EVALUATION OF EXTERNAL VOTING PROGRAMMES: AN ANALYSIS OF IOM'S ROLE IN KOSOVO

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IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

FOREWORD

This External Evaluation Report is the result of a joint initiative on the part of the Programme Manager of IOM external voting programmes in Kosovo, the Office of the Inspector General at IOM Headquarters (OIG) and the Programme Support Department at Headquarters (PSD). The decision to evaluate the External Voting Programmes in Kosovo stems from a strong interest within IOM to analyse its performance in the implementation of such programmes, which so far have not been evaluated. IOM's strategy for participation in these post-conflict activities and collaboration with the institutions in charge of the election process also deserved further analysis. The main focus of the report is on the most recent experience in Kosovo but also covers former IOM programmes in Bosnia and Herzegovina and in East Timor. The evaluation also makes recommendations on future IOM involvement in external voting programmes in general.

OIG is presenting this external report as one of its own evaluations for two main reasons: 1) the programme covered by the evaluation — including its scope and methodology — meets the criteria for evaluations conducted by OIG; 2) the evaluation exercise has been piloted by OIG, with inputs from the programme manager and PSD. An external consultant, Jeremy Grace, was recruited to conduct the evaluation. He has served on multiple electoral missions, including postings as IOM Country Representative to Croatia, OSCE Out-of-Kosovo Coordinator in Pristina, and IOM Deputy Country Representative of the External Voting for East Timor in Indonesia. Jeremy Grace currently teaches international relations at the State University of New York (SUNY) at Geneseo and consults for the World Bank Group.

It is expected that the report will be of interest to IOM and the donor community that contributes to such programmes. In addition, it will provide material for academic debate on 'Out-of-Country' elections. The Office of the Inspector General would like to thank the consultant for his professionalism in conducting the evaluation, as well as the Programme Manager and the Programme Support Department for showing interest in this type of evaluation and for funding it.

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ABBREVIATIONS

AEC	Australian Electoral Commission
BiH	Bosnia and Herzegovina
CEC	Central Elections Commission (Kosovo and BiH)
CIDA	Canadian International Development Agency
EC	Elections Canada
ECAC	Election Complaints and Appeals Commission (OSCE Kosovo)
EPC	Emergency and Post Conflict Division (IOM)
EVET	External Voting for East Timor
FRY	Federal Republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
ICMPD	International Center for Migration Policy and Development
IDP	Internally Displaced Person
IFES	International Foundation for Electoral Systems
JRT	Joint Registration Task-Force
MoU	Memorandum of Understanding
OAS	Organization of American States
OCV	Out of Country Voting (BiH Elections)
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OKCAC	Out-of-Kosovo Claims and Challenges
OKR	Out-of-Kosovo Registration
OKV	Out-of-Kosovo Voting
OSCE	Organization for Security and Cooperation in Europe
PEC	Provisional Elections Commission (BiH)
Pristina LO	Pristina Liaison Office
PRM	United States Bureau of Population, Refugees and Migration
RESG	Refugee Election Steering Group
RO	Regional Office (Montenegro, Macedonia, Albania)
RS	Republika Srpska (BiH)
UNAMET	United Nations Assistance Mission in East Timor
UNEAD	United Nations Electoral Assistance Division
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Mission in Kosovo
UNTAG	United Nations Transition Assistance Group
UNV	United Nations Volunteers
USAID	United States Agency for International Development
Vienna CO	Vienna Coordination Office
Vienna IC	Vienna Information Cell

EXECUTIVE SUMMARY

The 1990s witnessed two seemingly unrelated phenomena: dramatic increases in cross-border migration and the rapid expansion of democratic institutions and practices. While both issues attracted sustained attention from the international community, the linkage between migration and democracy has been little explored. Yet an increasing number of migrants find themselves alienated from the political process in both their countries of origin *and* residence, while providing important economic, cultural, and social benefits to both sending and receiving states.

Since 1996, IOM has played an important role in providing refugees and other displaced persons with the chance to vote by absentee ballot in internationally supervised elections. Beginning with the elections in Bosnia and Herzegovina, IOM has provided hundreds of thousands of individuals with the chance to cast a ballot and exercise a voice in the political affairs of their home state. These exercises have formed the foundation upon which peace is being rebuilt in Bosnia and Herzegovina, and have played a key role in the political settlement of long-enduring conflicts in East Timor and Kosovo.

This evaluation stems from a strong interest inside the IOM to analyze: 1) its role in the implementation of external voting programmes and lessons learned; 2) the political consequences of these operations and whether they support the goals of democratization and creating the conditions for refugee and IDP returns into post-conflict countries and territories; and 3) the relationship between external voting and IOM's mandate, with an eye towards continued service provision in this area. The primary reference for the evaluation is IOM's participation in the 2000 Out-of-Kosovo Voting Programmes in cooperation with the United Nations and Organization for Security and Cooperation in Europe. IOM's experiences in Bosnia and East Timor are also referenced.

Sections I – VI examine the background, operations, and operational lessons learned from IOM's involvement in external voting programmes. The primary emphasis is on how these programmes can be most efficiently and effectively administered. The key observations and conclusions stemming from the analysis include:

1) IOM has a unique comparative advantage in organizing external voting programmes. Its network of field offices and highly flexible and responsive administrative structures allow the organization to implement a cost-efficient programme within the tight timeframes required by elections.

2) IOM's performance in external voting since 1996 has been publicly recognized as outstanding. IOM has consistently implemented these programmes in a transparent and professional manner. The UN and OSCE have both acknowledged that IOM's participation has been crucial to the success of their elections programmes.

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3) Operationally, the 2000 OKV programme improved upon previous programmes. Most notably, the creation of the Pristina Liaison Office was instrumental in overcoming communication and coordination problems between the IOM and the UN/OSCE. In addition, the use of direct funding from the US Bureau of Population, Refugees and Migration (USPRM) was a major benefit, allowing operations to begin immediately and maintaining institutional knowledge between projects.

4) The information campaign created to notify Kosovars about the external registration and voting was extremely sophisticated. The programme identified and contacted over 2,000 Kosovar clubs and associations, placed advertisements in a wide variety of media outlets, and provided direct, personal, links between the programme and individual registrants and voters through the use of a telephone hotline. As a result, the programme received applications for registration from well over 90% of the estimated Kosovars residing outside Kosovo (excluding Serbia and Montenegro)

Many factors contribute to a successful external voting operation. Thus, the report identifies key issues facing IOM as it undertakes a project. First, external voting requires staff with extensive experience in elections design and implementation. While regular IOM staff must be involved at every level, *the technical work must be undertaken by specialists.*

Second, IOM needs to work very closely with staff inside the elections headquarters. Intense time constraints, communications problems, and weak infrastructure can hamper the success of even the best-designed programme. *It is imperative that IOM maintain a presence in elections headquarters in order to overcome these problems.*

Third, IOM's relationship with governments hosting refugees and IDPs has occasionally been rocky. IOM is an implementing partner in external voting programmes, and should be very cautious when its role becomes political (and elections are probably the most political area in which IOM works). The OKV programme very nearly derailed IOM's other work on Yugoslavia. *IOM should be very cautious about issues of sovereignty, and pass all political questions to the implementing organization or to governments.*

Fourth, external voting should drive operational timelines. Any operation that relies on global mail will require extended deadlines and time parameters in order to meet its objectives. This issue must be addressed early with elections administrators, and *IOM should be very cautious of entering a programme where the timelines are not feasible.*

Finally, information technology has repeatedly proven to be a weak link in external voting. Experience demonstrates that IOM should always ensure that it maintains control over the IT component of any election. This requires establishing budget lines for qualified IT specialists, and *close working relationships with the IT department in elections headquarters.*

Section VII addresses the political issues surrounding external voting. The report notes a growing acceptance of the basic principle that a country's citizens ought to be provided with a political voice regardless of their country of current residence. However, claims that external voting makes a significant contribution to creating the conditions for refugee returns and the anchoring of democracy in post-conflict countries must be weighed against the realities of the social and political dynamics of these countries. From a theoretical perspective, it is obvious that in any conflict resulting in mass refugee flows, the peace process ought to provide a political voice to this population. In some instances, it is clear that the external vote has had a profound effect on local political dynamics, forcing political parties and actors to work with each other through democratic institutions, rather than on the battlefield. However, the experience of elections in Bosnia suggests that these programmes have had only limited effect in creating the conditions necessary for refugees and IDPs to feel secure in returning to their original homes and communities. Furthermore, it is far more difficult than imagined for external voting programmes to remain free and fair after the international community departs. In the case of Kosovo, the report notes that while the project appears to have contributed to anchoring democracy, the Serb boycott and the demographics of the province leave many questions unanswered about the efficacy of external voting.

This section also addresses the linkages between migration, citizenship and voting. While it seems appropriate that migrants should not be stripped of their political voice solely due to absence from a county's territory, special attention should be focused on ensuring that this participation is not used as a political tool to the benefit of powerful political actors. In a number of instances, states have found that the Diaspora vote can be structured in such a way as to favor certain interests. In other situations, the disenfranchisement of the Diaspora can also play into the calculations and strategies of political actors. Care must be taken when deciding on an appropriate policy response to this issue.

Finally, Section VIII notes that external voting programmes are clearly linked to IOM's mandate. As a service providing inter-governmental organization dedicated to migration, IOM is in a unique position to institutionalize its experience in external voting programmes and offer technical support and advice to governments in this area. An increasing number of countries are interested in the provision of external voting services, but face technical and financial difficulties in implementing the programmes. IOM, working with other organizations, could play a lead role in the provision of advice and technical support to these countries. However, a number of institutional issues should be addressed within IOM in order for the organization to take full advantage of the capabilities and knowledge developed during previous external voting operations.

I)   HISTORY AND PROGRAMME CONTEXT

IOM has organized and managed external voting programmes since 1996, when it was asked by the Organization for Security and Cooperation in Europe (OSCE) to conduct voter registration and polling for over 500,000 Bosnian refugees.[1] The General Framework Agreement for Peace (Dayton Agreement), which ended the conflict in Bosnia and Herzegovina (BiH), tasked the OSCE with conducting internationally supervised elections within 9 months from the agreement's entry into force. Recognizing the fundamental right of Bosnian refugees to cast ballots (thus signaling their right and intent to return to their homes), Dayton specifically called for the inclusion of refugees in the electoral process. This was the first internationally organized and supervised election to place such extensive weight on external voting. However, the enormous logistical challenges of identifying, registering, and facilitating the voting of an important number of refugees caused OSCE to seek an implementing partner for the programme.

IOM was approached because of its extensive experience assisting displaced populations and because of its wide-ranging network of field offices around the world. IOM, in cooperation with the United Nations High Commissioner for Refugees (UNHCR) and International Center for Migration Policy Development (ICMPD) established a Refugee Elections Steering Group and designed both in-person and by-mail voter programmes that ultimately resulted in the participation of 641,000 refugees in the election. Given the tight time frames and logistical complexities of the operation, this was a substantial achievement, and, as the following report demonstrates, reflects IOM's ability to take on new challenges with speed, flexibility, and professionalism. IOM has since become a regular partner with the OSCE in subsequent BiH elections, including:

1) The registration and electoral programmes for the September 1997 Municipal Elections;
2) The November 1997 National Assembly election in the Republika Srpska;
3) The General Elections in 1998; and
4) Served as advisor to the OSCE and project implementer in Serbia for the 2000 Municipal Elections.

In 1999, IOM, in cooperation with the United Nations Assistance Mission in East Timor (UNAMET), organized and operated the External Voting for East Timor (EVET) as part of the Popular Consultation on Autonomy, which ultimately resulted in East Timor voting for independence from Indonesia. In 2000, IOM, in cooperation with the United Nations Mission in Kosovo (UNMIK) and the OSCE organized the Out-of-Kosovo voter registration and election process for municipal elections mandated under Security

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[1] IOM's involvement in elections began even earlier. In 1992, IOM, in cooperation with United Nations Operation in Mozambique (UNOMOZ), utilized its transport and logistics networks to support the election process. This was not an external voting operation, however, as IOM's involvement was strictly limited to in-country operations. IOM gained experience in polling activities such as training elections workers, transporting materials and staff, and supervising the payments related to the election. The IOM budget for the operation totalled 2.2 million dollars and was provided by USAID.

Council Resolution 1244. In 2001, IOM has again been asked by OSCE to implement the external voting for the forthcoming Kosovo National Assembly elections. The selection of IOM as implementing partner was based upon its unique capabilities, as well as its demonstrated effectiveness and cost-efficient implementation of previous programmes. Few, if any, other international organizations currently have the technical expertise and operational capabilities to undertake external-voting projects of this complexity and scale.

II)   EVALUATION SCOPE AND METHODOLOGY

Scope
This evaluation of IOM's role in the 2000 Out-of-Kosovo elections stems from a strong interest inside IOM to analyze: a) Its performance in the implementation of external voting programmes and lessons learned; b) The utility of these operations in furthering the goals of democratization and creating the conditions for refugee and IDP returns into post-conflict countries and territories; and c) The relationship between external voting and IOM's mandate.

As the out-of-Kosovo election programme is currently on going, it serves as the main reference for the evaluation. However, references are also made to IOM's experience in the East Timor and BiH election programmemes. The evaluation does not analyze the pertinence of organizing the elections (i.e. the general utility of elections as part of a post-conflict or peace-building process) as these decisions are taken at a political level. Thus, it examines the specific questions and issues raised by external voting programmes. The main objective of the evaluation can be summarized as follows:

> *"To evaluate IOM's overall performance and achievements in assisting the international community to organize municipal elections for Kosovars living outside Kosovo and in anchoring democracy in the region by facilitating the inclusion of displaced and expatriate population groups".*

Outline
The evaluation is broken into two distinct components. First, a review of the operational dynamics inherent in external registration and voting programmes focuses on IOM's strengths and weaknesses at the level of project implementation. In addition, this section identifies recurring issues in the conduct of external voting programmes, and identifies key issues IOM should bear in mind when considering the design of external voting operations. Specific issues include: staffing and administration; management of eligibility criteria and integrity of the process; timelines and operational plans; host-government relations; relations with OSCE; finances and cost-effectiveness; information technology; and, the security of electoral materials and IOM staff.

The second part of the evaluation addresses the broader policy-related question raised by IOM's involvement in external voting programmes. Specific issues addressed include:

1) The political issues surrounding external voting operations;
2) Justifications for including refugees in post-conflict elections;
3) Issues related to Diaspora voting;
4) IOM's comparative advantage in organizing external voting programmes;
5) The relevance of IOM's participation in light of the objectives of reinforcement of democracy and consolidation of post-conflict recovery and stabilization;
6) Mechanisms to institutionalize IOM's knowledge base on the conduct of external voting programmes;
7) Prospects for continued IOM involvement in external voting programmes; and
8) Key lessons learned from an overview of IOM electoral activities.

Methodology
The analysis is based upon a review of all project related documents, including correspondence, Memoranda of Understanding (MoU), operational plans, and final reports, as well as interviews with individuals involved in the process both inside and outside of the IOM. The goal is to highlight strengths and weaknesses in IOM's approach, as well as institutionalize the lessons learned about what makes external-voting operations successful. As these outcomes are difficult to quantify except through broad measurements of potential registrants, the evaluation is more of an assessment of IOM operations and discussion of the policy issues than a quantitative examination of external voting operations.

III)   DEFINITIONS AND STRATEGY

Background on external voting
External Voting is any voting process that takes place outside of the country, territory, or region in which the elections or referenda are being held. For the purposes of this analysis, the term is more narrowly focused on absentee voting programmes conducted in the context of an internationally organized election forming a part of peace-building or post-conflict democratisation programmes.[2] The emphasis is placed on facilitating the participation of refugees and internally displaced populations who, as a result of violent conflict, are unable or unwilling to return to their homes and vote in person. In the case of the Bosnian elections, all IOM served populations were technically refugees. In the East Timor and Kosovo operations, IOM served both refugees and "displaced persons," as the legal status of these territories was or is still to be determined.
Large-scale internationally organized elections in the context of post-conflict reconciliation are a recent phenomenon. The first major programme occurred in Namibia in 1989 under Security Council Resolution 435 and was organized and observed by the

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[2] Internationally "supervised" elections are intrusive into the affairs of a sovereign state. The international community distinguishes between technical assistance, in which advice and support are provided to national electoral administrators, and "supervision" which generally occurs in conditions of complete civil collapse. IOM has assisted in external components of the latter type of operation, as electoral assistance is not one of its core functions. However, given its wealth of experience, it is appropriate to ask whether IOM could also provide technical assistance to governments that wish to include external populations in their regular elections cycles. This issue is further discussed in Section VIII below.

