Timing and Sequencing of Transitional Elections

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Key recommendations

1. **Create a decision-making environment that is underpinned by an informed understanding of the local context**, specifically regarding the challenges of the timing and sequencing of elections and the design of inclusive and transparent processes that bring together different political and social groups, including minorities, women and youth.
2. **Look beyond single elections and outside the electoral process itself; adopt a holistic perspective that gives policy priority to democratic consolidation in the long run**. Any decision on the timing and sequencing of transitional elections should acknowledge the incremental nature of democratic transitions, which may experience pauses and reversals.
3. **Do not allow transitional and/or power sharing arrangements to hinder democratic development in the long-term**. While such measures may be effective in ending stalemates in the short-term, any anti-democratic features of such arrangements will become obstacles in the long term.
4. **Ensure that decisions regarding the timing and sequencing of elections are made in the broader context of building sustainable electoral processes**. This will in turn provide insights that can both inform the sequencing of elections and help construct a 'road map' towards credible elections that are owned by national actors and can be sustained without international support.
5. **The international community can and should provide targeted support to transitional elections through coordinated diplomatic, technical, observation and financial assistance to national stakeholders**. This support is most effective when there is international commitment to long-term democratic consolidation and informed appreciation of unique local dynamics.

Executive summary

When elections take place during periods of democratic transition, they are expected to bring legitimacy of government and consequently contribute to consolidation of democracy, peace and stability. In some instances, however, elections exacerbate divisions, deepen conflict or bring a risk of democratic backsliding. It is well known that the timing and sequencing of transitional elections can significantly affect these outcomes. This Policy Paper provides recommendations for policymakers distilled not only from comparative research but, importantly, from the lived experiences of practitioners.

The paper first identifies a number of key theoretical reflections on democratic transition processes. These distinguish between different contexts, contents and durations of democratic transitions. Three typical transitional contexts requiring decisions on the timing and sequencing of elections are: (a) countries where elections are organized to elect a democratic government following a period of authoritarian or semi-authoritarian rule; (b) countries where an election is used as an instrument for resolving deep political crises; and (c) countries where an election is part of a peace settlement to end violent conflict. When it comes to the content of democratic transitions, credible elections are only one of several pillars of a broader and ongoing democratic consolidation process. Other key pillars include constitution-building processes, the emergence of a competitive and pluralistic party system, judicial reforms and the strengthening of civil society and the media. With respect to the duration of the transition, the paper outlines researchers' findings on key phases, models and factors of transitions. Additionally, the paper summarizes key timing and sequencing dilemmas elaborated by academics. We categorize them as those relating to the choice of accommodative arrangements, the choice of electoral system and institutions, international versus local ownership, constitution-building versus elections first, and elections versus security reform first.

The paper then presents lessons learned from 15 case studies and working papers covering Bosnia and Herzegovina, Bougainville–Papua New Guinea (hereafter Bougainville), Burkina Faso, Central African Republic, Colombia, Haiti, Lesotho, Liberia, Former Yugoslav Republic of Macedonia (hereafter FYR Macedonia), Madagascar, Myanmar, Nepal, Northern Ireland, Tunisia and Venezuela. In order to compare and contrast key considerations that played a role in informing the decision on the timing and sequencing of elections, these studies are categorized according to

the three transitional contexts outlined above. Each case study examined the purpose of elections, the extent to which decision-makers considered context and process-related factors when they made timing and sequencing decisions, and the extent to which the international community had leverage in the process.

The next section summarizes key conclusions transpiring from expert discussions that brought together the authors of the case studies along with other high profile electoral, peacebuilding, mediation and constitution-building experts. The expert discussions were anchored in the cases and the decision-making dilemmas identified, as well as practitioners' own personal and organizational experiences. While cautioning that transitional elections are highly nuanced and context specific, participants were able to identify recurrent challenges and propose approaches that will favour democratic consolidation in the short and long term. Key points emphasized by the experts were that elections should not be perceived as a means of resolving deep-rooted structural conflicts. They highlighted the importance of consensus among key stakeholders on the timing and sequencing of elections, and the importance of proper timing and sequencing with respect to other elements of the transition process, including broader democratic consolidation, peace- and state-building.

Ultimately, five recommendations are consolidated to serve as a guide for those who are involved in decisions concerning the timing and sequencing of transitional elections. These recommendations emphasize the importance of creating an environment that is conducive to informed decision-making and highlight the benefits of taking a holistic perspective that acknowledges the incremental nature of democratic transitions. They also caution that there are potential negative long-term implications associated with accommodative measures that compromise democratic processes and institutions. Further, the recommendations emphasize the need for electoral laws, institutions and processes to have integrity and resilience in order to ensure that democratic consolidation can be sustained. Finally, they address the international community's ability to play a crucial role in ensuring the success of transitional elections.

1. Introduction

When elections take place in countries experiencing democratic transition, their significance is even greater than usual. In addition to being instrumental in conferring legitimacy on a government, elections are frequently viewed as the end goal of any negotiated transition and a key step in democratization; elections set in motion a learning process for both citizens and politicians (Sisk 2009: 196–225; Fischer 2002; Diamond 2006: 93–116; Reilly 2016; Höglund, Jarstad and Kovacs 2009: 530–57; Lindberg 2004; African Union Panel of the Wise 2010). Elections are also expected to have a positive impact on the broader peacebuilding process by acting as a conflict management mechanism, providing an arena where grievances can be voiced without violence, signalling a government's commitment to democracy, and fostering the establishment of a peacekeeping mission or other international aid (Przeworski 1991; Matanock 2013; Kumar 1998; Lyons 2004: 36–62).

Nevertheless, some authors warn that under certain circumstances, transitional elections can compromise a country's path to democratic consolidation. They highlight the importance of appropriate timing and sequencing of transitional elections to both short- and long-term success. They caution that on the one hand, hastily held elections may become technically disorganized and destabilizing; on the other, delaying an election for a prolonged period may result in a loss of momentum for reform, allowing authoritarian regimes to regain strength (Brancati and Snyder 2013: 822–53, 825). From this perspective, early elections are far from being the end of a democratic transition and may be just the beginning. For this reason it is argued that decisions on the timing and sequencing of transitional elections must be sensitive to underlying societal processes such as democratization; constitution-building; disarmament, demobilization and reintegration (DDR); reconciliation; and so on (Ndulo and Lulo 2010: 155–71, 186).

However, research on electoral timing and sequencing remains fragmented and does not provide practical recommendations for decision-makers. This is largely because each country context, each set of stakeholders and therefore each transitional process is different. Making one-size-fits-all recommendations may not only be impractical but counterproductive as well. The United Nations (2015: 11) cautions that 'it is difficult to create a general template for determining when the circumstances are right for holding a first post-conflict election', and argues that 'there should be a general agreement on the rules governing the election and the

institutions that will administer the process, and adequate funding and sufficient time for all practical preparations'. Further, the UN argues, 'it is critical to consider the sequencing of key events in the transition as a whole, rather than just the timing of a first post-conflict election'. For our purposes, then, election 'timing' refers to the time (i.e. years, months or days) that has elapsed between the event triggering the transition process (e.g. peace treaty, breakdown of democratic institutions, abdication etc.) and the conduct of the first transitional elections. Electoral 'sequencing' can refer to the order of events and processes within or between electoral cycles, or the sequencing of elections in relation to other transitional processes.

To contribute to the debate on this topic, International IDEA commissioned 15 case studies and convened three expert workshops (2016–2017) on the timing and sequencing of transitional elections. These involved high-profile electoral, peacebuilding and negotiation experts, and the conclusions drawn form the basis of five recommendations presented here. These are meant to serve as a guide for all those involved in decisions concerning the timing and sequencing of transitional elections.

2. Theoretical reflections

In stable democracies, elections follow specific timelines and sequences in which national, regional and local officials are elected, either simultaneously or through separate vote-casting processes. The predictability of electoral events is one of the cornerstones of political stability (Dahl 1989), and these arrangements are therefore clearly stipulated in countries' constitutions and/or election laws. Many countries have specific laws that allow for the postponement of elections in certain circumstances, such as political crises, the death of elected officials, natural disasters etc. Bangladesh, Cameroon, Malta and Sierra Leone have an explicit clause in their constitutions, whereas in Liberia postponement is through state of emergency powers, which were used in 2014 due to the Ebola crisis (Nyei 2016). Nevertheless, deadlines for the holding of extraordinary elections exist to ensure that constitutional order is preserved, and abuse of political power is prevented.

In some countries, however, a series of events may lead to situations where a specific decision on the timing and sequencing of elections cannot be anchored in the constitution or laws. This includes countries undergoing democratic transition: where the intention is to establish, or restore, a democratic constitutional order.

2.1. Democratic transition

In the context of democratization, the term 'transition' is commonly used to describe a change from an authoritarian or semi-authoritarian regime to democratic governance (Schedler 1998: 91–107). When considering the timing and sequencing of transitional elections, expert discussions have emphasized the importance of clarifying the context, content and duration of democratic transitions.

Context of democratic transitions

When it comes to the contexts in which decisions on the timing and sequencing of elections need to be made, International IDEA finds that, although there are some areas of overlap, it is practical to distinguish between countries that:

- Shift from authoritarianism or semi-authoritarianism to electoral democracy: These countries will likely have no electoral traditions or will hold elections that emulate a democratic process in order to keep a long-standing semi/

authoritarian regime in power. The shift towards electoral democracy is precipitated by internal factors (such as popular uprisings) or external ones (such as economic sanctions). In both cases, the organization of credible elections will require major reforms in which specific decisions on when to hold a democratic election will need to be made.

- Transition from deep political crises to political stability: Some countries experience deep political crises resulting from unconstitutional changes of government, disputed election results, authoritarian tendencies of newly elected governments, or other major political divides. Protracted crises may cause the meltdown of institutions responsible for their resolution (parliament and government), and delaying the conduct of extraordinary elections beyond deadlines set in the constitution and laws. In such instances, the very decision on when to hold the next elections will become a critical step in resolving these deep political crises.
- Transition from war to peace: Peace processes often entail considerations on when to organize elections with the aim of restoring or establishing democratic governance. Such provisions are often stipulated in peace agreements. In addition to democratic consolidation, well-informed decisions on the timing and sequencing of transitional elections may also serve the broader and longer-term peace- and state-building efforts.

Content of democratic transitions

Research on key factors of democratic transition is often focused on areas of history and sociology (economic modernization, colonial legacies, experience of pluralism, class/ethnic/religious/educational composition, the prevalence of Western values (Lappin 2010: 191)). Another, practical way to look at the content dimension of democratic transition is to map key areas of international democracy assistance. Some authors find the latter to be focused on several key areas related to elections and electoral processes, political parties, judicial reforms, civil society and media (Menocal, Fritz and Rakner 2007: 4). Other authors (Miller and Aucoin 2010; Sisk 1995) point to constitution-building processes as integral aspects of democratic transitions as well. Consequently, in deciding on the timing and sequencing of transitional elections, an election should neither be seen nor used as a stand-alone democratic instrument. Instead, successful elections will rest on a democratic constitution, democratic political parties, the effective rule of law, a vibrant civil society and free media. In countries transitioning from war to peace in particular, democratic transition will intertwine with other transitional processes, such as state-building and DDR processes, reconciliation, return of internally displaced persons (IDPs) and refugees, and so on. Informed sequencing of elections will be crucial to ensure that they take place in a sufficiently stable, enabling environment—and are thus able to make a positive contribution to wider transitional processes.

