventing Electoral Violence, Improving Election Monitoring and Ensuring Smooth Transition of Power', at Inter Parliamentary Union, 124th Assembly and Related Meeting. Panama

✱ WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peacebuilding.

Session 4: Voter Registration and Voting Standards

Time Guide: 60 minutes

Tips for Trainer:

Step 1: The **case study** of a recent election held in a West African country is raised by the trainer for the discussion with the participants. The participants are encouraged to critique/interrogate the entire voting process, highlighting the high points, successes and challenges they observed. The trainer captures the key points as identified by the participants on a flipchart.

Step 2: The participants are encouraged to further discuss their experiences and contribution with a **group exercise** (10 minutes) of not more than 5 persons in each group to deliberate on the case study in the attached trainers' handout. The groups are encouraged to discuss real life experiences especially if they have been part of an Election Monitoring Group. The group interactions are expected to be captured in a flipchart and presented to plenary by each group (5mins).

Step 3: The trainer applies the participants' contribution to his/her **plenary presentation** using a combination of flipchart and multimedia projector of prepared power point slides. The use of graphic illustrations of pictures by the trainer will give depth and understanding of the participants to the session.

Step 4: All reported flipcharts are pasted round the workshop venue to give opportunity for participants **transect walk** to reflect and internalise the entire key points relevant to the understanding of the session.

Step 5: Questions and Comments provide an opportunity for the participants and trainer to further discuss and clarify any misunderstood aspects of the presentation or the session as a whole.

QUICK READ
Voter Registration is the guarantee of the universal rights of the citizens of any given country to exercise his/her franchise to vote for a candidate or political party of choice into political office.

Trainers Handout: Voter Registration and Voting Standards

What is Voter Registration?

It is the guarantee of the universal rights of the citizens of any given country to exercise his/her franchise to vote for a candidate or political party of choice into political office. The franchise means that the governed have agreed to delegate their authority to those elected to govern. It is the link between the legitimacy of political governance and the liberty of human beings. The voters register is predicated on two principles:

a. Universal: It should include every adult person who is a citizen of a country undergoing an electoral process. The legality and specifications of who constitutes an eligible citizen and adult is subject to the legal interpretations/provisions in existing laws of a country. Voter registration is directly related to political participation in terms of both citizen mobilization and voter turnout. The operation of registering voters is in

itself a mobilizing exercise in transitional democracies as well as established democracies where significant segments of the population may fail to register votes.

b. Equal: registration of every qualified voter should have the same value without discrimination. This does not mean that every vote has the same weight in producing institutionalized representation of the people depending on the existing electoral laws and processes in various countries. The definition is relevant in connection to voter registration as a mechanism to ensure equality for the exercise of the right to vote.

Voters register is considered a safeguard to the integrity of suffrage and therefore an essential condition for the legitimacy of democracy as well as political stability of a country.

How to Structure Voter Registers:

Voter registration may be done in at least two ways. In some countries, the electoral framework requires that voter registration be linked to national identification or civil registration system, which is controlled by a state authority. In the other case, voter registration is a purely an administrative action. Disputes about the voter register are usually settled by the electoral body. In some countries a body other than the electoral body is charged with the electoral law with developing and compiling voter registration. Whatever method is adopted for compiling the voter register, the basic concern is the accuracy of the data in the register because this is an issue that has the potential to generate conflict. A register compiled by an independent electoral body will enjoy public acceptability only when the process is transparent enough. To maintain accurate electoral registers is a costly task.

Each electoral body should determine how best to check the system in order to prevent fraud at the polling station.

In structuring a voter register, the principal guiding principles are simplicity of procedures and convenience for the citizen. Political authorities and public officials must not hinder the exercise of that right by imposing obstacles. Simple administrative procedure must be put in place and the process for citizens to register must be made as convenient as possible to avoid long queues and waste of man hours, payment of heavy fees on stamps and photos, or having to show up several times at registration centres.

Responsibility for Voter Registration:

The responsibility for voter registration may rest with different state apparatuses depending on political and administrative traditions and experiences. However in West Africa, this responsibility often lies with the Election Management Bodies.

How long does it take to produce a new voter's register?

This may take from weeks to months depending on political and material conditions (i.e., political will, war and peace, logistics, administrative and financial conditions). Making registration procedures simple involves: automatic registration based on civil registers where these exist or requiring eligible voters to appear only once at registration posts; free-of-charge registration.

In registering eligible voters, is it necessary to produce a specially designed voter card?

This is optional depending on the level of data management system and level of democratic development in countries undergoing an electoral process. In most West African countries such documents exist and cover all eligible voters.

Fig 12: A sample picture of a voter's register

Voting Standards:

The registration of voters or electors should be carefully constructed to ensure fairness and effectiveness of provisions concerning voter qualifications, and residence requirement. Election lists and registers must be made available to interested parties and the means provided for challenging those documents. Measures to prevent double voting and voting by unqualified persons must be put in place. Attempts should be made at encouraging enfranchisement by making sure that discriminating factors are limited. Procedures should be established for accommodating broad participation and should be very simple to avoid their becoming barriers against otherwise qualified persons. The task of ensuring that underage voters are not on the voters list is a task not just for the EMB but for society as a whole. In a society where births are not compulsorily registered and where birth certificates can easily be procured through agency of lawyers and magistrates, or even forged, underage voting can only be curbed when the people of a community become participants in the required policing. The EMB will have to embark on sensitization on this issue, and other issues such as double voting. The effectiveness of its campaign in this regard will be measured by the level of decrease in such incidents as witnessed over time.

Polling, Tabulation and Reporting:

What is polling?

It is the casting or registering of votes in an election. Effective polling requires a pre-designed and standardised form of ballots, ballot booths, delineated voting districts/wards, voting compartments and manner/procedure of voting. These provisions aid the conduct of free and fair elections as well as protect the process from fraudulent practices and respect the secrecy of the vote. To facilitate polling, ballot papers should be worded with clarity and be identical in all languages. The format should also take into account various levels of literacy in the country. Each polling booth should have sufficient quantities of voting materials. Polling personnel need to provide clear guidance in admitting and identifying qualified voters.

How is Tabulation Performed?

Tabulation which entails the vote counting process should be open to all voters and party agents at a polling centre. Every ballot paper, whether used or not, must be systematically accounted for. The process for vote counting, verification, reporting of results and retention of official materials must be secure and fair.

Casting of vote

Voter

Secret Voting

Fig 13: A graphic illustration of the voting process
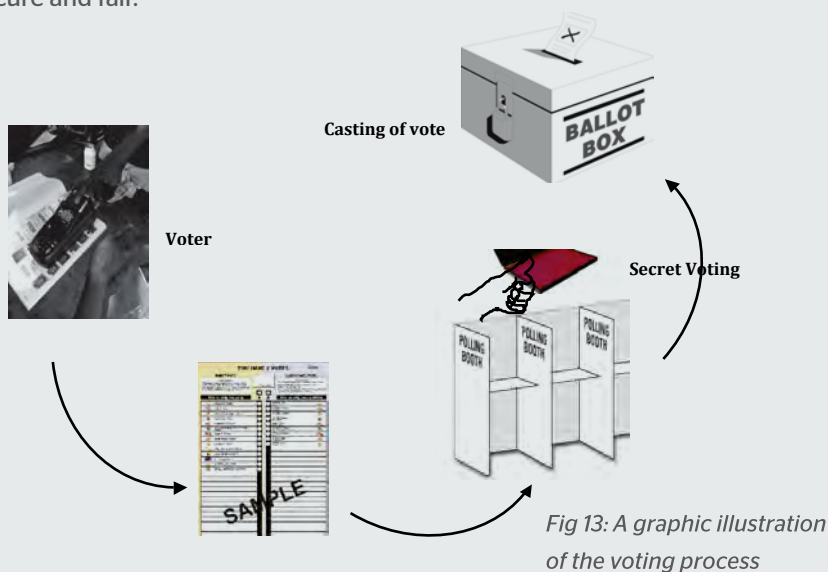
Simulated Exercise:

You were part of the Election Observation Mission to the 2011 general elections in Nigeria. Write a report chronicling your observations during the elections and what procedure you followed to arrive at your observation report. (Ref. Guide: International Crisis Group, "Lessons from Nigeria's 2011 Elections", Africa Briefing. No 81. September 15, 2011. Link-www.crisisgroup.org/~/media/files/Africa/west-africa/Nigeria)

Take Away

Voter registration is considered a safeguard to the integrity of suffrage and therefore an essential condition for the legitimacy of democracy as well as political stability of a country.

In some countries, the electoral framework requires that voter registration be linked to national identification or civil registration system, which is controlled by a state authority. In the other case, voter registration is purely an administrative action. Voter registration requires automatic registration based on civil registers where these exist or requiring eligible voters to appear only once at registration posts; free-of-charge registration.

Effective *polling* requires a pre-designed and standardised form of ballots, ballot booths, delineated voting districts/wards, voting compartments and manner/procedure of voting

Tabulation which entails vote counting process should be open to all voters and party agents at a polling centre.

Further Reference:

* WANEP (2011), "Election Dispute Management Practice Guide for West Africa", Accra, West Africa Network for Peacebuilding.
* Rafael Lopez Pintor and Maria Gratschew, "Voter Registration and Inclusive Democracy "Analysing Registration Practices Worldwide" in Voter Turnout since 1945 A Global Report.

Module 2

Election Disputes

Contents:
- ✓ Session 1: Introduction to Election Disputes (Causes, Types, Manifestations)
- ✓ Session 2: Analysis of Election Disputes (Adapted Conflict analysis tools)

Key learning Objectives:
At the completion of the module, the participants will
5. Improve their understanding of what election dispute means.
6. Enhance their knowledge on the root cause(s), types and manifestations of election disputes.
7. Deepen their knowledge and skills on tools for analyses of election disputes.

Methodology:
Plenary Presentation, Group Exercises, Graphic Illustration, Case Studies, Questions and Comments, Interactive discussions, Brainstorm, Multimedia projection.

Overall Duration:
180 minutes

Session 1: Introduction to Election Disputes

Time Guide: 90 minutes

Tips for Trainer:

Step 1: A *plenary session* that focuses on discussions and concept clarification of election disputes is facilitated by the trainer using *multimedia projector* or flipchart board. The plenary will also provide an opportunity for the trainer to intermittently raise reflective questions on the causes, types and manifestation of election disputes in West Africa. The participants are encouraged to provide realistic experiences that deepen their understanding of this session.

Step 2: Using a *case study,* the trainer gives the participants the space to interact and *brainstorm*, applying the session key points on the case study highlighted. Key points of the brainstorm session are highlighted on the flipchart paper.

Step 3: *Group exercise*—The participants are divided into groups of not more than 5 persons to deliberate and respond to the provided simulated exercise (15 minutes). Their responses are put down on a flipchart paper and presented by a nominated rapporteur for the group to plenary (5 minutes).

Step 4: The use and description of the *illustrations* by the trainer as a Participatory Learning Action is encouraged to improve the learning and understanding of the participants to the key points of the session.

Step 5: *Questions and Comments* provides an opportunity for the participants and trainer to further discuss and clarify any misunderstood aspects of the presentation or the session as a whole.

Trainers Handout: An Introduction to Election Disputes

Background

Globally, it is has been recognized that disputes are inherent in elections. This is because the process is organized within an adversarial framework: the gains of a candidate constitute the losses of his/her opponent. Hence electoral disputes prevail even in developed countries where democratic practices have consolidated. Electoral disputes arising from elections have often been seen as a major threat to democracy. In most developing countries especially in Africa, elections have been often marred by malpractices and violent disputes. It fuels violence in situations where contestants do not follow the rules or accept the election outcome as the legitimate expression of the will of the citizenry.

In some cases, elections build and enhance democracy and its institutions, while in others, elections lead to contested results and violence, ethnic and regional alliances which in-turn threaten the social order, political and economic development. Violence during any stage of the electoral cycle arises from differences in political views expressed by the parties through the use of force to intimidate opponents and to affect the electoral process in their favour.

📄 QUICK READ

Psychological Needs: Electoral democracy leads to disputes when the psychological needs of individuals and groups are not supportive of an orderly political transition.

Design and management of Elections: The way an election is designed in terms of the political, institutional and legal framework can create disputes as well as the management of elections by electoral management bodies. In this case, the electoral management bodies misuse the power given under the law and this creates tension leading to dispute, this indeed is sensitive to the peace and order of elections.

Causes of Election Disputes:

* Resources
* Values
* Psychological needs
* Communication
* Design and management of an election
* 'The mood of a ruling regime

Resources: These include money, reputation, legal status, social capital, knowledge or anything that has value that can be used to achieve political ends. "Resources" is used here in the context of 'power politics' and elections are nothing but power politics and it is within the context of exercising that power to further one's own interests that disputes emerge as parties try to influence others or decisions in a process to their advantage.

Values: An election is a value-based social experience. It is based on the understanding that the best way to rule a society is through popular consent. It is therefore required that those participating in politics would recognize and work within the ambit of this value. Disputes arise when politicians or their supporters are opposed to the basic value of an election, most especially the rule of law. In many cases, African politics is threatened by the various forms of undemocratic values that people seek to bring into political participation, including ethnicity, religion and gender bias. The matter is more compounded when the politicians themselves are not bound

together by any sane political ideology; and though they belong to the same party, there is bound to be clash of interests resulting into disputes.

Psychological Needs: Electoral democracy leads to disputes when the psychological needs of individuals and groups are not supportive of an orderly political transition. In this case, an individual seeks to impose his will on his political party, the EMB and other institutions associated with the conduct of an election. The same problem could come from a group, whether a political party, an ethnic or religious group. For example, unemployed youth who are economically vulnerable, can be paid by politicians to carry out various electoral violence. This negatively impacts on the security and credibility of the elections.

Communication: What people say or fail to say during elections could affect the legitimacy of an electoral process. In this respect, disputes could arise within any of the following situations: where people are not sufficiently informed about their electoral rights and duties; where people lack knowledge of the electoral laws or the aspects of their national constitutions dealing with elections; where political campaigns are reduced to mudslinging matches; where journalists report election related issues in a manner that could engender more conflicts.

Design and management of Elections: The way an election is designed in terms of the political, institutional and legal framework can create disputes as well as the management of elections by electoral management bodies. In this case, the electoral management bodies misuse the power given under the law and this creates tension leading to dispute, this indeed is sensitive to the peace and order of elections. In situations where such powers are used positively, it creates an atmosphere of peace but where used negatively, violence becomes the order of the day.

Mood of ruling regime: In situations where the ruling regime or party is not committed to transparency or electoral democracy, it is most likely that the electoral management bodies (EMB's) on their part may also not be serious in protecting/ promoting the integrity of the electoral process. Situations become complicated when such government is quick at attacks and confronts protest or oppositions from the opposition or populace about the electoral process.

Fig 14: A graphic illustration of the causes of election disputes

Types of Election disputes/violence

The conduct of elections in West African countries and other developing nations is characterized by disputes/violence. The nature of these disputes in elections can be divided into three (3) broad categories, namely: Physical Electoral violence, Psychological electoral Violence and Structural Electoral Violence.

✓ *Physical Electoral Violence:* it is characterized by the use of physical force on candidates and their supporters, electoral officials, election observers, voters, security operatives before, during and after the election. Examples of this electoral violence include: inflicting pain/injury as a form of intimidation or to scare away individuals or opponents in an attempt to achieve one's interest or goals.

✓ *Psychological Electoral Violence:* This is characterized by the threat of the use of violence, to instil fear and panic in the minds of the opponents, the electorate, observers, electoral officials or even security agencies. This form of threat could be in the form of attacks on polling stations, voting venues and in extreme cases, shooting during elections/ bomb explosions creating fear. In addition, it is an indirect act of negative influence aimed at effecting or arousing fear or aimed at breaking the mental resistance of another person, it could also be in the form of propaganda, blackmail or terror activities. It could be as destructive as physical electoral dispute aimed at misinforming people and instilling fear.

✓ *Structural Electoral Violence:* Refers to the creation of institutional or legal frameworks targeted at opponents to keep them away or disenfranchise them from political relevance. This act denies them access to political positions of authority, giving access to others with the aim of promoting their interest. For example, political exclusion by few privilege ones, thus preventing their opponents from achieving utmost potential.

Manifestation of Election Disputes

In situations where people feel disenfranchised during elections or when they see or feel series of malpractices by influential personalities, several channels are used to express the problems or dissatisfaction with the conduct of elections. These include;

a. *Apathy:* This occurs when individuals now have a constructed belief that their society lacks the capacity to conduct a free and fair election, due to elections conducted in the past which were poorly managed.

b. *Petitions:* Complainants in this case write petitions to appropriate authorities on their dissatisfaction as well as the problems noticed, suggesting how to resolve them or allow appropriate authorities look into the case and make a decision

c. *Protests:* Aggrieved parties stage peaceful protests especially at the headquarters of the affected Electoral Management Bodies to express their grievances. Banners, placards are carried displaying the main messages of the protests.

d. *Press Conference:* Aggrieved parties hold a press conference expressing their misgivings on certain aspects of the election. The main goal of a press conference is to inform and educate the public on the problem thereby getting their support in redressing it.

Threats could also be a tool used or made on the possibility of resorting to self-help strategies, if the problem was not addressed.

e. *Boycott:* When complaints are not attended to by the EMB's, some people boycott elections, thus affecting the legitimacy of the elections. In cases where the boycott occurs too late for it to be attended to, the electoral law in this situation recognizes the outcome of the election but the aggrieved party would not accord 'recognition' to that election. It is important to note that Boycott is to be announced early enough to enable the EMB's attend to it.

f. *Litigation:* Involves going to the court of law with the right to seek jurisdiction.

g. *Violent Protest:* In cases where there is lack of trust and confidence in the judicial system, and the EMB in finding solution to the problem. People resort to violent clash in an attempt to punish political opponents or their agents or supporters for doing what they did before, during and after elections. This violent protest is also aimed at preventing the election from holding or if held, for the outcome to lack legitimacy.

Simulated Exercise:

Using the recent Cote d' Ivoire election disputes and civil war of 2011 as your case study highlight the cause(s) of the election dispute, the type(s) of violence and manifestation of disputes that occur. Justify your presentation using the basic application of election disputes provided in the session. (Ref. Guide: International Crisis Group, "Cote d'Ivoire: Is the war the only option", Africa Report No.171. March 3, 2011. Link- www.crisisgroup/en/regions/africa/west-africa/cote-divoire/171-cote-divoire.

Take Away

Election disputes are caused by:

1. Manipulation of resources by political group(s) to gain advantage or interest;

2. The distortion of basic societal and ethical values by political interest groups;

3. Psychological manipulation of vulnerable group(s) to carry out electoral violence;

4. The abuse of an election process by the EMB;

5. Poor communication to the voters that affect the legitimacy of the process; and

6. The influence of the ruling party or government to the credibility of the elections.

There are three types of electoral violence:

a. Physical violence which is characterized by the use of force

b. Psychological violence characterized by the threat of fear

c. Structural violence where the institutions or legal framework are manipulated to promote political exclusion

Manifestation of election disputes are in various ways which include: Apathy, petitions, protests, press conference, boycott, litigation, violent protests e.t.c.

Further Reference:

✱ WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peacebuilding.

✱ Isaac Olawale Albert, "Re-conceptualising electoral democracy in Nigeria", in Isaac Olawale Albert, Derrick Marco and Victor Adetula (eds.), Perspectives on the 2003 elections in Nigeria, Abuja: IDASA-Nigeria, 2007 pp.132-144

✱ EISA, when elections become a curse: Redressing electoral violence in Africa, EISA Policy Brief Number 1, Johannesburg: Electoral Institute of South Africa (EISA), 2010.

