

DEMOCRATIC DIFFUSION

How regional organizations
strengthen electoral integrity

Executive report

Authors

Ferran Martinez i Coma | Alessandro Nai | Pippa Norris



THE UNIVERSITY OF
SYDNEY



HARVARD Kennedy School
JOHN F. KENNEDY SCHOOL OF GOVERNMENT

THE ELECTORAL INTEGRITY PROJECT
WHY ELECTIONS FAIL AND WHAT WE CAN DO ABOUT IT

Department of Government and international Relations
Merewether Building (HO4)
The University of Sydney
NSW 2006 Australia
Cell: (US)+1 857 445 9105
Email: electoralintegrity@gmail.com

John F. Kennedy School of Government
79 JFK Street
Harvard University
Cambridge, MA 02138, USA
Cell: (US)+1 857 445 9105
Email: Pippa_Norris@Harvard.edu

Democratic Diffusion

How regional organizations
strengthen electoral integrity

Authors

Ferran Martinez i Coma | Alessandro Nai | Pippa Norris

Executive report

TABLE OF CONTENTS

1. Executive summary	7
2. Introduction	9
3. Why OAS recommendations?	11
4. Methodological considerations	12
4.1 Implementation of the recommendation	12
4.2 Coding criteria	13
5. Results	16
6. Conclusions and policy implications	19
Notes	20

1. EXECUTIVE SUMMARYⁱ

The role of election monitors has expanded substantially since the mid-1980s in terms of both the number of contests observed and the diversity of domestic and international monitoring organizationsⁱⁱ. This is part of the broader phenomenon of ‘monitorial democracy’ where greater transparency in public affairs is generally thought to deter malpractices, to promote government accountability, and to strengthen trust in the political process. Yet transparency and accountability by themselves, without avenues for redress and reform, may not necessarily prove effective. For example, if cases of political corruption are revealed without punishment for bribe-givers and bribe-takers, this may strengthen public cynicism.

The growth of electoral observation raises questions about the impact of this activities in strengthening electoral integrity. Several experimental and observational studies have looked at the deterrence effect of international observers on incidents of fraud and ballot stuffing in local polling placesⁱⁱⁱ.

Yet less has been established about whether monitors have the capacity to reduce malpractices throughout the electoral cycle, including whether problems and recommendations published in observer reports after each contest influence the subsequent adoption of electoral reforms. This question is clearly under-researched. The only research that we are aware of, by Judith Kelley, offers an overall assessment of the report. We rely on Kelley’s study as a comparative framework in order to understand the different degrees of success among the countries. We, however, go one step further by analyzing every single recommendation from the report^{iv}.

Focusing on the implementation of monitoring report recommendations will shed light on the debate within the international community. On the one hand, there are reasons to believe that recommendations published by monitors may be expected have little impact, for example if any proposed reforms require substantial resources, if they need legislative action, or if there is no further pressure from the international community or domestic stakeholders. Unlike other areas of the monitor’s reports, recommendations may also reflect non-standardized procedures. On the other hand, the reports may catalyze reforms, if international monitors advance electoral integrity.

To explore this issue, the Electoral Integrity Project has examined reports published by the Organization of American States (OAS) for Electoral Observer Missions conducted from 1999-2015 in 25 countries and 71 national elections. From these reports, over 1,000 recommendations were identified and content analysed. For each recommendations published in each report, we traced the presence of an electoral reform that matched the content of such recommendation. The implementation rate was estimated as the proportion of recommendations subsequently adopted partially or fully in each country.

The most important results are:

- The OAS reports were remarkably effective: about half of their recommendations were either fully or partially implemented;
- Recommendations that needed some resources were significantly more likely (60%) to be implemented than those requiring formal (legal) changes (47%);
- Yet any reforms were not immediate; on average, recommendations took four years to be implemented, or roughly the period of the standard electoral cycle between one contest and the next.
- Implementation rates vary substantially among countries from below 10% in Dominica or Bahamas to over 70% in El Salvador or Ecuador.
- More aid-dependent countries had higher implementation rate than countries less dependent on aid.

2. INTRODUCTION

The Organization of American States (OAS) publishes reports following each electoral observation mission. In the last years, OAS monitors have done an excellent job by increasingly standardizing their observation protocol. Currently, OAS reports offer a series of standardized observations about each aspect of the contest as well as recommendations concerning the electoral process.