United Nations Transition Assistance Group (UNTAG). Subsequently, the international community has organized elections in Cambodia, El Salvador, Angola, Mozambique, and Liberia. The emphasis on elections reflects a conviction that democratic institutions can mitigate conflict in deeply polarized societies. Elections provide belligerents an opportunity to resolve differences peacefully through an open and transparent political process, thus reducing the likelihood for the re-emergence of violence. In addition, elections provide legitimate local political authorities and counterparts for the international community to work with during reconstruction and reconciliation.[3]

The delicate social and political environments in countries emerging from violent conflict present electoral administrators with unique challenges. Most notably, the capacity for local authorities to ensure that the will of the people is respected through minimally acceptable international standards of transparency is severely diminished. As a study by USAID notes: "… elections may aggravate existing tensions rather than promote reconciliation, even while paving the way for the installation of a democratically elected government." Furthermore, "…the possibility for massive fraud and cheating is always present, as is that of a return to violence."[4] This is particularly true in the aftermath of conflicts with a strong ethnic under-current. Here the electoral structure may be seen as benefiting one side or another based solely on demographics and geographic dispersion. Interested parties will have a very clear idea of their chances for electoral success and will work to maximize those prospects. Examples of electoral fraud include the manipulation of voter's registers to ensure over-representation of certain groups or the disenfranchisement of other groups; violence and intimidation directed against opposition parties and their supporters; the stuffing of ballot boxes; and manipulating the vote counting.

Thus, in countries emerging from violent conflict, the international community can provide a neutral third-party observer, as well as assist the country in the technical design and implementation of the electoral system in order to minimize or reduce the above problems. Important actors in this field include:

1) The United Nations, Electoral Assistance Division (EAD)
2) The International Organization for Migration (IOM)
3) The Organization for Security and Cooperation in Europe (OSCE) and its Office of Democratic Institutions and Human Rights (ODIHR)
4) The Council of Europe
5) The Organization of American States (OAS)
6) The European Parliament
7) The International Foundation for Electoral Systems (IFES)
8) Other governmental and non-governmental technical assistance providers, including: US Agency for International Development (USAID), Elections Canada

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[3] However, a large literature has emerged debating the perceived benefits of elections as part of the peace-building process. See David Chandler, **Bosnia: Faking Democracy After Dayton** (New York: Pluto Press, 1999) and Marina Ottoway and Theresa Chung, "Debating Democracy Assistance: Towards a New Paradigm" *Journal of Democracy,* October 1999.

[4] K. Kumar, "From Bullets to Ballots: Electoral Assistance to Post-conflict Societies," USAID, Center for Development Information and Evaluation, Washington, 1997. p.4.

and the Canadian International Development Agency (CIDA), and Australian Elections Commission, among others.

Some basic aspects of external voting programmes

External voting has grown in significance within the context of internationally supervised post-conflict elections. The most dramatic case has been the repeated elections in BiH, where the international community recognized that to disenfranchise Bosnian refugees would, in effect, legitimate ethnic cleansing and prevent these persons from exercising a voice in the peace building process. In addition, with close to one million Bosnians (out of a total population of 4.5 million) involuntarily residing abroad, the results of the election could not have been representative of the will of the Bosnian people, the basic goal of any democratic process. Most importantly, the drafters of the Dayton Agreement specifically noted that by participating in the elections process, the Bosnian refugees would be signaling their clear desire and intent to return to their original homes and property.[5]

Thus, the incorporation of external voting in BiH contained both moral and political components. However, other situations have prompted the international community to include external voting, most notably EVET programme, where the decision to undertake external voting did not stem from vast numbers of displaced persons and refugees for the simple fact that these vast numbers did not exist; Most observers estimated that no more than 30,000 East Timorese resided outside of the territory, the majority in Indonesia proper. Nevertheless, the decision was taken to include this population because much of the East Timorese resistance leadership resided (or was jailed) abroad.

In the case of the Kosovo elections, an external component was included due to the forced exodus of close to one million ethnic Albanians from the province during the years of fighting, and the reverse exodus of Serbs from the province following the peace agreement between NATO and FRY. However, as opposed to the Bosnian situation, the majority of the ethnic Albanian population returned to Kosovo almost immediately following the cessation of hostilities. Nevertheless, the decision was taken early on that no meaningful results of municipal elections could be attained without the participation of this population.

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[5] Some observers fear that governments have been more willing to fund and support external voting and registration programmes than other forms of reconstruction and refugee assistance because they see registration as a clear signal that refugee populations will return home. This perception can influence the calculus of individual registrants, many of whom fear they will lose their legal status in the host-state should they register.

Major Challenges

A number of distinct problems emerge in external voting programmes. Most importantly, the potential for organized attempts at fraud is greatly increased. Thus, the key consideration is to ensure transparency and minimizing attempts at fraud. IOM encountered repeated attempts at electoral manipulation during its participation in the BiH elections, mostly small-scale, but occasionally major. There do not appear to have been organized attempts at fraud during the EVET and Kosovo elections. However, a number of mechanisms have been developed which, although they do not eliminate prospects for fraud, greatly reduce it. The key imperative is that external voting should be as transparent as possible to ensure widespread acceptance of the legitimacy of the process.

A second issue has to do with the logistical complexities of external voting, most importantly, ensuring that eligible voters are aware of the programme and are provided ample opportunity to successfully register and cast their ballots. The fact that external voting is global in scope requires a greater turn-around time for the movement of forms, materials and ballots to the voter and back to electoral authorities in time to meet the deadlines and allow for proper vote tabulation and posting of results. This is particularly true of external programmes requiring a postal ballot. Finally, all of the above must be undertaken within a timeframe that is often dictated by political events and imperatives outside of the control of IOM.

Finally, the costs of external voting programmes can be significant. IOM's budgets for its recent external voting programmes range from 3 to nearly 5 million USD. In the context of the Bosnian elections, which routinely cost between 30 and 40 million USD, the external voting did not form a disproportionate share of total OSCE elections spending. However, it is important to bear in mind that external voting is not cheap. Careful planning and effective use of resources can reduce expenditures, but the ultimate costs cannot be reduced beyond specific thresholds. Thus, any decision on whether to include external voting must carefully weigh the political imperative versus operational possibilities and potential cost.

Types of External Voting Programmes

External voting programmes can occur in two distinct forms: those conducted by mail and those conducted in person. Issues particular to the specific election will determine whether the programme focuses on one or the other or some mix of the two. Each has advantages and disadvantages.

An in-person programme allows direct interaction with each eligible voter, facilitating the explanation of procedures and requirements for registration and voting. In addition, it allows an examination of original documents, a safeguard against potential fraud. Finally, in-person registration and polling stations can facilitate registration in areas identified as having large concentrations of eligible registrants. On the downside, in-person programmes can be considerably more costly than by-mail programmes, and are not feasible where the target population is widely dispersed. In addition, the logistical requirements of equipping registration centers in remote locations can also be cumbersome. Finally, in post-conflict situations large refugee populations may have

different motives or interests than the in-country population and the potential for violence is magnified. While IOM has yet to experience direct injury to its staff in a voting operation, isolated incidents of threats to registration and polling workers have been recorded in both the BiH and Timor elections.

By-mail programmes have the advantage of centralizing operations, thus reducing staffing requirements and operational costs. In addition, operational logistics can be simplified, as election materials are centralized in the by-mail processing centre. Finally, if accompanied by an effective information campaign, by-mail programmes can be global in scope. On the downside, by-mail programmes are considerably more susceptible to electoral fraud. In BiH elections, numerous attempts at fraudulent registration were discovered by IOM officials, resulting in several high profile decisions against political parties in BiH by the OSCE. Without adequate safeguards or an anchor document (such as an existing voter role or census) by which to verify a voter's claim to be eligible for registration, the by-mail programme is forced to rely on the word of the registrant and photocopies and facsimile transmissions of original documents which could easily be manufactured and distributed to a large number of other-wise ineligible voters.

IOM has experience implementing both types of elections. All of the BiH elections included both in-person, in surrounding countries, and by-mail, everywhere else, components. The Timor vote of 1999 was entirely in-person. The 2000 Kosovo Municipal election was a mixture of both. The decision on which mix of tools to use is ultimately a function of cost, logistics, and political considerations.

IV)   OPERATIONS, ADMINISTRATION AND STAFFING

Background
IOM was approached by UNMIK in the fall of 1999 to implement the out-of Kosovo registration programme (OKR) for an estimated 300,000 potentially eligible voters living outside of Kosovo. The context in which the agreement was signed can be summarized as follows. In 1989, the Government of the SFR Yugoslavia abrogated the autonomous status of the Province of Kosovo, which had existed since 1974. Under the terms of Annex 2 of the Rambouillet Agreement of 18th March 1999, substantial autonomy and self-government were to be restored to Kosovo: this was reiterated in Article 11a of Security Council Resolution 1244 of 10th June 1999. Under Article 11c of SCR 1244 (1999), the United Nations Interim Administration Mission in Kosovo (UNMIK) was tasked with the responsibility of organizing and overseeing the development of provisional institutions for democratic and autonomous self-government, including the holding of elections, pending a political settlement.

IOM and UNMIK signed a Memorandum of Understanding (MoU), detailing the respective rights and obligations of each party in October 1999 (amended in December). The role of each organization was understood as follows: UNMIK/OSCE Joint

Registration Task Force (JRT)[6] would establish the rules, regulations, policies, and guidelines under which the registration process would operate while the IOM would be responsible for the project implementation by operationally organizing and managing the Out of Kosovo Registration (OKR) in its entirety, within the JRT rules and regulations. The project had the following main objective:

"The programme will contribute to UNMIK's and OSCE's overall objective of anchoring democracy in the region by facilitating the inclusion of displaced and expatriate population groups in the planning and conduct of national or other administrative electoral consultation processes, thus consolidating the ongoing process of post-conflict recovery and stabilization of the Balkans."

In order to facilitate the maximum possible participation of Kosovars, IOM established two parallel processes: In-person registration was to be conducted in FYROM, Albania, and FRY whereby eligible Kosovars could register at an internationally supervised registration center operated by the IOM in conjunction with host-government counterparts;[7] By-mail registration was conducted for Kosovars residing everywhere else in the world, requiring a centralized mail operations center, and the distribution of registration materials and information to Kosovars in 33 different countries.

Following the registration process, IOM signed an MoU with the OSCE to implement the out-of Kosovo voting programme (OKV). The civil registration component of the in-Kosovo process had been jointly managed by UNMIK and OSCE, while the elections were to be managed solely by OSCE, requiring a separate MoU. Under the terms of this MoU, IOM assumed responsibility for organizing the casting of ballots by mail and in-person based upon the voter's registers compiled during registration, and also implemented an out-of Kosovo Claims, Additions, and Challenges (OKCAC) programme whereby Kosovars residing abroad could verify and correct their registration details.

Key Tasks
The key tasks facing IOM in the implementation of the programmes included:

1) Identifying the location of eligible Kosovars living abroad and delivery of public-information about the registration programme to this population;
2) Ensuring that Kosovars were aware of the eligibility requirements and documentation necessary to register;
3) Making voter-registration application forms available as widely as possible;
4) Negotiating MoUs with host governments for the in-person operations;

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[6] According to SC Resolution 1244, UNMIK has the overall responsibility for administering Kosovo pending a decision on the final status of the province. The OSCE forms one of three pillars in the UNMIK structure, specifically tasked with institution building. In 2000, OSCE and UNMIK jointly operated the registration programme through the JRT, as inside Kosovo, this programme was linked to Civil Registration. Following registration, however, the OSCE took over the elections process in its entirety.
[7] Ultimately, the FRY government refused to participate in the process due to a Serb and Roma Kosovar boycott of the registration, so no registration took place in Serbia. IOM did, however, ultimately operate registration centers in FRY Republic of Montenegro, where the government supported the process.

5) Developing the procedures to be used for the registration process, in conformance with JRT rules and regulations;
6) Training elections staff, supervisors, and host-government counterparts;
7) Processing in-coming application forms;
8) Ensuring that applicants provided the necessary documentation to prove their eligibility to register, as determined by the JRT;
9) Responding in a timely fashion to applicants who did not produce the necessary documents;
10) Registering successful applicants and ensuring their inclusion on the Final Voter's Register, organized by country of residence and identifying the electoral district in which they are to cast a ballot (maintained by the OSCE in Pristina);
11) Providing telephone hotlines and other sources of information for applicants who required further information about the process;
12) Providing an opportunity for rejected applicants to appeal their rejection;
13) The management of the appeals process;
14) The development of a Final Voter's Register;
15) The management of the mail-in registration database;
16) Printing and distributing ballot packs;
17) Conducting the in-person voting;
18) Receiving, verifying, and sorting by-mail ballots and transporting these to Pristina for counting; and,
19) Completing all of the above in an open and transparent manner, consistent with the rules and regulation of the JRT, and ensuring that attempts at electoral fraud were detected and prevented.

IOM began making preparations in the fall of 1999 and had opened offices in Vienna and Pristina by January 2000. Operationally, the OKR and OKV closely mirrored previous 'Out-of-Country Voting' (OCV) programmes in BiH. Project direction and the by-mail registration was carried out in Vienna, and regional offices were established in the in-person countries of Albania and FYROM, as well as in the Yugoslav Republic of Montenegro. IOM also opened a Liaison Office inside the OSCE/JRT elections building in Pristina to coordinate the work of IOM and JRT and ensure good cooperation and communication between the organizations.

Administration
According to UN and OSCE officials, one of the compelling reasons in favor of contracting IOM is its ability to mobilize staff quickly. As opposed to OSCE, which requires a lengthy process of requesting secondments from governments, IOM procedures allow the recruitment and deployment of staff on short notice. Given the time-critical nature of external voting operations, and the complexities of by-mail elections, this ability gives IOM a comparative advantage over other international organizations, and has played a major role in the continued participation of IOM in OSCE's electoral programmes.

IOM's country missions also play a crucial role in generating information and supporting field operations. This network of political contacts and information capabilities makes

IOM an attractive partner as election administrators often do not have the capacity or the mandate to operate in external countries. Thus, in a time-sensitive situation, IOM has become one of the few organizations capable of quickly mobilizing staff and setting up the administrative structures necessary to conduct an external voting operation.

Coordination and By-mail Office (Vienna CO)
IOM was fortunate to have a staff-member at the Emergency and Post-Conflict Division (EPC) in Geneva who had actively worked on previous IOM external voting programmes and became the Head of the Out-of-Kosovo operation. Thus, when UNMIK approached IOM, the Organization moved quickly to identify the operational requirements of the programme, negotiate the MoU with UNMIK/JRT, and begin designing the registration procedures. Without this experience, IOM would have been in a much weaker position to respond to the UNMIK request.

However, other obligations prevented this individual from administering the operation on a full time basis and a permanent team needed to be established in Vienna. Vienna was selected because of existing IOM external voting infrastructure from the BiH programmes, its proximity to the OSCE Secretariat, the availability of regular direct flights to Pristina, and an excellent postal system. Several IOM staff with previous electoral experience were recruited from the IOM mission in Croatia to serve as operations officers and administrative personnel. In addition, a Deputy Programme Manager was recruited from the Australian Electoral Commission (AEC)[8] and eventually became the project director.

The Vienna CO became the management and coordination center for the entire operation, maintaining ultimate responsibility for both the by-mail and in-person components of the programme. In addition, the actual by-mail operations were conducted from this office. Finally, the information campaign was designed and managed out of this office.

Under the guidance of the project director, a senior operations officer with previous by-mail voting programmes was tasked with designing and overseeing the by-mail registration programme. The Vienna CO made generic registration application forms and instructions for their completion available through a variety of sources, most importantly, through Kosovar clubs and associations, full-page newspaper cutouts, and through the OKR Internet site. Kosovars were required to fill in this form and submit supporting documentation to the mail-in center in Vienna. The forms were carefully designed to ensure clear simple instructions on the registration requirements and the capture of all necessary data.

Incoming applications to the Vienna CO were first security screened by the Austrian police, and then opened by OKR staff. The forms were subject to initial inspection, in which they were evaluated and tagged to indicate eligibility and supporting

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[8] The AEC has extensive experience in organizing external voting programmes, not only in the context of regular Australian elections, but also in the implementation of the East Timor Consultation, where the AEC facilitated registration and voting for East Timorese in Australia. IOM's relationship with AEC emerged from that operation, and has proven highly beneficial for subsequent IOM external voting programmes.

documentation. Following an initial assessment they were passed on to a document control officer, who confirmed the original assessment and, if the applicant met the eligibility criteria and provided proper supporting documentation, the officer assigned registration numbers to the applicant. The completed application form was then detached from the supporting documentation and scanned. Scanned registration forms were batched in groups of 100 and turned over to the JRT for entry into the voter's register database.

Applications with no documentation attached or that did not meet eligibility criteria were archived separately and a response was sent to the applicant explaining the additional steps necessary to register and/or appeal. Finally, some applications could not be approved but did contain some supporting documentation. In this case, the application was subject to a "review" procedure, in which IOM searched for the applicant on a "Kosovo Consolidated Database,"[9] and, if they were found, they were registered normally. Ultimately, nearly 107,000 applications underwent the review procedures. As this figure was far in excess of initial predictions, the Vienna CO was forced to hire additional staff and conduct reviews in two daily shifts. The recruitment, training, and logistical costs associated with this process were a significant challenge for the CO and resulted in higher than anticipated costs for the by-mail programme. At the height of the programme, the Vienna CO employed over 140 casual workers, each of whom was required to speak English and either Serbian or Albanian. Ultimately, over 180,000 persons applied for registration via OKR by-mail programme.