Session 2: Analysis of Election Disputes

Time Guide: 90 minutes

Tips for Trainer:

Step 1: A *multimedia presentation* is performed by the trainer to introduce the adapted tools of analysis for election disputes. This is complemented with flipchart interactive illustrations with markers. The trainer encourages active participation through questioning techniques and using coloured papers to highlight participants' responses.

Step 2: *Group exercise*—The participants are divided into groups of not more than 5 persons to deliberate and respond to the provided simulated exercise (20 minutes). Their responses are put down on a flipchart paper and presented by a nominated rapporteur for the group to plenary.

Step 3: *Questions and Comments* provides an opportunity for the participants and trainer to further discuss and clarify any misunderstood aspects of the presentation or the session as a whole.

Trainers Handout: Election Dispute Analysis

Brief definition:

Election dispute as a part of political conflict derives its pattern of analysis from the generic or broad definitions of conflict analysis. It is a deliberate study of the causes, actors, history, context and dynamics of the election dispute. Just as election disputes occur at community, regional or national levels, the analysis of its dimensions focus on each of these levels as well as the linkages to the escalation and disability of an election process. Identifying appropriate tools for analysis is very important as its peculiarity and pattern of occurrence and influence differ greatly from other contexts and elements of conflict analysis. It is regarded as an issue-based analysis. However, it establishes important linkages with other inter related levels of conflict dynamics

Purpose of Election Dispute Analysis

a. To understand the background and history of the situation as well as current events

b. To identify all the relevant groups involved, not just the main or obvious ones

c. To understand the perspectives of all the groups and how they relate to each other

d. To identify factors and trends that underpin conflicts

e. To learn from failures as well as successes of electoral processes

This analysis is not a one off exercise but an ongoing process to ensure understanding and clarity of trends or evolution of changing factors, dynamics and circumstances before, during and after the elections.

Relevant Tools of Analysis for Election Dispute:

The tools relevant for election dispute analysis are adapted from the broader conflict analysis tools. These tools aid analysts and intervenors to deepen their understanding of election disputes/violence. A single tool or a combination of these tools provide diverse perspectives and give the 'big picture' of various angles that will facilitate the successful analysis and intervention in election dispute situation. The tools have been universally tested and easily adaptable in any context to suit the needs of a target beneficiary.

Election Dispute Progression Spectrum:

A graphic adaption of this spectrum utilizes the stages of conflict tool. This is because as an issue based conflict, election disputes follow the same progressive pattern of gradual escalation. The problems evolve in nine related stages and could be arrested at any of the stages.
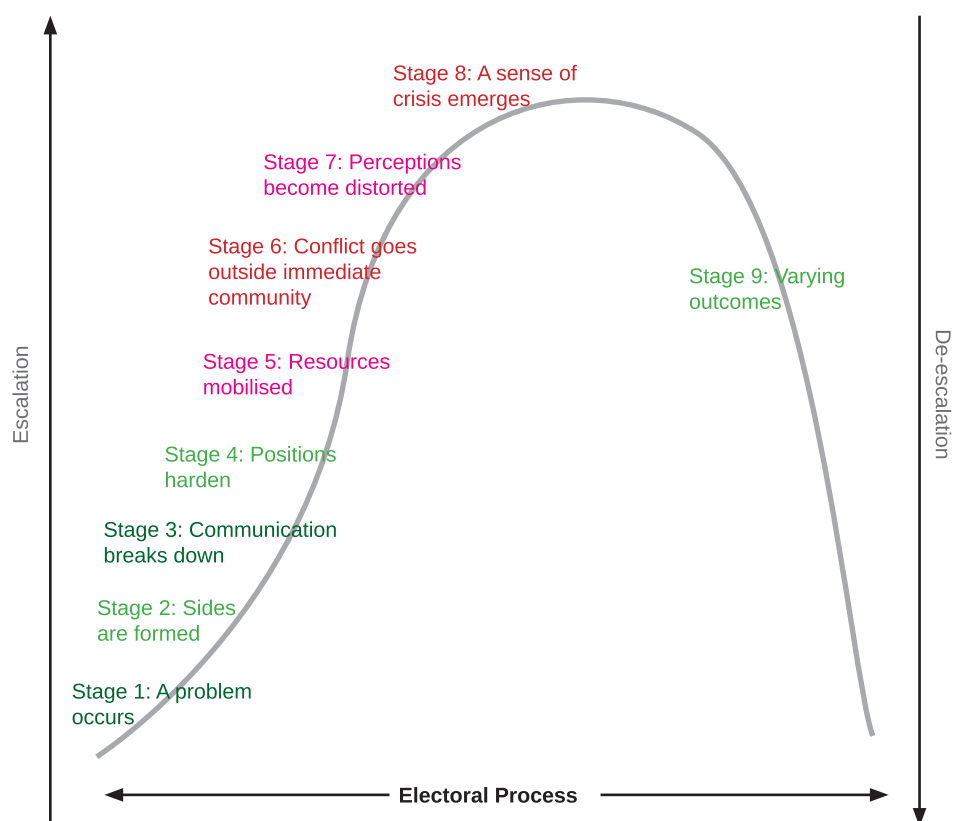
Fig 15: A graphic Illustration of the progression of election dispute

Stage 1: The progression of election dispute begins with the noticeable or unnoticeable problem. This could be a gap in the electoral law or the EMB taking a controversial step. It is most likely that an individual or a group would notice the problem and try to call attention to it.

Stage 2: Sides are formed. At this level, individuals and groups start to band together against or in support of the noticed problem. Each side uses whatever forum to which it has access to articulate its position on the matter.

Stage 3: Communication breaks down. The parties start to engage in name calling most especially in the media. Individuals are insulted and serious allegations are made against them.

Stage 4: Positions harden. At this stage, each of the sides become entrapped in their own position and try to present the other side as a difficult group of people.

Stage 5: Resource mobilized: At this stage, each side starts to invest whatever resources they have in the problem. This could be financial, ethnic and religious.

Stage 6: Conflict goes outside the immediate community: in the process of mobilizing resources, disputants in an election soon realize that they do not have infinite capacity to deal with the long drawn out dispute with the resources they have. Hence they are forced to start looking for external support. This involves bringing a third party into the conflict with a view to gaining access that could help to defeat the "enemy".

Stage 7: Perception becomes distorted: The longer the problem or the more difficult it is to manage, the higher the chances of the perception of the disputants becoming distorted.

State 8: A sense of crisis emerges: Once perceptions are distorted, the parties start to look at the normal dispute as a crisis for which some drastic steps have to be taken.[8]

A Problem Tree:

A dispute is likened to a tree, represented by the branches, leaves and trunk. In analyzing an election dispute, the problems are viewed from the root, which feeds the process (leaves, branches). The tool states that every conflict has at its root a set of core issues of concern to the disputants. These core issues are the roots that lay foundation for the emergence of various dimensions of electoral disputes or violence regarded as manifestations of the dispute as represented by the leaves. The core issue of dispute forms the stem of the tree and is continually nourished by the roots (cause of the dispute). As earlier identified, the cross cutting root causes of election dispute in West Africa include resources, values, psychological needs, communication, design and management of an election and the mood of the ruling regime. This gives rise to the emerging issue of election dispute that manifests in apathy, petitions, protests, press conferences, boycott, litigation and violent protests.
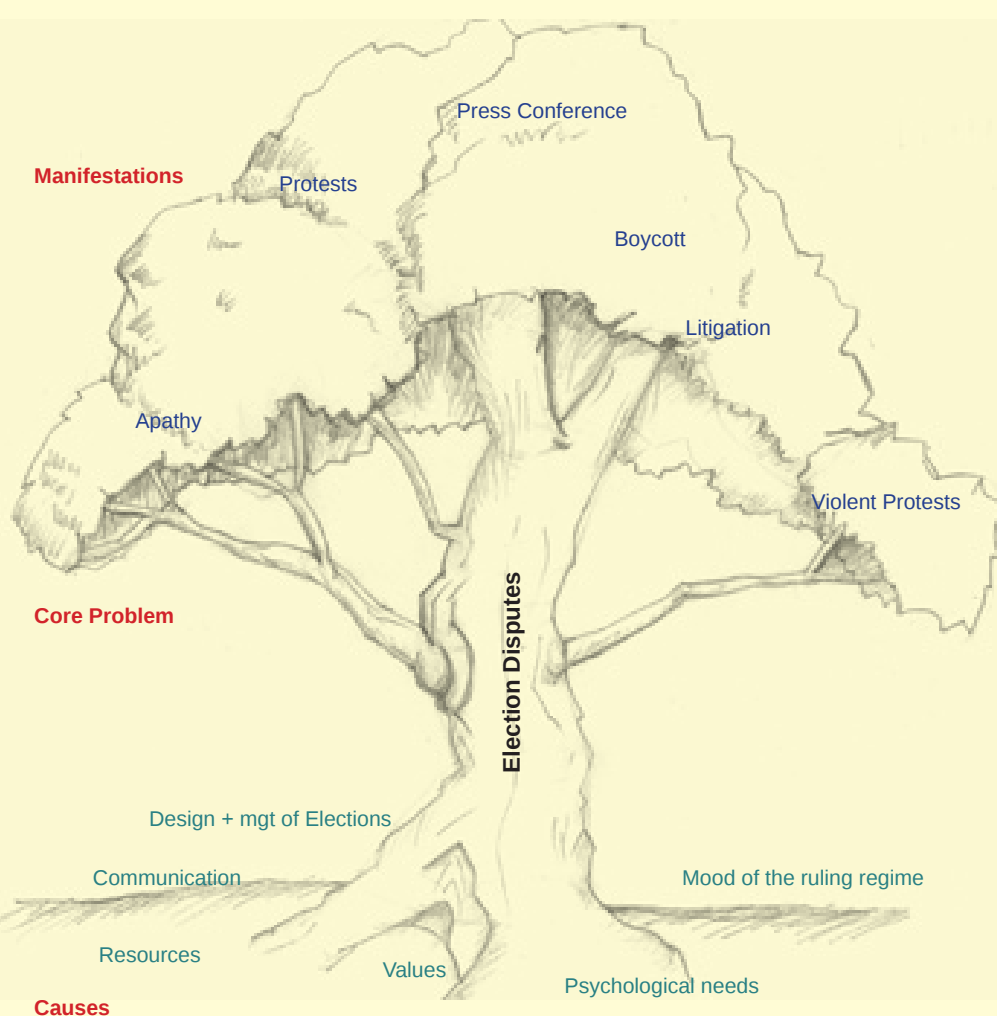

Fig 16: A graphic Illustration of a problem tree analysis for Election Dispute

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8 WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building.

The Violence Triangle:

It is an adapted tool used to analyze the relationship between three identified categories of violence that mar an electoral process or can escalate to a larger/broader political conflict that threatens the continued peace and stability of a State or country. These basic categories are adapted to election dispute analysis to include (i) Physical Electoral Violence (ii) Psychological electoral violence (iii) structural electoral violence. That is why the victims of psychological or structural electoral violence may react with direct violence through the violent disruption of election procedure. In that way it becomes mutually reinforcing.

Physical Electoral Violence

-Attack on Polling
 Stations
-Shooting/Bomb
 explosions
-Destruction of Polling
 Stations

visible violence

Less visible violence

Psychological Electoral Violence

Structural Electoral Violence

-Threat to Voters and EMBs
-Bellicose Language
-Black mail etc.

-Abuse of Legal Framework
-Misuse of power by EMBs
-Political Exclusion
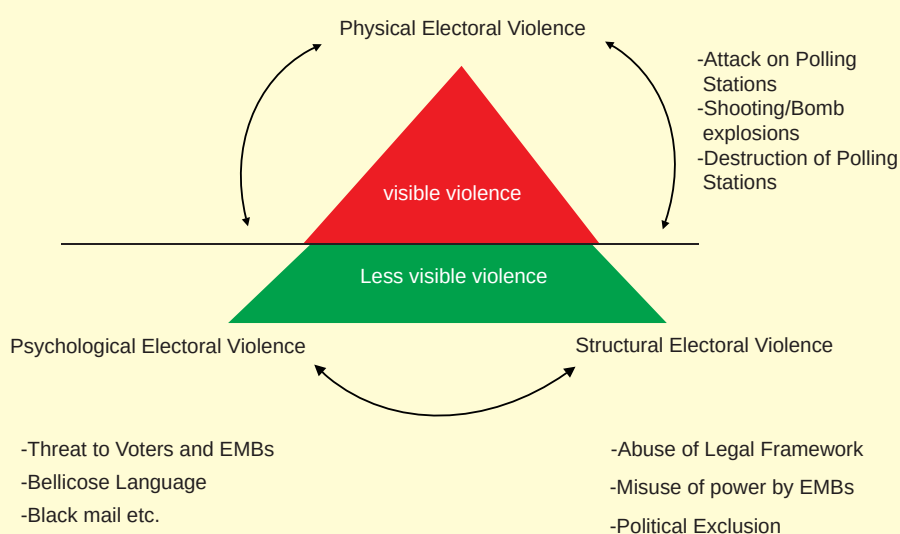
Fig.17 A graphic illustration of the violent Triangle analysis for election violence

Simulated Exercise:

You have been engaged by the Institute for Peace and Conflict Resolution (IPCR) of Nigeria as a consultant to provide detailed analysis to the factors behind the 2011 post presidential elections in the Northern part of Nigeria. As part of your terms of reference, you are to use a combination of tools for election dispute analysis to make a presentation to the management of IPCR. How do you intend to achieve this? (Ref. Guide: International Crisis Group, "Lessons from Nigeria's 2011 Elections", Africa Briefing. No 81. September 15, 2011. Link-www.crisisgroup.org/~/media/files/Africa/west-africa/Nigeria).

Take Away

Election disputes analysis is the deliberate study of the causes, actors, history, context and dynamics of an election dispute.

Relevant Tools of Analysis for Election Dispute: The tools relevant for election dispute analysis are adapted from the broader conflict analysis tools. These include:

✓ Election Dispute Progression Spectrum: A graphic adaptation of the stages of conflict tool focusing on the progressive pattern of escalation/de-escalation of election disputes.

✓ Stakeholder Analysis: A simple tool that involves listing the primary, secondary and shadow/interested parties in an election dispute and then identifying, for each one, their stated (public) positions or demands, the interests that lie behind those demands and the basic needs that might be involved.

✓ The Problem Tree: A tool that analyses electoral conflict based on root causes which feeds the main core conflict of focus that manifests in various dimensions of electoral disputes and violence.

✓ The Violence Triangle: An analytical tool that analyses three categories of violence: Physical electoral violence, Psychological electoral violence and Structural electoral violence and their interaction or relationship with each other in an election dispute process.

Further Reference:

✴ Simon Fisher et al, "Working with Conflict: Skills and Strategies for Action", Responding to Conflict. 2003. Birmingham. U.K.

✴ WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building.

✴ Reflecting on Peace Practice Project/CDA Collaborative Learning Projects-Global Partnership for the Prevention of Armed Conflict & Norwegian Church Aid: "Conflict Analysis Framework: Field Guidelines and Procedures", May 2012. Second Draft for Review and Field Testing.

Module 3

Understanding Stakeholders in Election

Contents:
- ✓ Session 1: Analysis of Stakeholders in Election Dispute

Key learning Objectives:

At the completion of the module, the participants will

1. Have new knowledge and skills for stakeholder analysis in election disputes.
2. Develop capacity for action oriented

stakeholder mapping that supports election dispute analysis and intervention.

Methodology:

Plenary Presentation, Group Exercises, Graphic Illustration, Case Studies, Questions and Comments, Interactive discussions, Brainstorm, Multimedia projection.

Overall Duration:

120 minutes

Session 1: Analysis of Stakeholders in Election Dispute

Time Guide: 120 minutes

Tips for Trainer:

Step 1: A plenary presentation is used to introduce the session by the trainer. Testing the understanding of the participants on the meaning of a stakeholder using flip chart and stick up coloured papers is suggested. The trainer can also narrow down his/her interaction to election process.

The segmentation of the process into the three basic categories and discussions on the various stakeholders in each level of the election dispute progressive spectrum will provide the background for further discussion on the relationship and linkages of stakeholders as well as for mapping.

Step 2: A *multimedia presentation and interactive discussion* on stakeholder positions, interest, power, needs and mapping of stakeholder technique will enhance the knowledge and understanding of participants on how to use the mapping process as a strategic action analytical tool to determine stakeholder influence and engagement during election disputes.

Step 3: *Group exercise*—The participants are divided into groups of not more than 5 persons using the stakeholder analysis tool and the mapping process to respond to the provided simulated exercise through group work (20mins). A rapporteur will be nominated by each group to present their exercise to plenary (10mins) and also respond to questions and comments on the presentation from the participants.

Step 4: *Questions and Comments* provides an opportunity for the participants and trainer to further discuss and clarify any misunderstood aspects of the presentation or the session as a whole.

Trainers Handout: Stakeholder Analysis:

Who is a stakeholder? They are individuals, groups or organizations that have diverse interests in the electoral process.

A stakeholder Analysis is a simple tool that involves listing the primary, secondary and shadow/interested parties in a conflict and then identifying, for each one, their stated (public) positions or demands, the interests that lie behind those demands and the basic needs that might be involved. In relation to election dispute, the process identifies the key issues, the sources of power and influence of the party as well as estimate the willingness of the parties to negotiate.[9] Analysis provides deeper gender sensitive insight into variation of roles and relationship among stakeholders. It highlights the differences in perspective between male and female actors under analysis. For proper analysis, stakeholders are categorized into three:

Primary Stakeholders are the main individuals/groups directly involved in the election dispute and without which the dispute cannot be resolved.

Secondary Stakeholders are individuals or groups who though not directly involved in an election dispute, are affected or may suffer from its negative outcome.

Shadow or Interested Stakeholders have an interest in the dispute. They are not readily visible but with strong interests in the electoral process especially the outcome of elections. Shadow parties are usually very powerful but difficult to identify, may show their interests in the electoral process in various ways such as heavy funding of a particular political party or candidate that will protect their interests, or even sponsoring a dispute or conflict in the internal politics of a party or in the camp of a perceived threat to the party or candidate of their interest. In an extreme case, shadow parties may sponsor internal insurrection to destabilize a government they perceive as constituting a stumbling block to their goals. These stakeholders are then analyzed in relation to position, interests, issues and power in an electoral process.

Positions highlight the demand or public declaration by the party or the stakeholder; the *interest* refers to the preferred way to get their needs met/ the concerns and fears that drive their position; *needs* relate to the 'core' need which when threatened, raises negative response; *issues/problems* are the specific issues in the dispute that the stakeholders are concerned about; *means of influence/power* highlights in relative terms the levels of power and influence controlled by the various stakeholders in the dispute which also defines the critical roles; and *willingness to negotiate*

9   Reflecting on Peace Practice Project/ CDA Collaborative Learning Projects-Global Partnership for the Prevention of Armed Conflict & Norwegian Church Aid: "Conflict Analysis Framework: Field Guidelines and Procedures", May 2012. Second Draft for Review and Field Testing

examines the degree of willingness or unwillingness of stakeholders to address the dispute. To provide further clarity on these analyses, the major stakeholders in election disputes in West Africa are used as case study and categorized as follows:

Primary Stakeholders:

✓ *EMB* which include all staff, permanent and temporary who are constitutionally saddled with the responsibility of conducting elections within a state.

✓ *Political parties and candidates* who compete for public office, carrying out election campaigns and try to convince the electorate to vote for them.

✓ *Government* which includes the various arms of government.

✓ *The electorate* who are the true possessors of power in a democratic process.

✓ *The Youth* who are both members of political parties and the electorate and are also exploited by politicians to become significant participants in most election violence of the region. The position or role of youths can also vary/alternate from primary actors to secondary stakeholders depending on the context.

Secondary Stakeholders:

✓ *Civil Society Organizations* as a pressure group that are relevant to strengthening the system as well as contribute to the success of the electoral process. Sometimes, based on the context and the composition, the neutrality of some CSOs can be compromised leading to their direct participation as primary stakeholders. Therefore, the dynamics of CSO categorisation and analysis vary in relation to their roles in the electoral process under analysis. Civil societies are a reflection of the society they are embedded in.