This raises two sorts of questions:

- First, what is commonly recommended? Do OAS recommendations cover some topics more than others, for example the vote count vs electoral laws? Are broader recommendations (eg. general constitutional changes) more common than specific suggestions (eg. extending the voting hours). Overall, what explains the most common types of recommendations?
- Second, most importantly, which are implemented? And under which conditions are the recommendations implemented?

To answer those questions, the Electoral Integrity Project classified over 1,000 recommendations from the OAS reports for the 1999-2015 period covering 25 countries and 71 national elections in Latin America and the Caribbean. After coding and classifying each of these recommendations, EIP assessed their degree of implementation.

Some may consider the OAS recommendations likely to be relatively ineffective, for two main reasons. First, if recommendations are not followed by the provision of resources, they may just be aspirational, aiming for big consensual objectives. For example, the introduction of biometric technology or major revisions to the process of registering electors may require considerable resources of many million dollars to be implemented. Moreover, the monitors' recommendations often have few concrete guidelines, if any, about the next stages of their implementation. Furthermore, if the recommendations are politically contentious, or sensitive, they face challenging obstacles and they may well be ignored.

Yet from a more positive perspective, there are also reasons why recommendations may be an important mechanism for improving elections. There is a substantial body of research suggesting that intergovernmental regional organizations like

OAS, OSCE and the EU encourage and secure democracy among member states^v. Similarly, monitors by the regional organization may be effective in suggesting recommendations advancing electoral integrity, by setting regional norms and sharing good practices.

Another argument to study the implementation of recommendations concerns is the experience of the organization. OAS has been monitoring elections for over fifty years. This knowledge –factual, legal and institutional- that accumulates as the number of monitors increases, may influence the sort of recommendations that OAS proposes.

Finally, there is a logical economic argument. If OAS –or for that matter any organization- thought that the role of monitors actions was futile, probably, such missions would not continue. Consider, for example, the 2015 elections in Burundi^{vi} were the European Union suspended its mission as, in words of EU policy chief Federica Mogherini there was a “lack of confidence in the election authorities”^{vii}. In short, monitoring organizations invest considerable resources aiming to improve the quality of the electoral process.

Intentions, however, may or may not be accompanied by practice. In that regard, the assessment presented in this study is fundamental. This report is designed as an evaluative tool not only for the OAS but also for the policy community. It is the first step towards assessing the precise impact of the recommendations of an international organization on electoral reform.

The remaining of the report is structured as follows. The second section begins by explaining why we focus on the OAS. The third details the methodological considerations. In this section, we present the dataset and the coding criteria (i.e. the independent variables). We then move to explain whether the recommendation was implemented or not (i.e. the dependent variable). The fifth section presents the results while the last section concludes by summarizing the main findings, suggesting future venues of research as well as policy implications.

3. WHY OAS RECOMMENDATIONS?

We focus on the OAS recommendations because:

- OAS has a wide experience on election observation. OAS first sent monitors in 1962. Over the years, deployed over 240 Missions. OAS has gradually standardized their observation procedure and currently each OAS monitoring mission follows a protocol that allows comparison.
- OAS has endorsed the general principles of election observation, contained in the Declaration of Principles ^{viii}, which therefore assures some minimum impartiality and professional standards for conducting this activity.
- OAS is based on non-partisan principles.
- OAS recommendations are not driven by internal or domestic political interest^{ix}.
- Many of OAS recommendations cover the whole policy cycle, which gives a more encompassing, realistic and complete view of electoral reform^x.
- OAS focuses in the Americas, a region with diverse levels of democracy and economic development, but with other similar control variables (ie. former Spanish or English colonies).

4. METHODOLOGICAL CONSIDERATIONS

After reading each EOM report, we gathered their recommendations. Each recommendation is an observation. A recommendation is a sentence addressing one particular improvement to be made. In total, we gathered 1006 recommendations from 71 elections covering 25 countries for the 1999-2015 period^{xi}. The recommendations were in Spanish, English and French. Overall, we covered all parliamentary, legislative or general election and presidential election where the OAS had deployed a mission.

