

## Memorandum

**From:** Morton Halperin, Jerry Fowler, Jonas Rolett  
**Subject:** Open Society Foundations' Election Related Activities

This memorandum summarizes the current state of international electoral assistance, briefly describes activities in which the Open Society Foundations now engage to support elections with integrity, and discusses options for a more active Open Society role.

### INTERNATIONAL ASSISTANCE TO ELECTIONS

After decades of engagement in support of free elections, international actors involved in assisting the development of democracy – including democratic governments, intergovernmental and nongovernmental organizations, and donors – have learned all too well that free and fair elections are not sufficient to create a real democracy.

This insight has led some to conclude that support for democratic transitions should focus less on assuring that elections are free and fair and more on other aspects of democratic consolidation. Some revision in priorities may be appropriate, but it is important not to lose track of the important role that elections can and do play, both negatively and positively, as people struggle to establish democracy.

Every state that claims to be democratic feels the need to conduct periodic elections and to proclaim them to be free and fair. By one estimate, the number of countries that have not held elections since 2000 is fewer than a dozen.<sup>1</sup> Whether elections are conducted fairly – and perhaps even more important,

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<sup>1</sup> Global Commission on Elections, Democracy and Security, *Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide* (September 2012) at 12 (citing Susan Hyde, *The Pseudo-Democrat's Dilemma: Why Election Observation Became an International Norm* (Ithaca, NY: Cornell University Press, 2011)).

whether they are seen by a country's own citizens to be fair – can have a profound impact on the evolution of democracy.

On the potentially negative side, elections can trigger community strife and even violence if one side believes, correctly or not, that it was denied a victory that it won at the polls. The risks of foul play and violence may be heightened when elections are structured to produce a winner-take-all outcome, which can aggravate polarized political relations. And if citizens perceive elections to have been designed to keep a particular party in power, they can lose faith in democracy itself.

On the positive side of the ledger, elections perceived to be free and fair contribute to developing citizens' confidence in their government and its institutions, thereby increasing legitimacy. Elections can also provide an opportunity for a country to debate fundamental issues of governance, including control of corruption and equitable development as well as constitutional and legislative reforms.

In short, elections can help to put a country on the path to democracy and help it to stay on that path, or they can derail an effort to establish a viable democratic regime. Based on this understanding, international actors engaged in democracy assistance continue to support efforts to help countries conduct "free and fair" elections.

Many elections in which negative outcomes outweighed positive ones have nevertheless been certified as "free and fair" by international observers, leading both governments and private donors to reconsider how best to assist governments and citizens in holding elections that help to consolidate democracy rather than tear a country apart.

As part of the effort to develop more effective approaches to electoral assistance, many experts – including the Global Commission on Elections, Democracy and

Security headed by Kofi Annan<sup>2</sup> – have begun to articulate the need for “elections with integrity.” This evolving understanding focuses on elections as an on-going process, the importance of professional and independent election management bodies (EMBs), the critical role of civil society organizations, and the reduced but still important role of international monitors. We briefly discuss each in turn.

**Electoral Cycle Approach.** In this emerging approach, elections are seen not as episodic, one-off events but as a continuous process. From this it follows (subject to caveats noted below) that international support for the domestic election process, including by democratic governments and by both private and public donors, should be continuous as well. Thus, international assistance should be based on a holistic understanding of electoral dynamics, beginning with a pre-election phase, the election period itself, and a post-election phase. Engagement needs to be with all key stakeholders: from democratic governments to the newly elected government, from international NGOs that specialize in election assistance such as the International Foundation for Electoral Systems (IFES) to the EMB, and from private and government donors to civil society. At all levels, the lessons of the previous election need to be spelled out and remedial steps taken well in advance of the next election. At some point “post-election” discussions morph into “pre-election” preparations for the next election.

**EMBs.** It is now a widely accepted international norm (though not followed in the U.S.) that elections must be run by an EMB that is independent from the government and has a budget allocation directly from the legislature. There are now regional bodies of these EMBs in most parts of the world, such as the Southern African Development Community’s Electoral Commissions Forum, which agree to standards that they commit to follow. Under the leadership of the Korean government, an effort is underway to create a global coordinating body

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<sup>2</sup> Among the Global Commission’s key recommendations are the creation of fully independent election management bodies, the design of electoral systems to diminish winner-take-all politics, and the empowerment of citizen election monitors who commit to global standards. The Commission’s full report can be found at <http://www.global-commission.org/report>.

that will explore the creation of a global standard for EMBs. A consortium of leading international actors in the democracy and governance field – Building Resources in Democracy, Governance and Elections (BRIDGE) – provides training on a regular basis to officials of these bodies.