As mentioned, constitution-building is very often central to the content of democratization efforts. In these circumstances, the timing and sequencing considerations will include the (s)election of a constitution-making body and perhaps the organization of a constitutional referendum. The dynamics of these decision-

making processes are a topic elaborated in a separate International IDEA Policy Paper (Zulueta-Fülscher and Bisarya 2018).

Duration of democratic transitions

The duration of any democratic transition is not only difficult to anticipate, but also to determine with precision—being contingent and open to interpretation—even in retrospect. Relevant to this discussion are three phases of democratization, proposed by Menocal, Fritz and Rakner (2007: 7) who summarized the work of O'Donnell and Schmitter (1986) and Linz and Stepan (1996), namely: 'the liberalization phase, when the previous authoritarian regime opens up or crumbles; a transition phase, often culminating when the first competitive elections are held; and the consolidation phase, when democratic practices are expected to become more firmly established and accepted by most relevant actors'. Share (1987: 530–31) helpfully proposes four models of transition: (a) 'incremental', which happens gradually with the broad consensus of the preceding regime; (b) 'rupture', when the preceding regime collapses through a sudden loss of legitimacy; (c) protracted revolutionary struggle, when the preceding regime is overthrown through a drawn-out civil war; and (d) 'transaction' when the preceding regime negotiates its transfer of power or remains in the new transitional governance structure.

Democratic consolidation may progress at varying paces, or even regress (Lopez-Pintor 2005: 20). This is contingent on the extent to which economic, political or social structures are conducive to transition (Dankwart 1970: 337–63, 337). Lowenthal and Bitar (2015: 424) found that political leaders from nine different countries who were involved in helping end autocracies and craft democracies during the last quarter of the 20th century agreed that it was 'important to take advantage of even partial opportunities to move forward rather than reject incremental progress in the hope of later being able to make a possible (but not assured) greater change'.

In countries transitioning from war to peace, transition progress is contingent on the level of stability and the effectiveness of an administration over the territory (Paris 2004). The existence of a transitional government is another factor that influences the duration of transition and is highly relevant for deciding on electoral timing and sequencing issues (Seely 2005: 357–58).

2.2. Timing and sequencing dilemmas

Every decision on the timing and sequencing of transitional elections will be considered against two competing imperatives. One of these is to hold elections as soon as possible in order to make quick wins. The other is to wait until all preconditions for organizing safe, technically sound and participatory processes are met and there is certainty that elections will yield truly democratic results.

There are, however, specific risks associated with both these options. Hastily organized elections may fall short of delivering credible results because of insufficiently resourced electoral management bodies (EMBs), weak security sector agencies, weak legal systems and judiciaries, and an immature civil society (Kumar 1998). Furthermore, holding elections too early might not allow sufficient time for new political parties to organize, thereby favouring former armed groups, or

personalized parties (De Zeeuw 2010), and placing in power actors who may not be genuinely committed to democratic values (Sisk 2009). The presence of mobilized armed groups could threaten both the organization of credible elections and the free expression of citizens through the vote (Höglund, Jarstad and Kovacs 2009). Other risks stem from the heightened stakes of the first post-conflict elections, where losing the election might mean being excluded from political decision-making, as well as losing access to state resources. Therefore, there is an increased chance of an election loser rejecting the result and resorting to violence (Höglund, Jarstad and Kovacs 2009). Delayed elections may, on the other hand, provide time for non-democratic forces to strengthen their power, for violent conflicts to renew and escalate, or for political crises to heighten, thus further cementing political disagreements (Flores and Nooruddin 2012: 558).

In this respect, researchers have identified several dilemmas, summarized by International IDEA in five categories below:

1. **The scope of accommodative arrangements**
   Joshi, Melander and Quinn (2017) argue that the adoption of accommodative measures, such as transitional power-sharing, amnesty or release of prisoners of war, may increase the chances for successful post-conflict elections, because they signal to weaker parties the government's commitment to the peace process. While the benefits of these accommodative measures are generally visible in the short term, in the longer term they may lead to a sense of injustice in certain sections of society and even induce a return to conflict as former opponents are locked into power (Brancati and Snyder 2013), obstructing effective institution building.

2. **The choice of electoral system and institutions**
   Reynolds, Reilly and Ellis (2005) point out that the choice of electoral system has a crucial impact on politics; the formulae for determining how votes are translated into seats, district magnitude, votes-to-seat-ratio and boundary delimitation can all exacerbate or mitigate conflicts. Trade-offs are sometimes made between using the most convenient electoral system and designing a new electoral system that is maximally legitimate and sensitive to local dynamics, but potentially complex and costly to implement. Some authors suggest selecting the most convenient for the first election, and then switching towards the most adapted system at the second election (Reilly 2016; Sisk 2009).

   Electoral management and administration design are also an issue in transitional contexts (Catt et al. 2014). As Reilly (2016: 13) writes, 'establishing an independent electoral commission should be one of the first steps in a transitional electoral timetable. However, issues of timing and sequencing impact here too: elections held under scheduling pressures are more likely to be conducted by ad hoc or temporary bodies than by a well-resourced permanent EMB'.

   Another recurring question is, which level of election should come first: national or local? Some have argued that national elections should be held first to foster the creation of national rather than regionalist parties (Linz and Stepan 1996). Others have argued in favour of holding local elections first, as

the stakes in these elections are lower and can foster the development of political parties, as well as political habits, at a grassroots level (Chesterman 2004). Finally, some believe that holding elections at both levels simultaneously is the best solution because this stimulates cooperation between local and national politicians (Diamond 1999).

3. **International versus local ownership**
   In many cases, international organizations play a positive role in resolving crises and conflicts by mediating negotiations and supporting electoral processes, and in boosting the confidence of the electorate in the electoral process. However, while it may offer solutions to some problems—in particular where national stakeholders are unable to find common ground or commit resources—international involvement in sovereign processes may create a problem of legitimacy for elected officials. Moreover, it is not uncommon for international actors' geopolitical interests to supersede national interests.

   Some authors argue that local ownership is needed so that locals develop democratic values and facilitate the transition to autonomy (Diamond 2006; Chesterman 2004). When the international community is deeply involved in providing technical assistance, funding and security to elections—often through peacekeeping efforts—a dilemma surfaces as to whether international involvement should be short or long term. The choice reflects 'two competing visions of post-conflict stabilization, one deeper, longer-term, and more costly, the other easier to secure but far more vulnerable to failure' (Diamond 2006: 100). International third parties have often favoured early post-conflict elections, which provide them with a convenient 'exit strategy'. However, the resulting 'rush to the polls' can have detrimental effects on the transition (Brancati and Snyder 2011; Reilly 2016; Sisk 2009).

4. **Constitution-building versus elections first**
   In contexts where a new constitution needs to be drafted and adopted, the recurring dilemma is whether the constitution-building process should come before or after elections, and whether the constitution-making body should be elected or appointed. While holding elections first might enhance the democratic legitimacy of the constitution-building process, the elected constitutional assembly may be too heterogeneous to reach a consensus, which may lead to long-term problems for the consolidation of democratic standards and political pluralism. On the other hand, holding immediate elections in a transitional environment might be difficult, hence non-elected stakeholders might first adopt an interim constitution, before holding elections for the constitution-making body. In other cases, holding elections might be impossible, in which case a non-elected transitional parliament might act as the constitution-making body, further defining the parameters for the holding of the first elections after the adoption of the final constitution. In any case, the composition of the constitutional assembly is likely to become an issue that can threaten both the quality and the legitimacy of the constitution (Reilly 2016).

5. **Elections versus security reform first**
   While most authors agree that the establishment of a minimal level of security is necessary for elections to take place, the definition of a minimal level of security is unclear and debated. Should DDR be completed before elections take place, or will elections actually foster the DDR process? In this context, the pace for adopting security sector reform needs to be considered as well (Sisk 2009; Diamond 2006; Risley and Sisk 2005; Harris and Reilly 1998).

3. Lessons learned from the case studies

Each context in which transitional elections takes place is different, as is the relationship between national and international actors involved in deciding their timing and sequencing. Lessons learned from previous transitional elections can inform future decisions nonetheless. International IDEA's effort to identify and compile lessons learned from past transitional elections involved a series of country case studies and high-level expert discussions and consultations.

The 15 case studies are illustrative of this great diversity of country experiences. All have experienced at least one of the three transition types (see 'Contexts of democratic transitions', pp. 11–12): authoritarianism to democratic governance (Burkina Faso, Myanmar, Tunisia, Venezuela); deep political crises to political stability (FYR Macedonia, Haiti, Lesotho, Madagascar); and war to peace (Bosnia and Herzegovina, Bougainville, Central African Republic, Colombia, Liberia, Nepal, Northern Ireland), see Table 1. This is not to imply that these transitional experiences are mutually exclusive or complete (the paper does not express a view as to whether democracy, stability and a sustainable peace have been fully achieved in every case). While the case studies draw on specific time periods, some contexts experienced prolonged transitions where they shifted from one type of transition to another; in others there have been significant setbacks for democratization and the prospects for consolidation are far from being assured. This itself is a source of lessons learned.

Table 1. Case studies on transitional contexts

From authoritarianism or semi-authoritarianism to democracy	From deep political crises to stability	From war to peace
Burkina Faso (2014–2015)	FYR Macedonia (2012–2016)	Bosnia and Herzegovina (1996–2002)
Myanmar (2010–2017)	Haiti (1987–2017)	Bougainville (2000–2017)
Tunisia (2011–2014)	Lesotho (1997–2002)	Colombia (2016–2017)
Venezuela (2013–2018)	Madagascar (2009–2014)	Central African Republic (2012–2016)
		Liberia (1997–2005)
		Nepal (2005–2008)
		Northern Ireland (1994–2003)

Expert discussions took place during three events organized by International IDEA. The first was an agenda setting workshop in Accra, Ghana, in October 2016. This workshop resulted in a paper produced by the Kofi Annan Foundation's Electoral Integrity Initiative (Fath-Lihic and Brancati 2017) that highlighted the significance of transitional elections. The second expert workshop took place in Dakar, Senegal, in September 2017, where contexts transitioning from authoritarianism to democratic governance and from deep political crises to political stability were the focus. The third workshop took place in The Hague, The Netherlands, in November 2017. This event brought together high-profile practitioners and researchers to discuss the timing and sequencing of elections in contexts transitioning from war to peace.

Each case study illustrates that the organization of transitional elections is a road paved with difficulties. These difficulties stem from the challenging environment in which elections take place, and the associated legal and technical complexities. The support of the international community may alleviate some of these difficulties, but success requires sensitivity to local dynamics and a long-term vision. To compare experiences, each cluster of cases is examined with respect to key considerations that played a role in informing the decision on the timing and sequencing of elections.

- Context-related considerations refer to the underlying historical, political, economic and security dynamics, as well as the dynamics of state-building and peacebuilding processes, that have influenced decisions on the timing and sequencing of elections.
- Electoral process-related considerations refer to the design of the electoral system, EMBs, capacity of electoral stakeholders (including voters' ability to participate), as influences on timing and sequencing decisions.
- International involvement-related considerations refer to the extent to which the leverage of the international community has influenced decisions on the timing and sequencing of transitional elections.

3.1. From authoritarianism or semi-authoritarianism to democratic governance

This section examines countries that have experienced authoritarian or semi-authoritarian rule over a prolonged period through which democratic institutions never developed, or countries where democratic institutions existed but have been significantly eroded by semi-authoritarian rulers. Transitions from authoritarian and semi-authoritarian regimes are triggered by an event or rupture, such as a popular protest or uprising, external pressure, or a combination of both. These events force the regime to cede power, as in Burkina Faso (2014) and Tunisia (2011), or to pledge a democratic transition as in Myanmar (2010) and Venezuela (2013). In contexts transitioning from authoritarian rule, the key objective of transition is the establishment of a sustainable democratic political system.