Following the registration, the Vienna CO continued to work on issues related to late receipt of registration forms, the receipt of materials from applicants who had applied in time, but had to be notified of the need for better documentation, and the shipping of appeals forms and responses between the applicant, the Vienna CO, the ECAC in Pristina, and back to the applicant. A final deadline for these cases was established for 7 September, the latest date possible to allow timely preparation and dispatch of registration receipts and ballot packs. By Early September, the Vienna CO had established a workable by-mail voter's register of 37,000 Kosovars.

A bulk-mail firm in Germany was contracted to organize and send the by-mail ballot packs to individual voters. The Vienna CO monitored the entire process for quality assurance and security. Ultimately, over 37,000 individual ballot packs were mailed to voters, the majority from the contractor's facility in Germany, and a few more from the Vienna CO in response to last-minute returns of approved appeals from the ECAC. The mail out occurred from September 21 to 25.

Upon receipt of the ballot kit, the voter was required to mark the ballot according to instructions provided, seal it in a security envelope, and return the envelope, along with their previously received registration receipt to the Vienna CO by October 27. The Vienna CO opened the outer envelope to ensure inclusion of the registration receipt, and forwarded all acceptable ballots (still in the security envelope) to Pristina for counting.

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[9] This review database contained detailed records from Kosovo telephone, electric and utility companies. Unfortunately, the majority of names in the database were generally the male head of household, and thus its utility was limited.

27,000 ballots were received by the Vienna CO, of which 21,000 were deemed acceptable and forwarded to Pristina.

The Vienna CO also directed the implementation of the in-person registration programmes in FYROM, Albania, and FRY Republic of Montenegro. The Project Director was actively involved in negotiating the MoUs and financial arrangements with the host-government counterparts, designing the registration CAC and voting procedures, and managing the logistical and operational components of the registration and balloting.

The Vienna CO ceased operations in mid-December, although a minimal staff was retained and the facilities and equipment were stored in anticipation of general assembly elections in Kosovo during 2001.

Regional Offices and the In-person Programme
For the in-person registration and voting, country Regional Offices (ROs) were established in Albania, FYROM and Montenegro. Each RO was staffed with a regional coordinator and a trainer, recruited and paid by Elections Canada (EC) in conjunction with the Canadian International Development Agency (CIDA).[10] The RO regional coordinators maintained the relationship with government partners, coordinated the operational components of the registration and polling sites, and oversaw the information campaign in each country. Technical and procedural guidance was provided to these offices through the IOM trainer in the Pristina LO, while the relations with governments, logistical support, and information campaign guidance came from the Vienna CO. In addition, the ROs received administrative support from regular IOM field missions in Albania, FYROM, and in Montenegro.

The ROs ensured that the registration and polling stations were fully equipped to carry out their work and that governments met their obligations under the terms of the MoU. While the government counterparts provided the facilities and staff, each center operated under the overall guidance and supervision of an international supervisor, provided and paid by OSCE or JRT through the United Nations Volunteers programme (UNV). The supervisors were specially trained by the LO trainer prior to deployment to the field, where they received country-specific information. Each supervisor was tasked with ensuring that the process run in accordance with the rules and regulations established by the Central Elections Commission (CEC).

A schedule of registration locations and centers was devised by IOM with an eye towards reaching the maximum number of possible participants. An intensive information

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[10] IOM's relationship with Elections Canada originated with the East Timor operation. In that case, a USD 660,000 grant from the Canadian International Development Agency (CIDA) paid for the district elections officers who supervised the registration and voting programmes in Macao, Portugal, Mozambique, and Indonesia. In 2000, Elections Canada again provided electoral specialists who served as the regional coordinators and trainers for the Kosovo elections through a cooperative arrangement with Care Canada and CIDA. The use of the Canadian electoral specialists has proved particularly useful for IOM's management of the programme, ensuring that staff involved in the process had a strong background and understanding of the technical components of elections.

campaign in each country disseminated information about the rules and regulations, procedures, and registration locations and dates. A combination of fixed and mobile stations ensured the widest possible geographic coverage while realizing cost savings by not deploying resources to areas where only a few Kosovars resided. Nevertheless, due to the high level of returns to Kosovo from these countries, only 1100 people registered as part of the programme.

In-person registrants were required to prove identical eligibility criteria as applicants in-country and by-mail. Registration center staff worked closely with international supervisors to ensure that forms were filled out correctly and that applicants met the eligibility criteria. Following registration, a system of CAC stations again visited all registration locations in order to allow applicants to confirm their registration and fix mistakes in their personal details on the provisional voters list.

The RO trainers served as the first point of contact for supervisors with questions on the rules and procedures, and also monitored incoming forms and materials to identify errors and inconsistencies. Overall, the trainers were satisfied with the performance of the UNV supervisors, although a few problems emerged related to language difficulties and the fact that the training was constrained due to the late finalization of registration procedures by the JRT. In addition, some regional trainers have noted that they would have preferred to be more involved in the initial training of the supervisors.

The in-person voting occurred on October 28.

Pristina Liaison Office (LO)
Every final report stemming from IOM external voting operations has stressed the problem of keeping electoral administrators in-country focused on the needs of the external voting programme. As staff in the elections headquarters tend to view their primary responsibility as the in-country election, it is imperative that good lines of communication are kept open between IOM and the elections HQ in order to avoid confusion and ensure that programme needs are identified and addressed.[11] Drawing on this observation, IOM established a "Liaison Office" (LO) inside the OSCE/JRT Elections building in Pristina. The office was staffed at various times with a Liaison Officer, Trainer, Operations Officer, and Database Specialist.

On previous missions in BiH, the OSCE had maintained an "OCV Director," tasked with overseeing the work of IOM as contractor, but the relationship between senior IOM personnel and the OSCE in Sarajevo was limited to the telephone, e-mails, and irregular visits. The LO placed IOM in the middle of the elections structure, allowing daily interaction and better communication among the partners. As issues unique to the external voting arose, the LO brought them to the attention of administrators at the

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[11] See particularly, OSCE/RESG, "Final Report on Bosnia and Herzegovina National and Cantonal Elections Abroad," Vienna, October 1996. And, Brenda Oppermann "External Voting: The Experience of Bosnia and Herzegovina," Paper delivered at El Semanario Internacional Sobre El Voto En El Extranjero, Mexico City, 1999. http://www.ife.org.mx/wwwcai/sembosn.htm

OSCE/JRT and obtained decisions and guidance quickly. In addition, the LO kept the Vienna CO notified of developments affecting the operation. [12]

The LO also gave a permanent face to IOM's role in the election. Rather than a distant organization working in Vienna and the host-states, IOM and the external voting programme were integrated into the decision-making process. Informal day-to-day contacts between the IOM staff and JRT personnel facilitated decision-making and ensured a relationship of mutual trust and respect. This helped overcome the natural tendency of individuals to blame those absent when mistakes were made or flaws in the process discovered.

The LO also served as a materials distribution and collection point. Forms, supplies and ballots were moved from Pristina to the field under the supervision of the liaison staff. This allowed constant oversight and monitoring, and ensured that all materials were tracked and accounted for. As just one example, at one point roughly 3,000 appeals were misplaced in the OSCE warehouse in Pristina. IOM had foreseen this possibility and had implemented a policy of photocopying all appeals forms forwarded to the ECAC. As the LO realized that the forms had been misplaced, they were able to put in a request for photocopies to be made in Vienna and shipped to Pristina. Without the LO, their disappearance might not have been noticed in time to allow the applicants a fair hearing on their registration status.

Finally, the Liaison Office played a key role in the management and administration of international supervisors. The tasks included: designing the registration schedule for in-person registration centers and polling stations, delivering materials to the field, facilitating the payment and administrative support of UNVs, and coordinating the North and South Poles (see discussion below). In addition, the LO identified UNVs to be posted to the OKR programme and trained them separately on the unique needs of the program.

The most problematic issues related to the Liaison Office had to do with the so-called "North" and "South" Poles. As a result of the Serb boycott of the registration programme, JRT decided to open external registration centers inside Kosovo on the major transit routes between Serbia to Kosovo. The centers were designed to provide Serb DPs with the opportunity to take individual initiative to register, demonstrating that UNMIK/JRT was providing every possible opportunity for Serbs to participate in the electoral process. Since these registrants were technically out of Kosovo registrants, and would thus have to follow the out-of-Kosovo registration procedures, the LO was tasked with overseeing their operations. IOM was assigned several UNV "Core Supervisors" and a number of

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[12] The in-country "Inquiry" process illustrates this point. The original OSCE operational plan called for all rejected applicants to have access to a three staged process, beginning with an inquiry, in which the applicants information would be collected and shipped to the field for verification, if that failed a review process would be undertaken of the Kosovo consolidated data-base, and finally, if that failed an appeal could be filed with the ECAC. As the IOM external in-person voting programme contained mobile, as well as fixed stations, it would have been impossible to implement and oversee this chain of events, a fact which was identified early on by the LO and resulted in changed procedures coming from the OSCE.

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UNV registration supervisors. Since the two registration centers were to operate "in-Kosovo" these staff were dispatched to the relevant OSCE field offices.

However, a number of coordination problems quickly emerged. IOM had limited capacity to assume many of the functions that the OSCE In-Kosovo field operations office provided, including the identification and refurbishing of polling stations, providing security, and coordinating logistical support. Thus, a problematic relationship between the LO and the OSCE Head of Field Operations developed as each was unclear of its respective roles and functions. Eventually the Director of Registration issued a memo clarifying the division of labor and ensuring that OSCE would provide greater support to the programme. Nevertheless, substantial time and attention was wasted on the issue and IOM staff report that the matter was never completely clarified.

While the overall experience of the liaison office was a success, several lessons can be drawn from its operations. Most importantly, the office must be staffed with two key concerns in mind: First, and most importantly, the liaison officer requires great diplomatic skills and tact. The key function of the office is to ensure a good working relationship between personnel involved in all the elements of the programme, and the best mechanism for ensuring this relationship is a diplomatic and respected presence of the IOM staff in OSCE headquarters. However, technical competence and substantial experience with electoral processes are also key to the programme's success. The Liaison Office would be useless if it did not have the capacity to identify problematic areas in the rules, regulations and procedures, particularly as they effect the external operations. If both the above qualities cannot be found in a single individual, it is worthwhile to recruit two, as IOM did in 2000.

The Pristina LO appears to not have been as active in advancing IOM's interests and concerns in the design of the rules and regulations as it could have potentially been. It is unclear why, for example, the LO was not more forceful in advancing its position vis-à-vis the eligibility criteria prior to its adoption by the CEC one day prior to registration. Furthermore, the issue of acceptable documentation should have been more closely scrutinized, as IOM was well aware of the lack of acceptable documentation on the part of Kosovar refugees and the implications this would have on the final results of the registration process. Furthermore, the LO was a bit insulated in Pristina. Several regional coordinators report that the Liaison Officer should have spent more time in the host-countries and identifying problem areas raised by the regional coordinators and the permanent IOM Missions.

A second key element – very much driven by the personalities involved in both the Liaison Office and the OSCE – has to do with effective and workable chains of command and reporting. As one of the benefits of the Liaison Office is to respond rapidly to developments in the elections HQ and personalize the relationships between the respective OSCE and IOM staff, it is important to design systems whereby operational and decision-making authority are clearly specified. On the one hand, the office has the potential to become autonomous in its operations, freezing the Vienna CO out of the network of information, which could result in either duplication of efforts and/or

procedural errors. On the other hand, controlling the Liaison Office too tightly risks minimizing some of the benefits described above.

Finally, no matter how competent and able the Liaison Office is the ultimate relationship with OSCE is very much driven by personalities. As individuals come and go on a year-to-year basis, IOM can never be assured that persons within the OSCE who they have worked well with will return for subsequent operations. It is the ultimate task of IOM staff to ensure that no matter who their contacts are within the OSCE, that they maintain a strong working relationship and demonstrate IOM's professionalism and commitment to the operations.

Permanent IOM Staff and Field Missions
IOM field missions also played a crucial role in the preparatory stages and implementation of the programme. Immediately upon signing the MoU with UNMIK, IOM's global network of offices began compiling data on the location and number of Kosovars living abroad, which helped OKR identify refugee populations by country of residence and target the information campaign to the specific countries which hosted large Kosovar populations (notably Germany, Switzerland, Italy, and the United States). In addition, IOM field offices played a crucial role in providing the OKR team with contacts with the Kosovar associations and social clubs which proved to be the single most efficient mechanism for delivering voter registration information. (The role of these associations is further discussed in the section on public information) The value of these networks to the success of the operation is difficult to overstate.

In addition, IOM field missions in Skopje, Tirana, Montenegro and Belgrade facilitated IOM's relationships with host governments, helping to coordinate meetings with the government counterparts and establish good working relationships. Contrasted to the East Timor operation, where the office of the country representative in Indonesia encountered considerable difficulties in capturing the attention of the Indonesian government (due to the absence of a regular IOM presence at that time), the fact that these missions had a well established network of contacts, as well as a favorable record of service provision to the governments, proved to be a major benefit to the project.

Staff at the regular IOM field offices report that the programme did not divert their attention and resources disproportionately from ongoing activities. Furthermore, IOM's external voting programmes do not appear to have negatively influenced IOM's reputation or standing with governments, a potential concern given the highly charged and sensitive nature of the elections in BiH and Kosovo. In fact, the opposite seems to have occurred: The IOM mission in Belgrade, for example, reports that as a result of repeated successful registration and voting programmes related to the BiH elections, the government counterparts have come to see IOM as a trustworthy counterpart and important source of technical support for migration related programmes.

Conclusions and Recommendations
The OKR/OKV programmes were well administered and managed. Previous experience played a key role in the design and execution of the registration process, and ensured that IOM met the obligations of the MoUs with UNMIK and OSCE. IOM quickly identified

staff and began field operations within the time frame required by UNMIK. Where problems emerged, the concerned parties promptly and professionally addressed them.

- *Role of EPC* – The EPC is the logical home for external voting operations conducted in the context of post-conflict peace settlements. The unit has significant experience in electoral operations and contains sufficient flexibility to meet the time-critical needs of an election. IOM should institutionalize this experience through continued training and participation of EPC staff in electoral conferences and symposia. In addition, EPC should highlight its activities in this field to secure donor support for continued training and capacity building.

- *Role of Existing IOM country Missions* – Existing IOM country Missions have played a crucial role in supporting IOM's external voting operations. The nature of these contributions should be publicly acknowledged and highlighted in IOM's negotiations with other agencies over MoUs. However, care must be taken to ensure that external voting operations do not overwhelm or interfere with existing operations and other on-going programmes.

- *Relationship with EC and AEC* – IOM's electoral capacities have been greatly facilitated by its evolving relationship with Elections Canada and the Australian Electoral Commission. Staff recruited from these agencies have served as regional and country representatives, elections supervisors (in East Timor) and several very senior positions (including the Project Director in Vienna) in the Kosovo operations. Elections Canada and the Australian Electoral Commission are internationally renowned for their technical expertise and operational competence.

- *The Pristina Liaison Office* – No major external voting operation should be undertaken without an IOM presence in the electoral headquarters. The LO serves three core functions: First, a calm and diplomatic presence smoothes the working relationship between IOM and OSCE; Second, procedural and training skills ensure that the programme mirrors as closely as possible the in-country process; Finally, the LO monitors the field situation, both from the perspective of the country representatives and the existing IOM missions, which provide insight into political dynamics and other issues which can potentially affect the operation.

V)   KEY ISSUES

Management of eligibility criteria and integrity of the process

Establishing eligibility criteria is the most sensitive aspect of any external voting programme, particularly those conducted during peace-building and post-conflict reconciliation. The stringency of the criteria strongly influences electoral outcomes. While IOM as implementing partner has little input into the decisions establishing eligibility, it is on the front lines in ensuring that the criteria are managed appropriately. The key task for IOM is to ensure that only eligible voters are registered, that only registered voters cast a ballot, and that all parties are convinced that the process has been implemented consistently.

In-country elections are easier to manage in this regard than the external component. For the most part, in-country registrants have a legitimate claim to participate in the process. This does not discount the potential for organized fraud, and particular care needs to be taken to protect against double registration, manipulation of the voters lists, and organized intimidation and threats of violence. However, these problems are magnified in an external election, where the opportunity for electoral manipulation is large.

As a basic rule, in order to be eligible to vote, a registrant needs to prove three pieces of information: identity; citizenship in the country holding elections; and residence during some specified time period in a particular location. Unfortunately, refugee and IDP populations face grave difficulties in proving eligibility. Necessary documents have often been lost or destroyed due to the fighting and the capacity to obtain new documents is hampered by distance. Electoral authorities therefore face a stark dilemma: In order to minimize the potential for fraud, strict eligibility criteria and supporting documentation should be implemented; On the other hand, the stricter these criteria, the more likely it is that refugee and IDP applicants will be unable to prove their citizenship and/or residency and will thus be disenfranchised through no fault of their own.

In the case of Kosovo, a balance had to be struck between maximum inclusiveness and political considerations. In order for an applicant to register with OKR, he or she was required to prove residence in a municipality in Kosovo on January 1, 1998 through submission of a wide variety of documents issued between January 1, 1996 and January 1, 1999. This rule had a number of important consequences: First, it effectively disenfranchised many Kosovars who had left the province as a result of the deteriorating human rights and political conditions prior to 1996; Second, these criteria could have potentially enfranchised large number of individuals who had no link to Kosovo other than the fact that they had been militarily involved in the province during that period; Most importantly, many of the applicants who were in fact resident in Kosovo on 1/1/98, were unable to successfully register due to a lack of acceptable documentation.