**Civil Society.** Domestic civil society organizations and coalitions play an increasingly important role not only in monitoring the actual voting and counting of votes, but also in seeking to ensure that the election as a whole is conducted with integrity. In some cases, they play a very comprehensive and active role as they seek to prevent violence and fraud in the period leading up to the election and to alert the government and the EMB to problems that arise on election day as well as doing a parallel vote count. Domestic actors also are well-positioned to engage throughout the electoral cycle. New technology has made it possible for civil society to engage on a greater scale than before. In some cases, the use of open source software and cell phones means that costs can be low. On the other hand, this technology presents new challenges, as it facilitates the distribution of information that is false or mistaken as readily as that which is accurate. Moreover, the security of reporting systems can be a serious concern in many situations. [As described below, Open Society plays a key role in supporting civil society efforts in Africa and some other places.]

**International Monitors.** Despite the emerging consensus regarding the importance of domestic actors, international monitors continue to observe most elections unless the government bars them. The most prominent monitors are from the National Democratic Institute (NDI), the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (ODIHR), the Carter Center, the Southern African Development Community (SADC) and the European Commission and Parliament. In most cases, some international monitors arrive months or weeks before the election, while others come days before; most leave shortly after the election. For reasons indicated earlier, most elections experts now believe that ultimately international

observation should end or play a very limited role and that international funding and support should focus on domestic civil society. In the interim more needs to be done to ensure effective communication between the international monitors and the domestic ones, including sharing information and intelligence and coordinating on findings and on timing of reports and announcements. The international observers should be encouraged to see themselves as subordinate to and supportive of the domestic monitors.

## **OPEN SOCIETY ENGAGEMENT IN ELECTIONS**

Open Society has a long history of involvement in elections, some of it rather controversial. In the late 1990s and early 2000s, it helped nurture social movements in Central and Eastern Europe and in the countries of the former Soviet Union where elections resulted in significant change. Open Society was present for many of the major transformations of the era, including the so-called “color revolutions” in Georgia, Ukraine and Kyrgyzstan. It also helped create a number of NGOs in the new democracies that continue to serve as the primary domestic actors around elections, such as GONG (Croatia) and MOST (Macedonia). In Latin America there was significant engagement on election integrity in a number of countries as they democratized, including Guatemala, Peru and Mexico, as well as limited support for an election monitoring effort in Venezuela.

Controversy arose in some cases where Open Society was seen as supporting a particular candidate, rather than just a free and fair election. Such controversy matters because the ability of Open Society to function in other regions can be affected by a reputation attached to even one election. Likewise, in some places, such controversy can have a negative impact on civil society organizations we support. On the other hand, much of the elections work that Open Society has supported is seen positively by citizens who want a level playing field among the parties. And in many cases, monitoring supported by the Foundations has become a normative element of the electoral process without controversy.

More recently Open Society's involvement in elections has been mixed. The African foundations have a deep engagement that embraces the electoral cycle approach and includes programmatic, research and advocacy components. Their activities have ranged from support for domestic and regional monitoring to capacity building for election management bodies to comparative research on election management bodies. The Middle East and North Africa program has tended not to engage directly in elections in Arab countries. Likewise, the Latin American Program has had little direct engagement in elections in recent years.

Elsewhere engagement is episodic. For example, Open Society is now engaged in Malaysia, where the Central European University's School of Public Policy has supported the efforts of the Southeast Asia Initiative, and in Albania. The East-East Beyond Borders Program has supported a number of exchanges related to elections. In the United States, U.S. Programs have been actively engaged through both grant making and advocacy in a number of areas related to elections, including voting rights protection, elections systems reform and the problem of secret money in politics. A number of thematic programs engage directly in elections-related work connected to their mandates, including the Information Program, the Human Rights Initiative, the Think Tank Program and the International Women's Program. Of course, a lot of support provided by national foundations and thematic programs in areas such as media freedom and access to information, human rights, legal reform, civil society capacity building, empowerment of women and political participation by marginalized groups has an indirect effect on the electoral process.

