

The Integrity of Elections in Asia: Policy Lessons Applied

By Kyle Lemargie and Silja Paasilinna*

In response to a recent study by Max Grömping entitled *The Integrity of Elections in Asia: Policy Lessons from Expert Evaluations*,¹ the International Foundation for Electoral Systems (IFES) produced a briefing paper with some examples of policy lessons applied in practice across Asia. IFES has worked in Asia for the past three decades supporting election management bodies (EMBs), civil society, and other electoral stakeholders in their efforts to promote electoral integrity.²

Three principal ways in which the integrity of elections in Asia could be strengthened, according to Grömping's analysis, are:

- **Curb incumbent advantage** enshrined in electoral laws regulating candidate registration and voting district boundaries;
- **Introduce regulation of political finance** in order to reduce the influence of money in elections; and
- **Increase the transparency of the electoral process** by encouraging nonpartisan domestic election monitoring and advocacy, as well as enhanced cooperation between civil society and election officials in the exchange of election information.

IFES' experience validates Grömping's recommendations, each category of recommendations carrying with it unique risks and challenges for electoral practitioners and stakeholders. IFES-supported initiatives to strengthen electoral integrity are presented below to demonstrate how these policy lessons are being applied in practice, bearing in mind that success is highly dependent on the overall political context of the country.

1. Curbing Incumbent Advantage

Incumbent advantage, especially in majoritarian systems, as noted by Grömping, is difficult to neutralize. The advantage often goes beyond election results; financial advantages gained through [corruption and abuse of state resources](#), or control of the judiciary and security apparatus, play a significant role in bolstering incumbency. In countries with particularly extreme incumbent advantage, there is usually even less willingness on part of the ruling regime to allow for comprehensive reforms. IFES' experience in Pakistan and Sri Lanka illustrate the types of reform initiatives that can take place in more permissive environments. In Malaysia's 2013 post-election context election officials were less receptive to reform, but IFES-supported citizen-led efforts in 2014 to raise awareness of tilted-playing field issues undermining electoral integrity.

¹ Grömping, Max, 2018. *The Integrity of Elections in Asia: Policy Lessons from Expert Evaluations*, *Asian Politics & Policy*—Volume 10, Number 3—Pages 527–547. 2018 Policy Studies Organization.

² The IFES typology for electoral integrity classifies vulnerabilities into the areas of fraud, malpractice, and systemic manipulation. Grömping's analysis follows the broader concept of Pippa Norris (2013) as "international norms and standards of election conduct, applicable universally, and throughout the whole electoral cycle." See Norris, Pippa, 2013. "The new research agenda studying electoral integrity," *Electoral Studies*, 32(4), p. 563–75.

Pakistan: The unification of the electoral legislation (2017 Elections Act) is a major achievement for electoral reform in Pakistan, and one that IFES has worked on with the Election Commission of Pakistan (ECP) since 2009. The Elections Act has not just unified the scattered legal framework dealing with elections in Pakistan, it has also plugged a large number of gaps that IFES and national and international observers had identified during 2008 and 2013 general elections. A strong, coherent framework presents fewer opportunities for disputes and chaos arising from legal uncertainty or exploitation of loopholes by incumbents. The ECP, with IFES technical assistance, formulated Election Rules 2017 in line with the Act. The unified rules are critical in setting out how the law is to be implemented. IFES contributed significantly by making recommendations in the areas of ECP training, accessibility for persons with disabilities, gender in elections, political finance, and election dispute resolution. Pakistan's legal framework has been deemed by European Union observers to provide "an adequate basis for the conduct of elections in line with international standards for elections."³

Sri Lanka: IFES conducted a comprehensive Electoral Integrity Assessment (EIA) and held strategic planning workshops to support the Election Commission of Sri Lanka's (ECSL) strategic planning initiative. The strategic plan launched in November 2017 integrated 26 of the 44 ECSL-specific recommendations from the EIA. These include the need for more standardized and systematic voter education and training programs; mechanisms to address abuse of state resources and improve political finance regulations; and efforts to proactively engage youth from all ethnic groups as a new generation of democratic stakeholders. The strategic plan is the product of a collaborative process that drew on the ECSL's election experience, public consultations, national expertise, and IFES' international expertise. At the request of the ECSL, IFES is also providing support to address various objectives of the Strategic Plan.

