

FRAUD AND MANIPULATION

By Dame Audrey Glover

It is a great privilege and pleasure for me to participate in this conference and to be able to speak to you today

All of us here believe in the importance of elections as a cornerstone of democracy. So do people living in countries all over the world. I am always moved to see people walking great distances or standing for hours in sun, rain or cold in order to be able to put a piece of paper marked with a cross - their vote - into a ballot box. People should be able to put their trust in elections and to expect the authorities to organise them in such a way that the whole electoral cycle has integrity and that they can have confidence in the system.

This means that the voter must have the opportunity to make a real and informed choice between candidates who can campaign on an equal playing field; that there is equal and universal suffrage; and that each vote is cast freely and in secret with the added assurance that it will be kept secure and will be counted. These are basic principles that apply to all elections all over the world, local, parliamentary and Presidential. There are no “cultural differences or traditions” or “regional specificities” in regard to the basic requirements for an election with integrity or indeed in the average voter’s expectations for a state to provide such an election. This is one case where one size should fit all.

But unfortunately voters are let down repeatedly because those who are in power wish to stay there and therefore use **Fraud and Manipulation** in order to do so. That is the issue I wish to address now.

Large scale ballot box stuffing, stealing ballot boxes and throwing their contents into a river and other obvious methods of interfering with an election to a large extent no longer exist. The methods used now to arrange favourable results in elections are more sophisticated. In fact in many instances an election is determined long before Election Day dawns.

Let’s look at some of the methods that are employed:

1. Voter Registration - by deleting bona fide voters from the electoral list, adding fictitious ones and leaving “dead souls” on it enables the party in power to use those votes to their advantage. This is particularly the case in constituency-based, majoritarian systems where a small number of votes can make a big difference in electoral outcomes.

2. Making it difficult for opposition candidates to register or rejecting them on flimsy grounds, intimidating them or even imprisoning them reduces their ability to compete on a level playing field.
3. Vote buying still takes place. In addition, targeted pressure is often put on students, teachers, university lecturers, military personnel and factory workers to vote in a particular way or else they will suffer adverse consequences.
4. Forcing the opposition to hold rallies on the outskirts of town which is difficult for their followers to access limits the opposition's ability to campaign.
5. Muzzling the press by restricting the opposition's use of it, seizing print runs, restricting the opposition's ownership of media outlets, preventing reporters from collecting and reporting information, making journalists self-censor by making libel a criminal offence and preventing candidates from having access to paid advertising. All these tactics effectively reduce the ability of some candidates to campaign.
6. An ineffective legal system that does not deal with complaints about the administration of an election swiftly may prevent some people being able to vote and in turn contribute to the overall lack of confidence in the electoral process and also perpetuates a culture of impunity.
7. The vote count at the polling station level is an area where there is an opportunity for manipulation by transferring ballots from one pile to another for example and attributing an inflated number of votes to a particular candidate. However there is even more opportunity to massage the figures when it comes to the tabulation at the district level. Such delays and lack of transparency undermine confidence in the system.
8. An unfair advantage to one particular party can also arise when there is lack of transparency in relation to party and candidate funding. Frequently there are no laws or regulations in relation to funding and even if there are they are not implemented.
9. Another instance is where there is abuse of incumbency. A government has a responsibility not to abuse State resources both human and material to support the ruling party's candidates. For example using government vehicles, office space and telecommunications for campaign purposes.

10. Cameras in polling stations can also have an adverse effect on the voters confidence in the system.
11. The last area that I would like to mention relates to even newer techniques, which are being introduced, such as electronic voting and vote counting. These procedures take place in certain countries and their effectiveness and success are in direct relation to the confidence that the voters have in the method used. It can be successful when there is transparency and openness and access to the programmes used. But when this does not occur there is often a lack of confidence in the system used.

I have highlighted briefly some of the methods used by incumbent parties which question the integrity of the electoral system to which the disillusioned voters can react with violence. So we know what can go wrong. I might add that these are only symptoms of an underlying unwillingness of holders of political power to accept the free verdict of a majority of the electorate. In their view the will of the people is subordinate to theirs. Be it through legal manipulation, out right rigging, political bullying or the influence of money, the powerful have always found ways to use the system to their advantage. Often it is the sum of small things that makes the difference rather than one big incidence of fraud. Therefore the environment in which an election takes place is so important.

How can we eliminate these problems and thereby ensure that fraud and manipulation are reduced or hopefully eliminated altogether?