Two Africa initiatives are worth noting. The first is the "situation room" – a civil society initiative to create a collaborative that comes into existence some time before the election and brings together leading civil society groups and prominent private persons to commit to working for an election with integrity. The model first was developed for the April 2011 elections in Nigeria with support from the Open Society Institute for West Africa and has since been used in a number of

other countries, including Senegal and Liberia. An actual room is created and staffed regularly and full time as the election approaches. The participating NGOs set up an alternative vote count process and establish relations with the EMB as well as the government, political parties and the press.

This model allows groups to achieve the benefits of synergy while continuing their individual efforts. It makes it possible to provide authoritative analysis in real time and to respond rapidly to events. The situation room also provides a platform for constructive engagement with a range of stakeholders, including the government, the election management body and the press.<sup>3</sup>

The second initiative is the use of a “mission-centered” approach to developing strategies for elections-related advocacy in international capitals. The African Regional Office, working with the Washington and Brussels advocacy offices, sends a team to a country well in advance of an election to analyze the situation, determine what support is needed and develop an advocacy strategy for the election. These missions ensure that key international actors such as the U.S. and the EU, and African regional bodies like the AU and SADC, receive consistent messages about the unfolding electoral process.

## **OPTIONS FOR INCREASED OPEN SOCIETY ENGAGEMENT ON ELECTIONS**

1. A platform for network-wide information sharing. In the process of preparing this report, we have consulted with all parts of the network that engage in elections work and have facilitated communication among them, including in one network-wide conference call and through the creation of a community on KARL, the network’s intranet. It seems clear from the response to these efforts that there is interest and value in having a continuing mechanism for sharing knowledge and experience. For example, the Albanian and Afghan programs are interested in the situation

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<sup>3</sup> The Open Society Initiative for West Africa and the Africa Governance Monitoring and Advocacy Project have published a guide to setting up a situation room called *Making Elections Count*, available at [http://www.afrimap.org/english/images/report/OSIWA+AfriMAP\\_Election-Situation-Room-Guide.pdf](http://www.afrimap.org/english/images/report/OSIWA+AfriMAP_Election-Situation-Room-Guide.pdf).

room concept and are considering applying a version of it in up-coming elections. We recommend that these efforts be formalized in some appropriate way and continued.

2. Shared framework on elections. Given the importance of elections around the globe, the Foundations should consider a process, perhaps as a shared framework, to designate one or two key elections each year as a shared interest of the network. This is happening now to some extent on Malaysia, but there might be a process for programs to propose which elections deserve broad attention and then the selection of one or two per year. This would promote cross-fertilization and transfer of expertise across the network.
3. Open Society participation in proposed funders' consortium on elections. The follow-on to the Global Commission report seems likely to be for the key funders and active global NGOs to come together in an informal mechanism to discuss election issues and perhaps specific, up-coming elections. The Foundations should consider joining if such an entity is created.
4. Support for network resources made available to assist in election work. Informal consultation among network components is likely to reveal that there is expertise and experience in another part of the network that would be of value to a foundation facing an election. It might be useful to create a small task force whose expertise could be deployed across regions when required. Additionally, it might be useful to create a mechanism whereby Open Society personnel engaged in elections work can deepen their knowledge through training. A fund might be created in an existing program to cover the expenses of such cross-fertilization.
5. Research on election related issues. Some whom we have consulted have suggested the need for focused research on issues related to election integrity. Central European University's School of Public Policy and the Think Tank Program support some research and might be asked to do



more; these issues may also be incorporated into the ongoing research efforts of the Africa Governance Monitoring and Advocacy Project (AfriMAP).

6. Cooperation between international and domestic election monitors. As noted the relationship between international monitors and domestic ones is evolving quickly, but international monitors may still be seeking to play a more central role than they should, for example in giving a thumbs up or thumbs down to the press. Open Society might want to consider finding a way to play a role in bringing about the right balance, either globally or in connection with specific elections.
7. Cooperation among domestic election monitors. In some countries competition among domestic monitoring groups leads to splintered coalitions and confusing statements about the quality of the electoral process. As a significant funder of elections work, Open Society can help consolidate and coordinate the efforts of the different domestic monitoring organizations.
8. Civil society relationship to Election Management Boards. Civil society should play a greater role in dealing with the EMB in their country. Open Society might want to consider augmenting existing efforts in appropriate training for civil society on best practices for dealing with such boards.