✓ *Women* who are significantly affected by election violence within their communities but also make considerable impact to build opportunities for peace in post election violence.

✓ *The media* who wield influence in contemporary democratic society as their role contribute to the escalation or de-escalation of election disputes.

✓ *Donor Community* and Electoral Assistance Agencies play key role in the development and sustenance of democracy and electoral assistance.

✓ *Election Monitors/Observers* have the power to intervene and rectify any anomaly during election through their independent and objective reports

Shadow Stakeholders:

✓ A shadow party may be an individual, a group of people with similar interests. They do not operate directly but infiltrate other actors in the electoral process, who in turn, do their biddings.

Further analysis can be performed in a chart to include position, interests, power and needs[10]

People/Parties	Position	Interests	Needs	Issues/Problems	Means of Influence/Power	Willingness to Negotiate
Primary & Secondary individuals or groups	Stated demands (what people say they want)	Preferred way to get needs met; desires, concerns and fears that drive the position	Basic human physical, social, requirements for life that underlie interests	Matters in contention, substantive problems that must be addressed	Sources of power and influence over other parties; negotiation leverage	Readiness to talk and reach an agreement. BATNA? Cost/benefit calculus

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10 Peter Woodrow, "Reflecting on Peace Practice Project..."

Mapping Stakeholders in Election Disputes

Mapping can also be used to further analyse the power and issue relationships among stakeholders identified in election dispute. Mapping as a conflict analysis tool, places all parties to an election dispute in relation to each other and the problem identified. It provides room for interactive reflection and analysis by key group(s)/parties involved in an election dispute. This enables them to learn about each other's experience and perception of involvement in the conflict which may pave way for some form of conflict resolution/action that mitigates the negative impact of disputes to the entire election process. With focus on election disputes, mapping of stakeholders is performed by choosing a specific situation or context in the election dispute spectrum. Mapping the entire election dispute or the entire state or country is time consuming and will create a large and very complex map that will not be helpful in determining the critical relationships of the stakeholders to the issue under analysis. Several maps of the same situation can be developed from a variety of stakeholder viewpoints to understand how each party(ies) perceive it and their roles. Therefore the map points to a particular direction in a changing situation and provides 'space' for action. It offers new possibilities of what can be done? Who can best do it? When is the best moment to do it? What ground work needs to be laid beforehand and what structures built afterwards.

Mapping Gender Relations of Parties[11]:

Traditional mapping techniques often overlook the gender dimensions in relation to the role or impact of conflict on women and children. The gender relations of parties to a conflict can highlight who is involved in certain aspects/phases/geographical areas of the conflict and why. Consequently, it can reflect how to approach parties on the basis of their particular issues, power or specific perception, needs and fears. Gender relations can create bridges between conflict parties which would otherwise not appear on the map and would be missed as opportunity for preventive action. For instance, two communities in election related conflict might have their women affected in similar ways (feeling of insecurity, not being able to fend for their families due to threats of abuse or attack by the other community). In mapping stakeholders, it is important to make conscious effort to integrate the role of women and children in the key relationships which also provides comprehensive outlook to opportunities for intervention.

11 Learning Exchange, "Gender Sensitivity in Preventive Action Practice: Comparing Challenges, Finding Solutions", 5-7 June 2012, Abidjan – GPPAC and Women Peace program, hosted by WANEP

The mapping process consists of various key elements. The size of circles for instance represents power relationships of stakeholders which serve as direction of influence that determine the outcome of the dispute. Others represent connectors as threats to exacerbation of the dispute or opportunities for transformation.

Key map instruments include the following:

Circles indicate parties to the situation. Larger circle means more power and control to the issue

Wavy line indicate discord or conflict

Single line with double crossing indicates double relationship

Straight line indicate close relationship

Wavy line indicate discord or conflict

Double line indicate alliance

Arrow line indicate main direction of influence

Rectangle defines the issue that informs the relationship

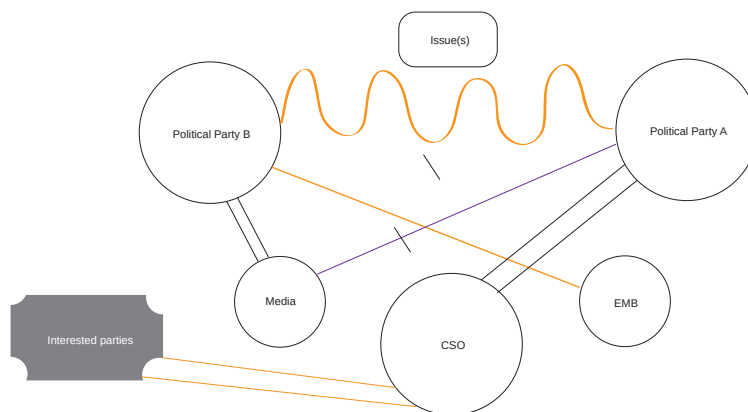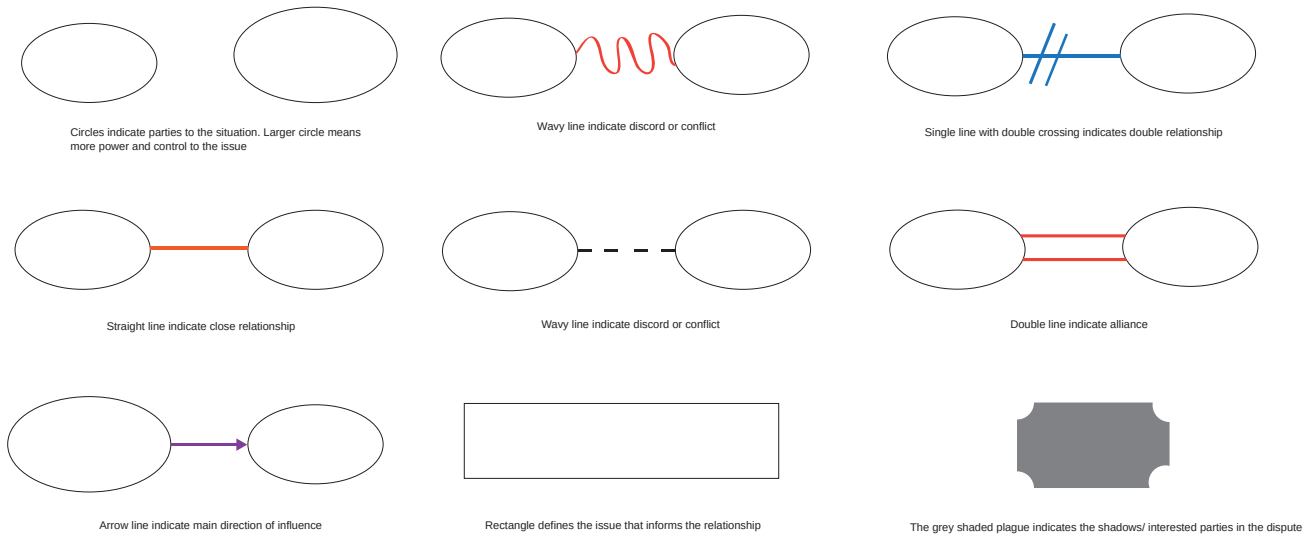The grey shaded plague indicates the shadows/ interested parties in the dispute

Fig 18: A graphic illustration of mapping technique

Simulated Exercise:

On 4th August 2009, a constitutional referendum was held in the Republic of Niger. The purpose of the referendum was to submit to Nigerien voters the dissolution of the fifth republic of Niger and the creation of a 'sixth Republic of Niger' under a fully presidential system of government. The referendum offered a 'yes' or 'no' vote on the suspension of the constitution and the granting of former President Mamadou Tandja a three-year interim government during which the constitution of the sixth Republic of Niger would be formulated. On 20 June 2009, the constitutional court of Niger declared the plan illegal, but Tandja subsequently assumed emergency powers and dissolved the court. The event surrounding this election led to the crisis in Niger. The opposition parties boycotted the referendum but the President went ahead to promulgate the new constitution which allows him to remain in power. He dissolved the National Assembly and organised fresh parliamentary elections in 2009. This crisis led to the military takeover of government and his arrest and detention. Using the Stakeholders analysis and mapping, analyse the above crisis in Niger.

Take Away

Stakeholder Analysis is a simple tool that involves listing the *primary, secondary and shadow/interested parties* in an election dispute and then identifying, for each one, their stated (public) *positions* or demands, the *interests* that lie behind those demands and the basic needs that might be involved.

Primary Stakeholders are individual(s) or group(s) directly involved in an identified dispute.

Secondary Stakeholders are individual(s) or group(s) who though not directly involved in an election dispute, are affected or may suffer from its negative outcome.

Shadow Stakeholders or Interested Stakeholders are individual(s) or group(s) who are not readily visible but have strong interest in the electoral process especially the outcome of the election.

It is important to note that there are differentiations between men and women (including women leaders) and youth within each of the given categories of stakeholders.

Mapping Stakeholders in Election Dispute involves further graphic analysis of the power and issue relationships among identified stakeholders in an election dispute using standard key mapping instruments.   Mapping is an action oriented analysis performed by choosing a specific situation or context in the election dispute spectrum to determine new possibilities of what can be done, how best to do it and when to do it.

Further Reading:

* Simon Fisher et al, "Working with Conflict: Skills and Strategies for Action", Responding to Conflict. 2003. Birmingham. U.K.
* Heinrich Boll Stiftung Nigeria, "Capacity for Peacebuilding: An Introductory Manual", 2008.
* Peter Woodrow, "Reflecting on Peace Practice Project/ CDA Collaborative Learning Projects-Global Partnership for the Prevention of Armed Conflict & Norwegian Church Aid", May 2012. Second Draft for Review and Field Testing
* ACCORD Manual for Peacebuilding. http://www.accord.og.za/our-work/peacebuilding/peacebuilding-handbook

Module 4

Spectrum of Election Dispute Management

Contents:
- ✓ Session 1: Adversarial Dispute Management: Litigation and Arbitration
- ✓ Session 2: Non Adversarial Dispute Management: Negotiation, Mediation, Conciliation, Facilitated Dialogue

Key learning Objectives:
At the completion of the module, the participants will

1. Have the knowledge and impact of the Adversarial Dispute Management Tools for election disputes in West Africa.
2. Understand the various Non Adversarial Dispute Management tools for election disputes in West Africa.
3. Learn practical skills on how to apply Non Adversarial Dispute Management to election disputes in their community/state/country.

Methodology:
Plenary Presentation, Role plays, Graphic Illustration, Case Studies, Multimedia presentations, Questions and Comments, Interactive discussions, Brainstorm.

Overall Duration:
360 minutes

📄 QUICK READ
The module will help Deepen their understanding of elections and its critical importance to democratic governance in any society or country;

Session 1: Adversarial Dispute Management

Time Guide: 120 minutes

Tips for Trainer:

Step 1: The trainer can introduce the session in *Plenary* by reflecting on the meaning of adversarial dispute management with the participants. *Picture slides or case studies* of real/practical use of the system can be used to further enhance understanding of the participants. They can also be encouraged to give case studies or examples from their environment or country which will increase interaction and learning.

Step 2: A *multimedia presentation* on the adversarial dispute management system provides additional visuals and improved knowledge for the participants. Interactive discussions and *brainstorm* on the challenges and impact of the adversarial dispute management system should be encouraged by the trainer. This will provide the opportunity to test the understanding of the participants to the topics discussed.

Step 3: *Group exercise*—The participants are divided into groups of not more than 5 persons to work on the simulated exercise provided for this session. (20mins). A rapporteur will be nominated by each group to present their exercise to plenary (10mins); and also take questions and comments on the presentation from the participants.

Step 4: *Questions and Comments* provides an opportunity for the participants and trainer to further discuss and clarify any misunderstood aspects of the presentation or the session as a whole.

Trainers Handout: What is adversarial dispute management?

It is the legal platform that fosters a competitive struggle by opposition parties in a dispute with the ultimate expectation of an overwhelming satisfaction of achieving an interest or goal. It is a 'fight' or 'win/loose' approach where disputing parties stiffen positions and seek legal platforms that is expected to favour award of resolution to a conflict to their interest. It also functions as a retributive system that regulates respect for the rule of law in electoral processes and sets out award of 'punishment' to offenders. Adversarial dispute management institutions for elections in West Africa utilise the tool of litigation or arbitration.

Litigation:

It is an adversarial conflict management tool which resorts to court to address disputes. In most West Africa countries, election disputes are handled by various legal systems depending on their prevailing constitutional provisions. Within the laws guiding elections, the State empowers its respective judicial systems to provide litigation services for aggrieved parties or oppositions to an electoral process. These courts include: Constitutional courts, regional courts, Election tribunals, High courts, Court of Appeal and Supreme Courts.

Arbitration:

It is an adversarial conflict management tool used for the settlement of disputes under which the disputing parties agree to be bound by the decision of the arbitrator who has been abrogated the status of a quasi judge. It is less formal than litigation. When arbitration is binding, disputing parties waive their right to a trial and agree to accept the arbitrator's decision as final. It is also defined as a process by which disputing parties in an election refer their dispute to an impartial third person selected by them to award a binding resolution to their dispute. Arbitration can be used at any of the stages of the electoral process to address emerging disputes that threaten the success of the elections.
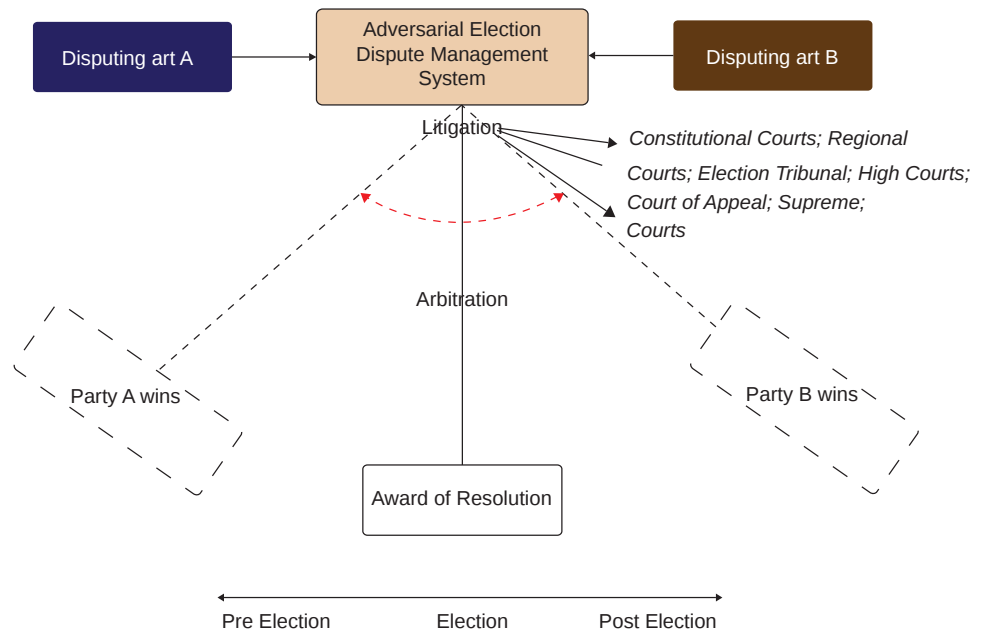

Fig 19: A Graphic illustration of an Adversarial Election Dispute Management System (c) Ifeanyi Okechukwu

Simulated Exercise:

Identify a country in West Africa that recently conducted an election that was disputed and resolved with adversarial election dispute management system. How did it affect the success of the election? Which parties were involved in the dispute? At what level of the election spectrum did the dispute occur? What type of adversarial system and court was used? How did that outcome affect the election process in that country?

Take Away

Adversarial election dispute management system entails the engagement of a legal platform that regulates respect for the rule of law by all relevant stakeholders in an electoral process and sets our award of 'punishment' or to offenders and reward to parties who have reason to challenge the credibility of an electoral process. This system is comprised of Litigation and Arbitration.

Litigation is an adversarial conflict management tool which resorts to courts to address election disputes. In West Africa these courts include constitutional courts, regional courts, Election tribunals, High courts, Courts of Appeal and Supreme Court.

Arbitration is a conflict management tool used for the settlement of disputes under which the disputing parties agree to be bound by the decision of the arbitrator who has been abrogated the status of a quasi judge.

Further Reading:

✳ Heinrich Boll Stiftung, Nigeria, "Capacity for Peacebuilding: An Introductory Manual", 2008.

✳ M. Ozonnia Ojielo, "Alternative Dispute Resolution", CPA Books Lagos. 2001.

✳ WANEP (2011), "Election Dispute Management Practice Guide for West Africa", Accra, West Africa Network for Peace building

✳ UNDP's "Elections and Conflict Prevention—A Guide to Analysis, Planning and Programming". http://unipsil.unmissions.org/portals/unipsil/media/publications/Electionsandconflictprevention.pdf

Session 2: Non Adversarial Dispute Management

Time Guide: 240 minutes

Tips for Trainer:

Step 1: The trainer can consider breaking the session into two parts to facilitate the learning process due to the practicality of the topics discussed under this session. The first part can commence with a plenary discussion on the non-adversarial tools of negotiation and facilitated dialogue while the second part of the session shall contain mediation and conciliation. It is important that participants fully grasp this session due to its experiential learning approach.

Step 2: An introduction of the topic with simple slides using a *multimedia presentation* with *pictures and graphics* will create a platform for interaction by the participants. It will give opportunity to elicit valuable insight by the trainer on the ways participants have utilised these tools to solve daily conflicts in their lives. The differences between the various non- adversarial dispute management tools should be emphasised by the trainer. The use of coloured stick-up materials and on flip chart paper by the participants will also improve group understanding on the strengths and challenges of using each of the approaches in addressing disputes. The trainer is encouraged to apply the tools within the context of elections in West Africa. The participants should be encouraged to identify case studies where each of the management tools have been used for election disputes.

Step 3: *Role Play exercise*—The trainer should guide the participants on the role play (as provided in the simulated exercise for this session). Each of the groups shall be a team of not less than five and given the respective guide for the exercise. To encourage good interaction and limited group disclosure, the groups should be provided syndicate rooms or 'spaces' to deliberate on their various roles. The entire role play will last for 60 minutes but each group will be given 30 minutes for discussion. The central role play will last the remaining 30 minutes. The participants will form a large circle around the group performing the mediation session. A member of any group can be called upon to replace a member of his/her group in the session to increase participation.

Step 4: *Questions and Comments* provides an opportunity for the participants and trainer to further discuss and clarify any misunderstood aspects of the presentation or the session as a whole.

Trainers Handout: Non Adversarial Dispute Management

Non adversarial dispute management is an alternative to the adversarial method. In the case of election disputes, especially in West Africa, politicians or stakeholders sometimes seek this system as a quicker, cheaper and more effective way to address emerging disputes. However this approach is most suitable for dealing with problems associated with pre-election disputes or post-election disputes relating to rebuilding relationships and mutual trust of stakeholders to work together for peaceful democratic institutions. It is not associated with election results contested under the adversarial system. It comprised of four basic types: Negotiation, Mediation, Conciliation and Facilitated dialogue.

Negotiation[12]

It refers to a form of decision-making in which two or more parties talk with one another in an effort to resolve their opposing interests…a process by which a joint decision is made by two or more parties. Negotiation is performed in two basic ways:

a. Positional Negotiation

b. Principled Negotiation

a. Positional Negotiation:

It refers to a competitive process in which disputing parties make offers and counter offers which will maximise their benefit. Each party attempts to draw the other into their bargaining range and work towards controlling the negotiation process. These exchanges of offers and bargain could result in various outcome where both parties compromise through a win-loose option. It can also lead to an impasse where negotiating parties do not come to a mutually agreeable outcome which stalls the negotiation. The gains or losses in this process depend on the tactic and strength of the negotiating parties in the dispute.