The eligibility criteria also impact the potential for fraud. Following from the above discussion, a registration process in which large numbers of applicants are being rejected will produce incentives to cheat. This is especially true when the programme is not anchored to a recently conducted census or pre-war municipal records. In the case of the

1996 BiH elections, for example, proof of residency was considered to be an applicant's inclusion on the 1991 census, conducted just prior to the outbreak of fighting. Thus, the only requirement for registration was location of the applicant on this census and proof of identity.[13] Unfortunately, the 2000 Kosovo elections had no such anchor. Thus, the by-mail programme was forced to rely on the applicant's honesty and accept documents at face value. Any applicant could have tampered with existing documents to meet the eligibility criteria, and the fact that the OKR staff dealt only with photocopies (and sometimes even facsimile transmissions of photocopies) made it very difficult to determine if the documents were genuine.

These issues complicated the programme. Most notably, the majority of by-mail registrants did not provide the necessary supporting documentation in order to successfully register. As noted above, IOM was forced to undertake a review procedure for over 100,000 applicants who did not provide sufficient documentation, and automatically rejected 30,000 applicants who provided no documentation at all. Thus out of the estimated 200,000 by-mail registrants, only 30,000 were able to register. The reasons for such a high percentage of review cases are numerous, and important to consider in terms of lessons learned for external voting operations. They included: 1) The actions of FRY authorities who removed and destroyed documents of the Kosovars when they were forced out of the province during the NATO bombing; 2) The large Kosovar Albanian Diaspora, many of whom had left the province far in advance of the cut-off date to establish residency, who nonetheless, attempted to register to vote; and, 3) Time constraints related to the information campaign (discussed below).

In no other by-mail voting programme has the corresponding rate of successful applications been so low. In the BiH elections, the percentage of successful registrants to applicants averaged around 80%, yet this population had also faced systematic attempts to strip them of documentation and contained a large Diaspora that did not meet the criteria for registration.

In terms of the by-mail voting, many of these problems are not an issue. Assuming the registration process has been free and fair, it is highly unlikely that attempts at electoral fraud will succeed. While it is possible that refugee clubs and associations might seek to influence an individual's vote, the prospect for organized fraud is limited through the use of bar-coded registration receipts and other mechanisms designed to ensure that only registered voters receive a ballot. Again reinforcing the critical importance of a transparent registration process.

While in-person voting presents greater opportunities for fraud, adequate supervision can prevent most attempts to manipulate the vote. Of key importance in this area is the training and integrity of the supervisors. However, the OKV programme was only working with a total in-person population of a few thousand voters, as opposed to the

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[13] Unfortunately, however, the census itself was incomplete. Entire villages had been missed, names were misspelled, and formatting errors made it difficult to search. Nevertheless, it provided a basis on which to verify eligibility, and served as an anchor against which applicants for registration could be checked.

OCV programmes, where tens of thousands of voters participated in Croatia and FRY. Smaller numbers make for easier supervision.

Conclusions and Recommendations
Despite problems associated with the stringency of the criteria and the corresponding low numbers of registrants, IOM managed the process within the parameters of the rules and regulations. IOM is not in a position to question the political decisions taken related to these criteria, and the statistics prove that it faithfully implemented them. IOM's management of the eligibility criteria met the terms of a transparent electoral exercise.

- *The key to electoral transparency is a well-managed registration process.* Particularly for the by-mail component, the potential for fraud is larger during this phase than at any other time during the elections cycle.

- *IOM should be more pro-active in advancing issues related to eligibility criteria.* While the decisions on these issues are taken at a political level, IOM was aware of the documentation problems facing registrants as well as the large Kosovar Albanian Diaspora that was not eligible to participate. While IOM did raise these concerns with JRT officials in Pristina, they do not appear to have been addressed in a satisfactory fashion.

- *IOM should be especially cautious when implementing voter registration programmes that are not tied to an anchor.* Unfortunately, in the case of Kosovo, such an anchor simply did not exist, and therefore the programme went on without one. It is probably only a matter of luck that organized attempts to register ineligible Kosovars abroad did not materialize. However, given the very low level of successful registrants, such an attempt is probably more likely in future Kosovo elections.

- *IOM has other methods to detect and determine electoral fraud.* The above discussion is not meant to be alarmist. Despite the difficulties in gauging the legitimacy of photocopies and facsimiles of original documents, IOM now has a number of tools at its disposal to guard against this occurrence. Most importantly, the careful tracking of registration statistics can help determine whether or not by-mail registrations are suspicious. In addition, careful analysis of handwriting patterns and postal addresses can also be used to prevent fraud. These methods, however, need to be further refined.

Timelines and Operational Plans
External voting should drive the election time line. External voting is global in scope, requiring sufficient time for the dissemination of information, the distribution and return of registration forms, the mailing of notifications regarding the status of the applicant's registration, time to verify and appeal decisions, the mailing of registration receipts, and the mailing and return of ballots. The movement of these materials from the supplier, to the election administrator and on to the field takes longer and is logistically more complex than in country. Thus, the success of the operation is ultimately dependant upon

decisions being taken early in order to allow for the complex movements of materials and persons.

Unfortunately, the logistical complexity of conducting elections in a post-conflict environment (i.e. materials, rules and regulations, personnel, etc.) tend to absorb the attention of those working in country, which can result in insufficient attention to the unique needs of external voting. Elections in these environments tend to be characterized by last minute decisions and changes to operational plans in order to accommodate the unique dynamics of the situation in-country. [14] In addition, IOM's role as contractor tends to lessen the attention of election officials. To certain extent, this is an extension of the "out of sight, out of mind" principle.

From the perspective of external voting, the key issues to be resolved include the drafting of electoral rules and regulations, the definition of eligibility criteria, and the mechanics of how voter data will be entered into a database and ultimately into a comprehensive voter's register. The first two issues are political, the last operational. At the political level, the highly charged environment of post-conflict elections, it is unlikely that functional rules and regulations will ever be determined within the required timeframes. International officials do not dictate rules and regulations by fiat. In the case of Bosnia, the CEC was composed of members from the formerly warring parties, which made reaching agreement significantly more complicated. [15] In the case of Kosovo, Serbs did not participate in the CEC, making compromise marginally easier. And while the JRT and OSCE took responsibility for the electoral rules and regulations, each decision required a confirmation from the CEC, which often resulted in lengthy discussion and delays. The most problematic area had to do with establishment of eligibility criteria and decisions on the effective dates for external registration. Ultimately, these decisions were taken just days before registration was scheduled to begin, which made the timely delivery of public information to voters problematic.

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[14] In 1998, for example, the Human Rights Chamber for BiH heard a case in which several refugees claimed that OSCE had violated the terms of the Dayton Agreement because the 1997 OCV programme misinformed them of the deadlines for posting their ballots. The problem stemmed from a case in which the PEC changed the deadlines for postmarking ballots from the dates contained in an IOM/OSCE mailing. The change was necessary to comply with the terms of the Rules and Regulations under which the elections took place, but unfortunately resulted in the disenfranchisement of a number of voters. As the EASC noted: "Unfortunately … the OSCE … has misinformed out-of-country, by-mail voters of the correct procedure for submitting an absentee ballot. Such an error is a tragedy of the first order …" OSCE EASC, Case No. RS 61.

[15] In BiH, the PEC/CEC was composed of members of the ethnic groups who only months earlier had been at war with each other. As the final report of the RESG on the 1996 elections in BiH notes: "[E]ven relatively straightforward issues required debate and discussion far beyond normal, and decisions were often slow in coming. Re-definition of decisions, (as situations evolved) often started discussions over again long after original decisions were made. The persons implementing policy were forced to wait on initial PEC decisions, then readjust operations to fit revised PEC decisions throughout the election programme." See, OSCE/RESG, "Final Report on Bosnia and Herzegovina National and Cantonal Elections Abroad," Vienna, October 1996.

Operationally, a number of issues were also late in being addressed during the OKR programme. The most important decisions had to do with the management of information technology and the design of the forms to be used by registrants. In both cases, IOM pushed JRT to take decisions quickly in order to facilitate the programme. IOM submitted detailed operational plans and suggested registration forms and information materials to JRT well before registration commenced. The design of the forms, however, was approved only days before registration. Furthermore, the registration dates were approved only one week before the registration began, and then extended mid-way through the process. JRT continued to modify and change approved documents and procedures well into process. Most notably, FRY passports were initially approved as a document proving birth in Kosovo. However, this rule was modified mid-way through registration to only apply to passports issued inside of FRY, and not at embassies or consulates abroad. The only available means for informing Kosovars of this change was via the telephone hotlines.

In terms of the voting programme, a major problem emerged with the late development and approval of the procedural and training manuals, and the fact that when they finally arrived the evening prior to the election, they were only designed for the in-country process. The fault here probably reflects a communication breakdown between the OSCE Training Department and the Pristina LO. However, this is an area the LO, and even the Vienna CO, should have tracked more closely. Additional timeline problems emerged during the by-mail process, when the OSCE informed the IOM that an voter-information artwork supplied by OSCE to IOM as part of the ballot kit was incorrect, making it difficult for candidates of one party listed on the Prizren ballot sheet to receive any votes. A second mailing of ballot kits to the affected voters commenced immediately, and the receive-by dates were extended for these voters. However, it is only a matter of luck that the error was noticed in time to re-issue ballot kits to the affected voters.

Conclusions and Recommendations
Despite the above constraints, IOM met all deadlines during the OKR programme and processed over 180,000 applications for registration, constituting close to 90% of the estimated by-mail registrants. However, 55% of the total by-mail applications were received during the final two weeks of registration, and a significant number of applications arrived after the close of registration and were thus unable to be processed. The OKV ultimately mailed out 37,000 ballot kits, and received over 20,000 acceptable ballots back in time to forward to Pristina. The operation was a success.

- *IOM must be proactive in ensuring the timely adoption of electoral rules and regulations*. It is imperative to have these decisions taken early in order to design the information campaign and systems for the registration process. While it is clear that IOM officials in Pristina LO did their best to maintain the attention of electoral officials, at a certain point, IOM must simply demand that decisions be taken or the operation will have to be postponed. It is particularly important to ensure that the CEC understands the needs of the external voting programme as well.

- *Nevertheless, IOM should be prepared to accept the fact that these decisions will be slow in coming.* IOM should enter any programme with systems in place to continue operations in the eventuality that rules and regulations or operational procedures are changed. With significant experience in external voting programmes and the resulting delays and confusions, IOM should be prepared and plan for the worst eventuality.

Host-government relations

Another major strength that IOM brings to any external voting operation is the ability to utilize permanent IOM missions in states hosting large numbers of refugees and IDPs. These missions can facilitate the work of country offices, as IOM must act through official diplomatic channels and be invited by the government to conduct operations on its territory. Beyond diplomatic formalities, the host states also play a key role in facilitating the work of the country offices by providing facilities, staff, logistical support and assistance with the information campaigns. For the most part, IOM has had excellent relations with its government counterparts, who generally have a strong interest in facilitating the participation of refugees and IDPs in the electoral process. However, in a few instances, political considerations have caused problems in the relationship.

Albania and FYROM

IOM signed MoUs with the Ministry of Local Government of the Republic of Albania and the Government of FYROM, which established the ROs and detailed the responsibilities of each organization for the OKR programme. The government counterparts assumed responsibility to provide staff and facilities for the mobile and fixed registration centers, as well as conduct an intensive information campaign (discussed further below). IOM provided all necessary registration materials from JRT and supported the work of the international supervisors.

Relations with these two governments were excellent. Programme staff report that the government counterparts played a highly constructive role in providing registration services to Kosovars. However, by the time registration commenced, the majority of Kosovar refugees in these countries had returned home, and the workload was relatively light. Furthermore, neither government had a strong political interest in the elections outcome, and as a result, did not approach the registration process as an exercise in securing their interests inside Kosovo. Some problems emerged in FYROM related to the information campaign, but these were quickly ironed out following an intervention from the Programme Director.

FRY and the Serb Boycott

Relations with the FRY government were not smooth. A key and driving concern for UNMIK/JRT was the inclusion of Serbs in the electoral process. However, as the government of Yugoslavia considered the organization of elections inside Kosovo as counter to the spirit and wording of Resolution 1244, it immediately and unconditionally refused to cooperate with the programme. Both inside and outside of Kosovo, the Serbian boycott was almost total.

Even before IOM approached the Yugoslav authorities to inquire as to the establishment of an IOM-OKR presence, the Chief of Mission of IOM in Belgrade received a sharply worded letter from the FRY Federal Ministry of Foreign Affairs which stated that since the registration and elections were illegal, the FRY government was surprised that IOM had signed an MoU with UNMIK. Furthermore, this MoU was in contravention of other agreements between the IOM and FRY by which the IOM had legal authority to operate in the country. The letter stated that IOM had no legal authority to implement this project, either in FRY, or even in Kosovo proper, which is legally a part of FRY.

This put the IOM in an awkward position, and one which could have potentially impacted its ability to carry out regular operations and other projects in FRY, where it was assisting over 500,000 Serb IDPs and refugees. The Chief of Mission at IOM Belgrade asked the G-8 Working Group in Kosovo to approach the FRY authorities to explain IOM's position and seek a solution. Accordingly, a delegation led by the Japanese Ambassador, and including representatives from the embassies of Italy, the Russian Federation, and Canada met with the foreign ministry to explain IOM's role in organizing elections and to request FRY cooperation in programme. While the FRY position remained unchanged and registration was never undertaken in Serbia, the meetings did smooth some roughed feathers and ensured that OKR did not impact IOM's other work inside Yugoslavia. Nevertheless, no agreement to conduct registration inside Serbia was ever signed, and a potential 150,000 Kosovar Serb voters were disenfranchised.

Montenegro
Contrary to the position of FRY authorities the government of Montenegro was highly interested in participating. This created a problematic political position for the IOM: On the one hand, the international community expressed strong support for moves on the part of Montenegro to distance itself from the Milosevic regime in Belgrade; On the other, Montenegro is recognized under international law as forming a republic of the FRY, and to operate in their territory, without permission from the FRY government, would have been in direct violation of FRY sovereignty as well as basic norms and customs of international relations. The IOM was initially reluctant to conduct registration in Montenegro, but under intense political pressure, it finally agreed to provide registration services under the cover of a "Joint Steering Committee," composed of UNMIK, OSCE, and IOM.

A MoU between the Steering Committee and the Montenegrin Commissariat for Displaced Persons and Refugees was signed establishing the regional coordination office and detailing the responsibilities of each organization. The government counterparts assumed responsibility for staff and facilities for the mobile and fixed registration centers, as well as an intensive information campaign. IOM provided all necessary registration materials and supported the work of the international supervisors. As with the other in-person countries, the turnout in Montenegro was very low. Ultimately, only 781 applicants registered successfully.

Conclusions and Recommendations

Good relations with host-state governments are critical to ensuring the success of the in-person registration programme. These relations can range from superb (Albania, FYROM, and Montenegro) to difficult but functional (Croatia and FRY during BiH OCV programmes) [16] to complete non-cooperation (FRY in 2000). Based on IOM's experiences, a number of generic observations can be made about how to ensure the best possible cooperation.

- *IOM regular missions are critical in facilitating government contacts.* These missions have good networks of contacts with governments and generally have excellent reputations in the provision of services relating to migration. Without these contacts, the ROs would find it difficult to manage the relationship in a neutral and non-partisan fashion. Furthermore, the missions play an instrumental role in resolving political difficulties and issues.

- *IOM must strive to assure governments that the rules are being implemented uniformly*. Suspicions that rules and regulations are not being followed in third countries, or have been designed specifically to harm the interests of one ethnic group have plagued IOM registration activities. Government counterparts need to be constantly reminded that IOM serves only as a neutral implementer, and that the rules are identical, no matter where registration is occurring.

- *IOM must treat host-governments as equal counterparts in the elections process.* In some cases, when the governments clearly attempted to circumvent the rules and regulations, there has been a tendency to treat them with suspicion. However, a fine balance must be walked between ensuring electoral transparency and intruding into the affairs of a sovereign state. Ultimately, IOM is providing a service, not imposing one.

- *IOM should avoid having to negotiate political issues with government counter-parts.* When disagreements arise over rules and regulations, IOM can only serve as a transmission belt, passing these concerns along to the election administrators and providing timely replies to the government. If the government is not satisfied with answers, then the issue should be directed to the appropriate authorities in country. In the case of major political controversies, as in the Serb boycott or the Steering Committee in Montenegro, IOM must make it clear that it is not involved

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[16] During the BiH elections, relations with Croatia and FRY during the OCV programmes were not always smooth. Negotiations over the MoUs were subject to intense disagreement. In 1997, registration in Croatia began late, as an agreement could not be reached over funding. Both governments took an active political interest in the outcome of the elections, and sought to engage IOM in negotiations over the rules and regulations. IOM had to clearly specify that it was not responsible for making the rules, only implementing them. IOM was also forced to constantly reaffirm that identical procedures were being carried out in the other countries and was occasionally accused of favoring one country over another. Problems also emerged in instances where OSCE was unable to provide promised materials in a timely fashion (a claims period once operated in Croatia without a Provisional Voters Register!).

in convincing governments to participate. This responsibility lies with the election implementers.