4.1 IMPLEMENTATION OF THE RECOMMENDATION

Our focus of interest is whether the recommendations published by the OAS in its respective EOMs were implemented or not. In order to check the degree of implementation of the recommendation, we followed the procedure described below:

- 1) We looked at the ACE Electoral Knowledge Network. The website provides a “regions and countries” section which contains election observation reports, news and electoral facts for every country in the world. It also includes a “legal framework” section with electoral laws and codes for each country. From this section we identified the relevant laws and, when information was available, new laws and amendments to these laws. Information is not always available as it depends on the availability of the documents by country. In addition, using the information obtained from the ACE Electoral Knowledge Network we conducted a Google search to identify when changes to legislation had taken place.
- 2) With this information, we first aimed at identifying what where the changes in electoral laws, codes and/or activities and procedures per country. For doing so:
 - a. We looked at the Electoral Knowledge Network in the legal framework section. This was used exclusively for tracking changes or amendments in the legislation (Legal electoral reform).

- b. Simultaneously, we moved to the respective Electoral Management Bodies (EMB) websites where we looked for additional laws, amends to laws, changes and improvements on EMB activities and/or election related processes. If nothing was found in the EMB, then we moved to the specialized court (eg. Peru has three instances).
- c. If no change was found, we moved to Google search. We used some keywords –such as “Country+electoral REFORM”(+ISSUE) category (as classified by the PEI electoral cycle) as a search criteria. It was first done in Spanish and then in English. We looked at the first 30 results. We also allowed for some flexibility for the coders to change the terms to look for itself (ie: “media in elections Grenada” ; “media time in elections Grenada”)
- d. In the fourth iteration we relied on Google Scholar. We would follow a similar method as in step 3.

After completing these steps, if coders did not find anything, the recommendation was coded as zero, not implemented. If some part of the reform had begun (e.g exploratory panel), but not been completed (or if it’s not clear that it has been completed), then we coded as 0.5. If the reform was fully implemented, it was coded as 1.

Although our search for the implementation of the recommendation is very detailed, it is a ‘conservative’ estimation. First, we were bounded by time –we coded the recommendations during the final quarter of 2015. Second, it may be that the sources that we relied on did not capture the changes suggested by the recommendation when in fact those had been implemented.

More generally, even if we find that recommendations were implemented, we cannot attribute direct impact to the OAS recommendation. Other elements may be at play at the same time. A complementary qualitative study would increase the soundness of the findings we present in the following lines. Nevertheless, a descriptive quantitative analysis is compulsory since it will provide with the necessary information to assess the types of recommendations that the OAS has produced in its reports.

4.2 CODING CRITERIA

We also coded the recommendations according to the following seven criteria:

- **Stage** of the electoral cycle: We followed the electoral cycle that is established in the literature^{xii}. The dimensions of the electoral cycle are: electoral laws, electoral procedures, boundaries, voter registration, party and candidate registration, campaign media, campaign finance, voting process, vote count, post-election, and electoral authorities. We added two extra dimensions that are not usually covered in the cycle which are civic education and gender/minority inclusion.

- **Scope** of the recommendations. Some recommendations refer to general normative principles (eg. impartiality, neutrality, inclusion, representation, transparency, equality...) while others do not. This covers technical issues related to administrative procedures or any other technical issue (eg. extend opening hours of polling stations; eg. modify voter id; eg. amend ballot design).
- **Specificity** of the recommendations. Some recommendations are not clear on how they should be implemented (not clear on how to move forward; they are abstract, general, vague) while others have very clear guidelines on how they should be implemented.
- **Timing** of the recommendation. Some recommendations are bound to specific time period. Concretely, we differentiate between 1) the pre-election period (regarding issues related to all activities concerning the setting and preparation of elections such as drawing of boundaries, election of EMBs representatives or voters/parties registration); 2) the election day (issues related to the voting process such as polling stations, behaviour of elected officials present at the polls, information available for voters on voting day, violence/security issues); 3) post-election (anything that happens after polling stations close, including votes count, publication of results, violence, acceptance of results); or 4) overarching (concerning the election more generally, without being specifically linked to an electoral phase such as ensuring a fair coverage of the election in the media regulate public financing of political parties).
- **Actors** that are identified in the recommendation to be responsible for implementing them. These are the actors mentioned by the recommendation but not necessarily the specific agencies subject to reform. Among the actors identified, coders could choose: Electoral Commission, Electoral Tribunal, Electoral Department, or the Electoral Management Body; Parliament, Congress, National Assembly or the national legislature; Other executive administrative and regulatory agency eg Boundary Commission, Broadcasting Authorities, Audit Commission; Judiciary or the courts; Civil society organizations; Political parties; Candidates and political leaders; Opinion polling organizations; News media and broadcasters; Citizens; Security services and the police; None specified.
- **Mechanisms** that are advocated in the recommendation to achieve the goals. Mechanisms can be of three types: 1) Formal changes which imply amends in the law, the Constitution, formal charts, agreements, procedures, enforcement of existing laws/procedures, etc. 2) the allocation of additional resources in terms of staff, money, materials, training, information systems (e.g. computers, etc.), increasing logistical capacity (e.g. transportation of election materials), etc.
- **Changes** that are suggested in the recommendation. Such changes can be of general principles without any specific details; constitutional reforms; legal reforms; procedural and administrative reforms; general resources without any specific details; technical resources (eg. information systems, transportation of election materials; financial resources (eg. money); human resources (eg. staff, training); or other reforms.