When do parties in an election dispute use positional negotiation?

✓ When the stakes are high

✓ When parties are negotiating over resources which are limited such as dispute over the process to elect or nominate the representative of a party in an election.

✓ When there is little or no trust between parties

✓ When a party percieves that it benefits from making the other party lose

✓ When the parties' need for a continuing cooperative relationship is of lesser priority than a substantive win at the table

✓ When parties have sufficient power to damage the other if they reach an impasse.

Disadvantages of Positional Negotiation:

✓ Positional bargaining tends to be an adversarial approach to negotiation that locks parties into positions, ties ego into positions so that 'saving face' becomes more difficult, and where parties' real interests are given less and less attention in the struggle to 'win' by achieving maximum concessions from other party.

✓ The approach implies giving as little away from one's opening position as possible, deceiving the other party as to one's true views and stacking up a number of composite decisions against each other so as to have bargaining power, and slowly giving away concessions in small increments. A number of strategies and tactics are used to make this process more effective. This can include not being too clear in one's position over an issue, avoiding issues, asking for time to think over an issue etc. The process is slow and there is a risk of no agreement being reached.

✓ It is a test of will and puts outcome above relationship. Being 'nice' is no solution—it makes one vulnerable to someone who is playing 'hard' in a bargaining situation. In large multi-lateral negotiations, positional bargaining becomes even more complex and derailing the negotiations becomes easier for a party who is not getting what they want.

Postional negotiation is also referred to as 'hard' negotiation.

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12 Heinrich Boll Stiftung Nigeria, "Capacity for Peacebuilding: An Introductory Manual", 2008

b. Principled Negotiation:

This is designed for disputing parties who have a need to create or maintain healthy relationships. In this process, parties discuss the issues which face them and express the interest, values and needs that they bring to the table. Instead of focusing on competitive measure and winning the negotiation, parties collaborate by looking to create solutions which maximise the meeting of all parties' interest, values and needs. This cooperative process focuses parties away from their positions and onto using interests and objective criteria for making decisions.

When should parties use principled negotiation

- ✓ When parties have interdependent interests, desires and concerns
- ✓ When it is possible to create integrative solutions which provide mutual gain for parties (win/win)
- ✓ When an ongoing relationship between parties is important
- ✓ When parties need to switch from adversarial interactions to more cooperative ones.
- ✓ When there are principles (e.g. human rights standards) which parties are bound to uphold.

Disadvantages of Principled Negotiation:

- ✓ It may not be the most appropriate for fixed sum negotiations
- ✓ Requires an openess to a problem solving approach from both parties
- ✓ Requires both parties to declare their real needs and interests

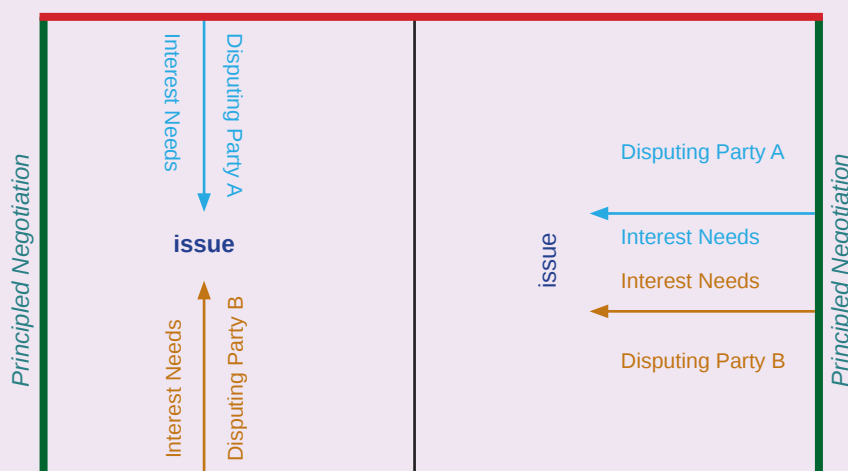| Positional or Hard Negotiation	Principled or Soft Negotiation
✓ Participants are adversaries	✓ Participants are friends
✓ The goal is victory	✓ The goal is agreement
✓ Make concessions as conditions of relationship	✓ Make concessions to cultivate the relationship
✓ Hard on people and problem	✓ Soft on people and problem
✓ Distrust others	✓ Trust others
✓ Dig into position	✓ Change positions easily
✓ Make threats	✓ Make offers
✓ Demand one sided gains as the price of agreement	✓ Accept one sided losses to reach agreement
✓ Search for the single answer: the one you will accept	✓ Search for the single answer: the one they will accept
✓ Insist on position	✓ Insist on agreement
✓ Try to win a contest of will	✓ Try to avoid a contest of will
✓ Apply pressure	✓ Yield to pressure

Fig 20: A Graphic illustration of Positional and Principled Negotiations

Steps to a successful negotiation

Before negotiating with a disputing party, certain steps are critical for a negotiator to bear in mind. These include the following— Interests, options, alternatives, legitimacy, relationships, people and commitment.

Interests: Most people or disputants enter into a negotiation process firmly entrenched in a certain position or what they regard as 'bottom line'. However it is important to understand what your interests are before walking into a negotiation. Can the scope of your interest be adjusted? Can you prioritise in order of importance? Next you have to consider the interests of the other side. An agreement that meets only your interests is useless unless it also encompasses the interests of the other party(ies). Otherwise, they have no incentive to commit to the agreement. Understanding your interests rather than your position works well for many reasons. It helps you identify several possible positions that could satisfy your interests. In addition, when you look at the root of an opposing position to find the motivating interest, you might find an alternative position that satisfies not only your interest, but also the interests of the other side.

Options: Options are possible agreements or pieces of possible agreements. Once you understand the differing interests of the party(ies) you are negotiating with, you need to develop options that reconcile these differences. You should: generate a variety of options before deciding what to do; determine what options are already on the table and look for ways to create additional options; postpone all criticism and evaluation until all ideas have been thoroughly considered. Don't accept the first option that occurs to you. The best negotiation results when a number of options have been explored and the best agreements are created from a variety of options. Ask the other party for preferred options. Provide several options that are acceptable to both of you and ask which they prefer.

Alternatives: Not every negotiation results in an agreement. Alternatives are other ways to satisfy your interests independent of the negotiation. What will you do if the negotiation is unsuccessful? Prior to any negotiation, it is essential to consider alternatives. They may not be attractive, but you should know that alternatives exist. This referred to as Best Alternative to a Negotiated Agreement (BATNA). The better your BATNA, the more power you have. There are three steps to developing your BATNA—1) Invent a list of actions you might concievably take if no agreement is reached; 2) Improve upon some of the more promising ideas and convert them into practical alternatives; 3) Tentatively select the one alternative that seems to be the best. Developing your BATNA turns most of your interests into assets and protects you against entering into an agreement you should reject. A negotiation can be considered truly successful only if the outcome is better than your BATNA. Also consider the other side's BATNA. Perhaps they are being overly optimistic about what they can do if no agreement is reached. Learn as much as you can about their BATNA. It can help you evaluate your own position and you can work to lower expectations. If both sides have attractive BATNA,it may be best for both parties not to reach agreement.

QUICK READ
Interests: Most people or disputants enter into a negotiation process firmly entrenched in a certain position or what they regard as 'bottom line'.
Options: Options are possible agreements or pieces of possible agreements.
Alternatives: Not every negotiation results in an agreement. Alternatives are other ways to satisfy your interests independent of the negotiation.

Legitimacy: Nobody wants to be treated unfairly. Finding external standards persuades others that they are being treated fairly and protects all parties from recieving an unbalanced agreement. Instead of defending a position, time is more effectively spent talking about possible solutions and standards. The more you refer to precendent or community practice, the greater your chance of benefiting from past experiences. Objective standards can include expert opinion, laws, technical specifications, etc. Developing fair criteria takes preparation and research. You should develop alternative standards in advance and think through their applicability to your negotiation. Approach each negotiation as a joint search for objective critieria. Do not insist that the only objective criteria is yours. When each side is advancing different standards, look for an objective basis for deciding between them, such as which standard has been used by the parties in the past or which is more widely applied. Never yield to pressure. If the other side truly will not budge and will not advance an objective basis for their position, it may be time to end the negotiation.

Relationship: For people or disputants, negotiations occur within the framework of existing relationships. Any particular negotiation is only one of many that will occur during the course of that relationship. It is important to remember that with many long term social bounds, maintaining the relationship is more important than the outcome of any particular negotiation. Therefore it is important to foster rather than hinder future relations and negotiations. One way to maintain the relationship is to separate relationship issues from substance issues. Preparation of interests, options, alternatives and legitimacy standards will solve the substantive issues. To solve the relationship problems, work on the *people problem*. Take time to bond and find out the other party's likes, dislikes and interests. Develop trust by being honest, dependable and predictable. Discuss your concerns as soon as possible. The human aspect of negotiation can be either helpful or disastrous. During the negotiation, continue to ask yourself if you are paying enough attention to the *people problem*. A working relationship where trust, understanding, respect and friendship are built on overtime can make each new negotiation smoother and more efficient.

Commitment: The goal of negotiation is for the parties to make commitments that are practical, durable and easily understood by those who are to fulfill them. To reach these goals, you need to think about where you would like to end up before you start to negotiate. What do you expect at the end of the initial meeting? Do you expect it to be an exchange of issues, options and recommendation? Or do you expect a signed agreement? Develop a list of issues that you think need to be addressed during the negotiation. This creates a checklist of issues to discuss and ensures that all issues are eventually addressed. Some negotiations are resolved in only one session. Others are more complex and involve a series of meetings and a variety of activities before and after each meeting. Advanced perparation will assist in coordinating these activities. Preparation also ensures that the party with whom you are negotiating has the authority to negotiate. Sometimes people say 'no' because they don't have the authority to say 'yes'. This may lead you to incorrectly believe they are not committed to the negotiation. Negotiations that do not address the interests of all parties will not lead to an agreement that has full commitment of these parties. An outcome where the other side gets absolutely nothing is worse for you than one that placates the other side. Your satisfaction with the agreement is dependent upon the other side being sufficiently content to want to live up to their end of the agreement. Commitments can only work if thought is given to the specific promises that are made.

📄 **QUICK READ**

Interests: Nobody wants to be treated unfairly. Finding external standards persuades others that they are being treated fairly and protects all parties from recieving an unbalanced agreement.

Relationship: For people or disputants, negotiations occur within the framework of existing relationships.

Commitment: The goal of negotiation is for the parties to make commitments that are practical, durable and easily understood by those who are to fulfill them.

Mediation:

Mediation is a process where an independent, impartial third party (i.e. the mediator) is requested by conflicting parties to assist them procedurally in resolving their differences. The mediator has no settlement authority and no vested interest in the solution but he/she manages the process of attempting to resolve the dispute and makes effort to ensure parties' adherence to the principles of fair play, while empowering them to reconcile their needs and interests, and develops a mutually agreeable outcome to the dispute. Mediation can also be referred to as a facilitated negotiation.

There are 5 principles which are essential to mediation:

✓ Mediation is *voluntary*. The parties must have an interest in resolving the dispute. They can either agree at the time the conflict begins, or they can incorporate an "agreement to mediate" into their engagement contracts.

✓ Mediation is *confidential*. No details about what occurred during the mediation, or about the settlement that was reached, can be discussed outside the mediation room without the consent of both parties.

✓ The principle of self-determination: The disputants have the freedom to determine which issues in the conflict they want to address. They also have the right to keep certain issues away from the mediation forum.

✓ The *principle of empowerment and education:* Mediation is supposed to empower disputants to be able to deal more constructively with their problems. Every mediation exercise should promote this objective. In addition to empowering the disputants, mediation is also supposed to be a forum for educating the disputants on how to deal with conflict productively.

Types of Mediators:

There are three broad types of mediators. Each is determined by the nature of relationship that the mediator has with the parties to the conflict:

✓ ***Social network mediators:*** Social network mediators consist of individuals who are invited or who voluntarily choose to intervene in a conflict basically because they have a close relationship with the disputants, or largely because they are part of the lingering dispute and same social network with the disputants. The mediator could, therefore, be a community member or mutual friend of the disputants. The mediator gets the cooperation of the disputants because he/she is either considered trustworthy, known or because he/she is most likely to treat information pertaining to the conflict with the utmost confidentiality.

✓ ***Authoritative mediators:*** Authoritative mediators are people in authoritative relationships with the disputants in the sense of occupying a position of authority well known to, recognised and respected by the disputants. A good example in this case is a leader of a political party or a traditional ruler in a community where politicians are violently disagreeing with one another. The "authority" of the mediator in this kind of situation is dependent on his/her access to resources much valued by the sides to the conflict. His position notwithstanding, an authoritative mediator is not expected to impose his decisions on the disputants. But he/she could persuade or influence them, indirectly, to reach a quick decision. Authoritative mediators are most found in workplace environments but they can also be useful in a political situation, especially intra-party settings.

✓ ***Independent mediators:*** He or she is a neutral person entirely and has no vested interest in the conflict and therefore expected by the contending sides to be impartial in helping them work through their problems. Many independent mediators in the developed parts of the world are professionals. They have mediation firms that are consulted by disputants from time to time, especially the big firms interested in nipping in the bud latent trade disputes with their employees before these become manifest conflicts.

✓ Disputants seek the services of independent mediators when they are in desperate need of procedural help in negotiation. The credibility of an independent mediator depends largely on his or her impartiality and neutrality.[13]

Parties engage in mediation for a number of reasons which may include the following:

a. They own the solution to their dispute. The outcome or resolution is a product of their efforts and of their acceptance. It is not imposed

b. Procedures are informal, lawyers may not be needed. There isn't any emphasis on evidentiary procedures as so often dominate litigation. It is designed to accommodate any kind of person – the illiterate and uninformed, and the professional. The informality is also designed to minimise the adversarial nature of litigation and create a partnership atmosphere for the parties.

c. There is greater opportunity to be heard, than when appearing before a judge. Parties are encouraged to tell their own stories, in their own words and style. This is irrespective of whether they are accompanied by a legal or other professional representative.

d. There are no winners and loosers. Since mediation explores the underlying needs and interests of the parties and encourages the parties to explore and agree on ways of meeting these needs and interests, it is difficult to talk of winners and losers. Parties may not get all that they ask for. It is also doubtful whether 'getting' all that they ask for is what they really need. An exploration of interests throws up their real needs.

e. Satisfaction with the process has been shown to be high. There is no doubt that litigation may provide substantive satisfaction. It is doubtful to what extent it provides procedural and psychological satisfaction. Mediation however provides more substantive satisfaction.

f. Creative options for settlement are encouraged and given a more thorough exploration than is often possible in the court. Mediation allows parties to generate all kinds of options that will substantially resolve the issue in dispute.

g. Mediation is recommended where there is an ongoing relationship between the parties. It becomes an important process that enables them to vigorously ventilate the issues that divide them and yet maintain their relationship.

Steps in Mediation:

Step 1: Establishing relationship with the disputing parties

Make initial contacts with the parties; build crediblity; promote rapport; educate the parties about the process; increase commitment to the procedure.

Step 2: Selecting a strategy to guide mediation

Assist the parties to assess various approaches to conflict management and resolution; assist the parties in selecting an approach; coordinate the approaches of the parties.

Step 3: Collecting and Analysing Background Information

Collect and analyse relevant data about the people, dynamics and substance of a conflict; verify accuracy of data; minimise the impact of inaccurate or unavailable data.

Step 4: Designing a Detailed Plan for Mediation

Identify strategies and consequent non contingent moves that will enable the parties to move toward agreement; identify contingent moves to respond to situations peculiar to the specific conflict.

Stage 5: Building Trust and Cooperation

Prepare disputants psychologically to participate in negotiations on substantive issues; handle strong emotions; check perceptions and minimise effects of stereotypes; build recognition of the legitimacy of the parties and issues; build trust; clarify communications.

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13 WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building

Stage 6: Beginning the Mediation Session

Open negotiation between the parties; establish an open and positive tone; establish ground rules and behavioural guidelines; assist the parties in venting emotions; delimit topic areas and issues for discussion; assist the parties in exploring commitments, salience and influence.

Stage 7: Defining Issues and Setting an Agenda

Identify broad topic areas of concern to the parties; obtain agreement on the issues to be discussed; determine the sequence for handling the issues.

Stage 8: Uncovering Hidden Interests of the Disputing Parties

Identify the substantive, procedural, and pyschological interests of the parties; educate the parties about each other's interests.

Stage 9: Generating Options for Settlement

Develop an awareness among the parties of the need for multiple options; lower commitment to positions or sole alternatives; generate options using positional or principled bargaining.

Stage 10: Assessing Options for Settlement

Review the interests of the parties; assess how interests can be met by available options; assess the costs and benefits of selecting options.

Stage 11: Final Bargaining

Reach agreement through either incremental convergence of positions, final leap to package settlements, development of a consensual formula, or establishment of procedural means to reach a substantive agreeement.

Stage 12: Achieving Formal Settlement

Identify procedural steps to operationalise the agreement; establish an evaluation and monitoring procedure; formalise the settlement and create an enforcement and commitment mechanism.
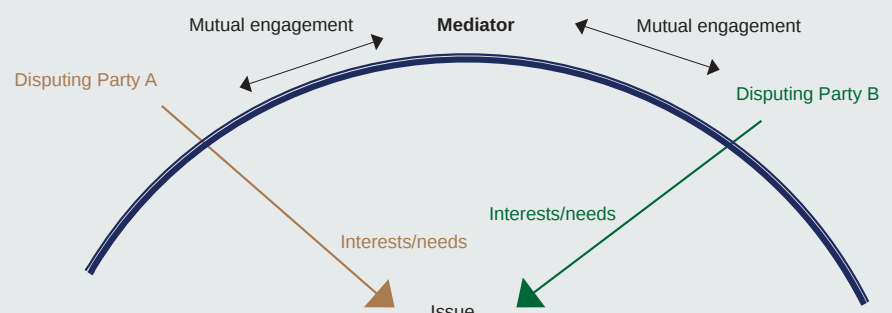
Fig 21: A graphic illustration of a mediation process(c) Ifeanyi Okechukwu

The role of mediation in dealing with future election disputes in West Africa is most likely to be better appreciated where and when decision makers, policy makers, officials of national government and regional organisations can invest some of their time and resources on training in mediation. One of the things they would learn from that kind of training is that power based diplomacy is counterproductive when dealing with election related problems. Mediation works but those who attempt to use it must be properly trained in the field.

However, mediation has its limitations when it comes to election dispute management. The legal framework of electoral democracy expects disputes arising from it to be dealt with through adjudication. To this end, once results of an election are announced, the only channel for dealing with the situation is to go to a court of appropriate jurisdiction to challenge the decision of the EMB.

On the other hand, mediation is the best for dealing with pre-election and Election Day disputes. This is because they lead to a speedy outcome that could enable the electoral process to continue unimpeded.

Conciliation:

Conciliation is the engagement of a third party who may or may not be neutral to help disputants restore positive relationship. To the extent that conciliation focuses exclusively on trying to change negative attitude and behaviour, it could open up opportunities for negotiation and mediation.[14]

The common feature between conciliation and mediation is that they are both based on the consensus of the parties, through the assistance of an impartial third party. Any disputing party wishing to initiate conciliation shall send to the other party a written request to conciliate and any such request shall contain brief statement setting out the subject of the dispute. Conciliation therefore is governed by the agreement of the parties, either directly or through incorporation of the laws subsisting in the country concerned. The conciliation proceedings commence when the other disputing party accepts the invitation to conciliate. The conciliator is expected to be independent and impartial in assisting the parties to reach an amicable settlement of their dispute. The test for independence and impartiality shall include principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties...the circumstances surrounding the dispute...