1. I believe one way of doing this is to have more accuracy and detail in reporting on the implementation of election standards. We all know of elections where there has been an unconvincing and more often implausible election observation because the election assessment - whether because of cronyism or politicization - returns a result which is blatantly untrue. The assessment does not fit the facts. There is also the worrying tendency to describe elections as "Free and Fair" - or even as I have seen "Free but not Fair" - which does not give an accurate picture of the actual electoral process.
2. To overcome this, I think what needs to be done is to agree to assess elections systematically against agreed international standards and to produce a detailed report. The Report must be based on verifiable data and be presented in a concise yet comprehensive manner. It should also include recommendations for improving the electoral process.
3. This is most certainly not rocket science because these standards exist already. There is the Universal Declaration of Human Rights which is regarded by many as customary international law and the International Covenant on Civil and Political Rights to which

the majority of States around the world are parties and thereby bound by its provisions.

4. In addition to that there are already regional agreements with provisions relating to elections. The OSCE has its commitments in the Copenhagen Document. The importance of this document is that the participating States committed themselves in a form similar to an international treaty obligation to be monitored and reported on by an independent professional institution. There is also the European Convention on Human Rights which the EU follows and of course the African Charter on Elections, Democracy and Governance. In addition to these intergovernmental commitments and mechanisms, there is an increasing contribution by civil society organizations where governments are considered to be dragging their feet for instance the recently agreed Bangkok Declaration for Free and Fair elections. And last but not least there is the Declaration of Principles for International Election Observation for Free and Fair Elections and the Declaration of Global Principles for Nonpartisan Election Observation. Indeed there has been an interesting development recently to advance electoral integrity at civil society level and international organisational level and there is therefore a wealth of material upon which to draw in order to develop this approach. What we need to see is more activity on the implementation of it. It is therefore essential to continue and expand working with civil society organizations as one of the key pillars of the global quest for the integrity of elections.
5. The Reports on elections should, as I have already mentioned, also contain Recommendations which provide ways for states to improve transparency and trust in their elections. Inside a country's institutional framework, such recommendations partly address things Electoral Management Bodies can do, but often go much beyond that, and relate to legislation, executive decisions and actions and the role of the judiciary and other accountable institutions. In many cases, it will be directed to the political leadership of a country, which may or may not have a direct influence on the management of the electoral process. These Recommendations should be periodically reviewed to see what efforts States are making to implement them. Believe you me all States in the world should go through this process - because to date, although I have headed 12 International Election Observation Missions, I have not seen a perfect election and I very much doubt if I ever will.
6. It is also very important for Observation Missions to arrive in a country in good time to be able to observe the whole election process first hand i.e. voter and candidate registration, as well as the establishment of the relevant election administration bodies and staying in country long enough to observe all complaints and appeals being

addressed by the relevant judicial bodies. They can then report on the whole electoral cycle.

I would like to end by saying that the Office for Democratic Institutions and Human Rights in Warsaw of the OSCE, known as the ODIHR, for whom I have had the pleasure and privilege of observing elections, has been developing a methodology since they started observing election in the mid-1990s. This assesses the elections against the standards that their 57 member governments in North America, Europe and Asia have agreed to apply and produces a report which gives details of where those standards have been upheld and where there have been infractions of those standards. They are based on the observations of Long Term and Short Term observers.

These reports also give recommendations as how to remedy breaches of the standards. In many cases, the ODIHR has been able to draw on the expertise of Electoral Management Bodies for observing elections in other countries. There are EMBs from a number of OSCE countries as well as a number of present and former staff from the ODIHR here and I am sure that in the next few days that they would be happy to share and explain their methodology to you. I would in any event urge you to read these reports which are always less than 30 pages long and, as I have stressed already, are based on facts. Biased though I may be, I think that their modus operandi and basic methodology is good because each election is approached impartially. I think it is perhaps the most advanced methodology used by an independent institution for observation among its members states (the EU uses a similar methodology, but as part of its external relations and never inside the EU area). And perhaps it can provide some good examples for similar regional mechanisms elsewhere, where challenges exist to collectively ensure that elections are free from fraud and manipulation.

I recommend that serious consideration should be given to adopting that approach to election observation on the basis of collectively agreed standards, either through a legally binding treaty or political commitments, as long as there are independent professional institutions and transparent mechanisms to monitor and report on elections on the basis of high standards as it would reduce fraud and manipulation in elections and introduce integrity to the electoral process.

I thank you.

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