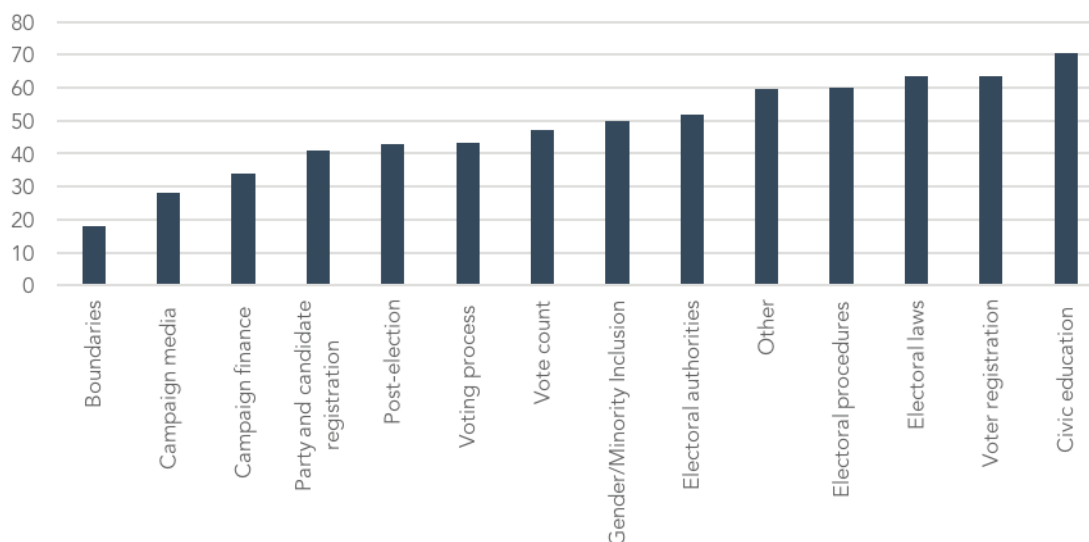
The authors and three research assistants coded all the recommendations. About 15% of the recommendations were coded by all the coders. The inter-coder reliability –computed on samples of 50 randomly selected recommendations- ranged from 0.7 to 0.9.

5. RESULTS

The first finding of the research is on the mere distribution of the dependent variable. About half of the recommendations analysed were implemented, including a quarter which were partially implemented and a quarter fully implemented. For analytical purposes, in this report we group the partially implemented and the fully implemented jointly, only using two categories.

- Cross tabulation shows that there are no significant differences in the degree of implementation of the recommendations and their scope: those that are more technical are implemented 52% of the times while those more principle oriented do it a 48%, a statistically non-significant difference.
- Recommendations requiring resources are slightly more likely to be implemented than those requiring formal (legal) changes. This points out that, maybe contrary to conventional wisdom, legal changes are sometimes harder to implement than the increment of (normally scarce) resources.
- The figure below shows how recommendations for some dimensions in the electoral cycle are more likely to be implemented than others. Concretely, those regarding civic education are more than three times likely to be followed than those related to boundaries.