Conciliation has also been defined essentially as an applied psychological tactic aimed at correcting perceptions, reducing unreasonable fears, and improving communication to an extent that permits reasonable discussion to take place and, in fact, makes rational bargaining possible.[15] Conciliation is therefore a psychological component of mediation, in which the third party attempts to create an atmosphere of trust and cooperation that promotes positive relationships and is conducive to negotiations. It is therefore an ongoing process that recurs throughout negotiation and mediation.[16] Five types of problems which commonly create negative psychological dynamics in negotiation include: strong emotions; misperceptions or stereotypes held by one or more parties of each other or about the issues in dispute; legitimacy problems; lack of trust; and poor communication.

The conciliator may conduct the conciliation proceedings in such a manner as he/she considers appropriate, taking into account the circumstances of the dispute and the wishes the parties may express.[17]

Facilitated Dialogue:

What is it?

It is a special form of communication in which participants are guided by a third party to actively create greater mutual understanding and deeper insight. It is perceived as a form of communication that is particularly suitable in handling divergence and conflict. By fostering mutual understanding and insight, it builds relations in a manner that boost the will to find solutions. Thus, facilitated dialogue also turns into a method that helps make it easier for disputing parties to take decisions that can stand the test of time. It is an option towards choosing to act more reasonably rather than violating, imposing by force and destroying one another. It is no panacea capable of curing all ills, but is one of the ways in which to build bridges between people who are different.

When confronting viewpoints that are diametrically at opposition to each other, the knee jerk reaction of most people is to try to persuade the other that he/she is wrong. It heats up discussions, debates, argument and negotiations. It even leads to manipulation and polemics. All these forms of communication are, on the face of it, at odds with conducting a dialogue. In a dialogue, inquiry and curiosity take centre stage. People listen and ask questions, trying to understand.

14 United States Office of Personnel Management, Alternative Dispute Resolution: A Resource Guide, Washington DC: USOPM, 1999. Pp. 8-9

15 Curle, Adam, "Making Peace", London. Tavistock. 1971.

16 Moore, W.C.; "The Mediation Process: Practical Strategies for Resolving Conflict", San Francisco. Jossey-Bass, 1991.

17 M. Ozonnia Ojielo, "Alternative Dispute Resolution", CPA Books Lagos. 2001.

Dialogue is not debate and there is a clear distinction between the two.

Dialogue	Discussion/debate
✓ We try to learn	✓ We try to win
✓ We try to understand	✓ We try to persuade with argument
✓ We listen to become wiser	✓ We identify flaws and errors
✓ We try to express our own views	✓ We defend our position and values as clearly as possible
✓ We tolerate each other's differences	✓ We have become more alike or we have adapted
✓ Nobody loses, both parties win	✓ The loser surrenders
✓ The destination is the journey towards greater understanding and deeper insight	✓ The goal is to win the argument
✓ Picture a circle	✓ Picture a boxing ring

> 🗎 **QUICK READ**
> *Facilitated Dialogue* is a special form of communication in which participants are guided by a third party to actively create greater mutual understanding and deeper insight

The above table does not imply that discussion is always wrong. It can be entirely appropriate to try to persuade others of one's views, to assert one's opinions or claim one's rights in the face of disagreement. However in discussion, the emphasis is on convincing and persuading. Arguments are expectedly raised in a bid to win. Discussion and argumentation are often employed in negotiations, where the goal is to devise solutions, arrive at joint decisions or reach agreement in order to move on. Nevertheless, in a diverse world where people with different views and values and interests live side by side, the actual manner in which we assert our standpoints become crucial to coexistence, as well as to the chances of solving problems and taking decisions.[18]

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18 Mette Lindgreen Helde, "The Dialogue Handbook", Denmark. Danish Centre for Conflict Resolution. 2012

Principles of Dialogue:

There are four basic principles which together make up the foundation on which the dialogue rests. They are trust, openness, honesty and equality. The four principles are interrelated and constitute preconditions for dialogue. They foster dialogue and are in turn fostered by dialogue.

Trust: When there is trust between persons in communication, it is easier to express opposing views. However, trust is not always given when people wish to enter into a dialogue. On the contrary, opposite opinions can give rise to distrust and unease. Thus the dialogical form per se can help build that trust. One party listens, while the other feels heard. It is reassuring to feel listened to. It gives rise to trust and courage to open up. The parties dare to communicate their views and profound values more honestly, even when they differ from each other.

They begin to listen to one another and are inclined to ask more exploratory questions. Thus, a virtuous circle is set in motion.

Openness: it is both being mutually honest about what the parties represent and also empathetic to each other. Disputing parties are open to understand the other's views and what underlies them, without necessarily having to accept them or agree to them. Openness is related to the building of trust. Communication driven by inquiry and curiosity signals openness and introduces trust into the conversation.

Honesty: It is about authenticity of the disputing parties to self both in words and their way of being. Honesty fosters openness and trust, while dishonesty fosters mistrust. Honesty is required in communication to let the recipients gain insights into the needs and values that underlie the viewpoints. It is necessary to build trust in the relation and to come across as authentic.

Equality: Dialogue is based on the value that everybody has something to say, regardless of status, gender, ethnic background etc. In a dialogue, everybody joins in on an equal footing. They may differ in status and power, but all voices have the same right to be heard. Notwithstanding differences in status, *dialogue* means seeking to communicate as equals. This calls for paying attention to the implications of status and power in the relation. It might be necessary to compensate for discrepancies in status and power, say, by showing special consideration for a weaker party.
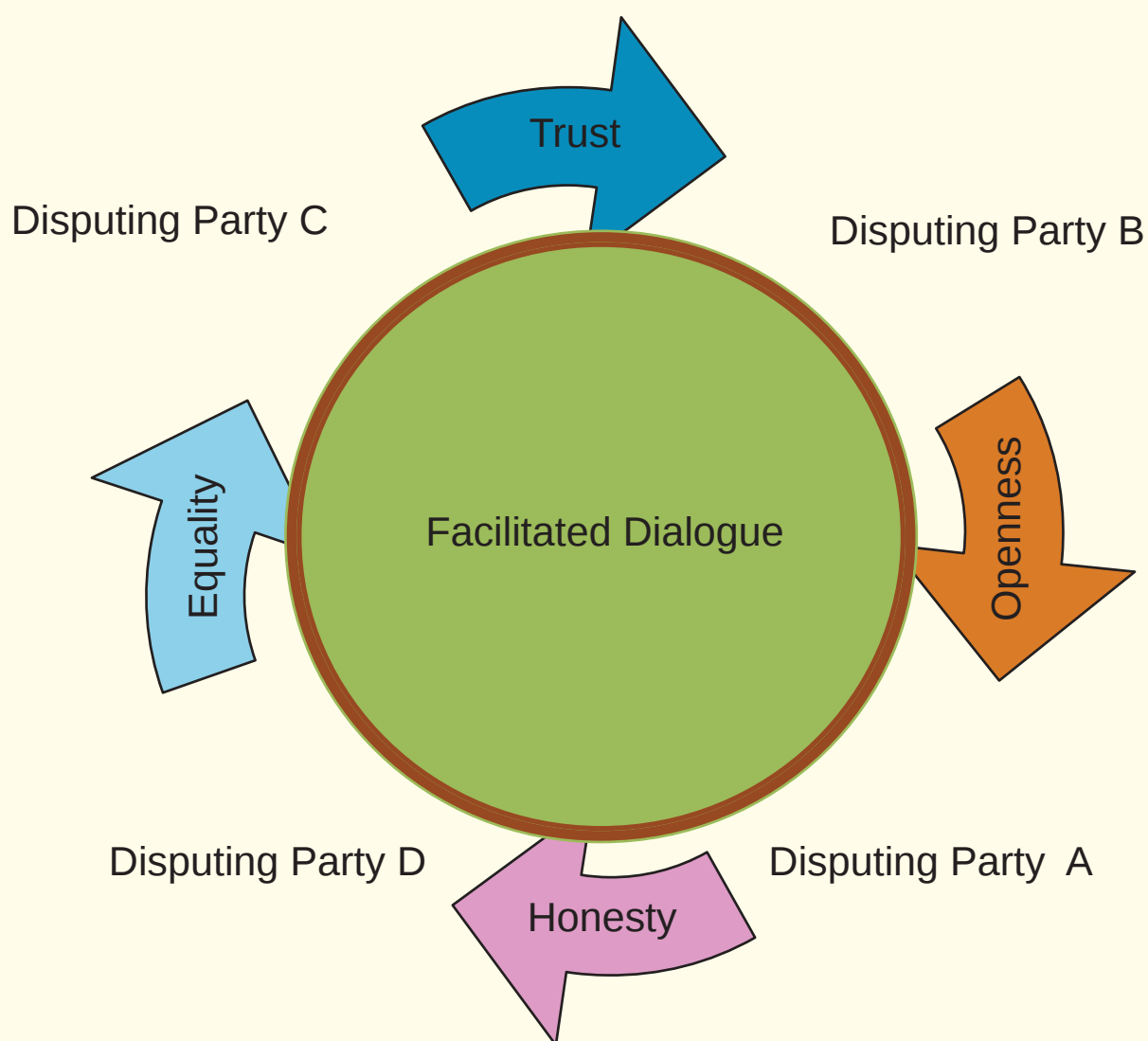
Fig 21: A graphic Illustration of the facilitated dialogue process (c) Ifeanyi Okechukwu

Steps in facilitating a dialogue workshop

Dialogue is a movement where the journey is more important than reaching any particular destination. Accordingly, it makes sense for the workshop to be not just about dialogue, but also to bring participants into a dialogue with one another.

Principles of a successful dialogue workshop:

Learning springs from disruption: When it comes to dialogue, learning and development are two sides of the same coin. Participants learn and develop by being challenged regarding what they already know and believe. They have to be 'disrupted'. The disruption should not be so strong that they disengage after being scared off. Nor should it be so weak that it merely affirms what they knew beforehand. The disruption must be 'just right' and make sense. It should both challenge and relate to what participants know. This is a balancing act, both when planning and implementing the workshop.

Unpredictability: with all the planning in the world ...it is impossible... to know what will happen until...the interaction with the participants begins. The facilitator should be... open and flexible, leaving scope for deviating from...set...plan without losing sight of the workshop's purpose. It is important to...have a Plan B in reserve. This makes it just as important to prepare for the role of being responsible for workshop as to plan the actual workshop.[19]

The basic recipe for a successful workshop contains some basic ingredients:

1. The workshop must be tailor made to its participants on the basis of their needs and the overall purpose of the event. This requires a reflection on the proper venue and needs of the participants and capacity to generate interactive opportunities for open and clear interaction by the parties.

2. It should also be a dynamic and lively process which holds the participants' attention and involves them actively.

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19 Mette Lindgreen Helde (2012) op cit

Simulated Exercise:

Electoral Conflict at the Republic of Uzanda(c) Ifeanyi Okechukwu

Brief Background:

The Federal Republic of Uzanda is a country with a population of 60 million inhabitants. It is regarded as a globally important and strategic country due to its high deposit of uranium that makes it the highest source of uranium in the world. It is also the second highest exporter of liquefied natural gas globally. In the past year, its GNP rose by 13% as a result of the fast growing industrialisation in the country. It was rated as the 10th fastest growing economy in the world. It practices presidential system of government and is divided into four major states which include Awala State, Bundu State, Conos State and Denka States. Its system of election is by party block votes. Since its independence from French colonial rule 10 years ago, its political and democratic structure has been spiralling on the downward trend due to its practice of ethnic politics polarised along state levels that has made it impossible for a majority winner to emerge from its past two conducted presidential elections.

The Economic Context:

Bundu is the industrial 'power house' of the country and boasts of the most educated elites which includes the top ranking military leaderships in the country. It has the highest number of educational institutions in the country. It is also fast becoming a city with a growing young population who are becoming increasingly interested in politics. The uranium deposit is found at Awala while the Liquefied natural gas deposit is found in Denka and Conos.

The Political context:

Uzanda is made up of four ethnic groups comprising the Awalas, Bundus, Conos and Denkas. Each of its states were canvassed and formed along these ethnic groups which greatly influences its political structures and democratic system. The formation of the states emerged as a fall out of the political struggle for the country's independence and each ethnic pressure group quickly transformed itself into political parties after the independence. The Awalas formed the PSP party; the Bundus—NMP party; the Conos-DNP party and the Denkas the FCN party. Their presidential and parliamentary election comes up every 5years and has failed to produce a majority winner at the presidential level with equal representations of the states at the national parliament.

The electoral law states that in the event that the country is unable to produce a majority winner in its presidential elections, the party with the highest number of votes can enter an alliance with any two of the political parties of choice to form a majority government within 60 days after elections which leads to the formation of a Government of National Unity (GNU). If the leading party is unable to form a coalition government, the Chief Justice of the Country will form a transitional government which includes the Uzanda Electoral Commission that will conduct fresh elections in 90 days. In the first presidential election, the DNP formed a GNU with NMP and FCN. However, in the last election, the NMP was replaced by the PSP in the GNU due to conflict of political interests. It has led to increasing criticism and tensions between the Bundus and the Conos. The NMP has openly expressed their displeasure on their exclusion from government and has threatened to secede from Uzanda.

The Conflict:

The newly reconstituted Uzanda Electoral Commission is led by a Denka Professor. Two weeks ago, he officially announced the timetable for the third presidential election in the country scheduled to take place in less than 12 months. The PSP has called a press conference to announce that they are pulling out from the political GNU due to what they referred to as the 'subversion of the will of the people' by the president and his party as they don't trust the transparency of the planned election and also the leadership of DNP and FCN. The NMP has also announced that they will boycott the scheduled elections and have called for a plebiscite of the Bundu State to decide if they will secede and become an independent country. It has led to a political crisis in the country. The President has ordered the Inspector General of Police to arrest the leader of the NMP for treason. There are already reports that some families of the Cono ethnic group were attacked and killed by Bundu youths in the State. Mirrored attacks are also reported at Cono. The French government and the European Union Delegation have announced their preparedness to broker peace among the disputing parties. Already a joint mediation team comprising special envoys of the EU and ECOWAS has been delegated by the United Nations to intervene and address the growing political conflict and destabilisation in the country.

The Mediation Meeting:

The meeting will be held from 11.00am at the UN office complex and the Joint Mediation Team will be chaired by the French Ambassador to Uzanda.

Present at the meeting will be:

* ✳ Three members of the EU/ECOWAS joint mediation team
* ✳ Two representatives each from the four political parties
* ✳ The President of Uzanda
* ✳ The New chairman of the Uzanda Election Commission
* ✳ ECOWAS delegates
* ✳ EU delegates

Additional support information for the Groups:

DNP:

Following the crisis, the board of trustees and leadership of the DNP had a closed door meeting with the president where they asked the president to release the arrested leader of the NMP. The president has however insisted that he needs to be assured by the leader of the NMP party that his party and state in Bundu will not go ahead with their plan for a plebiscite. The party is also discussing the possibility of reaching out to the NMP to offer them ministerial positions in government. However, this is risky if the party refuses this offer which can diminish the credibility of the president in the party and the country as a whole.

Also, there is a plan to reach out to the leadership of the PSP to discuss their recent announcement to pull out of the government. The party leaders suspect that a possible reason for their recent move may be connected with the President's plan to retire and replace the current chief judge who is from Awala with a Cono indigene in the event that the next election ends in a stalemate in preparation for next year's presidential election.

The party is making moves to initiate a process which will lead to the secretary general of the party who recently married the daughter of the chairman of the FCN floating a new political party that will make it possible for the two parties to consolidate their strength and also produce the necessary majority to remain in power after the next elections. This is likely to exclude PSP from any future political alliance.

However they fear the risk of a possible escalation of violence in Awala and Bundu and complete shutdown of the economy by the Bundu State which is the industrial and economic hub of the country. There is also the fear of a possible military coup from the Bundu leadership. There is also security information that an Awala youth militia group has been formed to destroy natural gas plants which will affect export and possible withdrawal of foreign direct investment by the French Government and European Countries.

Your Task:
- ✓ Your team shall decide on roles for each member as necessary for this exercise
- ✓ Analyse the situation properly and decide on the best forms of adversarial or non adversarial options available to your team and how best to approach the other groups before the proposed mediation meeting.
- ✓ Also determine what the positions, needs and interests are as well as the other groups
- ✓ Decide what your goal is. What strategies will be used to achieve it?

PSP

The PSP party has had a tensed alliance with the ruling DNP since being part of the GNU. Besides feeling marginalised in the government due to the limited number of positions offered to it, the party is also concerned that they are not consulted on most of the government policies which are detrimental to the party's political interests and manifesto. This is already receiving significant backlash from its indigenes at Awala. A recent public poll at Awala indicate over 80% disapproval rating of how the political leaderships are managing the States interests in the current GNU arrangement. They have been strongly criticised as being 'dumb followers', have lost focus and therefore too weak to continue leading the party. The recent statements by the president to retire the Chief Judge and the rumoured plans to replace him with a chief judge from Cono has led to violent protests by the youth wing of the PSP party in Awala. To make matters worse there is leaked inside information that DNP and FCN are discretely making plans to fund a new political party that will possibly make them totally excluded and irrelevant in a new GNU in the event that a majority winner does not emerge from the next presidential elections.

It was agreed that the party leadership must quickly make a pronouncement to pull out of the GNU to save their credibility and to create a national constitutional crisis to force the DNP to the negotiation table. They also face the risk of being ignored by the DNP which may back fire and lead to the possible split of the party. In addition they face the risk of losing relevance in government and may be removed or forced to resign their positions as leaders of the party by their State. The new militia group may accomplish their threats which will force the French and European multinational companies to withdraw their investments and cause massive unemployment in the state. A situation that will force them to lose authority and lead to the emergence of new leaderships of the Party and the State.

There is also consideration about approaching the NMP for political alliance but they fear the risk of distrust and rejection from them because of their alliance in the GNU. A successful negotiation and agreement with NMP will strengthen their negotiation with PSP. However, the fear that FCN may be negotiating with NMP to replace them in the GNU may weaken their negotiation power and political relevance.

Your Task:

- ✓ Your team shall decide on roles for each member as necessary for this exercise
- ✓ Analyse the situation properly and decide on the best forms of adversarial or non adversarial options available to your team and how best to approach the other groups before the proposed mediation meeting.
- ✓ Also determine what the positions, needs and interests are as well as the other groups
- ✓ Decide what your goal is. What strategies will be used to achieve it?

FCN:

The FCN party is a progressive party that is consolidating its influence within the current GNU. The Denkas are the emerging political 'power house' having emerged with the second highest number of votes behind the DNP in the past two presidential elections. The annually updated voters register indicates that the voting population of the Denkas increases by 10% annually and is expected to surpass the electorates in Cono by the next presidential election. However this will not be enough to produce the majority vote for a unilateral presidential position. The political alliance and agreement with the DNP in the last election was a welcome development which is consolidating their power in governance. However, the party nurtures an interest to produce the President in the scheduled elections of next year.

The recent marriage of the party chairman's daughter to the Secretary General of the PSP is seen as a good political move that will build a new support base for the FCN in Cono. The Secretary General's family is an influential family that that has a strong followership at Cono. It is therefore a good development that the secretary general is being supported to float a new political party which can work in their favour in terms of alliance and support base. It is hoped that the FCN will finally gain enough electorate that can give it the majority vote in the next presidential election. They also welcome the appointment of a Denka Professor as the new chairman of the Uzanda Electoral Commission to work in their favour.

However, they fear a possible alliance between the PSP and NMP which will affect their chances of majority win in the next presidential election. They have also heard rumours that the current escalating violence at Bundu and Awala may lead to a military takeover of the country which will give the Bundus who have high ranking military officers the opportunity to take over the leadership of the country. They also fear that the DNP may succumb to pressure from NMP and PSP and possibly form a new alliance/coalition government that will affect their chances of being in the GNU in the next presidential dispensation.