In Burkina Faso, the decision was to hold general elections before implementing systemic reforms. The prevailing consensus was that the socio-political environment was conducive to holding democratic elections in a short period of time, and that the risks attached to delaying elections would only be greater. The international community supported this approach, and the elections became the means to an end of transition. In Tunisia, however, holding general elections without constitutional reform or the establishment of new democratic institutions was deemed a greater risk than delaying the elections. Elections were an instrument for achieving various milestones in democratization: legitimizing the constitution-making body and thereby the process of drafting and adopting the new Tunisian Constitution, and from there to electing a democratic government.

In countries where authoritarian governments are in power, such as Myanmar and Venezuela, the objectives of transition differ between stakeholders. For ruling elites, the hope is that elections decrease internal and external pressures while keeping them in power, whereas for democratic opponents (in-country and abroad), elections are a vehicle for change, and at a minimum, an exercise for testing the current stance of the incumbents. In Myanmar, the military regime used violence and draconian laws to supress all dissent and introduced constitutional changes that guaranteed both continued military dominance and impunity for past misconduct. In Venezuela, the government continuously manipulated the timing and sequencing of elections to their electoral benefit. This has led to its characterization first as a 'hybrid' or 'competitive authoritarian' regime (Levitsky and Way 2010; Alarcón 2014), and more recently as openly authoritarian (Penfold, forthcoming 2019).

Some risks are hard to anticipate or to avert when decisions on the timing and sequencing of elections are made. In Burkina Faso, a coup was attempted against the transitional government by factions of the old regime. In Tunisia, the transition process experienced deep crises with the strengthening of political extremists, the influence of an old regime, and serious security crises in the country. The governments of Myanmar and Venezuela both held elections which they lost (in 1990 and 2015 respectively) but then obstructed implementation of unfavourable results. Venezuela is an example of a country where the international community has faced limitations to its engagement in the democratic process.

The discussion below is based on the case studies: Burkina Faso (by A. M. G. Loada); Myanmar (by Aung Naing Oo); Tunisia (by L. L. Zargouni); and Venezuela (by B. Alarcón and J. M. Trak), all of which were in large part researched and compiled during 2017 (for more details and references see: Appendix, The Compendium of Case Studies on the Timing and Sequencing of Transitional Elections, 2019).

3.1.1. Context-related considerations

During transition from semi/authoritarianism to democratic governance, key context-related considerations that inform electoral timing and sequencing decisions include the strength of the antecedent regime and the purpose of the election: namely, whether elections are considered as means to a defined end or as milestones in a broader process.

After 27 years of authoritarian rule in Burkina Faso, the regime collapsed in October 2014 following an insurrection. The debate on the timing of transitional elections centred around two camps. One was in favour of conducting structural reforms before elections, with the aim of establishing a more legitimate governance system. Most proponents of this approach were in civil society. Others, principally the political parties and the international community, were proponents of holding democratic elections before meaningful structural reforms. The latter camp stressed that implementing structural reforms first would lead to the fragmentation of the transitional authority, invite obstruction from political and military forces whose interests would be negatively impacted, and thereby destabilize the transition process. A critical moment in the transition occurred in September 2015 when a coup overthrew the transitional government. This event was preceded by the Constitutional Court's decision to declare several candidates from the former regime as ineligible. Crisis was averted as a result of resistance from the Burkinabe people and the presence of the international community. The case of Burkina Faso ultimately illustrates a successful transition despite many challenges because the focus on elections turned out to be less of a risk for the transition process.

Myanmar organized four elections between 1990 and 2015 (1990, 2010, 2012, 2015). The first, held in 1990 by the military regime, followed uprisings in 1988 and the subsequent violent crackdown by the military. The decision on the timing of the 1990 election was, in its own terms, mistaken: the result revealed animosity among the citizens towards the military regime, who refused to accept the results and hand over power to the winning political party. Prior to the next general election in 2010, the junta reformed its constitutional and political governance structure to protect its privileges and impunity. A widely criticized constitution in 2008 guaranteed a continued military presence in politics by ensuring that 25 per cent of seats in the parliament were reserved for the military. The 2008 Constitution also explicitly prohibited retrospective penalization, effectively ruling out legal redress following any handover of power. Furthermore, the regime banned key opposition party leaders from participating in the 2010 elections, which led to an election boycott by the main opposition party. Under these circumstances, the party formed and supported by the regime secured a landslide victory. However, the case study does illustrate that this series of developments, although profoundly undemocratic in their nature and

intent, were central to Myanmar's journey towards incremental democratization. This began with the 2012 by-election when the opposition won a majority of seats and culminated in the handover of power to the opposition following the 2015 general election.

Prior to the 2011 popular uprising in Tunisia, regular presidential and legislative elections were conducted as a façade to protect authoritarian rule. From 2011 onwards, elections served as an instrument for choosing the Constituent Assembly (2011) which adopted a new constitution (2014), and for electing a democratic government (2014). In 2013 Tunisia faced a major crisis: political conflicts were compounded by delays in the constitutional drafting process, assassinations of party leaders and leading public figures, and several terrorist attacks targeting the state's security apparatus. This paralyzed both the constitutional and electoral process. A key role in overcoming the crisis was played by the Quartet of Tunisian organizations—the Tunisian General Labour Union, the business owners' union (Union of Industry, Trade and Handicrafts), the Tunisian Human Rights League, and the National Bar Association—who called for security and governance reforms, which all political parties committed to. This included organizing elections and renewing the country's institutions by the end of 2014, thus complying with the Constitution's provisions. The Quartet was awarded the Nobel Peace Prize in 2015 'for its decisive contribution to the building of a pluralistic democracy in Tunisia in the wake of the Jasmine Revolution of 2011' (Nobel Peace Prize 2015).

After Hugo Chavez seized power in 1999, the Venezuelan political system was gradually transformed from an electoral democracy into a hybrid regime in which elections served to strengthen undemocratic governance. By the same token, the ruling party recognised that elections still held the potential to deprive them of control at municipal, regional and central levels, and manipulated electoral timelines to prevent this. The EMB fast-tracked the December 2015 parliamentary elections, allowing only five months between the announcement of elections and election day; in 2010 the political parties had more than twice as long to prepare. After the opposition won two-thirds of the seats, the Supreme Court suspended four opposition representatives, which reduced the two-thirds dominance of the opposition in the Parliament and led to subsequent political crises. Following the result of these parliamentary elections that favoured the opposition, the executive authorities and electoral management body repeatedly delayed holding governors' elections in 2016 and 2017, as well as presidential elections. Instead, to maintain the façade of electoral democracy, the president initiated the National Constitutional Assembly. This formed the backdrop to the presidential election of 20 May 2018—won by Chavez's successor, the incumbent Nicolas Maduro—again marked by controversies of timing and sequencing.

3.1.2. Electoral process-related considerations

In cases where an authoritarian regime has collapsed, decisions on the timing and sequencing of transitional elections always consider the scope of electoral reforms and the time it takes to implement them. In countries where the power is still held by the authoritarian regime, such considerations are considerably downplayed.

In Burkina Faso, it was necessary to reform electoral laws and institutions, a responsibility placed upon the transitional government. However, the full reform could not be implemented and only minimal interventions were made before the transitional election took place. One source of major controversy was a provision that those who previously supported the unconstitutional removal of limitations relating to presidential terms were ineligible to compete in elections. This provoked a strong reaction from supporters of the former regime, human rights activists, and international stakeholders including the Court of Justice of the Economic Community of West African States (ECOWAS). The Constitutional Court's exclusion of candidates in spite of the ECOWAS ruling served as a pretext for the coup against the transitional government, which ultimately failed. Further concerns included reform of the EMB (Comission Électorale Nationale Indépendante, CENI), which had been created under the former regime. However, a majority of stakeholders argued that given the time constraints, reforming the existing EMB and renewing its management team could jeopardize the organization of elections. The decision to maintain the existing CENI was also made easier by the confidence that the electoral body was able to adapt to the new political context. To minimise risk of failure, the government also decided to postpone the participation of external (out-of-country) voters who were supposed to vote for the first time in 2015.

In Myanmar, considerations related to the quality of electoral processes have always been important, but there is little evidence that the level of preparedness in any way influenced the decision on when to hold elections. During the 2010 elections, the Union Election Commission (UEC) was accused of bias towards the military regime, resulting in the boycott of elections by the opposition. This boycott deprived the 2010 process and the resulting government from obtaining democratic legitimacy. Elections in 2015, however, were much better planned and executed by the UEC, who greatly benefited from international technical and advisory support.

In Tunisia, it took more than three years after the uprising in 2011 to organize the first general elections in 2014. Electoral process-related considerations included the necessity of reforming the Election Law as part of a new constitutional framework. Tunisia reformed its electoral law on two occasions: in 2011 to elect the constitutional assembly and in 2014 to conduct the general elections. The long period for transition allowed for an electoral system to be put in place that supported political pluralism, preventing any one political party from dominating the political environment (which could have potentially led to the re-emergence of dictatorship). The 2014 electoral law introduced an independent electoral body, a dual jurisdiction for dealing with electoral disputes, campaign finance monitoring mechanisms, and pluralist media coverage. The challenge was, however, that the electoral law was adopted only five months before the election, which implied short logistical timelines.

In Venezuela, electoral administration is perceived as deeply politicized, and decisions on the timing of elections create barriers for voters and political actors that oppose the regime. The 2018 presidential elections were twice rescheduled: brought forward from December 2018 to 22 April, before ultimately being delayed until 20 May. This election witnessed the lowest turnout in the democratic history of Venezuela and resulted in victory for the incumbent, Nicolas Maduro. The electoral

process garnered criticism from international bodies due to various repressive measures and the absence of credible international electoral observation (Seelke 2018).

3.1.3. International involvement-related considerations

Numerous democratic governments and international organizations are active supporters of societies transitioning from authoritarianism to democratic governance. However, the scope of their support differs, as does the leverage that they bring to the negotiating table.

In Burkina Faso, the international community has influenced various aspects of the transition process, including the relatively short timeline for holding transitional elections. An international follow-up and support group for the transition (Groupe International de Soutien et d'Accompagnement à la Transition, GISAT) was set up to monitor the Burkinabe transition. The GISAT, co-chaired by the UN and ECOWAS, integrated the main diplomatic missions accredited to Burkina Faso. This group was formally briefed by the electoral commission about preparations. The international community strongly backed the decision to prevent the nomination of any military personnel to the position of President of the Transition, and in doing so, issued ultimatums and threats of selective sanctions against the military junta and potential spoilers. However, as mentioned, the international community also objected to the decision made by the Constitutional Court to declare several candidates who had served in the former regime as ineligible. After the coup on 16 September 2015 that overthrew the transitional regime, international mediation assisted in resolving the political-military crisis. However, the conclusions of mediation—which included an amnesty for the instigators of the coup—were rejected by the Burkinabe people. In addition to diplomatic efforts, the international community provided technical and financial support for the conduct of elections. The case study finds that the popular uprising freed a collective voice and revealed the capacity of the Burkinabe people to collectively mobilize and hold their leaders accountable, but also that the international community's support for this transition was decisive.