Relations with UNMIK and OSCE

Officials at the UN and OSCE see IOM as a competent and reliable partner. These organizations have been extremely satisfied with IOM's performance in BiH, East Timor, and Kosovo. There is a flat realization that OSCE would not be equipped to undertake the external components of the elections, and there is a strong sense that IOM has performed its job competently, completely, and within the rules and regulations. IOM will clearly be invited to participate in future external voting operations.

However, as in any working relationship, problems have occasionally emerged. Among OSCE officials, there is a sense that IOM occasionally does not fully understand, or is not willing, to accept its role as a contractor. OSCE has made demands regarding oversight of IOM spending, operations, and staffing that IOM has at times not found acceptable. Notably, in 1998 the OSCE insisted on approving key staff hired by IOM for the OCV programme, an intrusion which IOM reluctantly accepted but has since been unwilling to tolerate. In addition, OSCE has expressed concerns about IOM pay scales, which typically follow UN guidelines. In 1996 and 1997, for example, regular IOM staff were seconded to the OCV programme, along with their associated costs (including terminal emoluments, resettlement allowances, and education benefits). From the IOM's perspective, if a staff member is working 100% on a programme, the budget should include 100% of their costs. Part of the problem stems from the fact that OSCE is primarily staffed with seconded personnel, and thus the organization does not normally incur these expenses and finds them difficult to accept. Unfortunately, these disagreements continue to be a factor in the relationship, causing suspicion on the part of OSCE and resentment on the side of IOM.

This problem has not been an issue in IOM's relationship with the UN, which instead treats IOM as an equal partner in the election process. This is partially a result of different institutional incentives on the part of individuals at work in each organization and partially a result of previous personality issues between the IOM and OSCE. In the case of the OSCE, a very small secretariat in Vienna is especially responsive to issues and concerns raised by the member states. If state delegations raise questions about IOM's cost structure or staffing, immediate pressure is placed upon IOM to respond. The UN, on the other hand, maintains greater autonomy in its operations, without the immediate, critical, and direct oversight imposed on OSCE officials.

The differences are reflected in the MoUs. In the case of the UN, the negotiations over the MoU are straightforward, specifying the parameters of the relationship and the obligations undertaken by each party. The MoUs with OSCE, on the other hand, tend to be detailed and highly legalistic documents that delve into the operational minutiae and are subject to intense negotiation. This is an unfortunate and time-consuming process, which impacts IOM's ability to commence operations. Oftentimes IOM has found itself beginning programmes before the MoU is agreed, realizing that the success of the programme requires immediate operations and funding. This is a calculated risk as IOM

could wind up incurring non-reimbursable expenses if an agreement is not reached or the election is cancelled in the interim.

However, once the MoUs have been agreed to, IOM and OSCE have had few problems in the working relationship. Both partners recognize each other's unique needs, constraints, and capabilities, and both strive to ensure a successful elections exercise. Occasional personality clashes have emerged, but nothing abnormal given the intense pressure that all staff are working under in order to achieve the programme goals. Again, the opening of the Pristina LO played an important role in facilitating this relationship.

Conclusions and Recommendations
The negotiation of the MoUs with OSCE has been the most difficult element of the two organization's relationship. Ultimately, however, the imperative is to conduct a successful election, and any acrimony has yet to reach the level where operations have not been able to proceed. However, much time and effort are unnecessarily wasted during the negotiations, and a better mechanism to facilitate cooperation should be developed.

- *IOM should regularly observe meetings of the OSCE Permanent Council.* Operational staff in both organizations respond to signals from the respective secretariats, and when the secretariats communicate openly and in good faith, these issues will not distract the attention of project staff. Apparently IOM has, on occasion, been criticized in the OSCE Permanent Council, and no IOM staff were present to address the charges. Conversely, in the UN secretariat in New York, IOM maintains a full time Liaison Office, which is enormously helpful to the relationship.

- *IOM needs to be firm in response to unreasonable requests for OSCE oversight into its staffing and organizational procedures.* Oftentimes these problems stem from a misunderstanding over IOM procedures, which closely reflect the policies and procedures of the UN. However, it is best to respond to unreasonable requests through clear and written explanations of the principle involved. IOM should also strive to ensure that it meets every request with a diplomatic response in a timely fashion. IOM staff should strive to understand the reasons for requests that it finds objectionable in order to arrive at a solution satisfactory to both parties.

- *IOM is both a partner and a contractor.* IOM is an international organization that must abide by the strict guidelines and rules agreed to by 86 member states, many of whom are also members of the OSCE. The Organization meets the transparent and internationally recognized operational requirements of its members, and is routinely audited. However, in any contracting relationship, the contractee must adapt its procedures to meet the needs of the contracting agency to the greatest extent possible, even if the requests are unusual, time-consuming and seemingly redundant or ill informed. It is particularly important not to allow personal problems to influence the overall relationship. If serious problems emerge at that level, ultimately IOM will need to either replace its staff, or re-evaluate its desire to participate in the programme.

Finances and cost-effectiveness

External voting costs more per ballot cast than in-country elections. The programmes suffer from a lack of economies of scale and the global nature of the operations. Information campaigns must reach a more diffuse audience, massive mail and postal operations require large numbers of staff and heavy costs, and materials and personnel must travel frequently with all the associated shipping, DSA, and travel expenses thus incurred. Ultimately, despite the best efforts of IOM to keep costs low, the programme budgets will be substantial in order to conduct a comprehensive and successful programme.

The OKR programme operated on a budget projection of 2.7 million USD. This budget included all aspects of the IOM operation, including the payments to host-governments negotiated as part of the MoUs. The only items not covered as part of this budget were the salary costs of the regional coordinators, whose salaries and appointment travel were covered under a USD 600,000 contribution from the Canadian International Development Agency (CIDA). All items except the MoUs with governments were subject to the regular IOM 9.5% overhead.

The normal contractual relationship commits IOM to organize the project in exchange for reimbursement of all operational costs, as well as over-head, directly from the agency administering the elections. A budget estimate would be included in the MoU, along with stipulations on reporting and cost overruns. The OKR programme was the first to break with this pattern. Instead of funds coming directly from the UN, IOM approached the US Bureau of Population Refugees and Migration (PRM), which has a standing contractual relationship with IOM to fund operational emergencies. The PRM immediately and unconditionally provided IOM with the USD 2.7 million required to commence operations.

This unique funding arrangement was a major benefit to the programme. When international organizations contract each other, the administrative requirements can be onerous and interfere with operations. IOM has frequently found itself having to negotiate budgets item by item with the OSCE, which can significantly slow project initiation. With the PRM funds, however, IOM had more flexibility to commence the programme, as well as keep external voting administrative structures in place between elections. This was most notable in the inclusion of the "bridging costs" component of the budget, which allowed IOM to maintain the OKR infrastructure after the conclusion of the programme in anticipation of a second round of Kosovo elections in 2001. The ability to reuse computers and other assets, as well as the maintenance of specialized staff with experience in by-mail registration and voting was a major benefit to the programme.

Even before registration ended, IOM and OSCE initiated discussions on continuing the relationship through to the completion of the balloting. Normally, IOM contracts for the entire electoral cycle, but as the management of the elections shifted from a joint UNMIK/OSCE operation, to one exclusively managed by the OSCE, a new MoU was required. This MoU tasked IOM with implementing the OKCAC period, and the external voting programme in its entirety. Again, the PRM funds allowed IOM to continue to utilize equipment provided under the PRM funds and reduced the budget proposal

submitted to OSCE. Ultimately, the two organizations agreed to a USD 1,530,000 budget to cover the costs of the OKV programme. However, due to an oversight at the Vienna CO, the usual IOM 9.5% overhead was not charged for the costs associated with running the in-person programmes in Albania, FYROM, and Montenegro.[17]

IOM was able to implement a number of cost-saving measures throughout both the OKR and OKV programmes, thus ensuring that both operations came in under budget. Most notably, significant savings in staff costs were realized through the use of temporary and special contracts. Only the IOM Head of Elections carried a regular IOM contract and associated costs (terminal emolument, assignment and installation grants, social security etc.). All other staff operated under special IOM contracts, in which entitlements were limited strictly to salary and leave. This provided a further benefit in that it allowed IOM to recruit highly qualified individuals with skills not readily available within the Organization.

Other cost-saving measures included: soliciting bids and contracts for the by-mail balloting preparation to firms throughout Europe; borrowing office furniture from the United Nations Industrial Development Organization in Vienna; and utilizing OSCE infrastructure in Vienna such as hosting the external-voting website and the use of the OSCE shuttle flights to Pristina for personal and material transport.

Conclusions and Recommendations
- *Outside Funding*: IOM's move towards identifying funding outside of the MoU greatly increases its attractiveness as a project partner. Not only can it make IOM's costs associated with running the external voting programme appear smaller, it also allows for less-restricted sources of funding. Thus, the PRM bridging budget allowed the OKV office to remain functional over the winter of 2000 – 2001. Thus, when OSCE approached IOM to repeat the external voting programme for the 2002 Kosovo national assembly elections, staff and equipment were already in place. IOM is better equipped as a result.

- *Negotiating Budgets*: Despite the above, the PRM arrangement proved to be the exception, rather than the rule. IOM will most likely continue to rely on direct contributions from the OSCE and UN for future operations. The Organization should develop a consistent budget estimating methodology, which details the average cost for by-mail voting programmes and stick to these figures. It is to be expected that organizations will bargain over costs. With a firmer basis on which to justify budget lines, IOM could hopefully avoid future hold-ups and disagreements over budgetary issues.

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[17] Normally IOM does not charge overhead on the funds provided to pay host-state governments, as this requires very little administrative support and IOM merely acts as a pass-through agency. However, a mistake in the budget projections incorporated all the costs associated with ROs into this overhead waiver. OSCE sought to make a precedent of this mistake during negotiations over an MoU for the 2001 Elections in Kosovo. IOM refused.

Information technology components

The careful management of information technology is key to the success of any voter registration process. Data must be collected and individual fields created for name, mailing address or polling station, and voting municipality. All this data must be entered into a stable and easily searched IT system, able to compare individual records to check for double registrants and ultimately produce the correct ballot for the correct voter at the correct location. This data must then be sorted into a usable voters register, without which, elections will fail.

The creation and maintenance of the voters register is a highly technical endeavor, requiring expertise and funding. It is also, unfortunately, a recurring source of problems. Three key reasons account for this: First, conditions in a post-conflict environment such as Pristina or Sarajevo are not conducive to high-tech operations, as it is difficult to recruit computer-specialists and communications can be poor or non-existent; Second, the IT operation must operate in a highly dynamic environment in which decisions are taken at the last minute and procedural changes are implemented in response to events on the ground; Finally, there is a tendency on the part of election administrators to request highly complex systems, which are far more prone to break down. It is best to keep the IT component as simple as possible in a post-conflict election.

These factors are complicated by the fact that external registration places several unique demands on the system. Data will be entering the system in a different format, and often considerably later than data captured in-country. In addition, unique fields must be created for the mailing address of by-mail voters, a function not required in-country. Finally, the in-country element may also include civil registration or other criteria not relevant to the external registration, which can complicate the process. The OCV programmes in BiH faced recurring problems with the voter registers, and it appears many of the lessons learned from these operations were not applied to the 2000 OKR programme.

Early on, a decision was taken by UNMIK that the external registration process would differ from the procedures being followed by UNMIK/JRT inside Kosovo. Most importantly, external registrants would not be eligible to participate in the Civil Registry "bio-data" capturing procedure, in which every resident of Kosovo over the age of 16 would be listed on the municipal roles and issued an identification card. Conducting this process outside Kosovo would have required in-person operations in every country hosting Kosovars at a prohibitive cost. Instead, a decision was taken that the OKR programme would concentrate solely on voter's registration, and Kosovars would be able to register on the municipal roles only upon returning to the province. This considerably simplified the IOM's task, and brought the programme into line with the previous voters registration operations in BiH. However, as discussed below, it also created some unique problems for integrating the OKR data into the main OSCE database.

During discussions of the MoU, IOM pushed hard to maintain control over the creation and maintenance of the by-mail voter's register. From IOM's perspective, this control was necessary given the complications involved in shipping data from the Vienna by-

mail office to Pristina and back. The initial agreement reached with UNMIK/JRT called for an integrated data-processing office to be located in Bratislava, Slovakia, where the IOM CO could have played an active role in monitoring the database development. However, JRT subsequently decided to move the entire data-capture operation to Pristina, and contracted a firm in India to key-in data captured during registration. Thus, the Vienna CO contracted a local firm to scan application forms and shipped this data to the JRT in Pristina, which forwarded it to India. The initial plan called for this information to be quickly returned to IOM in order to generate letters to applicants who required more information and send out registration slips to successful registrants.

Unfortunately, this system broke down almost immediately. First, the IT requirements of the in-Kosovo operation overwhelmed the IT operation run by JRT in Pristina, which was barely able to manage the in-country database. Second, the contract negotiated between JRT and the data processing firm in India neglected to mention the OKR component and no database design or detail was provided in the contract. Thus, OKR did not receive any data back from JRT until well after the close of registration. Finally, once data did begin to return from India, IOM discovered an unacceptably high level of errors and omissions that significantly affected its ability to conduct by-mail voting operations. Ultimately, the Vienna CO assumed control over the database and managed it in-house in Vienna, based upon the data finally returned from India in mid-August. The Vienna CO was forced to recover and reconfigure the data, create its own internal database, hire programmers, and obtain hardware in order to meet the timelines necessary to achieve the mail out of registration receipts and ballots.

Conclusions and Recommendations
Despite the above problems, IOM ultimately delivered ballots to almost every single registrant, both in-person and by-mail. However, it is surprising that given the numerous electoral programmes undertaken in cooperation with the OSCE in recent years, that the recurring problems of data management have not been fixed. While primary responsibility for the IT component lies with OSCE, IOM needs to be far more proactive in ensuring that a workable system is designed that meets the needs of the external voting programme.

- *Simplicity is key.* Given the difficult environment in which the IT programme must operate, every attempt should be made to avoid unnecessary complications in the system design and specification.

- *IOM should strive to retain control over the scanning, data entry, database management and database outputs.* This will assist in ensuring that both timely and accurate outputs are delivered to IOM, both for the registration checking and issue of ballots. The decision to move the data operation to Pristina was highly unfortunate. IOM lobbied hard to retain full control, but was ultimately over-ruled by JRT. However, this lesson appears to have been learned, as the 2001 OKR operation has retained full control.

- *If IOM does not retain control, it needs to have a full time database specialist in the elections headquarters.* Despite the best intentions and efforts of the IT

department, it is likely that the external registration programme will not receive the required attention of programme administrators. Only a full time IT specialist, interacting with the OSCE IT department on a daily basis, can ensure the design of a proper system.

Security of electoral materials and IOM staff

To date, no IOM staff or elections workers under IOM's administration have been either injured or threatened with immanent injury due to their participation in an external voting programme. This is partially a result of the extensive emphasis on developing procedures to prevent security incidents, and partly the result of careful training of elections workers in conflict management skills. However, as refugee elections can be particularly sensitive and involve direct and daily contact with traumatized populations, occasional incidents have occurred. The most frequent problems have been associated with over-crowding at in-person registration or polling stations. This problem can be overcome through a number of ways, most notably careful planning and limits on the number of voters or registrants per station, well trained and efficient staff, good information campaigns about programme dates and times, and a release valve for persons who believe they should be on the FVR, but for one reason or another, cannot be found (tendered ballots). In the few instances where large crowds have become threatening, local police have played a helpful role in calming tensions and returning the station to normalcy.

The by-mail programme has similarly been very cautious on security issues. The physical address of the Vienna CO was not publicized, only the mail-box number at Austrian Post. In addition, the OKR programme rented a bomb detection material to scan all incoming mail prior to it being handled by programme staff. No threats were ever detected, but it is a necessary precaution for all future operations.

Electoral materials have never been unaccounted for in an IOM operation, although they have occasionally gone missing after being turned over to elections administrators. Careful tracking of all materials played an essential role. IOM implemented comprehensive procedures to ensure that all materials that entered the registration process were tracked from initial receipt, through the evaluation process, on to Pristina, and back out to the applicant. This is a logistically complex task, and requires careful programme design to ensure it operates effectively. Again, IOM has been more than capable at meeting this challenge.

VI)   INFORMATION CAMPAIGN

One of the key tasks facing an external voting programme is informing eligible registrants of the timelines, eligibility criteria, and mechanisms for registering and casting a ballot. A number of issues related to the OKR and OKV information campaigns have been discussed above. The following section examines the operational components and issues of the programme in greater detail.

Overall, the information campaign for the 2000 OKR and OKV programmes are among the most sophisticated and responsive information campaign for external voters yet

implemented. IOM drew upon its field offices, staff, and pre-existing relationships with refugee and IDP clubs and associations to disseminate information to a targeted, and highly interested, audience. Ultimately, the information campaign must be judged a success, as over 90% of the estimated Out-of-Kosovo electorate (excluding Serbia) filed applications to register.