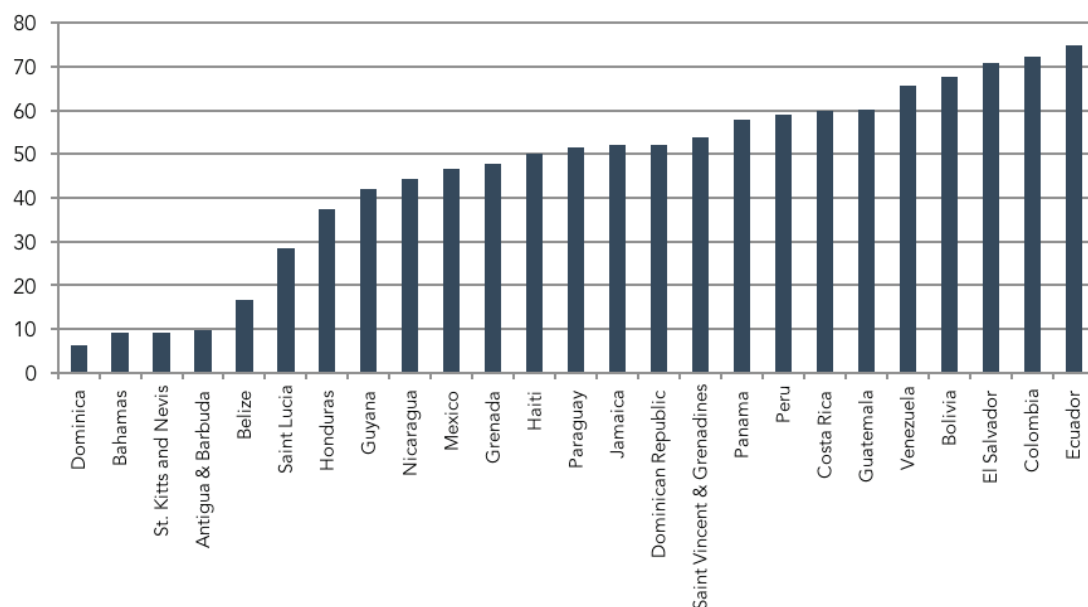
Implementation of OAS recommendation by dimension



- **Stage.** The stage of the electoral cycle mattered. For example, there was a lower implementation rate for recommendations addressing issues about boundaries, campaign media, and campaign finance. The implementation rate was far higher, however, for recommendations suggesting changes in the electoral laws, electoral procedures, or voter registration.
- **Specificity.** More abstract recommendations are implemented more often than precise recommendations.
- **Timing.** Recommendations that refer to stages in the pre-election period are normally implemented more (55%) than those addressing issues during the election and post-election period (46%).
- **Actors.** The main bulk of the recommendations are addressed to the EMBs and the national legislature, accounting for almost three quarters. Recommendations are implemented significantly more when they are addressed by the EMB (54%) than for the rest of the actors (44%).
- **Changes.** Recommendations suggesting legal changes have been less often implemented than those that do not imply legal changes.
- The scope of recommendations was unrelated to the implementation rate.

The type of recommendations can be compared by the level of democratic consolidation -measured as the imputed version of Freedom House and Polity ranging from 0 to 10, where 0 is least democratic and 10 most democratic.^{xiii} The results show that non-established democracies implement OAS recommendations in a significantly higher proportion (55%) than established democracies (44%).

Countries also show different implementation rates of the recommendations as figure 2 portrays. For example, Colombia, Salvador, Bolivia and Venezuela show implementation rates of 72, 70, 67 and 65%, respectively while in, the Caribbean, concretely, St. Kitts and Nevis, Antigua & Barbuda, Dominica or Bahamas, implementation rate does not reach 10%, which may be due to the different legal and historic traditions as well as the different levels of regulation within those societies.

Percentage of recommendations implemented by country

Finally, on average, recommendations take on average 4 years to be implemented. This signals that it takes a substantial amount of time to implement the recommendation as those are in many cases not a straightforward process, given the degree of complexity of some and the actors involved to make the changes.

A series of models were further analysed using a hierarchical logistic with different levels of aggregation, election and country. Overall, the results confirm the cross tabulation analysis.

Summarizing the most important results are that 1) about 50% of the OAS recommendations analysed have been implemented (either partially or fully); 2) we have also found that recommendations that need of some type of resources are significantly more likely (60%) to be implemented than those requiring formal (legal) changes (47%); 3) implementation rate varies dramatically from country to country and the implementation time of the recommendations takes an average of 4 years.