The case studies of Myanmar, Tunisia and Venezuela do not suggest that the international community was involved in deciding or strongly influencing decisions on the timing and sequencing of these transitional elections. However, an indirect influence should not be discounted. The international community can leverage timing and sequencing of elections by calling for democratic elections to take place (as in Myanmar and Venezuela), or for the provision of advisory and technical support to help national governments and electoral commissions in ensuring that tighter deadlines can be met, and that improvements are made in security, the competitiveness of the party system and voter participation (as in Tunisia).

3.2. From deep political crises to political stability

This section examines countries that have experienced political crises which led to the collapse of state institutions and political impasses that prevented elections from being held within legal timelines. Crises may be a result of prolonged dysfunctional

state institutions (e.g. parliaments), an unconstitutional act by the ruling establishment, the overthrow of democratically elected governments through military coups, post-electoral violence that derails implementation of election results, and so on. Case studies include: FYR Macedonia (2014–2016), Haiti (1987–2017), Lesotho (1997–2002) and Madagascar (2009–2013); all of which were unconsolidated democracies whose political institutions remained weak despite undergoing democratic transition for prolonged periods.

The objective for transition in these countries was political stability, and elections were viewed as a means to end political crises. Common features were political agreements between political parties facilitated by the international community, which often established a transitional authority in charge of putting in place institutions and legal frameworks for the conduct of elections. The case studies demonstrate that while the immediate causes of political crises are power struggles and weak state institutions, the conduct of elections often gains precedence over addressing the systemic problems that have led to (repeated) crises. This occurred even when it was well understood by most national and international stakeholders.

In FYR Macedonia, the political agreement was focused on resolving both electoral process-related and systemic issues that triggered the crisis. A decision was made to hold elections within a one-year period, one month after the signing of the political agreement. Faced with the escalation of political crisis and without a transitional authority in place to oversee the basic functions of government, elections took place after two delays, but they disregarded commitments to address the underlying political and structural problems. This turn of events was supported by the international community. Similarly, Madagascar was also a case where the implementation of systemic changes was abandoned due to obstructions by the regime and exhaustion on the part of the international community. In Lesotho, the focus of the transitional authority was to fix the electoral system rather than comprehensive reforms, because the 1998 political crisis had been triggered by an electoral event. This led to the same problems resurfacing in the 2002 elections. Similarly, the case study on Haiti finds that the failure to address systemic problems led to repeated political crises.

In all these countries, while the credibility of electoral process was considered when timing and sequencing decisions were made, elections went ahead even when the conditions set out in agreements were not fully met. In FYR Macedonia, the EMB remained highly politicized; in Haiti, a permanent EMB could not be established for the 30 years following the adoption of the 1987 Constitution; in Lesotho, initial comprehensive electoral reforms sustained the cessation of conflict—but it went well beyond the expiry of the political agreement's mandate; in Madagascar, the decision to exclude the ousted as well as the incumbent president—before the former's (Andry Rajoelina's) electoral comeback at the close of 2018—paralysed the reform of the electoral system while failing to facilitate structural reform. These are only a few of the issues highlighted by the case studies.

In all of these instances, the international community had considerable leverage and a vital role in stabilization by mediating between national stakeholders. However, when transitions become complicated and prolonged, the international community has shown fatigue and willingness to make compromises that do not favour

democratic consolidation in the long run. Complications can occur if transitional agreements are not clear enough about how they are to be implemented or there is a lack of willingness to implement them, as was the case in FYR Macedonia and Madagascar.

The discussion below is based on the following case studies: FYR Macedonia (by P. Vanhoutte); Haiti (by W. Bertrand); Lesotho (by V. Shale); and Madagascar (by S. Randrianja), all of which were in large part researched and compiled during 2017 (for more details and references see: Appendix, The Compendium of Case Studies on the Timing and Sequencing of Transitional Elections, 2019).

3.2.1. Context-related considerations

The resolution of the 2012 political crisis in FYR Macedonia, triggered by a budget dispute and subsequent parliamentary boycott, was initially attempted through the international mediation of substantive parliamentary reform. After the mediation effort collapsed one month after it began, a solution was sought through an early parliamentary election in 2014. Nevertheless, claims that the latter were rigged, and a series of government scandals relating to money laundering, election fraud and abuse of power, triggered another boycott of the parliament and mass protests. The next international mediation effort culminated in the 'Przino Agreement'. Although the agreement included several context-related conditions that needed to be achieved prior to elections—such as the separation of party and state; the restoration of a non-partisan judiciary; and balanced and independent media coverage—these were sidelined and then abandoned for the purpose of holding swift elections. The ruling party won a relative majority of seats, but between them the opposition parties were able to form a coalition with a parliamentary majority. Following a stalemate period marked by obstructions and episodes of violence in the parliament, a transfer of power eventually took place. The case study illustrates that ambiguities surrounding the formation of a transitional government and implementation of key provisions can leave a democratic transition process open to manipulation or even obstruction. It also highlights how the dynamics of coalitions in ethnically divided societies can militate against the emergence of robust, programmatic politics.

Haiti has had three transitional civilian governments under which general elections have been organized: during 1989–1991, 2004–2006 and 2016–2017. These transitions were triggered by political unrest surrounding the struggle for political power in which timelines for holding elections, announcing election results, or the transfer of power were not respected. Given the re-emergence of deep political crisis in Haiti, the case study finds that the structural factors were never properly considered or addressed. Instead, there was an expectation that elections served as a means to improve a deeply polarized political culture. The 1987 Constitution had excluded high-level officials of the old (Duvalier) regime from managing public affairs for a ten-year period. From 1994, the National Commission of Truth and Justice documented human rights violations and emphasized the punishment of former torturers and reparation for victims. However, political debate was still divided along pro- or anti-Duvalier sensibilities, indicating that true national reconciliation had not taken place.

In Lesotho, the rejection of the 1998 general election results and subsequent claims of election rigging resulted in unprecedented violence and destruction of property. The state security agencies were sucked into the political divide and actively participated in the conflict instead of maintaining the rule of law. This plunged the country into a deep political crisis. Whereas the contested elections were a trigger, the case study points to limited economic opportunities (shrinking economic opportunities in South African mines) making politics financially attractive; certain political dynamics (floor-crossing in the parliament) are indicative of elections having this transactional and ruthless ('winner-takes-all') character. As a way of containing further political polarization, a political dialogue took place under the supervision of South Africa and led to the establishment of the Interim Political Authority (IPA). The IPA's mandate was to facilitate and promote the preparation of the next general elections, to be held within 18 months after its founding. Due to the narrow focus on changing the electoral system instead of comprehensive reforms, the same problems that led to the 1998 conflict resurfaced again soon after the 2002 elections and to date remain unresolved. Among these underlying historical and political issues is security, with South Africa being relied upon to provide it outside the IPA mandate.

In Madagascar, the historic domination of the executive branch and chaotic transfers of power were symptoms of the state's structural fragility. The 2009 mutiny of armed forces overthrew the elected president Marc Ravalomanana and installed Andry Rajoelina in his place. The processes for resolving the political crisis, led by the South African Development Community (SADC) and involving key political parties, led to the signing of the 2009 Maputo Agreement. It outlined details of the transition, including the time frame of 12 months within which the transitional government was to be formed and a constitutional referendum was to take place. The electoral timetable and the sequencing of elections, however, remained to be determined on the basis of the system of political governance chosen in the constitutional referendum. The new 2010 constitution did little to end the crisis as it was seen as an instrument to reinforce Rajoelina's grip on power. In 2011, a new Maputo road map was signed which focused more on rapidly ending the crisis through elections, than on initiating debates on structural reforms under unpredictable circumstances. The case study finds that, exhausted by the ongoing situation, everybody accepted the 2013 election results (despite a general deficit of legitimacy in the system), hoping for better elections in the future. Predictably, the 2018 electoral process saw similar turmoil to that experienced during previous elections.

3.2.2. Electoral process-related considerations

Election-related considerations in FYR Macedonia took place against a background of political scandal, namely wiretapping, election fraud and an abuse of power during the 2014 elections. Therefore, the political agreement decided on a timeline for holding elections as well as specific provisions relating to the sequencing of key electoral milestones, including the revision of the voter registry, the adoption of a new electoral law and the establishment of a functioning State Election Commission. Nevertheless, allotting just over eight months for the completion of these projects was unrealistic. When elections took place, following an additional six months'

preparation, the revision of the voter registry was still only partially completed and the new State Election Commission remained highly politicized and disorganized.

The case study on Haiti highlights how the capacity of the electoral management body was one of the key process-related considerations that dominated timing and sequencing discussions surrounding the transitional elections of 1989–1991, 2004–2006 and 2016–2017. Nevertheless, despite defining the role of the Permanent Electoral Council in the 1987 Constitution, 30 years later, the Haitian state had still not established a permanent electoral management body. This was because of ambiguities in its dual mandate, namely in the organization of elections and resolution of electoral disputes. The result is that elections are organized by provisional bodies, while the main task of the nine-member Commission is to manage operational tasks. While electoral litigation bodies were established in 2006, the general election in 2015 revealed how weaknesses of the implementation procedures and guidelines for electoral judges led to numerous cases of corruption. However, the case study acknowledges that electoral processes were improved following the shift of funding to the national authorities (subsequent to the decision of the international community not to finance the resumption of the presidential elections); the introduction of online registration of political parties, candidates and observers; and the involvement of civil society, which resulted in the election of a president in 2016.

In Lesotho, it was believed that early elections would solve the political crisis. However, in reality, the 18-month period set for holding the 2002 elections overlooked technical requisites of the reform process. The decision on which electoral and voter registration system to adopt took over 18 months, which was far longer than anticipated. The reform was guided by the assumption of opposition parties that they would reverse the electoral gains of the governing party through the new electoral system. The discussion was framed by two proposals: one by the Interim Political Authority (dominated by the opposition), and the other by the government. After protracted negotiations, parties agreed on a legislature of 120 members with the ratio of 80:40 whereby the determination of proportional representation (PR) seats would be based on total votes cast for seats elected using the majoritarian (first-past-the-post, or FPTP) system. It was further agreed that the model would be adjusted for the subsequent 2007 elections and re-drawing of electoral boundaries. However, the seat allocation formula has not been revisited since 2002. Furthermore, the Independent Electoral Commission (IEC) was established in 1997, but given the ill faith of the 1998 elections, serious concerns loomed among opposition parties over its credibility and competence to prepare for the next elections. Despite these challenges, the 2002 elections were widely seen as credible by local and international election observers. The parties did not complain about the IEC because the new electoral system had paid dividends by enabling more parties to enter parliament.

In Madagascar, process-related factors included the establishment of a new EMB (the National and Independent Electoral Commission for the Transition), revision of the electoral system, and a decision on the sequencing of local and national elections. Following a constitutional referendum in 2010, the 2011 Roadmap for Ending the Crisis in Madagascar gave the transitional electoral commission a central role in administering the presidential election. However, President Rajoelina attempted to

politically influence the work of the commission by refusing to contribute the government's part of the budget until the very last moment—this despite the fact that more than half of the commission's EUR 11.9 million budget was contributed by China and the European Union. Another important consideration was the eligibility of candidates. The new Maputo Agreement from 2011 included a provision that neither the current nor the ousted president could compete during the forthcoming elections—the so called *ni ni* (neither nor) solution—which froze any discussion of the electoral system. With limited space for substantive reform, key novelties included the unique design of the ballot for the presidential elections. It replaced the system in which candidates had to print their own ballot papers, which had previously given an unfair advantage to wealthy candidates. Finally, several local parties argued for the organization of sub-national and legislative elections first, but this proposal was turned down. It was agreed that the first-round presidential elections would be held, and the run-off elections would be held alongside legislative elections. The rationale for this was to reduce the fracturing of the political scene and to ensure that there would be a strong successor government. By sequencing elections in this manner, a strongly centralized presidential system persisted, and this feature had been at the heart of recurring crises.