Background
The dynamic nature of the refugee situation complicated matters. Almost immediately after a cease-fire was signed, ethnic Albanians who had fled or been driven out of Kosovo began returning to the province and large numbers of Serbs began to flee. Thus, it was difficult to determine the numbers and location of potential registrants. Eventually, following substantial input from IOM missions, as well as other governmental and non-governmental organizations, the programme arrived at an estimate of 200,000 potential Kosovar voters outside of FRY, and up to 100,000 inside Serbia and Montenegro. The majority of this population resided in Western Europe, with the largest numbers concentrated in Germany, the United Kingdom, France, Belgium, and Switzerland. A large number of potential registrants were also identified in BiH.

In order to facilitate contact with this population, an Information Cell (IC) was established in the Vienna CO to implement and oversee the information campaign. A media relations expert with extensive experience with the OSCE managed the office, providing oversight and guidance to five Information Liaison Offices in Berlin, Brussels, Geneva, Rome, and Washington, D.C. and coordinating activities with IOM Headquarters in Geneva. The campaign ultimately disseminated information on the registration procedures and regulations to 32 host-countries, resulting in 180,000 applications for registration being returned to the Vienna CO, and nearly 90% of eligible ballots being returned in time for counting in the election.

Vienna Information Cell (IC)
Working in close cooperation with the OSCE Media Affairs department in Pristina and the IOM Policy Guidance and Media Division, the IC produced print, audio, and video information material, as well as distributed registration forms to Kosovars. The primary information outlets included:

- *Albanian Language Newspapers: Koha Ditore* and *Bota Sot* both published information furnished by IOM on the registration and voting process. In addition, *Koha Ditore* published a cutout insert of the actual registration form that applicants could send directly to the Vienna CO. Many registrants took advantage of this form.
- *Radio and Television:* The satellite television station RTK (Radio Television Kosovo), broadcasting several hours per week in Western Europe, ran advertisements publicizing the registration and voting procedures, guidelines, and dates. It also broadcast video footage for news stories on the election, developed on request from the IOM Geneva spokesperson.
- *Internet:* The OSCE Secretariat in Vienna hosted an external voting Internet site, which contained information on eligibility, as well as a downloadable registration form. The site was visited over 2,300 times during registration and the registration

form was downloaded 550 times. However, after registration, the site was not maintained on a regular basis.

- *Kosovar Clubs and Associations:* A database of over 2,000 Kosovar clubs and associations was produced early in the campaign. These clubs served as information "multipliers" in that the IC and Information Liaison Offices would forward information and materials and have the clubs pass them on through their existing networks of connections and members. This was probably the single-most important source of information distribution.
- *Posters:* These were disseminated to the Government contacts, International Organizations, and the Kosovar Associations in the various host countries.
- *Telephone and Fax:* The Vienna IC operated a centralized telephone "hotline" system. In addition, it oversaw the work of the five Information Liaison Offices hotlines for registrants in 30 other countries. The hotlines were staffed with both Albanian and Serbian speakers, and ultimately responded to over 32,000 calls (25,000 during registration alone). Via the hotlines, registrants and voters were able to inquire about the procedures and check the status of their registrations and ballots.

Information Liaison Offices

The five Information Liaison Offices were each responsible for a specific country or region and were geographically distributed based on locations of identified large populations of Kosovars. Each worked closely with the Vienna IC to develop and implement effective public information campaigns. Each was tasked with identifying and maintaining contact with local Kosovar clubs and associations and operating telephone hotlines to answer questions and provide information to registrants and voters. The five offices served as a key link between the programme coordinator, and activities in the field.

Country Information Offices

The typical MoU tasks the host-government with managing the information campaign in cooperation with IOM. The reasons for this are numerous, and include the fact that the governments tend to have extensive networks and contacts among refugee populations under their protection; the capacity to negotiate less expensive rates with local media outlets; and better knowledge of the geographic dispersion of the target audience. However, IOM maintains a strong role in ensuring that the information distributed by governments is accurate and non-partisan. For the most part, the management of official information campaigns has worked well, with a few rough spots related to occasional inaccurate information or differing interpretations of the government obligations and financing of the campaign.

Under the terms of the MoUs signed with the host-state governments, each was responsible for managing, in consultation with IOM, a national information campaign. All reports indicate that the governments were enthusiastic and capable partners in this process. The only reported problem occurred during registration in FYROM, where differences of opinion emerged over the government's obligations under the MoU and the cost issues. However, a meeting between the OKR Programme Director and government representatives quickly sorted out the problem.

Albania RO
The Office of Refugees, in consultation with the Regional Coordinator, was responsible for the information campaign. Advertisements were organized on both radio and television. Posters were also placed in the Office of Refugees offices in Durres and Tirana and at refugee camps. Posters were also placed in public buildings where Kosovo refugees were known to be residing.

Montenegro RO
An intensive information campaign took place throughout Montenegro during the registration and elections period coordinated by the Commissioner for Refugees, the regional Trustees for the Commission and the IOM-OKR supervisors in all locations. Announcements on local radio, local TV, newspapers, interviews on radio and TV stations were also made. Posters were distributed in important places visited by the IDPs in all localities.

FYROM RO
The Ministry of Justice, in consultation with the Regional Coordinator, was responsible for the information campaign for the election. The RCO prepared all advertising for the Ministry's approval. A campaign was organized on both radio and television. Posters were also strategically placed in public buildings where Kosovo refugees were known to be residing. In the lead up to the election, refugees at a refugee collective center threatened a possible boycott if candidate information was not provided. In consultation with election administrators in Pristina, it was decided that a copy of the list of candidates would be provided to the collective centers to eliminate any possibility of a boycott.

Issues
The single-most important problem that the Out-of Kosovo information programme confronted had to do with late decisions regarding rules, regulations and eligibility criteria. The original operational plan called for an intensive information campaign to begin one month prior to the start of registration. However, as the JRT did not approve the eligibility criteria until one day before the beginning of registration, the Vienna CO did not begin receiving substantial numbers of registration application until the 7th week of the process. This caused considerable discussions between the OSCE and IOM regarding why figures were so low. A related issue emerged as rules and regulations were changed mid-way through the process, which forced the programme to adapt its materials, and attempt to clarify issues with individual voters and registrants on an ad-hoc basis.

A second major issue stemmed from the confusing and competing messages related to the registration programme. Registration in Kosovo included the "Civil Register" component, which had different eligibility criteria and benefits than those required for the external voter registration. However, both operations were publicized via the same media outlets, which inevitably confused potential registrants. An RTK TV spot promoting registration, for example, highlighted images of children, resulting in an immediate surge in underage applications in the Vienna by-mail center. In another case, an IOM-OKR TV spot on RTK was followed by TV spots promoting the Civil Registration in Kosovo. It

was not possible to separate the messages because the RTK programme lasted only two hours per day.[18]

A further (relatively minor) problem emerged in the relationship between IOM and the Kosovar Clubs and Associations that served as transmission belts for information to individual Kosovars. While the overall performance and cooperation of these groups was excellent, in a few cases they sought to assume roles in the process that went significantly beyond that intended. Most notably, one club in Switzerland sought to actually operate registration centers and demanded that IOM pay for the provision of space and staff. When IOM refused, the club reluctantly backed down. In Germany, a club distributed and collected registration forms from applicants, and then demanded that IOM pay for its services and the shipping of forms to the Vienna CO. IOM again refused, informing the club's representatives that if they wanted these applicants registered, they would be responsible for delivering the materials.

One major issue that plagued the OCV programmes in BiH, (but was notably absent during the Out-of-Kosovo programme) had to do with the role of the independent and/or government-run press outside of the official information campaign. Numerous observers have noted that press reporting on the elections in Croatia and FRY was heavily partisan, and often included erroneous information on registration criteria in order to maximize potential registrants.[19] In addition, press in these countries often reaches far beyond national borders, with signals and distribution channels that penetrate deeply into the country holding elections. The problem here is that the election rules and regulations often stipulate guidelines for media behavior, but the press in neighboring states is not bound by these guidelines. Thus, during the 1998 OCV programme in Croatia the government-run HRT repeatedly broadcast highly partisan stories and commentary in support of the government's sister party in BiH. While this is technically not an issue that IOM should have been involved in, it complicated the OCV programme as the OSCE reacted by striking candidates from the party lists in response to the behavior of Croatian Television. The Croatian government and refugee associations threatened a possible boycott in response, arguing that OSCE had no right to censor the media in a sovereign country in which the OSCE mission in BiH had no legal authority to operate.

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[18] IOM, "Out of Kosovo Election: Final Report." Vienna, October 2000.

[19] See "The 1997 Municipal Elections in Bosnia-Herzegovina," Report prepared by the staff of the Commission on Security and Cooperation in Europe, October 1997; and, Council of Europe, Parliamentary Assembly, "Observation of Elections in Bosnia and Herzegovina (12 – 13 September 1998), Doc 8216.

Conclusions and Recommendations

- *The cooperation of the Kosovar clubs and associations was the single-most important component to the success of the information campaign.* However, IOM should be careful in ensuring that the clubs implement their information campaigns in a neutral and non-partisan fashion. It could have been easy for the clubs to engage in a variety of fraudulent activities, including instructing their members how to vote, or even organizing fraudulent registrations through the by-mail programme. IOM should be especially vigilant about these club's activities, especially those that played a role in organizing and financing the KLA activities in Kosovo during the fighting.

- *MoUs with host-state governments must clearly detail the public information obligations of the governments and specify the role of IOM in overseeing the information campaign.* The obligations assumed by these governments under the MoUs have been a frequent source of misinterpretation and misunderstanding. Ensuring that the roles and responsibilities are clearly laid out can avoid these problems

- *IOM should ensure that voter information extends beyond technicalities, and includes elements of candidate/party platforms and information.* This information is critical to ensuring that voters are correctly informed and understand for whom they will be voting. It not only improves the capacity of voters to select their candidates/positions, but also is a basic element of any free and fair democratic process. At times IOM has cooperated with OSCE to provide this information, at other times this element has been ignored. IOM should always strive to include this service in its operations.

VII)   POLITICAL ISSUES AND EXTERNAL VOTING

External-voting programmes should be divided between those conducted in the context of a peace-building programme and those that form a part of the regular mechanics of elections in democratic states. IOM's experience to date has been in the context of the former. However, the number of democracies that provide, or are considering the provision of, external voting programmes is growing and several important questions need to be addressed prior to discussing a future role for IOM's external voting programmes. For the sake of clarity, the following discussion distinguishes between external voting on behalf of refugees and IDPs on the one hand, and external voting on behalf of Diasporas on the other. The distinction is important because each type of process raises different theoretical, political, and practical issues.

Refugee Elections

Elections have become an important element in the international community's toolkit for bringing peace to war-torn societies. However, only a few of the internationally supervised elections conducted as part of this process have included mechanisms to facilitate the inclusion of refugees.[20]

Thus, in any discussion of refugee voting a number of questions need to be addressed. These include:

- Do refugees have a fundamental human right to participate in elections?
- What are the political implications and consequences of refugee elections?
- Do refugee elections contribute to peace building and the anchoring of democracy in war-torn societies?

The Decision on Inclusion

From a human rights perspective, the *1948 Universal Declaration of Human Rights*, Article 21 states:

> *"Everyone has the right to take part in the government of his country, directly or through freely chosen representatives ...[and] The will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be by universal and equal suffrage..."*

The 1966 *International Covenant on Civil and Political Rights* provides that:

> *"...every citizen shall have the right and opportunity, without unreasonable restrictions ... to take part in the conduct of public affairs directly or through freely chosen representatives ... [and] to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage..."*

The fact that a refugee has been forced from his/her home country in no way abrogates their claim to citizenship in that country, and the denial of a right to participate in the electoral process would seem to clearly contradict basic principles of international human rights law. However, no explicit legal instruments on the right of refugees to vote in their home country have been developed.

A strong case can be made that events during the 1990s indicate the emergence of a practice of refugee participation in home-country elections. Even where external voting has not been included in the election, electoral authorities have designed mechanisms to facilitate refugee participation. The most-often employed mechanism is organized and assisted refugee repatriation prior to, and as part of, the registration process. Notable examples include UNTAG (1989) in Namibia, UNTAC (1992) in Cambodia, and

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[20] Mechanisms for refugee voting usually take the form of repatriation efforts as a part of the registration process, rather than the provision of an external-voting option. While this is cheaper, it is not feasible when conditions in the county are not yet safe for returns. See Dennis Gallagher and Anna Schowengerdt, "Participation of Refugees in Postconflict Elections," in Krishna Kumar, ed., **Postconflict Elections, Democratisation and International Assistance,** (Boulder: Lynne Rienner, 1998) pp. 195 – 213.

ECOWAS (1997) in Liberia, all of which provided assistance in transporting refugees to registration and polling stations. It was clear to the designers of the Dayton agreements, however, that the conditions for successful refugee returns would not be present within the electoral timelines. So rather than focusing on repatriation as a key element of the refugee voting, it was agreed to allow refugees to vote in their country of current residence.

But the political dynamics of elections and refugee voting are complicated by facts on the ground. In the case of Bosnia, three years of fighting and the agreements reached at Dayton established a state in which the competing ethnic groups had solidified control over particular areas of Bosnia. As one analysis notes: "Those residing abroad were typically refugees forcefully moved from their traditional residences due to their ethnicity. In many situations, once an ethnicity was removed from a town or village, a new ethnicity would either occupy their houses or their property was destroyed. The refugees from those areas risked the institutionalization of the ethnic cleansing process if the ethnic group that expelled them would be able to monopolize the electoral process, solidify political control of the area, and legally validate current demographic resident population."[21] Thus, one of the key priorities at Dayton was to provide a political voice to those who, as a result of their ethnicity, had been driven from their homes and property and, despite the peace agreement, were unable to return.

In the case of Kosovo, however, the situation was profoundly different. Here, as a result of the NATO air strikes conducted against FRY and the mass exodus of Serbs from the province following the cessation of hostilities, only a few enclaves remained where Serbs formed a majority, and a mass repatriation of expelled Kosovar Albanians began almost immediately. Furthermore, the pre-war demographics in Kosovo were structurally different. Whereas in BiH, no ethnic group formed an absolute majority of the population, in Kosovo, one ethnic group, the Kosovar Albanians, formed at least 80% of the province's population, and was in a position to solidify political control in at least 28 of the 30 municipalities holding elections. So in this case, the international community's decision to include IDP and refugee voting was strongly influenced by a desire to ensure adequate representation of the Serbian minority, despite the fact that their electoral prospects were grim. Furthermore, it appears as if the inclusion of refugee voting in Kosovo has become habituated in the context of OSCE elections. It appears that no consideration was ever given towards not including external-voting: by 2000 it just seemed normal.

In the case of Timor, the political calculus was different. The Tripartite Agreement reached between Indonesia, Portugal, and the United Nations Secretary General included external voting in Indonesia, Australia, the United States, Macao, and Mozambique. Within Indonesia, the eligible registrants could not even be classified as refugees (although the categorization of an individual as a refugee, IDP, or migrant remains a political issue). Rather than the fundamental right of refugees to vote or the political implications of the external vote, the decision on inclusion appears to have been more symbolic in nature: As one analysis notes: "…many key members of the opposition

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[21] Jeff Labovitz, "External Voting: Political Issues" Draft Paper, January 2000.

leadership from the region were either exiled or jailed. Nobel Laureate Jose Ramos Horta resided in Australia, while the symbolic leader of the separatist faction, Xanana Gusmao, was jailed in Jakarta, Indonesia, and many other leaders of the separatist CNRT movement resided abroad … It was of high political value that the leaders of all factions be able to participate in the democratic process."[22]

Political Consequences

Perhaps more than any other service provided by IOM, external voting intrudes directly into the political process of a post-conflict society, as well as neighbouring states. IOM works with traumatized populations who may or may not be inclined to cooperate with the international community, and governments that may have distinct political interests in the electoral outcome. Particularly in the context of an enforced peace agreement such as Dayton Agreement and Security Council Resolution 1244, electoral administrators will be implementing a political settlement which flatly contradicts the realities of post-war territorial divisions and may run counter to the interests of powerful domestic groups. Thus, the decision to include an external voting component will likely be vigorously contested by large segments of the population. On the other hand, refugee populations may have their own interests and priorities, including immediate survival imperatives, property claims, and the prospects for repatriation. Elections may be fairly low on the list.

Given the above, a number of political problems are associated with the implementation of refugee elections. These problems can be divided into two broad areas, those in the host-state, and those in the state of origin.

Host States

Any attempt to register and provide voting services to refugees requires close working relationships with the host state government. Many governments, however, do not allow foreign electoral activities to be organized on their soil, which obviously hampers the prospects for organizing elections. Most notably, the refusal of FRY authorities to cooperate with the 2000 Municipal Elections effectively disenfranchised approximately 10% of the Kosovo electorate. Despite intense international pressure and the best efforts of IOM to negotiate an agreement with FRY, authorities remained diametrically opposed to the electoral process, fearing that the election would signify the first step towards Kosovo's independence. Other examples include the 1992 UNTAC sponsored elections in Cambodia, where the Thai government refused to grant UNTAC permission to register refugees in the border camps, and the 1997 Liberian elections, where none of the neighboring states allowed electoral activities or even the provision of voter information to occur on their soil. In elections with a by-mail component and reasonably efficient postal systems, this problem can potentially be overcome through the use of postal balloting based out of a third country. But non-participation on the part of the host state government will severely impact information distribution to potential voters and significantly lower participation.