The assessment confirmed that 4) abstract recommendations are more likely to be implemented than those that are precise; 5) legal reforms are negatively associated with the implementation of reforms. We have also find that in 6) countries in which democracy is more established tend to implement recommendations less; and 7) more aid dependent countries tend to implement recommendations more.

6. CONCLUSIONS AND POLICY IMPLICATIONS

This report evaluated the impact of the OAS monitoring recommendations. We have assessed the implementation of over 1000 recommendations in 71 EOMs of 25 countries during the 1999-2015 period.

This report brings several policy implications:

- First, we believe that this approach is a first step towards a more comprehensive assessment of the impact of the work of election monitors. This is useful for internal organizational reasons and also for accountability.
- Second, we recommend that similar steps should be taken to evaluate the impact of for other international monitoring organisations, such as OSCE and EU.
- Third, we advise for specific and concrete recommendations that policy makers can follow and implement. The more precise those are, the easier it is to check and increase the accountability of the the authorities.

NOTES

i This publication is part of the Electoral Integrity Project (EIP), a six-year research project generously funded by the Kathleen Fitzpatrick Australian Laureate awarded to Professor Pippa Norris by the Australian Research Council. The authors would specially thank David Coombs, Elena Escalante, Laura Ismay, Miguel Angel Lara Otaola, Zaad Mahmood and Elisabeth L. Young, who were of invaluable help in the data collection process.

ii Susan Hyde. 2011. *The Pseudo-Democrat's Dilemma*. Ithaca: Cornell University Press; Judith Kelley, 2012. *Monitoring Democracy*. Princeton University Press.

iii Daniella Donno. 2013. *Defending Democratic Norms*. New York: Oxford University Press; Daniella Donno 2010. 'Who is punished? Regional intergovernmental organizations and their enforcement of democratic norms' *International Organization* 64(4): 593-625.

iv In her own words: "For each country, all the reports were read with special attention to recording the recommendations made and the performance in subsequent elections. Sometimes information on a given prior recommendation was missing in subsequent reports. Secondary sources were then consulted, but it was not possible to track down relevant information, and in such cases it was not possible to draw any conclusions on those particular issues. For each case, a table was created to keep track of recommendations over time. *In most elections, the recommendations were too numerous and extensive to be logged individually, and therefore larger categories were often used.* Based on this research, detailed individual country case studies ranging from six thousand to ten thousand words were written. Country experts were asked to comment on the cases.(...)" (Kelley, 2012: 136). The italics are ours

v John C. Pevehouse. 2002. "With a little help from my friends? Regional organizations and the consolidation of democracy" *American Journal of Political Science* 46 (3):611-626.

vi Unsurprisingly, Burundi's 2015 elections were scored among the five worst out of the 180 elections that EIP has monitored since mid 2012 Pippa Norris; Ferran Martinez i Coma; Alessandro Nai; Max Gromping 2016. "The Year in Elections 2015" Sydney, University of Sydney.

vii <http://www.reuters.com/article/us-burundi-politics-eu-idUSKBN0OD1VX20150528>

viii United Nations. 2005. *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers*. Commemorated October 27, 2005, at the United Nations, New York.

ix http://www.eods.eu/library/Declaration_of_Global_Principles_0.pdf

x Pippa Norris. 2011. "Cultural Explanations of Electoral Reform: A Policy Cycle Model", *West European Politics* 34(3): 631-550.

xi According to our count, during this period OAS deployed a total of 146 EOMs. Those 75 EOMs were for referenda, municipal, regional, local, constituent assembly, regional and primary elections.

xii Pippa Norris. 2014. *Why Electoral Integrity Matters*. Cambridge University Press.

xiii Since this is a continuous variable, we have collapsed into two categories: those scoring 8 or less (value of 0) and those above 8. We have also lowered the cutoff point to 7. The results are the same.



THE UNIVERSITY OF
SYDNEY



HARVARD Kennedy School
JOHN F. KENNEDY SCHOOL OF GOVERNMENT

THE ELECTORAL INTEGRITY PROJECT

WHY ELECTIONS FAIL AND WHAT WE CAN DO ABOUT IT

www.electoralintegrityproject.com