3.2.3. International involvement-related considerations

In FYR Macedonia, the Ohrid Framework Agreement, facilitated by the international community, ended the armed conflict between the FYR Macedonian security forces and ethnic Albanian insurgents in 2001. Since then, the international community has maintained a role as 'honest broker'. When FYR Macedonia experienced deep political crisis in 2014, the international community (the EU Commission, members of the European Parliament, representatives of individual EU member states and the United States) facilitated talks among four key political parties, which led to the signing of the Przino Agreement. However, four months into its implementation, the ruling party—confident of winning the elections with a landslide victory—attempted to obstruct the process by delaying progress on the Agreement's milestones, while insisting on early elections as the concluding step in the Agreement. Despite the threat of a boycott of early elections by the opposition party, the EU supported the ruling party's proposal, thereby departing from the consensus principle, a cornerstone of the Przino Agreement. However, all parties and the principal international actor, the EU, recognized that more time was needed for the proper organization of the elections. Consequently, the timing of elections was changed on two occasions (from April to June and then to December 2016). Nevertheless, since the initial decision on the timing of elections was made, the focus was exclusively on elections, neglecting other priorities in the Przino Agreement.

The role of the international community in Haiti evolved over a three-decade period. It started with election observations in 1987 and 1990. Following the deployment of the first UN peacekeeping mission in 1994, international and donor mandates expanded to include provision of technical, logistical and financial support to elections. The Provisional Electoral Council's (CEP) decision to resume the disputed presidential election of 2015 raised objections from some international partners, and withdrawal from their financial commitments. However, it pushed the

CEP towards making more progress in assuming ownership and strengthening its political and technical authority in 2016. The United Nations Peacekeeping Mission in Haiti closed in 2017 and was replaced by the United Nations Mission for Justice Support in Haiti. A reduced UN role in peacekeeping operations implies a greater role for Haiti's National Police to ensure the security of elections, with attendant risks of reduced deterrent capacity.

As an enclave completely surrounded by South Africa, the economy of Lesotho is entirely dependent on its only neighbour. The violent outbreak in Lesotho following the 1998 election was quashed by the military intervention of SADC, led by the South African National Defence Force and the Botswana Defence Force. However, opposition parties rejected this intervention and described it as an illegal act, while in South Africa, it was criticized by the media and wider civil society. This put pressure on SADC to pursue a quick exit strategy from Lesotho through a negotiated settlement. The case study finds that while international support to the transition process was key, the processes should have been owned and driven by local actors.

In Madagascar, the international community was initially divided on how to deal with the political crisis, each foreign diplomatic mission apparently defending its own geostrategic policy position. This resulted in the provision of support to both ruling and opposition factions. Following the signing of the first Maputo Agreement, international stakeholders tried to interpret it to the advantage of their respective protégé. Nonetheless, international actors remained committed to providing multiple mediation attempts and imposing sanctions to foster a transition towards democracy. It was the second Maputo Agreement that brought together key international stakeholders, in particular marking France's diplomatic shift towards support for the holding of elections, which resolved the stalemate situation. The so called *ni ni* (neither nor) solution, which stated that neither ousted nor current presidents would be allowed to compete during the coming elections, was at the heart of this consensus. The second milestone was the appointment of the new Prime Minister, Omer Beriziky, whose track record of shifting, bipartisan loyalties made him acceptable to most stakeholders. The international community was central to technical and financial support of the 2013 presidential and parliamentary elections. The United Nations Development Programme provided logistical support and advice to the Independent National Electoral Commission of the Transition during both rounds of elections. Protests greeted the adoption of a new electoral law on 3 April 2018, once again involving the international community in a mediating role.

3.3. From war to peace

This section examines transitions from a period of armed conflict to peace. Case studies include: Bosnia and Herzegovina (1996–2002), Bougainville (2000–2017), Central African Republic (2012–2016), Colombia (2016–2017), Liberia (1997–2005), Northern Ireland (1996–2001), and Nepal (2005–2008). In all instances, conflict was ended through a peace process that culminated in a peace agreement.

In all these contexts, the objective of transition was sustainable peace. In this respect, elections are considered instruments within the broader peace and state-building effort. In Bosnia and Herzegovina, the timeline for holding the first election

was set to six, or a maximum of nine, months following the signature of the peace agreement. The main objective was to facilitate a rapid transition from wartime authorities to legitimately elected representatives. In Bougainville, the peace agreement established a road map to independence. The general election took place four years after the peace settlement following the disarmament process, but preceded the independence referendum which is scheduled for 2019. In the Central African Republic (CAR), elections were set out as a milestone within the Constitutional Charter of the Transition. Similar to the case of Burkina Faso discussed above, discussions on the timing yielded two camps: one urged that absolute priority ought to be given to elections and the other urged for elections to take place concurrently with other key democratic reform events.

In Nepal, elections were an instrument for electing the Constituent Assembly, which took place nine years prior to general elections. Liberia, by contrast, organized elections more hastily following war in that country during 1989–1997 and these failed to secure sustainable peace. A different approach to timing and sequencing Liberia's transitional elections was taken following the 1999–2003 civil war. Founded upon long-term international commitments and adequate timelines, these elections ultimately contributed to sustainable peace.

Colombia and Northern Ireland are outliers in that they both followed their electoral calendars throughout their respective periods of conflict. However, following the signing of the peace agreement in Colombia, the government decided to hold a referendum on its ratification. Despite the revision of laws to facilitate its popular approval, the peace agreement was narrowly rejected. In Northern Ireland, elections were used as an instrument to choose the Northern Ireland Forum for Political Dialogue and the election of the new Northern Ireland Assembly, and to ratify the peace agreement. However, ongoing political and sectarian disputes following the implementation of the peace agreement have resulted in the Assembly struggling to discharge its devolved powers and to maintain authority.

The case studies provide no evidence to suggest that decisions on the timing and sequencing of elections are critically informed by considerations of technical feasibility; in fact, the evidence points to the contrary. In Bosnia and Herzegovina, for example, the first post-war elections only revealed the true complexity of electoral processes. This realization led to long-term international commitments to support elections in the country. In the CAR, the lack of progress on election preparations, combined with security issues, prolonged the transition period from an anticipated 18 months to 33 months. In a similar situation to Bosnia and Herzegovina, the CAR road map to peace included several elections. However, the transitional electoral calendar in the CAR accounted for potential delays, whereas in Bosnia and Herzegovina, a protracted electoral process was not anticipated. Similar to other contexts, elections in countries transitioning from war to peace benefit significantly from technical, financial and political support provided by the international community. However, when elections are promoted as an exit strategy for the international community, it may lead to trade-offs which do not favour democratic elections or democratic consolidation in the long run.

The discussion below is based on the following case studies: Bosnia and Herzegovina (by I. Hadžiabdić); Bougainville (by A. Cats-Baril); Central African

Republic (by D. Darlan); Colombia (by J. F. Londoño); Liberia (by G. Keih); Madagascar (by S. Randrianja); Nepal (by B. Pokharel and S. Rana); and Northern Ireland (by C. Bell and O. Joseph), all of which were in large part researched and compiled during 2017. For more details and references see: Appendix, The Compendium of Case Studies on the Timing and Sequencing of Transitional Elections, 2019.

3.3.1. Context-related considerations

The evidence suggests that decisions on the timing and sequencing of post-war transitional elections may be more complex as compared to transitions from semi/authoritarianism or deep political crises. This is due to additional factors related to the security situation; the strength of the rule of law and institutional capacities; the dynamics of other peace- and state-building processes, such as DDR processes; reconciliation; the return of IDPs and refugees; and other specific power-sharing measures put in place to facilitate peace.

The war in Bosnia and Herzegovina (1992–1995) following the break up of Yugoslavia culminated in the Dayton Peace Agreement. The peace agreement contained 11 annexes, including Annex III that defined the role of the Organization for Security and Cooperation in Europe (OSCE) in the organization and financing of elections on behalf of the international community. The agreement outlined an assurance of a politically neutral environment in which to conduct elections, and favoured holding elections within a six-month period, with the possibility of a three-month delay. However, this decision disregarded the fact that, as a result of war, Bosnia and Herzegovina had a new administrative organization, experienced large movement of population within the country and abroad, and suffered devastation to its national infrastructure. Further, the DDR process had to be implemented simultaneously with election preparations. The task ultimately proved to be overambitious. When elections took place in 1996 they experienced various challenges related to a context of heightened security concerns, limited freedom of movement, human rights violations in a large part of the territory, limited freedom of the press and the campaigning of political parties across the country, and so on. This experience led to the revision of international electoral commitments in Bosnia and Herzegovina and heightened sensitivity towards other peace- and state-building processes.

Bougainville's leaders and the Papua New Guinea (PNG) Government signed the Bougainville Peace Agreement in 2001. Elections were not organized until four years later, as the focus of the peace agreement was on establishing the autonomy of Bougainville and laying the formal foundations for a referendum on its political status within 10 to 15 years. A decision was made not to hold elections immediately in order to ensure they were held in a stable environment. The road map for the conduct of elections set out the following steps: disarmament, amendments to the Constitution of PNG to accommodate Bougainville's potential independence, and the adoption of Bougainville's own constitution to establish the structure of the autonomous government. The constitution of the Autonomous Region of Bougainville was to serve as a reconciliation mechanism, as well as to unify the country and begin its restoration. Specific accommodative agreements included

reserved parliamentary seats for former combatants. Since the first post-war elections in 2005, Bougainville has held elections in 2010 and 2015, all delivering credible results. A referendum regarding future political status is scheduled to take place in June 2019.

The 'Séléka coalition' of armed groups took power in the Central African Republic through a coup d'état on 24 March 2013. With support from the Economic Community of Central African States a Transitional Constitutional Charter was adopted on 18 July 2013, which served as the Constitution of the Republic and established a transitional parliament (National Transitional Council, CNT), a Head of State elected by the CNT, a transitional government and a transitional Constitutional Court. Discussions on the timing and sequencing of elections produced two opposing camps. One camp advocated for the conduct of elections as soon as possible (by the end of 2015). This position was favoured primarily by the international community due to budgetary reasons. Another timetable was proposed by the Constitutional Court, arguing that all legal procedures (and the time it takes to deal with them) needed to be adhered to. Another critical consideration was whether to allow the Constitutional Charter of Transition to remain in effect following the new Constitution, as it would otherwise allow ineligible candidates to run for elections. The Constitutional Court decided, despite two extensions of the transition period, that the Charter would be applied for one referendum and two elections. The transition period was initially planned for 18 months but ultimately ended after 33 months because of an unstable security situation and technical issues related to the organization of the election.

Unlike other countries covered by the case studies, Colombia has managed to maintain a functioning democratic political system with competitive and recurrent elections since 1958. However, armed conflict has seriously affected its democracy. Since its inception in 1964, 175 mayors, 543 members of local councils, 28 members of department assemblies, 16 congressmen and 3 regional governors have been killed because of armed conflict in the country. In 2016, after almost five years of peace negotiations, the Colombian Government and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, FARC-EP) guerrilla group reached a peace agreement ending hostilities that had lasted for over 50 years. One argument explaining the protracted conflict was the exclusion of leftist groups from the political space. An entire chapter of the peace agreement was dedicated to mechanisms that overcome limitations in representation in the current political system. Further, and unlike previous negotiations that were focused narrowly on DDR, this process included issues related to the structural conditions of the conflict such as political violence, land ownership, democratic representation and the fight against the cultivation of illicit crops, as well as clear mechanisms of transitional justice.