The exact opposite problem can also emerge in refugee voting programmes. Host-state governments themselves may have been active participants in the conflict. As a result,

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[22] Labovitz, Ibid.

they will have a strong political stake in the outcome of the elections and can use the refugee vote in an attempt to see their interests represented in the peace process. The most notable examples of this occurred in the repeated BiH elections, where host-governments sought to influence the registration figures and voting behaviour of refugees on their territory. In 1996, for example, FRY authorities used a rule in the electoral code that allowed voters to cast a ballot in a "future municipality" and sought to encourage voters to register to vote in municipalities that had been cleansed of Muslims and Croats during the fighting in order to solidify political control in these key municipalities. In addition, evidence of coercion during voters registration included attempts on the part of FRY authorities to link the provision of food-aid to registering to vote and organized attempts to allow double voting by refugees by absentee ballot and in person on election day. [23]

Similarly, in 1997, some municipal authorities in the Croat-controlled areas of BiH manufactured and distributed false "Certificates of Citizenship" to a large number of individuals, many of whom had not resided in Bosnia for 40 or 50 years and were clearly ineligible to register. The certificates were important, as under the PEC rules and regulations, they were the only document that allowed a registrant not found on the 1991 census to register. The OSCE concluded that the individuals involved had sought to prevent Muslims from reaching a plurality in key Croatian controlled municipalities. [24]

When IOM conducts voting operations in neighbouring states it consistently presents itself as a project implementer, not a political actor. The MoUs between IOM and the governments are aimed only at facilitating the mechanisms for allowing refugees and IDPs to cast a ballot. Nevertheless, IOM will be implementing electoral rules and regulations that are intensely political. Thus it is unavoidable that IOM will find itself drawn into the political process in these states. In both of the above cases, IOM ultimately filed reports that resulted in political measures being taken against political parties for their violation of electoral rules. In addition, when large numbers of refugees and IDPs are excluded because of tight eligibility criteria, IOM has been subject to political pressure from the governments, and even the media in the host states.

State of Origin
Refugee voting is also subject to intense political debate inside the country holding the elections. The questions here revolve around issues of citizenship or nationality, and the solidification of political control in areas captured during combat. In BiH, for example, political actors in the Republika Srpska (RS) were adamantly opposed to absentee and out-of-country voting. An external population representing nearly 25% of the electorate represented a threat to key municipalities and areas that had been ethnically cleansed during three years of fighting. As a result, RS political leaders were opposed to allowing absentee and refugee voters to cast their ballots in their 1991 municipality. For the dominant Muslim and Croat parties, as well as the international community and the OSCE, however, the right to cast a ballot in the registrant's original municipality of

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[23] OSCE Election Appeals Sub-commission, Case 96-137 (consolidated)
http://www.oscebih.org/easc/eng/easc1996.htm
[24] OSCE Elections Appeals Sub-commission, Case ME-074 and ME-101,
http://www.oscebih.org/easc/eng/easc1996.htm

residence was fundamental to reversing ethnic cleansing. Ultimately, it was only through executive decisions taken by the international community that the right of ethnically cleansed refugees and IDPs to cast ballots in their municipality of origin was upheld.

Unfortunately, a number of decisions taken by the CEC in BiH have been described as resulting in electoral rules that have essentially formalized the results of ethnic cleansing. [25] In addition, once it became clear that Serbs would have the right to vote in either their current residence or their 1991 residence, a major campaign was undertaken in FRY to fraudulently register tens of thousands of individuals in order to solidify political control in key areas in the RS, including Brcko. This placed IOM operations in FRY in the middle of a political maelstrom. Despite major efforts to counter the wide-scale fraud, ultimately OSCE was forced to cancel the municipal component of the 1996 election, which was not held until the following year under far more severe registration criteria.

Meanwhile, despite the initial strong interest in voting on the part of BiH refugees, a growing realization has emerged that the results of the elections have not contributed in any significant way to their ability to return to their pre-war homes. Despite the extraordinary resources and emphasis placed on elections in BiH, five years and five elections since the conflict ended, refugee returns have been minimal. While many Bosnian refugees have returned to BiH, the returns have been channeled into areas where the migrant belongs to the dominant ethnic community, and not to their original villages and towns. Thus many Bosnian refugees and DPs have expressed frustration over the importance attached to elections programmes and the perceived sense that these resources could have been better directed towards other programmes and activities.

In Kosovo, it is difficult to assess the political results of the 2000 municipal elections from the perspectives of IDPs and refugees. On one hand, Kosovar Albanians expressed considerable interest in the electoral process, which ultimately resulted in the triumph of the more moderate political parties. As opposed to Bosnia, the democratic process in Kosovo appears to have contributed to the emergence of moderate voices. On the other hand, the external component appears to have had little effect on the outcome given the stringency of the eligibility criteria, which made it profoundly difficult for Kosovar Albanians residing outside Kosovo to participate. Furthermore, the Serb boycott denied the international community any chance to identify and support moderate Serb political forces and IOM again found itself in the middle of competing political currents.

Finally, in the case of Timor, IOM operated in a confusing political situation where the Indonesian government had reluctantly agreed to the consultation on autonomy, but large numbers of Timorese, both inside and outside of Timor, were actively opposed to both the process and the presence of the international community. It quickly became apparent that the Indonesian government faced grave difficulties in controlling the behaviour of its armed forces and the militia groups wrecking havoc in the province. As a result, while the consultation ultimately resulted in the separation of East Timor from Indonesia, the

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[25]For a fuller discussion of these issues see: International Crisis Group, "Is Dayton Failing?: Bosnia Four Years After the Peace Agreement." ICG Balkans Report No 80, 28 October 1999.

immediate aftermath of the operation was characterized by massive violence and an organized campaign of terror and destruction, which left the newly independent country virtually paralyzed. Furthermore, the USD 2 million IOM operation only resulted in facilitating the participation of some 6,000 East Timorese, a figure that raises questions regarding the political importance attached to this population's participation.

The final, and most difficult, question raised by refugee voting programmes is whether they have contributed to the "anchoring of democracy." Yardsticks by which to measure the effect of refugee elections are vague and leave room for subjective interpretation. The following discussion only focuses on some of the possible answers to this question, both positive and negative.

The criteria by which to measure effectiveness in "anchoring democracy" could include:

1) Has the programme contributed to the emergence of a genuinely democratic political culture?
2) Has the programme contributed to the creation of stable socio-political environments in which refugees would be comfortable in returning?
3) Is the programme sustainable?

Any attempt to answer these questions necessarily involves discussion of the efficacy of post-conflict elections in general, which is beyond the scope of this analysis. Nevertheless, from a purely practical standpoint, it can be argued that if elections are designed to inculcate the mechanics of democratic processes in the cultural and social structure of a post-war population, then every attempt should be made to include refugees and IDPs in this process. In the case of the Bosnian elections, while the refugee vote does not appear to have played a role in moderating the platforms of political parties, in some instances it has forced political actors at the local level to work with politicians from competing ethnic groups. The fact that refugees were provided the opportunity to vote for representatives in their home municipalities has altered the balance of power in the municipal assemblies. In several important municipalities, this has resulted in more moderate policies and programmes that have contributed, in a small way, to a more stable political environment conducive to potential returns. Unfortunately, however, in other instances, this representation has succeeded only in further radicalizing hard-line elements in the government. In the case of Srebrenica, for example, Bosniak municipal counselors are only able to conduct their business if escorted to Srebrenica by NATO troops, and most political decisions are ultimately taken only by the international community, as the municipal assembly deadlocks on most issues.

In the case of Kosovo these questions are also tricky to answer. Prior to the NATO action and Resolution 1244, Kosovar Albanians had established parallel political structures and held regular elections. While these elections were held underground in less than fully transparent conditions, the general sense is that they were genuine expressions of the will of the people. Votes were held in secret and candidates genuinely competed on different platforms. The point is that the experience of democracy was not new to most Kosovars, and their participation in the official 2000 elections does not appear to have been characterized by attempts at fraud and electoral manipulation. The results of the 2000

elections support this point. Most observers had predicted a tight competition between the moderate Democratic League of Kosovo led by Ibrahim Rugova and the Democratic Party of Kosovo, led by former KLA leader Hashim Thaci. However, when the votes were tallied, Rugova's party claimed over 60% of the total votes cast, winning all municipal assemblies except for a few in central Kosovo. Representatives of UNMIK and the international community proclaimed that the results clearly indicated a vote for moderation and compromise on the part of the Kosovars.

The almost total boycott of the electoral process on the part of the Serbs, however, casts a long shadow on the outcome. For most of the Serbian population, the competition was not perceived as genuinely democratic. None of the Kosovo Albanian parties will consider any proposal related to Kosovo's future status that does not include total independence. On the other hand, the Serb population refuses to consider this prospect. Thus, the demographics of the province probably left the Serbs with little choice but to make a political statement by not participating. In this regard, the elections have done little to contribute to a perception among Serb IDPs that the province is a safe and welcoming environment to return to.

The final question of whether the refugee-voting programme is sustainable is also difficult to answer. The OSCE has recently been "nationalizing" the electoral structures in Bosnia, turning them over to local authorities. The most recent elections occurred in Fall of 2000, and, by most accounts, were largely free and fair. In a number of complaints filed before the OSCE Elections Appeals Sub-commission (EASC), however, it became apparent that Bosnian consulates and embassies abroad had engaged in wide-scale and well-organized attempts to fraudulently register voters. In the New York Consulate alone, some 13,000 registrations were found to be fraudulent, and large numbers of fake registrations had also been filed in Belgium, Kuwait, Bonn, and Munich.[26] This raises serious questions about whether the OCV programme has indeed contributed in any meaningful way to the capacity of Bosnian electoral authorities to conduct a free and fair external voting programme. While under the direct control of IOM, attempts at fraud were minimal and easily spotted. Without intensive oversight it appears that political actors continue to view external voting as a weak spot: one that can be manipulated to influence the outcome of the elections.

In summary, from both a human rights and political perspective, refugee voting is critically important to the success of elections held in the context of a peace-building programme. Denying refugees the franchise can seriously undermine the integrity of the process, and *de jure* allow the solidification of territorial gains achieved through violence. However, each case is unique, and presents programme implementers with different political issues and considerations. Furthermore, questions about the role of refugee elections in contributing to the development of a genuine democratic political culture and whether these programmes can be sustained after the international community departs have yet to be fully explored.

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[26] See OSCE Election Appeals Sub-Commission, Cases number 99-ME-08 and 99-ME-11, available at http://www.oscebih.org/easc/eng/easc1999.htm

Diaspora Elections
IOM's involvement with external voting programmes has brought the Organization into contact with Diasporas of the concerned populations. For Bosnians, Kosovars, and Timorese residing outside their borders, external voting has provided a direct link to the political process of their home states and they have taken a key interest in the programmes. However, the Diaspora phenomenon is not limited to refugee populations. Many states have large migrant populations who take a key interest in the political process of their home state. A growing number of countries are interested in providing franchise to these nationals. Here a distinction should be made between well-established advanced industrial democracies, and those countries undergoing a democratic transition, or with a long history of democratic practices but without the resources or capability to implement external voting programmes. This analysis is concerned largely with the latter, as IOM may be in a position to play a useful role as a service and technical cooperation organization to this subset of countries. However, before looking at several case studies in more detail, it is useful to look at the legal and political issues raised by external voting in this context.

Human Rights
In addition to the human rights instruments mentioned in the context of refugee voting rights, a third international legal instrument may potentially provide justification for external voting programmes. In 1990, the UN General Assembly passed Resolution 45/198 or the *International Convention on the Protection of the Rights of All Migrant Workers*. Article 41 states that:

> *"migrant workers and members of their families shall have the right to participate in the public affairs of their State of origin and to vote and to be elected at elections of that state ... [and] the States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights".*

However, as of 2000, only 15 of the twenty required ratifications of the convention have been filed and it is not expected to enter into force until late 2001 or 2002. Even then, a number of prominent states, including Canada, the United States and Germany, have not expressed any interest in signing the Convention.

Thus, the provision of suffrage to migrants and members of a Diaspora cannot be deemed a formal principle of treaty law. While no comprehensive surveys have been conducted, an estimated 60 countries currently provide some form of external voting facilities for their nationals. But the trend is relatively recent; in the United States, the extension of suffrage to citizens residing abroad occurred in 1975, in the United Kingdom and Germany, in the 1980s, and in Japan and Canada in the 1990s.[27] Many developing countries, including Mexico, Nigeria, Algeria, the Dominican Republic, and Turkey are also offering, or contemplating, the provision of external voting programmes.

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[27] Dieter Nohlan and Florian Grotz, "External Voting: Legal Framework and Overview of Electoral Legislation," http://info.jurdicas.unam.mx/publica/rev/boletin/cont/99/art/art4.htm

While the trend is towards the inclusion of expatriate populations, it is important to note that the reasons for their inclusion are not self-intuitive. Why, for example, should individuals with no physical attachment to a geographic territory have a say in the governance of that territory? This line of reasoning suggests that a voter who is not required to live with the consequences of his or her vote might vote irresponsibly to the detriment of those remaining in the home state. A number of countries that provide, or are contemplating the provision of absentee voting have explicitly ruled out participation in local and municipal elections as absentee voters are deemed to have lost touch with the town or province of their origin.[28] From this perspective, it could be argued that a citizen's right to vote in national elections is deemed as a basic mechanism for retaining attachment to the political culture, but that the ability of non-residents to decide on day-to-day issues is compromised by distance.

Furthermore, a country's Diaspora may have political sympathies and persuasions that diverge significantly from those prevailing in-country.   Could political factions manipulate the Diaspora vote to serve their interests, thus producing electoral outcomes that do not represent the will of the home-state population? Finally, should suffrage be extended to dual nationals, or those who clearly appear to be in the process of shifting their nationality to their country of current residence?

Thus, external voting raises issues that directly relate to evolving questions about citizenship or nationality. The impression that membership in a polity is solely based upon physical presence in a state's territory seems increasingly untenable in a world characterized by growing migration.[29] In the absence of dual citizenship or voting rights in the country of current residence, migrants are unable to partake in any system of self-government. Even so the relationship between citizenship and voting rights till need to be addressed within the cultural and social context of the state, as states will arrive at different answers to these questions. Countries considering Diaspora-voting rights need to engage in a comprehensive public dialogue, which includes political actors, parties, and civic groups, prior to programme implementation. In providing assistance, the international actors should also carefully consider the possible political implications of large-scale external voting programmes.

A particularly thorny issue is what to do when expatriate populations are provided preferential rights in their home state because of perceived political tendencies. According to Croatian law, for example, "any member of the Croatian People," who can show that he or she is "attached to the legal system and customs of the Republic of Croatia" regardless of any other linkage to Croatia, is granted the right to citizenship and the vote. The measure applies to some 380,000 potential voters, 330,000 of whom reside in neighboring Bosnia and Herzegovina, which has significantly complicated the

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[28] Blas Ople, "Fil-Americans: dilemmas Without Answers" http://www.sen-ople.easy.net.ph/panorama/fil.htm.

[29] David Fitzgerald, "Negotiating Extra-Territorial Citizenship: Mexican Migration and the Transnational Politics of Community." http://www.sscnet.ucla.edu/soc/groups/ccsa/fitzgerald.pdf.

implementation of the Dayton Peace Agreement.[30] In addition, the measure clearly discriminates against non-Croats, who face a far more difficult task in proving citizenship and thus eligibility to vote.

Furthermore, in elections in 1995 and 1997, the ruling HDZ party established 12 special set-aside seats in the House of Representatives reserved for the Diaspora. Since the vast majority of these voters were supporters of the party, other political actors complained of electoral engineering. The Council of Europe has noted that: "Election results confirmed the preference of Diaspora voters for the ruling party, which obtained 90% of the votes from abroad compared to approximately 45% of the votes from inside the country. The turnout of the voters abroad was much lower than inside the country so that finally citizens from abroad are better represented in parliament than citizens from inside the country."[31]

But should a Diaspora be excluded from an electoral process solely because it tends to vote in ways the international community finds objectionable? Observers have been careful to note that it is not the granting of suffrage to nationals abroad that creates the problem. Instead, it is the mechanism through which those votes are translated into guaranteed set-aside seats in parliament. If external voting were folded into the regular vote, the resulting seats in parliament would not disproportionately represent the HDZ. In 2000 elections in Croatia, the law was modified to replace the fixed number of seats with scalable number based on the number required to achieve seats inside the country's ten electoral districts, a move which seems to have satisfied the Council of Europe, without disenfranchising the Diaspora.