Their party leadership has agreed that it is necessary to weaken the opposition by making only carefully 'guarded' statements over the current political crisis as they send 'unofficial' party members to deceive the NMP and PSP in believing a possible alliance for the next presidential election.

Your Task:
✓ Your team shall decide on roles for each member as necessary for this exercise
✓ Analyse the situation properly and decide on the best forms of adversarial or non adversarial options available to your team and how best to approach the other groups before the proposed mediation meeting.
✓ Also determine what the positions, needs and interests are as well as the other groups
✓ Decide what your goal is. What strategies will be used to achieve it?

NMP:

The NMP is a political party facing internal crisis after its exclusion from the current GNU in Uzanda. The party leadership is majorly comprised of retired high ranking military officers who played a significant role in the independence struggle of the country. Some moderates of the party have blamed their 'ambitious' political interests in government as the cause of their exclusion from the current political dispensation. However, the leadership continues to enjoy support of the Bundu State which has made it difficult for the party to remove them from their leadership positions. The NMP leadership has been emboldened by the population to mount pressure on the GNU through continuous criticisms of its policies and programs in order to force a renegotiation and inclusion in government. The leadership also realises that their power lies on the social and economic relevance of Bundu to the country.

The recent public statements by the leadership of the party calling for a plebiscite received wide acceptance within the population of Bundu. However, the party leadership was taken by surprise when the government ordered for their arrest. The indigenes in the army had held secret meetings with some of the leaders of the party on a possibility of a military coup if the violence continues to escalate.

The moderates in the party have however warned of the dangers in this process as it has the potential risk of discrediting the party or possibly driving the country to a civil war if the information leaks out.

The moderates raised a proposition to negotiate with FCN to discuss possible alliance which will make them the strongest political coalition for the next presidential election. However, some leaders have warned of the possible backlash of this move as the FCN is viewed with suspicion and distrust based on their strong alliance to the DNP. Despite these fears, a delegation has been mandated to discuss with FCN in the light of current violence in Bundu and the arrest of some its leaders by the government.

The group of the party supporting the retired military leadership who are pushing for a plebiscite have been asked by the party moderates to retract their statements in order to stop the violence and also to reduce tension in the country. They opposed this idea and stated they can only do this if the President and the DNP invite the party for dialogue and renegotiation of participation in government.

Your Task:
✓ Your team shall decide on roles for each member as necessary for this exercise
✓ Analyse the situation properly and decide on the best forms of adversarial or non adversarial options available to your team and how best to approach the other groups before the proposed mediation meeting.
✓ Also determine what the positions, needs and interests are as well as the other groups
✓ Decide what your goal is. What strategies will be used to achieve it?

The Joint EU/ECOWAS Mediation Team

Your Task:
- ✓ Your team shall decide on concrete steps to ensure the mediation session is successful.
- ✓ Decide on roles each of your team members will play during the session
- ✓ Also decide on the best approach to consult with all the parties to ensure you have adequate debriefing for the session.
- ✓ What is your goal? What strategies will be used to achieve it?

Take Away

Non-Adversarial election dispute management system is an alternative dispute management system that offers disputing parties in an election a quicker, cheaper and more relationship building ways to address their disputes effectively. It is most suitable for dealing with pre-election disputes or post election disputes relating to rebuilding relationships in order to mutually work for the consolidation of peaceful democratic institutions. It is comprised of four basic types: Negotiation, mediation, conciliation and facilitated dialogue.

Negotiation is a non-adversarial conflict management tool that enables disputing parties talk to one another in an effort to resolve their opposing interests. This is performed two ways- positional negotiation and principled negotiation.

Positional Negotiation is a competitive process where disputing parties make effort to draw each other into their bargaining range and work towards maximising their benefits from the negotiation.

Principled Negotiation is a process where disputing parties discuss the issues which face them and express the interests, values and needs that they bring to the table.

Mediation is a process where an independent, impartial third party (i.e. the mediator) is requested by conflicting parties to assist them procedurally in resolving their differences.

Conciliation is the engagement of a third party who may or may not be neutral to help disputants restore positive relationship.

Facilitated Dialogue is a special form of communication in which participants are guided by a third party to actively create greater mutual understanding and deeper insight. It is perceived as a form of communication that is particularly suitable in handling divergence and conflict.

Further Reference:

* Karl A. Slaikeu, "When Push Comes to Shove: A Practical Guide to Mediating Disputes", California. Jossey-Bass Publishers. 1996.
* WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building
* United States Office of Personnel Management Alternative Dispute Resolution: A Resource Guide Washington DC: USOPM, 1999.
* Curle Adam, "Making Peace", London. Tavistock
* Moore, W.C., "The Mediation Process: Practical Strategies for Resolving Conflict", San Francisco. Jossey-Bass.
* Mette Lindgreen Helde, "The Dialogue Handbook", Denmark, Danish Centre for Conflict Resolution. 2012
* M. Ozonnia Ojielo, "Alternative Dispute Resolution", CPA Books Lagos. 2001
* Heinrich Boll Stiftung Nigeria, "Capacity for Peacebuilding: An Introductory Manual", 2008.

Module 5

Multi Track Diplomacy in Election Dispute Management

Contents:
- ✓ Session 1: Security Engagement in Election Dispute Management
- ✓ Session 2: Civil society Engagement in Election Dispute Management
- ✓ Session3: Women in Election Dispute Management
- ✓ Session 4: Media and Communication Tools for Election Dispute Management
- ✓ Session 5: Private Sector Engagement in Election Dispute Management
- ✓ Session 6: National Peace Architecture/Mechanism for Election Dispute Management
- ✓ Session 7: International Organisation role in Election Dispute Management

Key learning Objectives:

At the completion of the module, the participants will

1. Have improved understanding and knowledge of the role of security in election dispute management.

2. Understand what constitutes civil society and its impact on election dispute management.

3. Have knowledge of the legal instruments as well as the role women play in election dispute management.

4. Be enlightened on the various categories of media and how they can be utilized effectively for election dispute management.

5. Deepen their understanding of private sector contribution to election dispute management.

6. Become better acquainted with the concept of peace architecture and approaches to institutionalize National Peace Architecture to support election dispute management.

7. Appreciate the role of international organizations to election dispute management.

Methodology:

Plenary Presentation, brainstorm, Group exercises, Graphic Illustration, Case Studies, Multimedia presentations, Questions and Comments, Interactive Discussions

Overall Duration:

450 minutes

Session 1: Security Engagement in Election Dispute Management

Time Guide: 60 minutes

Tips for Trainer:

Step 1: *Brainstorm Exercise:* An interactive brainstorm exercise is suggested for the trainer to help the participants fully understand the concept of security in relation to election dispute management. The opportunity for participants to focus on the category of security discussed will remove ambiguity and confusion in the broader concept of security. The use of flipchart papers at plenary is relevant for this exercise. The trainer may use the option of coloured stick-up papers to enable participants write and paste in their own words what they understand by security and how they justify the relationship to election violence and dispute management.

Step 2: *Multimedia Presentation*—The use of multimedia presentation in powerpoint slides provides a clearer knowledge and appreciation by participants on the critical role and impact of security to election dispute management. The trainer should encourage participants to interject within the presentation to give room for additional discussion and understanding of the session.

Step 3: *The Group Exercise*—The participants are divided into a group of 5 participants each to perform the simulated exercise provided (10 minutes). The rapporteur for each group is presented to plenary on a flipchart paper. (5minutes).

Step 4: *Questions and Comments* provides an opportunity for the participants and trainer to interrogate the presentations as well as the general understanding of the entire session.

Trainers Handout: Security Engagement in Election Dispute Management

What is Security?

It is the protection of personnel, hardware, programs, networks and data from physical circumstances and events that could cause serious losses or damage to an enterprise, agency or institution.[20]

Election Security

The conduct of elections is a major security issue. This makes security management in an election very important. Election security in defined as "...the process of protecting electoral stakeholders such as voters, candidates, poll workers, media and observers; electoral information such as vote results, registration data and campaign material; electoral facilities such as polling stations and counting centres; and electoral events such as campaign rallies against death, damage or disruption."[21]

This section refers to physical and event specific security such as election as opposed to human security

20 Margaret Rouse, "Definition of Physical Security". http://searchsecurity.techtarget.com

21 United States Agency for International Development (USAID), "Electoral Security Framework, Technical Guidance Handbook for Democracy and Governance Officers", July 2010. P.5

Characteristics of Good Election Security

✓ Safe Environment for election officers

✓ An electoral climate devoid of fear to participate by all stakeholders

✓ Zero abuse and freedom of media to circulate and inform the public of the election process

✓ Protection of the integrity of the process and accuracy of results

Types of Election Security:

There are four main types of security needs in an election:[22]

a. *Physical Security:* The protection of facilities and materials, including the electoral commission headquarters and its offices; registration stations and polling stations; political party offices; election observer offices and media organisations

b. *Personal Security:* The protection of electoral stakeholders, including voters, election officials, public officials, security forces, candidates, party agents, observers and media staff.

c. *Information Security:* The protection of computers and communication systems used during voter registration and vote tabulation.

d. *Electoral Events:* Official election like voter registration, election day activities, campaign rallies, debates, political party meetings, coalition meetings.

22 USAID. Op cit.

Guiding Principles for Security Agencies during Election

The following principles apply to security agencies whose work is paramount in securing life and property for credible and fair elections:

1. *Equitability:* All parties in an election shall be treated with equity. Actions for or against any stakeholder must be reasonable, proportional, consistent and must not be influenced by arbitrary factors such as political affiliation or political ideology.

2. *National Ownership:* The conduct of security agencies shall be in the overall sovereignty of the country. They shall remain sensitive to the culture of the peoples secured.

3. *Strategic Engagement:* Security agencies shall co-operate with EMBs and actively participate in the entire election process to prevent or minimise security threats.

4. *Non Partisan and impartial:* They must remain non partisan and impartial in the exercise of their security functions throughout the electoral process.

5. *Flexible and Efficient:* Security agencies shall adjust easily to the needs dictated by possible changes in the electoral process.

6. *Transparent and accountable:* Throughout the election process, security agencies shall continue to inform and update the public on the security situation and also be open to cooperation from the public to ensure public trust, confidence and active participation in the process.

Physical Security

Personal Security

Information Security

Electoral Events

Election Security

Safe Election Environment

Stakeholder Participation

Media Access and Education

Election Transparency/ Accountability Education
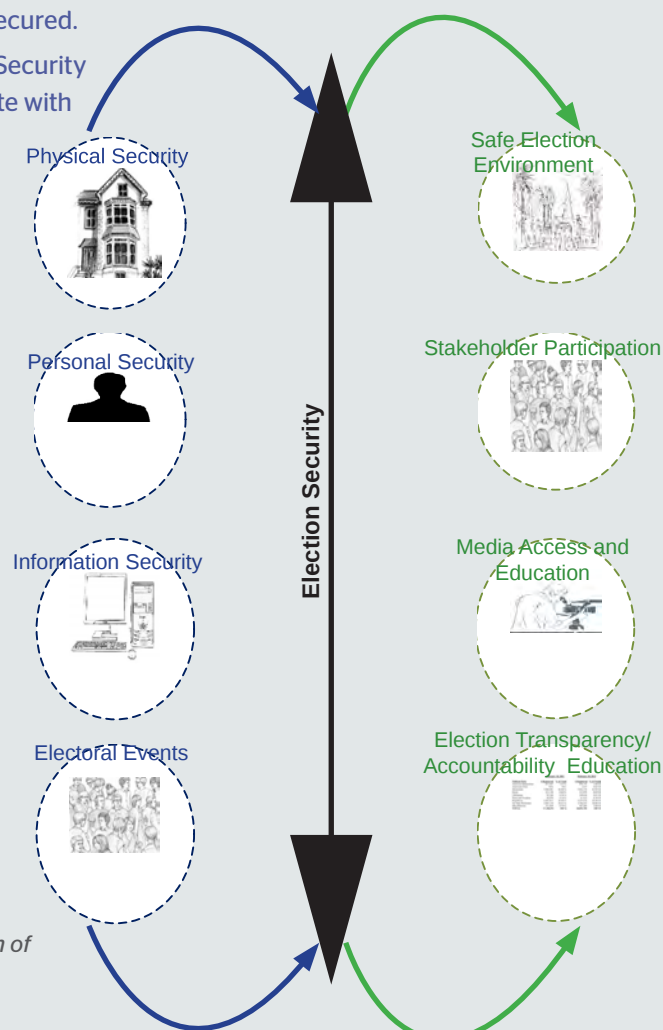
Fig 22: Graphic Illustration of Election Security Map

Simulated Exercise:

In preparation for the Togolese Presidential Elections in 2014, the Togo Electoral Commission has invited the Togolese Police Force to a planning meeting to discuss the security strategic plan for a peaceful election. As a Deputy Inspector General of the Police Force, you have been delegated to make a presentation on a security plan for credible election. How will you make this presentation?

Take Away

Election Security is the process of protecting electoral stakeholders, information, facilities and electoral events against death, damage or disruption.

Characteristics of Good Election Security include safe election environment, stakeholder participation, media access and education, accountability and transparency.

Four main types of security needs in Elections include physical security, information security, personal security and election events.

Guiding Principles for Security Agencies during Elections include equitability, national ownership, strategic engagement, non partisan/impartial, flexible/efficient, transparent/accountable.

Further Reading:

* WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building
* Margaret Rouse, "Definition of Physical Security". http://searchsecurity.techtarget.com
* United States Agency for International Development (USAID), "Electoral Security Framework, Technical Guidance Handbook for Democracy and Governance Officers", July 2010.

Session 2: Civil society Engagement in Election Dispute Management

Time Guide: 60 minutes

Tips for Trainer:

Step 1: *Interactive Exercise:* The trainer can start the session by drawing a table dividing the various categories of the electoral process. He/she will proceed to distribute coloured stick up papers to each participant. They will be required to write down a word that defines their understanding of civil society. Each participant will be invited to paste the paper on the drawn tables on the flipchart where he/she considers the most important areas of focus for civil society during elections. This is expected to start an interactive discussion on the relevance of civil society at each stage of the election process. The trainer can also proceed to ask their experience of civil society involvement in elections from their various countries/regions or communities.

Step 2: *Multimedia Presentation*—The use of multimedia presentation in PowerPoint slides provides a clearer knowledge and appreciation by participants on the critical role and impact of civil society to election dispute management. The trainer should encourage participants to interject within the presentation to give room for additional discussion and understanding of the session.

Step 3: *The Group Exercise*—The participants are divided into a group of 5 participants each to perform the simulated exercise provided (10 minutes). The report for each group is presented to plenary on a flipchart paper. (5minutes).

Step 4: *Questions and Comments* provides an opportunity for the participants and trainer to interrogate the presentations as well as the general understanding of the entire session.

Trainers Handout: Civil society Engagement in Election Dispute Management

What is civil society?

It is the set of institutions, organisations and behaviour situated between the state, the business world and the family. Specifically, this includes voluntary and non-profit organisations of many different kinds, philanthropic institutions, social institutions and political movements, other forms of social participation and engagement and the values and cultural patterns associated with them. Civil society should be seen as constituting the total civic and social organisations or institutions that form the bedrock of a functioning democracy. Civil society advocates and takes action primarily for social development and public interest.[23]

Why is civil society important in Elections?

Civil society constitutes the neutral third party between the political parties and other political stakeholders in facilitating trust and building confidence in an electoral process. They can play this role effectively because of the following characteristics:

✓ Non political structure of operations
✓ Independent funding/support for their operations/intervention
✓ The bridge between EMBs and the electoral stakeholders

How does a CSO intervention link to dispute prevention and management in Elections?

This is divided into three categories:
* Helping citizens participate in their democracies
* Increasing politicians' accountability
* Strengthening State Institutions for efficient performance.

Helping citizens participate in their democracies: This is performed through provision of civic and voter's education, access to justice and promoting human rights most especially of women, pro bono legal support to aggrieved voters, complaints adjudication process and providing training in non-violence.

Increasing Politicians' accountability: Which include transparent and accountable governance, promoting political and electoral reform, media training on complaints adjudication issues and processes, assessment and monitoring of the complaints adjudication process.

Strengthening State Institutions for Efficient Performance: This is performed through advocacy directed at reform of the complaints adjudication process, effective penalties for violation, legal education and training for judges, attorneys, election officials and staff, preparation of case files in support of election management bodies.

23 Richard Konteh, "Responding to Conflicts: The Role of Civil Society in West Africa", in Introduction to Peace and Conflict Studies in West Africa edited by Shdedrack Gaya Best. Nigeria. 2009
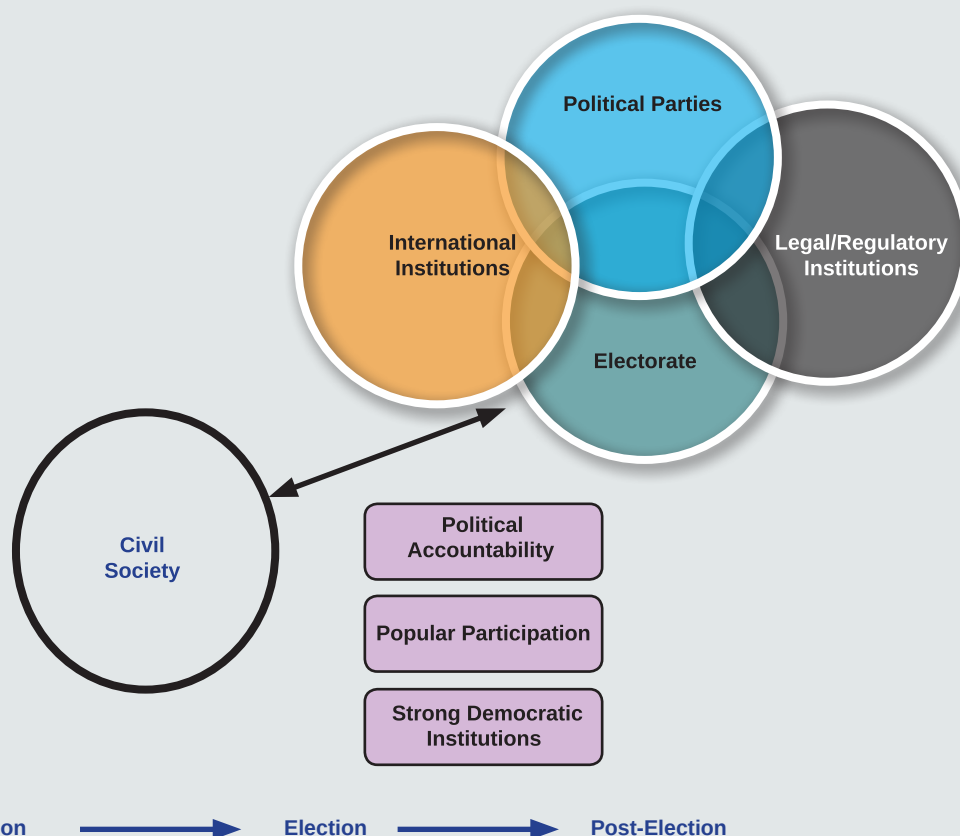
Fig 23: A Graphic Illustration of Civil Society Engagement for Election Dispute Management

Simulated Exercise:

Identify an election that was recently conducted in a West African country. Provide a brief background of the electoral process for the election and the outcome. What was the role of the civil society in the electoral process? What successes will you attribute to civil society organisations in the entire electoral process? What were the challenges they faced. Make suggestions for improvement.

Take Away

Civil Society constitutes the total civic and social organisations or institutions that form the bedrock of a functioning democracy.