In a quest for public support for the implementation of the peace agreement and the reforms that it contained, the government made the agreement subject to popular endorsement through a plebiscite. The negotiation of the peace agreement was completed on August 2016, and the plebiscite took place in early October 2016. However, the peace agreement was ultimately rejected with 50.2 per cent of votes against and 49.8 per cent in support. Neither the Colombian laws, instances of

previous negotiations in the country, nor good international practice recommended the holding of a plebiscite to endorse the peace agreement. The case study illustrates that key considerations favoured legitimacy rather than efficiency of the process. Following this result, the government negotiated adjustments to the agreement and in November 2016 it was approved by the Congress. The study underlines that the plebiscite created incentives for division whereby the opposition assumed the role of resisting instead of supporting the agreement.

Liberia underwent two civil wars (1989–1997 and 1999–2003). In both cases, elections were considered an instrument in broader peacebuilding efforts. The first war was ended through mediation efforts led by ECOWAS, which resulted in the signing of 16 peace accords. The Abuja II Accord from 1996 finally ended the conflict and fixed an election for July 1997. Hastily held elections were motivated by ECOWAS' intervention fatigue and the financial, material, logistical and human costs borne by neighbouring countries involved: elections were seen as 'an exit strategy'. Despite the DDR effort, elections took place in a militarized environment with threats by Charles Taylor, the leader of one of the factions, that he would resort to war if he did not win the presidential elections. The flawed peacebuilding project led to the outbreak of the second Liberian Civil War in 1999. The war intensified in March 2003 when the US and ECOWAS undertook a joint effort to bring it to a close, culminating in an ECOWAS-brokered comprehensive peace agreement signed in Ghana.

The UN assumed the peacekeeping function following the formation of the transitional government. The latter included representatives of three warring factions and provided just over two years to create an enabling environment for presidential and legislative elections to be held in 2005. The decision to allocate this much time before elections was based on the UN's assuming primary and long-term responsibility for the country's security—through the deployment of a multi-dimensional peacekeeping force, and cooperation between the UN and ECOWAS in various post-conflict activities such as DDR. This contributed to the demilitarization of politics and an improved security environment for elections to be held. General elections took place and facilitated the formation of a democratic government; however, municipal elections are yet to be held. This is due to ruling of the Supreme Court of Liberia that the President has the legal authority to appoint municipal leaders, including city mayors.

In Nepal, the 2006 comprehensive peace agreement brought a protracted Maoist insurrection to a close. Elections to the Constituent Assembly were a critical milestone of the peace process. As an accommodative measure, the Interim Constitution stipulated that the Maoist party should participate in the legislature and the government even before democratically contested elections were held. Another measure included the UN Mission in Nepal monitoring the management of arms and armed personnel of both sides through a Joint Monitoring Coordinating Committee. Both major political camps, namely the Seven Party Alliance (SPA) and the Maoists, favoured early Constituent Assembly elections and proposed holding them in June 2007. Key considerations included fears that the Royal Palace and armed forces might disrupt the elections if they were not held promptly. Furthermore, the health condition of the SPA leader was deteriorating fast, which

explained some of the urgency on their side. The Maoists were doubtful about the SPA's intentions and so pushed for the accelerated timetable. However, many key issues of the peace process, including the model of the new election system, had yet to be decided upon. The Election Commission of Nepal declared that the security, political and legal environment (lack of electoral legislation) was not yet conducive and postponed the elections from June until November 2007. However, the pre-electoral period was marred by violence, particularly from dissatisfied ethnically based groups, provoking tension and threats of electoral boycotts which necessitated several rounds of political negotiations. Amendments in both the interim constitution and the election law were necessary, and a further rescheduling of the elections for April 2008.

The 1994 ceasefire in Northern Ireland led to peace negotiations which culminated in a peace agreement in 1998 aimed at consolidating peace and establishing new political institutions. Similar to Colombia, Northern Ireland remained a functioning state at a bureaucratic level throughout the conflict, in part because it has the status of a devolved region of the United Kingdom and was supported and governed by the UK Government. As part of the peace process, an elected body—the Northern Ireland Forum for Political Dialogue—was established in 1996. Key context-related considerations included the creation of negotiating teams involving the 'top ten' political parties, which ensured that loyalist paramilitary groups had their political allies at the table. When a multiparty agreement, known as the Belfast or Good Friday Agreement, was reached in April 1998, its three main components related to power sharing, human rights, and an 'undoing' of the conflict.

Elections were critical in two main respects. First, the agreement provided for a north-south referendum on the agreement itself, that is, referendums to be held on the same day in both Northern Ireland and the Republic of Ireland. In the north, voters were asked to ratify the deal. In the south, voters were asked to approve a change to the Constitution of Ireland to reflect the deal. These took place one month after the agreement and both yielded acceptance. Second, the centrepiece of the agreement was to devolve power to new political institutions in Northern Ireland. This was understood by all parties to require elections. Timing issues were not considered controversial. It was understood by all that any delay in implementation would give space to dissenting voices, and undermine the agreement. The first elections to the new Northern Ireland Assembly took place in June 1998. However, disputes between the parties over the peace process and decommissioning of weapons by the Provisional Irish Republican Army (PIRA) led to the suspension of the Assembly and associated institutions in February 2000. Since then, the assembly has repeatedly either been suspended or collapsed, most recently in 2017. A UK-wide referendum on membership of the European Union (June 2016) and unscheduled general election (June 2017) introduced fresh political dynamics, as well as foregrounding Northern Ireland issues for UK, Republic of Ireland and other EU member governments.

3.3.2. Electoral process-related considerations

Unlike in other transitional contexts where electoral process-related considerations have strongly shaped timing and sequencing decisions, in countries transitioning

from war to peace elections have tended to be sequenced with a view to other post-war processes such as peace- and state-building, DDR and so on.

In Bosnia and Herzegovina, the need to ensure sufficient timelines to deliver credible results took second place to international involvement-related considerations. The 1995 Dayton Peace Agreement (Annex III) emphasized the role of the OSCE in adopting and implementing national elections, and cantonal and municipal level elections in the following six months if feasible, but not later than within nine months. It further outlines the establishment of the Provisional Election Commission which, under the chairmanship of the Head of the OSCE Mission, includes representatives of the Office of High Representative for Bosnia and Herzegovina and representatives of political parties. The Commission is responsible for developing electoral rules and regulations and resolving electoral disputes, while the Chairman has overall authority to take decisions in the event of internal disputes.

National and international electoral stakeholders alike experienced capacity constraints. The first post-conflict elections were held in September 1996 and experienced significant technical problems, as well as manipulation. The OSCE mission, with the backing of its parliamentary assembly, extended its mandate and organized—altogether—six general and local elections over a five-year period (1996–2000). Key challenges included frequent changes of electoral system and rules, and the inaccuracy of the voter register due to destroyed record books and internal displacement. The OSCE remained strongly involved in the 2002 general elections, while international members of the Election Commission remained in their positions until 2005. The holding of frequent elections has served to facilitate the incremental consolidation of peace and democratic governance in the country. However, entrenched ethnic cleavages, which became apparent in each electoral cycle, continue to pose latent risks to the credibility of the electoral process.

In Bougainville, the decision to set long timelines for holding transitional elections was informed by the sequencing of a broader process in Bougainville's independence. Specific provisions of the peace agreement point to the autonomous Bougainville Government being established through elections and state that the eligibility to vote will be the same in the referendum on future political status (scheduled for 2019) as in elections, and that responsibility for conducting the referendum will be shared between PNG's national electoral commission and the authority in charge of conducting elections in Bougainville. To ensure that the first election was conducted with integrity and legitimacy, the detailed provisions for its conduct were embedded in the Bougainville Constitution.

In the Central African Republic, the Constitutional Charter of the Transition called for three elections: a referendum for the adoption of a new Constitution (to be drafted by the National Transitional Council), a presidential election and legislative elections. The sequencing of these elections was not clearly determined. Instead the Charter stipulated that the government would be responsible for setting an election timetable, subject to approval by the Monitoring Committee of Libreville and the International Contact Group. The transitional elections timetable defined rules for the adoption of the electoral code and the implementation and establishment of the National Elections Authority (*Autorité Nationale des Élections*) as a technical, permanent and independent body enjoying administrative and financial autonomy.

At the beginning of the transition in August 2013, an Electoral Code from 2012 was amended to allow local and regional elections to be cancelled and replaced by a referendum, presidential election and legislative elections as outlined in the Constitutional Charter of the Transition. The Code was also amended to make the vote easier to implement technically, for example, through abandoning the use of biometric technologies.

For essentially financial reasons the international community wanted the three elections to be held on the same day. However, following discussions with the CAR Government, the Constitutional Court ruled that the referendum would take place first, with presidential and legislative elections to be held later (but on the same day), and that local elections would not take place because they were not expressly envisioned by the transitional Charter. A lack of progress on security concerns and election preparations (delays in securing necessary funding; procurement and technical difficulties in distributing of election materials) were the main reason for this and further extensions of the transition period. The Constitutional Court annulled the first round of legislative elections wholesale, since the rushed timelines caused widespread ballot printing errors such as wrong symbols or photos, and some candidates appearing in the wrong constituency. Challenges included delays in securing necessary funding, and procurement and technical difficulties in distributing of election materials. Furthermore, the Constitutional Court emphasized that refugees fleeing the conflict should not have their right to vote denied. Ultimately, the electoral road map did not consist of one election but rather a series of elections including the following: December 2015 referendum; December 2015 legislative elections; February 2016 second round presidential elections; March 2016 second round of legislative elections; and partial legislative elections held in May, October and December 2016.

Electoral process-related considerations in Colombia's Peace Agreement include the recognition of FARC-EP as a political party with allocated seats in the Senate and the House of Representatives for two electoral periods; the creation of 16 new districts for the House of Representatives elections; statutory guarantees for the exercise of the political opposition; and the creation of a special body (Special Electoral Mission) with the mandate to make recommendations to the government on how to improve the political and electoral system. However, the short time period between reaching the agreement and holding the plebiscite on its ratification (less than two months later, and yielding a negative verdict), meant that these recommendations have not impacted the timing and sequencing of Colombian elections. Nevertheless, some process-related considerations did come into play for the plebiscite itself. Fearing a low turnout, the government minimized the participation threshold needed for the peace agreement to be approved. The provision requiring a turnout of at least 25 per cent of electors for the plebiscite to be valid was lowered to a requirement of 12.5 per cent.

In Liberia, electoral process-related considerations in the 1996 Peace Accord for Liberia were peripheral, hence their limited influence on timing and sequencing decisions. Since ECOWAS viewed the election as an 'exit strategy', an exclusive focus on holding presidential elections left the conduct of sub-national elections to the new government. There was no election for the legislature. Instead the political parties,

under the auspices of ECOWAS, reached an agreement under which the number of legislative seats would be allocated to each political party on the basis of the proportion of the votes won in the presidential election. Also, the legal requirements for the formation of political parties were relaxed. However, the fact that (former President) Charles Taylor's military machinery was left intact made the electoral playing field unlevel. Unlike the 1996 Agreement, the 2003 Comprehensive Peace Agreement stipulated a range of electoral process-related tasks that informed the decision to allocate a period of more than two years for the conduct of elections. These included: reform of the existing electoral system; establishment of a National Elections Commission (NEC) that would operate in conformity with UN standards; guarantees on the rights of Liberians to participate; re-drawing of constituencies; international supervision; and implementation of voter education and registration programmes.