The above discussion is the most dramatic example of how the Diaspora vote can be engineered to produce electoral outcomes that distinctly favour a certain political party. However, it is important to note that in some cases, the disenfranchisement of the external vote can also play into the strategies of political actors. The recent Mexican elections illustrate this point. Despite a strong lobby on behalf of Mexican migrants in the United States and studies by the Federal Election Commission that recommended provision of the franchise to this population, the Mexican Congress refused to pass enabling legislation to facilitate the external vote. Many observers noted that the decision probably reflected a fear on the part of the ruling PRI that the external vote would be largely in opposition to its preferred candidates. Similarly, until the 2000 elections, Zimbabwe had made provisions to include external voting in national political contests. However, realizing that the ruling party faced a significant challenge in the most recent presidential elections, the government made a last-minute decision disallowing this vote.

Thus, as with refugee voting, the politics of the Diaspora vote vary by country and circumstance. Aside from the political issues countries face two other key obstacles.

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[30] The New York Times noted: "The Bosnian Croats vote in Croatia elections and have their local leadership as well as their military financed and directed by [president Franjo] Tudjman." Chris Hedges, "Croatian Vote Includes Bosnia Area Annexed by Zagreb" *The New York Times*, June 16, 1997.
[31] Council of Europe, Parliamentary Assembly, Committee on the Honouring of Obligations and Commitments of Member States of the Council of Europe, "Croatia" Draft Report AS/Mon (1998), January 1999.

First, the cost of offering external voting programmes can be prohibitive. Mexico's Federal Elections Commission, for example, estimated that the cost of organizing external voting for Mexicans in the United States could have totaled between 75 and 300 million USD. In countries that barely have the financial capabilities to undertake transparent electoral programmes within their territory, this added burden is unfeasible. Second, many countries are hesitant about the integrity of external voting programmes: as the cases from Bosnia indicate, there are numerous mechanisms through which electoral fraud can be implemented externally.

In summary, external voting raises a host of political and theoretical issues related to nationality or citizenship and the right to suffrage. For most advanced industrial democracies, the trend is clearly towards the provision of this service. Many newly democratizing countries have noted this trend and begun to explore external voting. However, careful consideration must be taken of the political motivations behind these programmes, as well as issues of cost and transparency prior to taking a decision on whether to proceed. The following discussion suggests some possible contributions IOM might make in this field.

VIII) RELEVANCE AND POSSIBLE FUTURE ROLES FOR IOM IN EXTERNAL VOTING PROGRAMMES

The general trend among democratic states is to include their citizens abroad in the political process through absentee voting programmes. At the same time, the international community is placing increased importance on elections as a part of peace-building activities. However, only in Bosnia, East Timor, and Kosovo have explicit programmes been implemented to include refugees and migrants in the electoral process. IOM has become the lead agency in this process, raising the longer-term issues of whether and how this work can become a regular part of the services IOM offers to governments and the international community.

Relevance of External Voting Programmes to IOM's Mandate

According to its mission statement, IOM is committed to the principle that humane and orderly migration benefits migrants and society. The services that IOM provides to the international community include: 1) meeting the operational challenges posed by migration; 2) advancing understanding of migration issues; 3) encouraging social and economic development through migration; and 4) upholding the human dignity and well-being of migrants.[32] In pursuit of these objectives, IOM breaks its operations into seven service areas, including transportation, migration health, technical cooperation, labour migration, information, assisted returns, and counter-trafficking. However, as the IOM Director General noted in his address to the 80th Session of the Council in November 2000, "The year 2000 also saw the emergence and solidification of a new set of priorities

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[32] http://www.iom.int/iom/mandate_and_structure/entry.htm

under the heading 'services to migrants in a Diaspora'." These programmes include both the external voting operations in BiH and Timor and Kosovo, as well as the participation of IOM in the German Forced Labour Compensation Programme.

Even though there is no other official documentation on IOM assistance to migrants for out-of-country elections, IOM considers its role in the Bosnia, Kosovo, and East Timor electoral programmes as relevant to the services that the Organization can provide to migrants. Furthermore, through these programmes IOM has, in a limited way, contributed to political conditions that may be favourable to a return of migrants to their home state or territory. As such, the Organization should be prepared to continue participating in future exercises of this sort. Having now accumulated the experience and know how to conduct external voting, it would be unfortunate to see this unique capacity go unutilized.

Furthermore, providing advisory services and technical assistance on migration to governments and other institutions is one of the principal purposes and functions of IOM. The fundamental right of citizens to choose their government continues to expand, and a corresponding emphasis on extending that right to citizens living abroad has emerged. IOM is uniquely situated to further this trend, both in terms of expanding international understanding on issues related to migration and democratic development, as well as assisting governments in implementing external voting programmes.

IOM's comparative advantage in organizing external voting programmes
As this evaluation demonstrates, IOM brings a number of strengths to external voting operations. Should a decision be made to continue participating, or even expand IOM's involvement in this area, the following strengths could be brought to the attention of implementing partners and donors.

- *Experience:* IOM staff-members have substantial experience in organizing external-voting programmes, and this staff can be rapidly mobilized to design and implement a project. Between 1996 and 2000, IOM implemented eight external voting programmes, each of which was an operational success.

- *Contacts*: IOM has employed a large number of project-specific electoral experts on external voting programmes. These individuals are now intimately familiar with both the mechanics of external voting as well as IOM organizational structures. In addition, IOM has strong relationships with Elections Canada, the Australian Electoral Commission, and the International Foundation for Electoral Systems, who can provide technical experts on very short notice.

- *Speed:* IOM has great flexibility in its recruiting, contracting, and travel procedures. Electoral specialists can be identified and placed in the field within days.

- *Salary Costs*: IOM operations are primarily staffed by special contractors, which reduces many of the costs associated with regular international civil servants.

- *Field Presence:* IOM has a regular presence in most countries in the world. This network is invaluable for assisting in the set-up of programmes and providing information necessary to conduct voting operations on behalf of migrants.

- *Data Processing*: IOM has developed a unique database system specifically tailored to the needs of external voting programmes. This package could be easily transferred to other external voting operations.

- *Administrative Support:* The Programme Support Department in Geneva is fully equipped and experienced in dealing with large scale operations provided under tight timeframes. The provision of this support has been crucial to IOM's success.

- *Reporting:* IOM's accounting procedures are fully transparent and can be tailored to meet the needs of a wide variety of donors.

- *Donor Relations*: IOM maintains good relations with third-party donors, who have provided short-term funding to cover costs incurred prior to budgetary agreements with the elections implementer. This allows IOM to begin operations immediately and stay within the operational timelines.

- *Research:* IOM has substantial policy research, analysis, and information gathering capabilities. In addition, Member States are requesting IOM to increase research capacity in various fields dealing with migration. This could also include further analysis on the subject of out-of-country elections, especially in view of IOM's recent experience.

Prospects for continued IOM involvement in external voting programmes
Given its recent experiences, IOM can offer a number of important contributions to the development of effective external voting programmes, especially in terms of analysis, technical advice, and project implementation. The following suggestions are contingent on donor support for continued IOM involvement in this area. But they are by no means a comprehensive set of options for IOM to explore.

Research and analysis on best practices and guidelines for external voting programmes
From an operational perspective, analysis of best practices and guidelines could help systematize understanding of the unique needs and problems facing refugee and Diaspora electorates. Beyond the immediate programmes in post-conflict elections (where IOM has developed substantial experience) research could be undertaken to evaluate the different mechanisms used by countries that allow external voting, identify best practices, and institutionalize knowledge about how to make these programmes successful. Such an initial analysis should, at a minimum, focus on identifying all countries which provide for external voting, identify the different mechanisms employed to register and inform the electorate of elections, and the costs associated with serving external voters.[33]

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[33] The two mechanisms utilized by IOM, i.e. in person and by-mail, are not the only utilized systems. Most countries use a cheaper system of embassy support only.

Provision of Advice and Technical Assistance to Governments
External voting is a highly technical and specialized area and many countries do not have the capacity to design and implement these systems in a cost-efficient manner. IOM support in this area could take a variety of forms, including the provision of external voting experts to national electoral agencies, advice in the management and implementation of by-mail voting programmes, and the identification of donors and other possible sources of funding.

Implementation of External Voting Programmes
IOM should continue to partner with other international organizations in conducting external voting programmes for post-conflict elections. This is the core of IOM's capabilities and in-house knowledge and IOM should first consolidate its experience at this level as proposed in the evaluation. However, outside of post-conflict elections, there could be a potential role for IOM to play in the actual implementation of Diaspora elections. Focus should be placed on the reinforcement of IOM comparative advantages listed above and on the analysis of the kind of services that could be provided to governments in that field.

Possible Programmes
The following countries have indicated a strong interest in providing external voting services to their nationals residing abroad. The list is by no means complete, and is only included here to suggest possible programmes IOM might explore.

Mexico: In 1996, the Mexican Congress unanimously passed a law giving this population the right to vote. However, the cost of such an operation was estimated between 75 and 300 million dollars and the Bill was ultimately defeated in the Mexican Congress.

Turkey: Turkey recently changed its constitution to allow for absentee voting. However, the Turkish Supreme Court has ruled against the use of postal ballots, so any external voting programme would have to be conducted in-person.

Philippines: A well-organized and vocal movement emerged in the early 1990s demanding both voting and dual citizenship rights for the overseas Filipinos. President Arroyo is said to be "looking at the possibilities" of including a potential 2 to 5 million Overseas Filipino Workers (OFWs) in the next elections.

Nigeria: The Nigerian Foreign Ministry has recently responded to demands from Nigerian Diaspora associations for inclusion in the country's electoral process and has tasked the Independent National Election Commission to examine the feasibility of conducting external voting.

Dominican Republic: The Dominican Government has expressed strong interest in facilitating the participation of Dominicans residing abroad in the forthcoming elections.

Institutionalizing External Voting in IOM
In order to continue and build upon IOM's involvement in external voting the Organization should consider mechanisms to institutionalize its substantial expertise and

knowledge. Currently the approach to external voting is ad-hoc, and is housed with the EPC unit in Geneva. Given the current emphasis on refugee elections, this is the logical home for external voting as the programmes are irregular and require rapid response and flexibility. In terms of technical cooperation, the Migration Management Services Department could take a lead role in working with countries to identify needs, priorities, and possible IOM activities in relation to external voting, to the extent that governments are interested in using IOM services. The main issues to be addressed include:

- Research on best practices and policy issues;
- Research and analysis on country-specific issues;
- Networking with other agencies and individuals with substantial knowledge and or interest in this area;
- Presenting IOM's capabilities to electoral authorities in states which might benefit from IOM assistance and technical cooperation;
- Networking with possible donors;
- Creating an external voting library in Geneva;
- Maintaining the roster of available special contractors to work on future operations.

ANNEX I: TERMS OF REFERENCE

1. BACKGROUND

In 1996, IOM was invited to participate in the preparation of the election process in BiH, in particular for the out-of-country voting. IOM was approached because of its mandate to assist displaced population living outside their country and because of its important network of field offices around the world. In 1999, IOM participated in the Popular Consultation process organized in East-Timor by organizing the external voting. The selection of IOM as a main partner was also based on the same principle. In the year 2000, IOM signed an agreement with the OSCE and the UNMIK to take part of the Out of Kosovo election process.

The context in which the agreement was signed can be summarized as follow. In 1989, the Government of the SFR Yugoslavia abrogated the autonomous status of the Province of Kosovo, which had existed since 1974. Under the terms of Annex 2 of the Rambouillet Agreement of 18th March 1999, substantial autonomy and self-government were to be restored to Kosovo: this was reiterated in Article 11a of Security Council Resolution 1244 of 10th June 1999. Under Article 11c of SCR 1244 (1999), the United Nations Interim Administration Mission in Kosovo (UNMIK) has the responsibility of organizing and overseeing the development of provisional institutions for democratic and autonomous self-government, including the holding of elections, pending a political settlement. In the Memorandum of Understanding between OSCE and IOM, IOM accepted the responsibility for ensuring that Kosovars residing outside Kosovo would be able to vote in the planned municipal elections. Overall responsibility for the conduct of the elections was lying with the OSCE. In that perspective, IOM prepared two projects, one for the registration of the voters and one for the election itself. Both projects had the following main objective:

"The programme will contribute to UNMIK's and OSCE's overall objective of anchoring democracy in the region by facilitating the inclusion of displaced and expatriate population groups in the planning and conduct of national or other administrative electoral consultation processes, thus consolidating the ongoing process of post-conflict recovery and stabilization of the Balkans."

Each programme also had a set of immediate objectives, especially on the capacity to reach the population living outside the country and on the capacity to ensure their participation in the overall process, including registration and voting. There was also the need to familiarize the target population groups (i.e. all registered voters residing outside Kosovo) with the planned electoral process and the modalities of the external voting component, and to encourage their active participation in the polling process.

2. OBJECTIVES OF THE EVALUATION

The decision for conducting an evaluation of an out-of-country election programme was taken because of a strong interest inside IOM to analyse IOM overall performance and success in the implementation of such programmes. As the out-of-Kosovo election programme is close to an end, it has been chosen as a main reference for the evaluation. However, a brief comparative analysis could also be made using IOM experience in the out-of-East Timor election programme.

It should also be noted that the evaluation will not analyse the pertinence of organizing the elections as such a decision has been taken at a different level as underlined in the background section above.

The main objective of the evaluation can be summarized as follow:

" To evaluate IOM overall performance and achievements in assisting the international community to organize municipal elections for Kosovars living outside Kosovo and in anchoring democracy in the region by facilitating the inclusion of displaced and expatriate population groups".

More specifically, the evaluation will:

- Assess the relevance for IOM to participate in an election process, also in light of the objectives of the project regarding participation to the reinforcement of democracy and the consolidation of post-conflict recovery and stabilization,
- Evaluate IOM effectiveness in informing Kosovars living outside on the existence and modalities of the Out-of-Kosovo Registration process,
- Evaluate IOM effectiveness in implementing Voter Registration Centers in some countries in order to facilitate the process,
- Evaluate IOM effectiveness in providing Kosovars living outside with appropriate mail-in registration application forms,
- Assess IOM effectiveness in familiarizing the target groups with planned electoral consultations, especially for minorities who ended up boycotting the elections,
- Analyse IOM management of the registration and voting processes, especially in terms of the eligibility criteria, selection, security and confidentiality of votes, as well as the management of the appeal process. The analysis should also examine to which extend the Kosovars reached are representative of the displaced and expatriate population groups,
- Analyse IOM recruitment policy taking into account the sensitive situation around election processes and the need for confidentiality, especially as massive recruitment on short term basis is organized,
- Evaluate IOM efficiency in implementing the programme as well as the cost-effectiveness,
- Assess IOM comparative advantage to participate in the Out-of Country elections,
- Analyse the IOM collaboration with Governments hosting Kosovars, including minorities,
- Assess the way IOM kept informed OSCE and UN Authorities on the overall process and on the problems encountered during the election process, especially in order to avoid "double voting".
- Evaluate the validity of design of IOM programme proposal.

The impact of IOM intervention on the 'anchoring of democracy' and on the 'post-conflict recovery and stabilization in the Balkans' (reference to the main programme objective) will not be evaluated for two main reasons: first the decision to conduct elections was not taken by IOM but through the OSCE and UN Authorities; secondly, out-of-country voting is only a portion of the overall election process and cannot be analysed separately. IOM not being responsible of the entire election process, it will not be appropriate to draw definite conclusions on such an aspect.

A reference is made to sustainability in the programme document during the election process. This aspect will be examined taking however into account financial constraints due to the punctual aspect of an election.

3. METHODOLOGY

The Evaluation will require an extensive documentation review that will include:

- The project documents and activity reports including financial reports,
- The exchange of letters between the main partners as well as IOM letters sent to Governments hosting Kosovars,
- The MOU signed with OSCE and UN Authorities as well as other MOUs signed with partners or Governments,
- The completed registration forms received in IOM, as well as voting lists or appeal documentation.
- The information material used for the information campaign,
- As well as any other documentation that could be relevant for the evaluation exercise.

It should be however noted here that IOM has to keep full confidentiality on names of Kosovars who registered in the process. Some of the documentation might not be accessible by the evaluator. The same applies for interviews of the target group, as confidentiality does not authorize the consultant to contact them. However a series of interviews will have to be organized with partner organizations, with Governments as well as with elected municipal authorities.

Concerning travels in the different countries where the information campaign and the registration process took place, there will be a selection of the countries based on the importance of the caseload. It is evident that the evaluation exercise will include the IOM Office in Vienna as well as the IOM Office in Pristina and Belgrade. The other countries can be selected according to the number of Kosovars that have been reached. If travel costs are too high to visit a representative number of countries, interviews by phone or through questionnaires will also be considered.

IOM Headquarters (through EPC), IOM Vienna and IOM Pristina will assist the consultant in his/her evaluation exercise. IOM Headquarters-EPC will be responsible for the overall evaluation exercise.

4. INDICATIVE TIMETABLE

A consultant will be recruited for 30 working days that will be divided as follow:

- Initial and final briefing   3 days
- Desk review   4 days
- Field visit and interviews   13 days
- Preparation of draft report   7 days
- Finalization of the report   3 days

In order to facilitate the work of the consultant and in case a written survey is conducted, IOM Headquarters-EPC will assist in the preparation of questions and consolidate the data collected.

The maximum period for conducting the entire exercise should not last more than two months and the final report should be made available end of July 2001 at the latest. The budget for the evaluation is USD 15'000, all-inclusive.

ANNEX II: List of Works Cited and Interviews

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