Contribution of Civil Society to election dispute management by:

a. Helping citizens participate in their democracies

b. Increasing Politicians accountability

c. Strengthening State Institutions for Efficient Performance

Further Reading:

✦ Richard Konteh, "Responding to Conflicts: The Role of Civil Society in West Africa", in Introduction to Peace and Conflict Studies in West Africa edited by Shdedrack Gaya Best. Nigeria. 2009

✦ WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building

✦ GPPAC Issue Paper: Agents for Change- http://www.gppac.net/documents/130492842/130493035/Agents+for+Change.pdf/8e7cb321-161b-41c9-89bb-c2a06d36dfa?version+1.0

Session 3: Women in Election Dispute Management

Time Guide: 90 minutes

Tips for Trainer:

Step 1: *Plenary discussions:* The UN Resolution 1325 and CEDAW can form the initial discussion points by the trainer to emphasize the international instruments that support women's inclusion and participation in peacebuilding processes and the importance of the instruments. The participants can also provide information on the domestication of the instrument in the various countries. The participants can also provide information on the number of women who are active in election processes in their countries. And what roles they play in this process.

Step 2: Additional presentation will be made by the trainer to further illustrate the impact of elections on women as well as their contribution to election dispute management. The use of case studies and examples will deepen understanding and appreciation of the presentation.

Step 3: *The Group Exercise*—The participants are divided into a group of 5 participants each to perform the simulated exercise provided (10 minutes). The report for each group is presented to plenary on a flipchart paper. (5minutes).

Step 4: *Questions and Comments* provides an opportunity for the participants and trainer to interrogate the presentations as well as the general understanding of the entire session.

Trainers Handout: Women in Election Dispute Management

For sustainable peace and balanced representation in political participation, societies and countries around the world are increasingly strengthening their democratic structures and systems to reflect balanced gender roles. In West Africa, women have remained at the periphery of political participation including electoral processes despite the fact that they constitute the majority of the population in most countries and also a high risk group in election crises recorded in the region. This recognition has improved support and action for women in political decision-making as a basic human right.

The UNSCR 1325 (2000) acknowledged the participation of women in the reconstruction of their country in any post-conflict period including election violence as critical to sustainable peace. The resolution requires all parties in a conflict to support women's participation in peace negotiation and post-conflict reconstruction. In a United Nations report on women and elections, the links between the UNSCR 1325 and democratic elections are brought to the fore:

"It is clear, given the acknowledged importance of both democratic elections and the role of women in peacebuilding, that enhancing women's participation in elections in post-conflict countries is essential to building peace and democracy and advancing the equality of women and men. Elections can provide the best possible opportunity to ensure women's voices are heard, their concerns are addressed, and their potential contributions to peace and democracy are maximised.[24]

24 United Nations (2005): http://www.un.org/womenwathc /osagi/wps/publication/womenAndElections.pdf

Factors affecting Women's participation in Electoral processes of West Africa:

Existing traditions/culture: Most cultures and traditions in West African countries remain patriarchal which undermines the 'space' for women's participation in electoral processes. This manifests in the number of women voters registered during elections. They are also excluded from being active in political decision-making or roles/ representation in EMBs, nomination as political candidates, EOMs and political parties' activities.

Gender Stereotype: Women in West Africa as in most parts of the world are generally referred to as the 'weaker sex' with unequal capacity or abilities to compete equally with men in politics. This discriminatory practice reinforces the opportunity for women to be supported or aspire into political positions or play active roles in electoral processes.

Level of Illiteracy: A significant population of women in West Africa are illiterate based on discrimination practices of access to education between them and the male child. It therefore limits the qualification and ability to achieve standards set to participate in election processes.

Economic Resources: Politics and elections in West Africa remains an expensive operation. Access to financial resources for political participation is heavily tilted to the men as most women are not economically empowered to compete on 'level grounds' with the men.

Culture of impunity and Violence: Most elections in West Africa are marred by various levels of election related violence and abuse of rule of law by political groups/ parties. Political parties, politicians and opinion leaders have been caught in the web of instigating or influencing violent actions to gain political interests. Women often face higher risks of physical violence as they become targets for various levels of abuse and attack. This culture impedes on the willingness of women to participate in election processes.

Opportunities for Women in Election Dispute Management:

If women groups can effectively organise themselves, they can play a major role in facilitating and sustaining increased political participation among women. If peace negotiations in election related disputes will include women, it will become a radical departure from male dominated negative traditions that militate the natural gender capacity and roles women play to prevent or mitigate violence in most societies. The tools or instruments for advancing women's strong roles in election dispute already exist in most West African countries. What is lacking is the political will to implement it.

For elections to be truly free and fair, women must have the same opportunities as men to participate in all aspects of the electoral process. Women should have an equal chance to serve at all levels within local and national elections management bodies. Women should be engaged on an equal basis as election monitors or observers. They should participate fully in all aspects of political party operations. Women candidates and issues of special concern to women should be given fair and equal treatment in the media.

Focussing on areas of the greatest potential impact can help ensure that women's participation in the electoral process is more than a pro forma exercise, and that free and fair elections fulfil their potentials for contributing to the advancement of women, particularly in post conflict situations.[25]

Several key components of elections and the electoral process that can enhance women participation are outlined as follows:

25 United Nations, "Women and Elections: Guide to Promoting the Participation of Women in Elections", 2005. United Nations Department of Public Information.

a. Legal Framework:

A country's constitutional and legal framework should guarantee equal civil and political rights to every person on a non-discriminatory basis. If these rights are not explicitly affirmed in the national constitution or other laws, they may apply by virtue of their inclusion in international treaties a government has ratified, including Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UNSCR 1325 etc. A wide variety of laws can affect women's prospects for full participation in all aspects of an election. The most important is the election law, but laws relating to political parties, gender equality, gender-based violence, and other issues can also have a significant impact.

The legal system should be set up to provide prompt and effective remedies for women whose rights have not been upheld. Electoral systems are not gender neutral. This is an essential consideration in designing electoral systems...with history of gender based election violence. In line with the Beijing affirmative action, most countries are committing themselves to adopting candidate quotas or reserved seats to increase number of women elected. When properly implemented, these measures have been especially effective tools for promoting women's participation in electoral processes and for advancing women's equality in post conflict countries.

b. Political Participation:

Women can participate not only by voting, but also by becoming advocates, activists, political party members and candidates. The role of political parties is therefore critical in determining the prospects for women aspiring to public office. Political parties may also determine the extent to which issues of special concern to women become part of the national political debate and are given serious consideration in the work of the legislature. Many political parties have established women wings; in some cases these have constituted a useful tool for the advancement of women. Political participation extends beyond parties and their organisational structures. Women in post-conflict countries are often active participants in civil society. Government machineries, EMBs, NGOs, media and trade unions can all provide avenues for women's political participation.

c. Voter Education:

Voter education can be critical in enhancing women's participation in elections, particularly in post conflict countries in which women have not traditionally played an active role in the electoral process. In the broadest sense, voter education includes the dissemination of basic information on voting rights, the political system, candidates and issues, as well as specific information on where and how to vote. Situations in which one family member casts ballots for the entire family, or in which a husband and wife enter a voting booth together, are contrary to international standards, diminish individual independence and negatively influence women voters. Voter education should include publicity encouraging people to vote, with campaigns targeted specifically at women as well as at men and women together. Any special factors should be taken into account, including high rates of illiteracy and the types and number of languages spoken in a particular locale. Emphasis should be placed on the right of women to be elected. Carefully targeted voter education can help alleviate double discrimination which may occur when women are also members of disadvantaged ethnic minorities. NGOs and INGOs can make valuable contribution by helping to develop gender sensitive voter education messages. This involves promoting a positive image of women as leaders and politicians in order to encourage women's participation in the political process and challenge the traditional view of a society dominated by male leaders.

d. Election Administration:

The practical aspects of administering an election can have an important impact on women's participation. EMBs should operate independently, impartially and transparently. Boards at all levels should include women as part of their membership and leadership and where necessary, special training might be made available for women to ensure that they are qualified to assume such positions. EMBs should develop a clear policy on advancing women's electoral participation.

They should take gender considerations into account in all aspects of their work and should strive to facilitate and increase women's participation. Election administrators can enhance overall voter participation and that of women in particular by developing effective voter education campaigns, providing adequate security at polling locations, preventing intimidation, designing ballots and voting procedures that are clear and simple, making certain each person's vote is cast secretly and providing balloting facilities for illiterate voters.

Peace/Dispute Delegates:

Women need to be included as members of delegations to peace negotiations and in bodies created for the implementation of peace accords, including those responsible for the development of new electoral processes. This ensures that the gender dimensions of the conflict are clearly highlighted in perspective. It also gives a gender lens to the proposed output from the peace negotiation or dispute management.

Fig 24: A graphic illustration of Transformative map of women's engagement in electoral dispute management
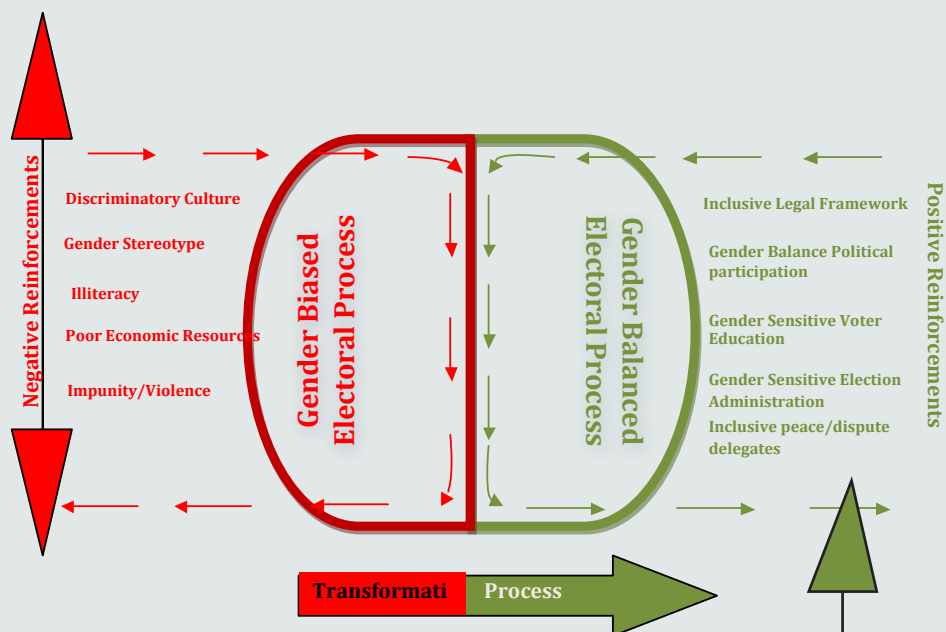
Fig 24: A graphic illustration of Transformative map of women's engagement in electoral dispute management

Simulated Exercise:

Identify a recent election dispute in any of the West Africa Country/ State or region. What were the gender specific disputes/violence that occurred during the electoral process? What factors supported women participation in the electoral process. List the negative factors that affected their participation at each of the stages of the electoral process. What impact was achieved by the women in election dispute management in the target area? What opportunities exist for women engagement in election dispute management in the target area?

Take Away

In most West Africa countries women remain excluded from participating in electoral processes or its dispute management structures. The reasons for this include:

* Discriminatory Traditional Structures
* Gender Stereotypes
* High illiteracy rate
* Poor economic resources
* Culture of impunity and violence

Opportunities that can support gender balanced free and fair elections include:

* Legal Framework
* Political Participation
* Voter Education
* Election Administration
* Peace/Dispute Delegation

Further Reading:

* United Nations (2005): http:// www.un.org/womenwathc / osagi/wps/publication/ womenAndElections.pdf
* United Nations, "Women and Elections: Guide to Promoting the Participation of Women in Elections", 2005. United Nations Department of Public Information.
* Asia Foundation, "Women's Participation in Elections", San Francisco.
* Medica Mondiale, "Women, the Election and Peace in the Democratic Republic of Congo".
* WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building
* WANEP (2012), "Development and Implementation of National Action Plans on UNSCR 1325 and Related Resolutions: A Guideline". Accra-Ghana.
* http://www.un.org/womenwatch/ osagi/meetings/2004/ EGMelectoral/ResourceGuide. PDF

Session 4: Media and Communication Tools for Election Dispute Management

Time Guide: 60 minutes

Tips for Trainer:

Step 1: *Plenary Presentation:* The use of multimedia presentation in powerpoint slides provides a clearer knowledge and appreciation by participants on the critical role and impact of the media and the communication tools for election dispute management. The trainer should encourage participants to interject within the presentation to give room for additional discussion and understanding of the session.

Step 2: *Brainstorm Exercise:* Participants are asked to highlight case studies reflecting the use of traditional and social media during elections in their countries. How they were personally involved and what was the observation about the impact of the various media to the election process?

Step 3: *The Group Exercise*—The participants are divided into a group of 5 participants each to perform the simulated exercise provided (10 minutes). The report for each group is presented to plenary on a flipchart paper. (5 minutes).

> **Step 4:** *Questions and Comments* provides an opportunity for the participants and trainer to interrogate the presentations as well as the general understanding of the entire session.

Trainers Handout: Media and Communication Tools for Election Dispute Management

What is Media?

It refers to communication channels through which news, entertainment, data or promotional messages are disseminated. Media includes every broadcasting and narrowcasting medium.[26] It is divided into traditional and social media.

Traditional Media include television, radio, newspapers and magazines, newsletters and other print publications.

Social Media is used to describe a new generation of digital computerised or networked information and communication technologies. These can take many different forms including internet forums, blogs, wikis, podcasts and pictures, video sharing etc.

The Role of the Media in Elections:

The media is the most centrally placed to deal with the issue of effective information sharing in an electoral system. It has the responsibility of performing the following:

Information Sharing: The media is used to inform people about all the relevant aspects of elections including civic obligation throughout the various electoral processes. It also provides opportunity for the citizens to know who the candidates for the elections are; dissemination from the EMB most especially where and how to vote and the need for and how to cast a vote.

Watchdog to the Electoral Process: Through the media the citizens become aware of violations that may arise from the electoral process. In this context, they help to regulate the fairness of the election process.

Inclusive Participation of all Stakeholders: The media provides opportunity for citizens, politicians/parties and various institutions to express their opinions about the election process. Thereby facilitating popular participation or inclusive participation of all citizens. A media consciousness that highlights negative or societal inhibitions of vulnerable groups such as women to participate in election processes, will motivate a broader based gender sensitive support for women's political participation as well as mitigate election related violence that affects them.

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26 Business Dictionary.com, "Media". http://www.businessdictionary.com/definition/media.html

Negative Media Actions that Cause Election Violence:

Abuse of Press Freedom: In traditional media, journalist can misuse freedom provided to them by the State. In pursuit of sensationalism or commercialism, journalists ignore media ethics and become swayed to provide access to politicians who make inflammatory statements that increase the risk of violence in election. This problem becomes more serious where media houses are controlled by political demagogues. The media reporting and dissemination become partisan. Also they can become increasingly reliant on secondary sources of information without verification.

Media as an Amplifier: The use of social media through the internet and mobile phones has become the new threat and cause of violence in elections. The social networking platforms facilitate and accelerate the spread of messages in a less controllable way. Rumours, propaganda and stereotypes are disseminated faster and penetrate communities quicker to mobilise individuals and groups to action.

Positive Media Actions that Enhance Election Dispute Management:

The Media as a Mirror for Positive Action: As a mirror, the traditional media in particular, serves as an important reflection of the state and the nation building process. It provides insight into political dynamics and the level of dialogue within a society. It suggests the level of polarisation in a society, the progress of reconciliation in the case of post-election violence, and the possible avenues for the peaceful resolution of disputes.

Fair and objective media access and reporting: A non partisan reporting and fair access to all stakeholders by the media safeguards against perceived marginalisation and violent actions that affect the credibility of the electoral process.

Regulatory Standards: Preparing the media for effectively performing their roles during elections requires that they be reminded of their social responsibility in the areas of dispute prevention and management. It is necessary to be conscious of the environment in which journalists are expected to carry out their duties: media regulations, media industry and the journalist community. Issues to be considered on media regulation include: Constitutional guarantees for press freedom; media regulation bodies; content restrictions; internet regulation; ownership ethics/restrictions; journalist registration/accreditation; access to information laws.[27]
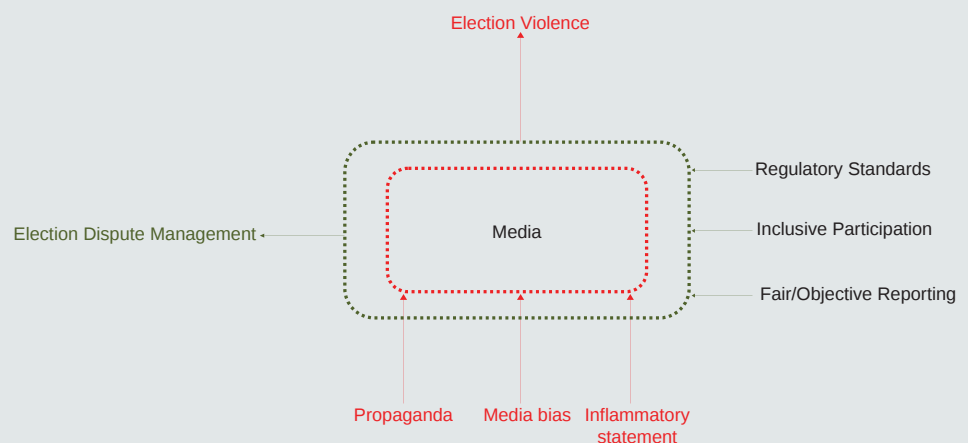
Fig 25: A Graphic Illustration of the Media Election Dispute Management Map

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27 Ibid

Simulated Exercise:

Identify a recent election that occurred in a West African Country. What types of media were operational in the various levels of the electoral process? What was the role of each of the media in the election? What factors contributed to its effectiveness? Identify and explain the negative impact of the media in the election process. What recommendations will you make for the effectiveness of the media in dispute management in the country under study?

Take Away

The Media is the communication channel through which news, entertainment, data or promotional messages are disseminated. It is divided into two categories:

✓ *The Traditional Media* consisting of television, radio, newspapers, magazine, etc.

✓ *The Social Media* consisting of internet forums, blogs, wikis, podcasts, video sharing, SMS, etc.

The Role of the media in election include: Information dissemination, watchdog to the electoral process, inclusive participation of all stakeholders

Negative Media actions that cause election violence include: Abuse of press freedom and the use of media to spread propaganda and rumours.

Positive Media actions that support election dispute management include: Fair and objective reporting, inclusive participation, respect for media ethics and effective regulatory standards.

Further Reading:

✱ Nicole Stremlau and Monroe E. Price, "Media, Elections and Political Violence in Eastern Africa: Towards a Comparative Framework", London, 2009. The Programme in Comparative Media Law and Policy, Centre for Socio-Legal Studies, University of Oxford Centre for Global Communication Studies, Annenberg School for Communication, University of Pennsylvania Stanhope Centre for Communications Policy Research.

✱ WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building

✱ Business Dictionary. Com, "Media", http//www.businessdictionary.com/definition/media.html

✱ GPPAC Media Training Manual

Session 5: Private Sector Engagement in Election Dispute Management

Time Guide: 60 minutes

Tips for Trainer:

Step 1: *Interactive Exercise:* The trainer asks the participants to define their understanding of the private sector. The key points are written on the flipchart paper. It opens the platform for further discussion on the private sector and their roles in elections. The trainer can also proceed to ask their experience of private sector involvement in elections from their various countries/regions or communities.

Step 2: *Multimedia Presentation*—The use of multimedia presentation in powerpoint slides provides a clearer knowledge and appreciation by participants on the critical role and impact of private sector engagement to election dispute management. The trainer should encourage participants to interject within the presentation to give room for additional discussion and understanding of the session.

Step 3: *The Group Exercise*—The participants are divided into a group of 5 participants each to perform the simulated exercise provided (10 minutes). The report for each group is presented to plenary on a flipchart paper. (5minutes).