In Nepal, the Comprehensive Peace Agreement, based on which the interim Constitution of Nepal was promulgated, focused on the Constituent Assembly (CA) elections, placing limited emphasis on other electoral processes. Dilemmas related to the electoral system included whether to preserve a majoritarian first-past-the-past (FPTP) system as used in its past parliamentary elections, which was the preference of parties who had benefited from it in previous elections, or move to a proportional system, which was the preference of the Maoist party and marginalized and indigenous communities. Political parties also sharply differed on the modality of inclusion policy. These differences in preferences led to CA election legislation delays. As a compromise, a mixed election system, combining FPTP and PR for election of equal numbers of seats was adopted. It was later changed to 58 per cent of seats allocated through PR and 42 per cent through FPTP. The choice of the electoral administration also played a crucial role in the CA elections. The case study highlights the importance of active engagement from the Election Commission of Nepal in ensuring that all stakeholders were engaged in the key elections processes, realizing the sensitivity of peacebuilding and constitution-building processes.

Similar to most cases of war to peace transition, electoral process-related considerations in Northern Ireland have had limited, if any, influence on decisions about when to organize elections. The case study finds that timing issues were not considered controversial as all parties understood that any delay in implementation would give space to dissenting voices, thus undermining the agreement.

3.3.3. International involvement-related considerations

The war in Bosnia and Herzegovina ended through NATO military intervention and the US-led peace effort, which resulted in the signing of the Dayton Peace Accord in 1995. As mentioned in section 3.3.2, broad electoral competences and ultimate authority over the process was bestowed upon the OSCE Mission to Bosnia and Herzegovina and the Head of the OSCE (as chair of the Provisional Electoral Commission), respectively. The OSCE Mission thus served as the electoral administration at the central level and, through its regional presence, it directed the work of the municipal election commissions in parallel. During a five-year period (1996–2000), six general and local elections were organized, and the OSCE had the authority over their timing and sequencing. The frequency of these elections reflects

the international effort to consolidate democracy in the country. Through them, several electoral systems were trialled, sometimes with negative consequences as the rules sometimes changed across electoral phases. The OSCE also resolved electoral disputes (under the mandate of its Electoral Appeals Sub-Comission, chaired by an international judge). The leverage of the international community in making decisions on the timing and sequencing of elections was reinforced through the Office of the High Representative for Bosnia and Herzegovina. The latter has strong and extensive mandates to oversee both civilian implementation of the Dayton Accord, and its security aspects (under the charge of NATO-led peacekeeping forces and the UN police mission).

The United Nations Observer Mission in Bougainville (UNOMB) facilitated dialogue among political leaders, former military leaders and combatants, and key players in the disputed Panguna 'no-go zone'. The UNOMB also facilitated the weapons disposal agreement and its subsequent compliance by all parties involved, ensuring a conducive security environment for the 2005 elections. The United Nations gave logistical support to the elections and, at the request of the PNG Government, coordinated international election observers—from neighbouring states, the Commonwealth, and the Pacific Islands Forum. Furthermore, the international community provided assistance in strengthening the police force and weapons disposal programme. The UNOMB and monitoring groups composed of civilian and defence personnel from neighbouring countries played complementary roles in the international effort, while also allowing for local (Bougainville and PNG) ownership over electoral timing and sequencing decisions.

In the Central African Republic the Economic Community of Central African States had a prominent role in formulating the Transitional Charter and creating the National Transition Council. The case study finds that the 2013 transition was profoundly different from previous post-conflict periods in the CAR, one distinctive feature being the higher level of international involvement. The International Contact Group and the International Mediator played prominent roles as an oversight body and complaint mechanism institution, respectively. The case study also highlights that the electoral process benefited from the international community's financing and provision of practical expert support to the National Authority for Elections. However, the case study also indicates where international involvement in electoral decision-making may have overstepped its bounds. For example, the international community demanded an explanation from the Constitutional Court about its response (cancellation of elections) to large-scale irregularities in the provisional results of the December 2015 legislative elections. The security of the CAR and its population remains in the hands of the United Nations Multidimensional Integrated Stabilization Mission. The CAR still finds itself in emergency conditions, and facing major humanitarian issues, that could represent a serious danger for peace and security in the region.

As mentioned, international responses to Liberia's first civil war allowed the conflict to drag on (1989–1997) and to re-emerge in 1999–2003, in part due to hastily timed elections in the interim. The decision to hold elections so soon after the conflict (July 1997) was strongly influenced by ECOWAS' exit strategy, which reflected the economic and social limitations of the countries that led the

intervention. When the second civil war ended in 2003, it was again ECOWAS who led on electoral timing and sequencing decisions. This time, however, the UN pledged a long-term commitment in assuming primary responsibility for the country's security through the deployment of a multidimensional peacekeeping force and various transitional governance activities. Lessons had been learned in that a period of over two years was now allocated for 'demilitarization of politics', as well as for the cultivation of the values of pluralism, tolerance, accountability, transparency and civil liberties. Nevertheless, while peace was consolidated, the lack of a constitutional review was—as in 1997—a missed opportunity to remove various provisions that were contrary to the core principles of democratic governance.

While Nepal's peace process was led by local actors, the international community, including both governmental and non-governmental entities, played an important diplomatic role in creating a political, legal and security environment conducive for peaceful and successful elections. They also provided funding, technical assistance, and observation missions. India, in particular, played an important facilitation role in bringing the Maoists and the SPA together to sign the 12-Point Agreement in 2005, which created the ground for ending the ten-year-long armed conflict and also for the second People's Movement for democracy that led to the parliament (which had been dissolved in 2002) being reinstated in 2006. On Nepal's request, the United Nations Mission in Nepal (UNMIN) was established to provide technical support to the CA elections as well as overseeing the ceasefire process. However, it often became challenging to strike a balance between local sensitivities and external support. For example, the Election Commission of Nepal (ECN) assessed that the timing for the early election was unrealistic—given the lack of conducive legal, political or security environment—whereas the Government of India believed that delays could exacerbate political complications, and also did not favour a longer-term presence for the UNMIN in Nepal.

The case studies of Colombia and Northern Ireland did not feature any roles for the international community in making decisions specifically on the timing and sequencing of elections, or on the referendums concerning the respective peace agreements.

While the case studies presented are not representative of every transitional context, their diversity provided a comprehensive foundation for expert discussions on the timing and sequencing of transitional elections facilitated by International IDEA, and the resulting recommendations (sections 4 and 5 below).

4. Key conclusions from the expert discussions

Conclusions from two expert workshops—informed by the literature review, case studies, and participants' personal and organizational experiences—provide the basis of this paper's policy recommendations.

There was widespread consensus that decisions made on the timing and sequencing of transitional elections are not always well informed. This can be because of narrow interests of stakeholders involved, because insufficient time is allocated to elections during peace talks, or because those involved in negotiations do not possess the necessary electoral knowledge, which can lead to suboptimal solutions. An important step in preventing the repetition of previous shortcomings is to ensure that decisions on the timing and sequencing of transitional elections take place in an environment that enables informed decision-making. This is achieved through processes based on broad participation—facilitating an informed understanding of a specific context, trust and consensus.

'Minimalist' versus 'substantialist' approaches

A minimalist approach, whereby an early electoral schedule is pursued with the intention of bringing the transition to an apparent conclusion, is often criticized because it fails to account for systematic weaknesses that need to be addressed for credible elections to take place. Also, it fails to address the root causes that undermine democratic governance, even after credible elections are delivered. In CAR, Haiti or Madagascar, for example, it led to a state of 'permanent transition' where the transfer of power happened only through recurrent cycles of political crisis (looking beyond the case studies mentioned above, the expert discussions cited Comoros as another instance of this). Further, focusing too heavily on elections may perpetuate the notion that once elections take place, a transition is complete. This may sideline further reforms and cause resignation or even cynicism among the population, as was the case in Burkina Faso.

By contrast a 'substantialist' approach to transitions (a) argues for a patient understanding of the local context and political culture; and (b) places transitional elections in the context of wider, comprehensive policies of reform. This approach is superior—at least in principle—for at least three reasons. First, a prior understanding of local issues is needed in order to design feasible policies, effective rules and

regulations, and reasonable deadlines. Designing an unfeasible framework can negatively impact legitimacy and public trust in elections and the transitional process more broadly. Second, neopatrimonialism, clientelism and rent-seeking behaviour on the part of elites have a strong impact on politics in various contexts. Understanding these linkages is key to transforming them and anticipating the potential unintended effect of certain policies. Third, local and traditional institutions, conflict management mechanisms and elites can have a constructive role in transitions whereas their exclusion leads back to externally imposed, one-size-fits-all solutions.

However, proponents of holding elections sooner, as well as those favouring elections later in a transitional process, will have credible arguments to support their respective standpoints. To be viable, the substantialist approach requires consensus-building among key stakeholders to at least some degree; something that is challenging. But again, this is also true if the minimalist approach is to work, namely, to prove capable of restoring democratic legitimacy to government. A well-informed consensus—the widest and deepest available, under considerable uncertainty—is therefore fundamental to defining any transitional road map. This dilemma was summed up by the experts with the phrase, 'we have to make haste: slowly!'. Multi-level mediation can facilitate the process of reaching a consensus and monitor the implementation of the transitional agreement, potentially having pivotal consequences. It was also highlighted that it is often a succession of elections, rather than a single election, that determines the democratic outcome of the transition.

Deadlocks and delays

During the workshops, there were discussions on the circumstances that precede postponed or cancelled elections as well as areas of possible deadlock. Reasons for postponed elections may be technical (because parties were unrealistic about the ability to conduct complex technical preparations within given timelines), political (since political parties tend to favour the timing that they believe is the most favourable to themselves), security-related (the continuation of violence), financial (insufficient funding provided to electoral administrators) or environmental (e.g. natural disasters and pandemics). Peace agreements often do not include precise details on the sequence or the date of an election. Instead, the tendency is to draft highly aspirational but vague peace agreements that require extended mediation after an agreement is signed. While it allows for flexibility in adjusting to technical and environmental realities, this tendency can increase the risk of political obstructions and manipulations and stimulate political actors to hold out for further concessions. In the absence of a clearly defined electoral date or sequence, it is important for consensual and effective resolution procedures to exist. Conversely, elections may of course be held earlier than planned or anticipated, most often for political reasons.

Accommodative measures

Transitional agreements often put in place accommodative measures. These may involve power-sharing arrangements that allow for all actors to participate in political decision-making through their presence in transitional authorities; reserved seats in parliament for ex-combatants, minorities, and women; or guarantees of cultural autonomy for different groups. These measures help with inclusiveness, stability and

the lowering of political stakes in elections, which is sometimes critical for preventing losers from denouncing a credible election result. But too often, power-sharing agreements only distribute power between former belligerents. Experts discussed different ways to address this problem.

One approach is to enact and enforce laws, rules and regulations, and codes of conduct that prohibit associated negative factors such as the formation of ethnic parties, use of hate speech and so on. Legally limiting the participation of authoritarian and military elites through electoral laws or court processes may require special attention as well. The feasibility of these options depends on the availability of time and institutional capacity (efficient tribunals). Conversely, legal mechanisms can be used to foster the emergence of a new, democratically oriented polity. Three mechanisms were mentioned: (a) the renegotiation of a social contract via a process of constitution-building, thus changing the relationship between the elite and the population; (b) the introduction of quotas for youth and women in the electoral code as a way to foster social mobility and the recruitment of new political leadership; and (c) the introduction and enforcement of limitations on terms of office at not only heads of government level but all levels (including parliamentary and municipal positions) to ensure a rotation of power.

Workshop discussions noted that electoral, legal and institutional frameworks have the potential to mitigate any negative effects of accommodative measures. In this respect, experts highlighted the benefits of embedding international and regional norms and obligations—such as the International Covenant on Civil and Political Rights, and the African Charter on Democracy, Elections and Governance—in electoral processes. This is of importance because transitional electoral codes often acquire permanent status after the transition, despite their temporary intent and imperfect character. To avoid long-term problems, legal and institutional frameworks for elections should be designed so they can serve for a post-transitional period without major modifications. Experts find that integrating key electoral legislation in the constitution rather than in the law can help protect them; however, this also carries the risk of leaving limited space for their further revision.

Electoral management bodies and sustainability

While an EMB should be independent, it should also have available lines of communication and recognition among other state institutions and civil society. Accordingly, it may be more important for an EMB to be impartial in how it performs its mandate rather than independent in its statutory capacity. Furthermore, practice has shown that while EMBs have technical mandates, their decisions do have political implications. An EMB should therefore be able to freely engage with politicians and the public equally and beyond without being hedged in by legal and technical provisions, so as to be able to address its interests, needs and grievances. Establishing and sustaining trust through inclusivity, dialogue and transparency is key.

The sustainability of elections should be considered and pursued within the transition period. Lopez-Pintor (2005) explains the three dimensions of sustainability in transitional elections: technical (relating to development of national electoral expertise); financial (funding of elections by governments); and political (acceptance

of results). In achieving technical sustainability, experts argue that a balance must be found between a country's sovereignty and any benefits that come with international technical support. This must be achieved in order to avoid dependency and prevent shock following international withdrawal. The financial sustainability dimension must include the financial independence of an EMB from the executive branch, as well as the governments' and EMBs' financial independence from external funding. Political sustainability is primarily achieved through the establishment of an appropriate electoral system. Appropriate electoral systems employ trusted and capable EMBs as well as lower the stakes for those who lose elections so that they are not compelled to refuse election results.

It was pointed out by several electoral experts who served in national electoral commissions that incumbent officials may often attempt to pressure EMBs by halting their budgetary allocations so that money is not available when needed. Furthermore, there is a recurrent disconnect between donors and EMBs in terms of funding priorities. The temptation to follow donors' priorities may lead to internal disorganization within EMBs, cultivate dependency or allow for external influence. Electoral technology procurement was suggested as one area in particular need of a strong regulatory framework. A general observation was that most international aid, both financial and in-kind, is focused around election day. This has a detrimental impact on the wider electoral cycle as it introduces—sometimes at the last minute—initiatives such as expensive voter education campaign efforts or information and communications technology solutions which cannot be adopted in the short run, let alone sustained in the long run. To be more efficient, electoral assistance should be spread across the electoral cycle. For example, the creation of a permanent civil register, from which voter registration can easily be extracted at each election, can replace costly voter registration processes.

Coordinating international efforts

As well as the relationship between national and international actors, coordination among the latter is a key challenge in the transitional elections process: between aid agencies, or between international organizations and diplomatic missions, for example. The experts highlight instances (Burkina Faso, CAR, Madagascar) where international actors were in disputes over the timing and sequencing of elections. Further, a lack of coordination between international stakeholders can lead to duplication or contradictory approaches in addressing the same challenges, or can even incentivize local actors to play different international agencies off against each other. Prior to any international involvement, establishing coordination mechanisms and a detailed understanding of the geopolitical landscape are therefore important. Also, in order to facilitate effective strategic planning, transitional elections should be understood as part(s) of a process, not as discrete or 'one-off' events.

Participants also advised on practical ways to assist electoral stakeholders in making better informed decisions on the timing and sequencing of transitional elections, namely:

- Such decisions are not made by one (rational) decision-maker but are generally the outcome of a negotiation process between warring parties. Accordingly, it

would be useful to list various timing and sequencing options available to mediators and negotiating parties, and to highlight the opportunities and risks associated with each of them.

- It would be useful to make key actors aware of remedial measures that can be applied when inappropriate decisions on the timing and sequencing of elections have been imposed by political or peace agreements.
- A list of key questions should be created that serve to remind decision-makers of what should be known prior to a decision being made on the timing and sequencing of elections.

5. Recommendations

The expert discussions and case studies employed in this Policy Paper are not intended to provide definitive recommendations on electoral timing or sequencing (i.e. within or between electoral cycles, or sequencing elections in relation to other processes) in transitional contexts. They do, however, highlight that effective decision-making is the result of inclusive processes that take a holistic view of the environment in which elections unfold; consider the opportunities and risks of different options; and demonstrate an understanding of the incremental nature of transitional processes. Further, even the most well-informed decisions may encounter challenges in their implementation. Therefore, rather than evaluating different options out of context, the policy recommendations proposed in this paper are focused on (a) establishing appropriate processes related to decision-making on the timing and sequencing of transitional elections; and (b) sound implementation of such decisions.

Key recommendations for those involved in, or facilitating, decision-making on the timing and sequencing of transitional elections are the following:

1. **Create a decision-making environment that is underpinned by an informed understanding of the local context.**
   This is achieved by ensuring that decision-making processes involve diverse groups, such as political parties and civil society representatives, as well as minorities, women and youth. They should be supported by experts able to provide insights and guidance on key technical, legal, security and other process-related issues and context dynamics. In an environment of trust, decisions should be made through consensus. Where consensus is difficult to reach, the international community can assist, while upholding the same principles of inclusivity and trust building.
2. **Look beyond single elections and outside the electoral process itself; adopt a holistic perspective that gives policy priority to democratic consolidation in the long run.**
   Any decision on the timing and sequencing of transitional elections should acknowledge the incremental nature of democratic transitions, which may experience pauses and reversals. In countries which have experienced

prolonged periods of authoritarian and semi-authoritarian rule, deep political crises or war, democratic consolidation will likely be extended over several electoral cycles. Elections should not be seen as solutions to structural problems, but as instruments that contribute to broader transitional processes. The first transitional elections will always deliver some democratic progress, given the 'democratic deficit' preceding them and citizens' ability to demonstrate their aspirations through electoral participation. However, systemic governance weaknesses (such as failed promises by political leaders, or deteriorating economic and security conditions) may diminish initial enthusiasm for transition and reverse progress that has been made. At these times, credibility of electoral processes is essential to preserving democratic gains. Therefore, regardless of whether elections are held sooner or later in a transition process, it is not a single election but a succession—and in conjunction with wider institutional and social reform—that will determine the strength of democratic consolidation.

3. **Do not allow transitional and/or power sharing arrangements to hinder democratic development in the long term.**
   In many instances, transitional political and peace arrangements set in place accommodative measures to ensure stability during a transitional period. These measures may be progressive (e.g. guaranteeing the inclusion of different groups) but may also have some elements that breach democratic principles (e.g. giving electoral advantages or reserved executive positions to ex-belligerents through constitutional or electoral system design). While such measures may be effective in ending stalemates in the short term, they may become an obstacle to democratic consolidation in the long term. If these practices become deeply rooted, an effort to correct them may conversely become a threat to peace. One way to prevent power struggles from negatively impacting democratic processes is to reduce the stakes of electoral victory and defeat from the outset.

4. **Ensure that decisions regarding the timing and sequencing of electoral events are made in the broader context of building sustainable electoral processes.**
   The sustainability of electoral processes needs to be considered when deciding on the timing and sequencing of transitional elections. Such considerations will have many practical benefits. Foremost, it will allow decision-makers to understand how the sequencing of different electoral cycles will contribute to achieving full electoral sustainability. It will also allow realistic judgements to be made on what medium- or long-term foundations have been laid by the first transitional elections in the sequence; for example, whether an EMB will acquire and be able to sustain the necessary technical capacity and trust of key stakeholders; whether the country will be able to assume the full financing of future elections; and whether the electoral justice system will have the power to effectively settle critical electoral disputes. These considerations should provide practical insights that can inform the sequencing of elections and construct a

road map towards elections that can be sustained without international support.

5. **The international community can and should provide targeted support to transitional elections through coordinated diplomatic, technical, observation and financial assistance to national stakeholders.**
This support is most effective when there is international commitment to long-term democratic consolidation and informed appreciation of unique local dynamics. The international community is often willing to provide diplomatic, technical and financial support to national stakeholders to assist in bridging divides that can impede the conduct of credible elections. This support may grant significant leverage to the international community in deciding on the timing and sequencing of transitional elections. When the international community lacks strategic direction and policy coordination, for example when it is distracted by security challenges, or domestic pressures elsewhere, its contribution may fall short. However, when the international community has been committed to a long-term democratic outcome and been able to respond to changing realities on the ground it has assisted in democratic consolidations, sometimes pivotally. One way to shorten the duration of a transition is for the international community to provide targeted support in order to follow up on international electoral observers' specific recommendations.

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Abbreviations and acronyms

CA	Constituent Assembly (Nepal)
CAR	Central African Republic
CENI	Comission Électorale Nationale Indépendante (Burkina Faso)
CEP	Provisional Electoral Council (Haiti)
CNT	National Transitional Council (Central African Republic)
DDR	disarmament, demobilization and reintegration
ECOWAS	Economic Community of West African States
EMB	electoral management body
FARC-EP	Revolutionary Armed Forces of Colombia [Fuerzas Armadas Revolucionarias de Colombia]
FPTP	first-past-the-post
GISAT	Group of Support and Accompaniment of Transition (Burkina Faso)
IDP	internally displaced person
IEC	Independent Electoral Commission (Lesotho)
OSCE	Organization for Security and Cooperation in Europe
PNG	Papua New Guinea
PR	proportional representation
SADC	South African Development Community

SPA	Seven Party Alliance (Nepal)
UEC	Union Election Commission (Myanmar)
UNOMB	United Nations Observer Mission in Bougainville

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About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with the mission to advance democracy worldwide, as a universal human aspiration and enabler of sustainable development. We do this by supporting the building, strengthening and safeguarding of democratic political institutions and processes at all levels. Our vision is a world in which democratic processes, actors and institutions are inclusive and accountable and deliver sustainable development to all.

In our work we focus on three main impact areas: electoral processes; constitution-building processes; and political participation and representation. The themes of gender and inclusion, conflict sensitivity and sustainable development are mainstreamed across all our areas of work. International IDEA provides analyses of global and regional democratic trends; produces comparative knowledge on good international democratic practices; offers technical assistance and capacity-building on democratic reform to actors engaged in democratic processes; and convenes dialogue on issues relevant to the public debate on democracy and democracy building.

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When elections take place in countries transitioning from authoritarianism to democracy, from deep political crises to stability, or from war to peace, their significance is greater than usual. In such instances, elections are expected to bring legitimacy of government and contribute to consolidation of democracy, peace and stability. If, however, decisions on the timing and sequencing of transitional elections are not well-thought through, the elections can instead exacerbate tensions and thereby increase the risk of renewal of conflicts or democratic backsliding. This paper provides guidance on how to design decision-making processes so that the elections facilitate rather than undermine democratic transitions.

This Policy Paper draws on lessons learned from 15 case studies of transitional elections from around the world, as well as conclusions derived from three expert workshops, presenting a set of practical recommendations for those involved in decisions concerning the timing and sequencing of transitional elections.

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