Step 4: *Questions and Comments* provides an opportunity for the participants and trainer to interrogate the presentations as well as the general understanding of the entire session.

Trainers Handout: Private Sector Engagement in Election Dispute Management

What is Private Sector?

It is sometimes referred to as the citizen sector, which is run by private individuals or groups, usually as a means of enterprise for profit, and is not controlled by the State.[28] It includes the personal sector (households) and corporate sector (companies) and is responsible for allocating most of the resources within an economy.[29]

The Role of the Private Sector in Elections:

Elections and their outcomes affect business environment and climate. Hence business men and women are not as indifferent to elections as ordinarily assumed. The decision-making process under democracy is open to a multiplicity of influences. These influences lead to a moderation of policies and ultimately enhance the steadfastness of democratic development. The existence of interest groups in the private sector is the hallmark of democracy.

They not only have more influences over decision-making, but decision-making in democratic processes takes them into consideration.

Contribution of the Private Sector to electoral processes includes the following:

Influence on Democracy through Economic boost: Democracy is able to create prosperity because the government ensures an enabling environment for the interplay of market forces. It has been said that governments have no business in business. But the interplay of determining regulations that guide investments and economic growth influences the interest of the private sector to contribute to the stability of democracy through support for free and fair elections. The private sector supports host countries and EMBs for the enthronement of good governance. It is obvious that no meaningful, lasting business activity could take place in an environment of anarchy, anomie and precariousness.

Complementary Role on Civic Education for Democracy and Good Governance: Private sector provides additional support to enlightenment campaigns on civic responsibilities to democratic processes. This is provided in the backdrop of their social responsibility to good governance. They sponsor paid adverts and produce information, education and communication materials that support agencies of the state on education and awareness campaigns on democratic processes.

Negative roles of private sector that influence Election dispute/violence

"Shadow" financing of interested candidates: The Private sector has been known to occasionally lend their financial support to the candidates of their choice. This can only be understood in the context of fears/needs analysis. Business organisations benefiting from a ruling government would prefer to see such a regime continue in power while those not favoured by same regime would want it to be replaced by a more pliable regime. This is irrespective of the overall acceptability or interest of the general population which may be trigger violent rejection or widespread conflict in the society or State.

28 https://en.wikipedia.org/wiki/privatesector
29 http://www.businessdictionary.com/definition/private-sector.html

Complacency to the credibility of an election process: During elections in West Africa, business activities are reduced due to restricted movements and partial or full closure of borders. This greatly affects the private sector as they are prevented from performing their normal businesses leading to losses in revenue. What pays these businesses is that the elections are done as scheduled and restrictions or borders reopened immediately. Therefore they often show insensitivity to the interests of the population especially when the election results are marred by malpractices or disputes. Such 'impatience' is exemplified in the speed they try to return to their various businesses irrespective of the status of disputed elections. It often makes them vulnerable to attack by the populace who are angered by such insensitivity, leading to destruction of business and increased loss of properties and revenue.

Positive roles of private sector that support Election Dispute Management:

Providing support to peace enlightenment and education programs: The realisation that election violence and disputes affect businesses, the private sector is increasingly making contributions to peace campaigns that promote peaceful relationships and non-violent approaches to resolve election disputes by involved stakeholders.

Supportive Roles in Mediation and Reconciliation Processes: Depending on the credibility and level of trust of a private sector, its officials can be accepted to be part of election dispute mediation or reconciliation between disputing parties. Their role in this process can boost the citizens' confidence on the genuineness of the company's social responsibility and interest.

Election Disputes/Violence

Lack of Support to Electorate

Insensitive to election malpractices

Compromising Election Regulations

Influencing Election

Financing Campaigns

PRIVATE SECTOR

ELECTORATE

Support to Civic Education on citizens rights

Support for Peace Education and Non Violence in

Support for Mass Enlightenment campaigns

Support to Mediation/

Election Dispute Management

Fig 26: A graphic illustration of Private Sector Engagement to election dispute management

Simulated Exercise:

Identify a recent election conducted in a West Africa country. Give a brief background of the election process. Provide constitutional or electoral provisions for private sector engagement in the election process. What significant impact did the private sector play in the election? Provide the negative contribution of the private sector that increased the risk of election dispute/violence in the country. What positive role the private sector play in the management or resolution of election disputes in the country? Make recommendation for effective private sector engagement in election dispute management.

Take Away

The Private Sector refers to private individuals or groups who run enterprise for profit not controlled by the State.

The Contribution of the Private Sector to the Electoral Process includes influence on democracy through economic boost and complimentary role in civic education.

Negative roles of the private sector in election dispute include shadow financing of candidates of interest and complacency to the credibility of the election process.

Positive roles of the private sector in election dispute management include: Providing support to peace enlightenment and education programs and supportive roles in mediation and reconciliation processes.

Further Reading:

* https://en.wikipedia.org/wiki/privatesector
* http://www.businessdictionary.com/definition/private-sector.html
* Charles Ebereonwu, "Democracy and Prosperity: What Role for Free and Fair Elections?", http://ww.ng.total.com/06_total_nigeria_press/0607_27 jan2011_features_1.htm
* WANEP (2011), "Election Dispute Management-Practice Guide for West Africa", Accra, West Africa Network for Peace building
* UN Global Compact, http://www.unglobalcompact.org/

Session 6: National Peace Architecture/Mechanism for Election Dispute Management

Time Guide: 60 minutes

Tip for Trainer:

Step 1: *Multi Media Presentation:* An extensive presentation on the concept of peace architecture by the trainer will enlighten the participants on its relevance to election dispute management. The trainer is expected to use a feedback process to determine the understanding of the participants to the presentation made.

Step 2: *The Group Exercise*—The participants are divided into a group of 5 participants each to perform the simulated exercise provided (10 minutes). The report for each group is presented to plenary on a flipchart paper. (5minutes).

Step 3: *Questions and Comments* provides an opportunity for the participants and trainer to interrogate the presentations as well as the general understanding of the entire session.

Trainers Handout: National Peace Architecture/Mechanism for Election Dispute Management

What is Peace Architecture?

The concept of peace architecture draws attention to the architectural principles/considerations that have to be addressed in a sustainable peacebuilding process. It emphasises the need to identify the necessary pre conditions or building blocks for different types of conflicts. It also shortens the learning curve by providing a methodology for comparative analysis and evaluation of conflict transformation and it could contribute to greater attention paid to the vital role of peace architects. The image of peace architecture suggests that peacebuilding is not only a science but also an art, where imagination and creativity are an essential part of the building process. Building peace requires not only courage and will, but also a great deal of knowledge and skill.[30]

A National Peace Architecture as a Driver for Election Dispute Management:

Disputed elections and flawed democratic institutions/processes remain the causative factors of political violence in most of the West African Countries. One factor that strongly complicates this process is the fact that countries in this region are frequently confronted with multiple transition processes. Transforming conflict torn, political unstable and socially and economically disintegrated countries into more politically and economically stable, equal and prosperous ones requires not only a clear and legitimate vision of the 'peace 'or future one wants to achieve, but also a clear understanding of how to get there.[31]

Once a conflict crosses the threshold of violence, it becomes much more difficult and costly to manage it. Political, social, cultural, ecological, psychological and spiritual costs join the already considerable costs of humanitarian suffering or economic destruction.[32] Human costs refer to the loss of lives, the high levels of disease, poverty, socio-economic disparity, rising gender inequality, educational decline, unemployment and many less tangible costs. It has become clear that proactive conflict prevention (that is, efforts made before a conflict has escalated) is more cost effective than reactive conflict prevention (that is, efforts made after a conflict has become violent to contain and reduce the intensity, duration and possibility of geographic spill over).[33]

To ensure a sustainable election dispute management mechanism, it is essential for countries in West Africa to institutionalise a broader, comprehensive and sustainable National Peace Architecture that is proactive in addressing emerging risks that can threaten an election process and ultimately its democratic stability. This conveys the need for professional peace architects, architectural teams and platforms working on pre-designed map for preventive map where emerging threats to peace (including election disputes) are concerned.

30 Luc Reychler, "Peacebuilding Architecture". http://www.gmu.edu/programs/icar/pcs/LR83PC.htm

31 Luc Reychler and Amrimi Langer, "Researching Peacebuilding Architecture", Leuven. 2006. Centre for Peace Research and Strategic Studies. Jg.24.vol 75.

32 Reychler, Luc, "Peace is Worth Money"("Vrede Is Geld Waard"), paper presented at the University of Amsterdam, 1996b.

33 Brown, Michael and Richard Rosecrans, "Comparing Costs of Prevention and Costs of Conflict: Toward a New Methodology", in M. Brown and R.Rosecrance, The Cost of Conflict: Prevention and Cure in Global Arena. Totowa: Rowman and Littlefield, 1999.

An effective national peace architecture that is derived from key principles:

1. *A clear and compelling definition of the peace to be built:* This requires a reconciling of the competing needs of the owners and the concerns of the stakeholders who will have to share the same fate; imaging a more attractive future; and an estimation of the costs.

2. *A contextual and Comprehensive Assessment of the Available Peacebuilding Capacity:* This requires appreciative inquiry and of what still needs to be done to build a sustainable peace building process. In contrast to the problem-oriented approach-which focuses on the past, the problems and the weaknesses, an appreciative inquiry turns the attention to the future and the strengths on which peace could be built.

3. *The development of a coherent Peace Plan:* Coherence refers to the achievement of good time management and of a synergy between peace building efforts in diverse domains, at different system levels and layers of the conflict. Time is one of the vital and non renewable resources that continues to be wasted. Time is money, but it also makes the difference between life and death. Many violent conflicts are examples of missed opportunities. More research should be undertaken about the role of time and timing conflict

transformation. On the agenda are issues such as: attitudes towards time (proactive versus reactive); the relative importance paid to the past, present and future in the design of a reconciliation process; the preference of short-middle-long term programs; the duration of the intervention; when to enter and exit, how to schedule the interventions (consequentially or simultaneously).

4. *An effective Implementation of a Peace Plan:* This involves not only the commitment of sufficient time and means to build the sustainable peace process, but also coordination and effective leadership. The critical mass of leadership needed depends on the specific conflict context. It could include internal and external leadership; some conflicts (including election disputes) can be transformed successfully with internal leadership, others may necessitate external leadership to support the process.

5. *The involvement/inclusion of all Stakeholders:* The inclusion of all parties such as the state and every other stakeholder relevant to make the whole process a success. The inclusion or exclusion of the relevant stakeholders in the design and planning makes the difference between failure and success. The people who see their interest as deeply affected should be at the heart of the decision making process. Others who should be included, consulted or informed are: those who could hinder

the successful implementation; those whose advice or assistance is needed; and those who could hinder the successful implementation; those whose advice or assistance is needed; and those whose approval will be required to enable the project to proceed.[34]

6. *An identification and dismantling of the 'senti-mental walls':* Peace building is not only about construction, but also about deconstruction. To analyse and transform conflicts, more attention needs to be paid to the political-psychological variables. In particular, efforts should be made to identify and dismantle 'senti-mental walls'. This term refers to concepts, theories, dogmas, attitudes, habits, emotions and inclinations that inhibit democratic transition and constructive transformation of conflicts. The existence of senti-mental walls increases the chances of misperceiving the situation or misevaluating the interests at stake; they lower the motivation to act on an opportunity and hinder the development of the necessary skills and know-how to overcome conflicts.

34 Kraybill, Ron. Development, Conflict and RDP: A Handbook on Process Centred Development. Cape Town: Centre for Conflict Resolution, Cape Town University, 1995.

National Peace Architecture

Clear Definition of Peace

Comprehensive Assessment Of Peace building capacity

Coherent Peace Plan

Election Dispute Management

Implementation of Peace Plan

Stakeholder Inclusion

Dismantling Senti-mental walls
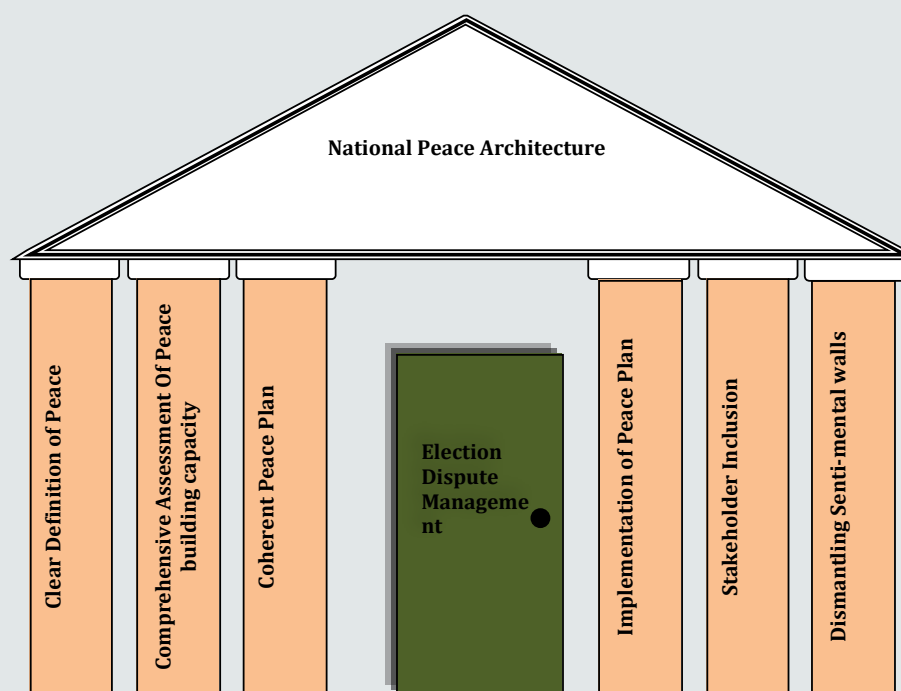
Fig 27: A graphic illustration of the framework for National Peace Architecture for Election Dispute Management

Simulated Exercise:

You have been contacted by the President of the ECOWAS Commission to lead the team to design a West Africa Peace Architecture that will address the recurring election disputes and violence in the region. What steps will you take to ensure the successful completion of this assignment?

Take Away

Peace Architecture refers to the fundamental principles to be considered or building blocks to be developed to facilitate the development of a sustainable peace building process.

To ensure a sustainable election dispute management mechanism, it is essential for countries in West Africa to institutionalise a broader comprehensive National Peace Architecture that is proactive in addressing emerging risks that can threaten an election process and ultimately its democratic stability.

An effective national peace architecture is derived from 6 key principles: Clear definition of peace; comprehensive assessment of peace building capacity; coherent peace plan; implementation of peace plan; stakeholder inclusion and dismantling senti-mental walls.

Positive Media actions that support election dispute management include: Fair and objective reporting, inclusive participation, respect for media ethics and effective regulatory standards.

Further Reading:

* Luc Reychler, "Peacebuilding Architecture". http://www.gmu. edu/programs/icar/pcs/LR83PC. htm
* Luc Reychler and Amrimi Langer, "Researching Peacebuilding Architecture", Leuven. 2006. Centre for Peace Research and Strategic Studies. Jg.24.vol 75.
* Reychler, Luc, "Peace is Worth Money" ("Vrede Is Geld Waard"), paper presented at the University of Amsterdam, 1996b.
* Brown, Michael and Richard Rosecrans, "Comparing Costs of Prevention and Costs of Conflict: Toward a New Methodology", in M. Brown and R. Rosecrance, The Cost of Conflict: Prevention and Cure in Global Arena. Totowa: Rowman and Littlefield, 1999.
* Kraybill, Ron. Development, Conflict and RDP: A Handbook on Process Centred Development. Cape Town: Centre for Conflict Resolution, Cape Town University, 1995.
* http://www.i4pinternational.org/

Session 7: International Organisation role in Election Dispute Management

Time Guide: 60 minutes

Tips for Trainer:

Step 1: *Multimedia Presentation—* The trainer starts the session by giving an overview of International organisations' role in elections and their impact. Where available, a number of EOMs which performed in West African countries in the past decade or beyond can be discussed and their contribution to the democracy in the region.

Step 1: *Interactive Exercise:* Participants will be encouraged to share their experiences (if any) working with EOMs or being part of an EOM in the region. The interaction provides deeper insight and opportunity for experience sharing and learning. The linkages between the plenary presentations by the trainer are further enhanced by this process.

Step 3: *The Group Exercise—*The participants are divided into a group of 5 participants each to perform the simulated exercise provided (10 minutes). The report for each group is presented to plenary on a flipchart paper. (5minutes).

Step 4: *Questions and Comments* provides an opportunity for the participants and trainer to interrogate the presentations as well as the general understanding of the entire session.

Trainers Handout: International Organisations' role in Election Dispute Management

International organisations play many different roles during election processes in new and emerging democracies (and in countries hoping to be seen as democracies). These roles-and their impact-become particularly interesting during situations that develop into 'an electoral crisis'.[35]

An electoral crisis is some kind of humanitarian or political (or other) crisis, where administrative or other problems in relation to an electoral process function as the trigger of the crisis. International organisational role in elections has become important as a result of the emergence of new democratic states especially in developing countries of West Africa that transited from authoritarian to democratic forms of government. At the turn of the millennium, democratic structures in these countries were weak and needed external support to conform to best practices and complying with standards.

Placing international organisations decisively to play observatory and oversight roles becomes a form of insurance against potential regression to authoritarianism as well as a deterrent to anyone contemplating an attack on fragile democratic institutions.

Democracy also provides an opportunity for organised civil society with support from international institutions to thrive as a watch dog against attempts to violate standards in electoral processes by political stakeholders.

35 orgen Elklit, "The Role of International Organisations during Electoral Crises", 2013. Routledge, England.

Simulated Exercise:

Identify any recent election held in any West African country. List the number of EOMs in the elections and their various roles in relation to each of the electoral processes. What impact did they make in the elections? How levels of relationship were established with various stakeholders in the elections. What challenges did you observe in their involvement? What recommendation will you provide for EOM effectiveness in future elections?

Take Away

International Organisations play significant role in elections through their external support to fragile democratic institutions that fosters credible and fair elections.

Role of International organisations in election dispute management include fostering credibility of election which influences the mutual acceptance of the results of the elections and reduces electoral violence; providing technical assistance which ranges from trainers poll watchers, vote tabulation etc.; mediating in disputes among rival parties which clears misperceptions and resolves key issues; transparency of the elections.

Further Reading:

* Jorgen Elklit, "The Role of International Organisations during Electoral Crises", 2013. Routledge, England.
* Vikram K. Chand, "Democratisation from the Outside in NGO and International Efforts to Promote Open Elections" in Carfax Third Quarterly, Vol.18, No.3. Pg. 543-561. 1997
* Susan Hyde and Nikolay Marinov, "Information and Self Enforcing Democracy: The Role of International Election Observation", March 22, 1012.
* Bruna Guterres, "How can the International Community Promote an Electoral Process that serves the Purpose of National Renewal and Peace rather than a Continuous Conflict?", Master's Thesis- Development and International Relations. December 2008.
* UNDP Handbook on elections, http://unipsil.unmission.org/portals/unipsil/media/publications/Electionsandconflictprevention.pdf

Index

WANEP designed this training manual based on its years of experience in monitoring elections and contributing to the overall democratic stability and peace in West Africa. The manual is divided into five modules with each respective session covering different thematic areas in the electoral process including; understanding Electoral Process; Managing Election Disputes; Understanding Stakeholders in Election; Spectrum of Election Dispute Management and the Multi track Diplomacy in Election Dispute Management. The modules are carefully developed and designed to equip the personnel of Electoral Management Bodies (EMBs) with the needed strategies for conflict analysis and election dispute management as well as enhance their understanding of elections and its critical importance to democratic governance. It is our fervent hope and wish that the manual would help fan the embers of peace and reconciliation within the West African Region and beyond.