Malaysia: Systemic manipulation is often the product of non-neutral electoral institutions, and opportunities for engaging state officials to remedy the problem can be limited. In such instances, domestic and international proponents of electoral integrity can still seek to raise awareness about the issue amongst the affected public. In the wake of Malaysia's highly contentious 13th general election in 2013, IFES mobilized peer networks and international experts to support Malaysian civil society organizations as they analyzed and evaluated the impact of systemic manipulation on the elections. This included support to the Malaysian Bar Council's two-day public forum entitled "Towards a Fairer Electoral System: One Person, One Vote, One Value." The forum featured several prominent experts from Malaysian civil society as well as the comparative analysis of a visiting specialist on electoral boundary delimitation. The forum was successful in focusing media attention on the negative repercussions of gerrymandering on Malaysia's elections, with the moderator summarizing: "the manner that Malaysia's electoral boundaries are drawn is discriminatory and divisive, and could ultimately undermine the government's legitimacy if continued."⁴ It was a prescient point, with overt manipulation of the electoral boundaries in 2018 cited by many observers as one of the significant

³ European Union Election Observation Mission, Islamic Republic of Pakistan, General elections – 25 July 2018, *Preliminary Statement*.

⁴ See "[Unfair redelineation may backfire, says don.](#)" *Malaysiakini*, February 15, 2014.

precursors to the ruling coalition's loss of public support and historic defeat in Malaysia's 14th general election.

2. Regulation of Political Finance

As Grömping and IFES experts note,⁵ the regulation of political finance is key to ensuring a level playing field for electoral contestants. Experience working on strengthening the political finance frameworks across Asia shows that regulation on its own is not sufficient. Most countries struggle with scrutiny of political finance disclosure information and enforcement of laws and regulations. Control of money in politics – including the abuse of state resources – requires political will on part of the government, a strong enforcement body, and adequate mechanisms for the implementation of the framework. Nepal is a case where it is possible to address both the demand and supply side of political finance regulation; IFES works with both the political finance regulator as well as civil society to strengthen electoral integrity. In Bangladesh, where a strong legal framework exists, IFES is working with civil society to hold the Election Commission of Bangladesh (ECB) accountable and allow for public scrutiny of disclosure information in the absence of strong enforcement.

Nepal: To increase the capacity of the Election Commission of Nepal (ECN) to enforce political finance mechanisms, IFES is currently developing a Campaign Finance Report Monitoring System, which will be integrated into the ECN's information technology infrastructure. The system will maintain records of campaign finance reports submitted by candidates and political parties and synthesize important information in a user-friendly dashboard. To facilitate adjudication related to violation of campaign spending limits, IFES is also designing an interlinked online platform for tracking election disputes. These improvements come on the heels of an IFES-supported effort to provide fact-based evidence about candidates' election spending. IFES' civil society partner Samuhik Abhiyan conducted a campaign finance monitoring mission during Nepal's December 2017 House of Representatives elections of Kathmandu-based candidates. Key findings of the monitoring mission were: 57 percent of candidates exceeded the overall spending limit; two-thirds of candidates exceeded at least one of the categorized limits; and 90 percent of candidates underreported their expenses to the ECN. The report also found that winning candidates spent nearly 50 percent more than losing candidates on average. With the release of their monitoring report, Samuhik Abhiyan presented recommendations to the ECN to address gaps in enforcing campaign finance limits, which were well received by the ECN. IFES continues to support both the ECN and civil society to implement political finance mechanisms and enforcement measures with the aim of strengthening the integrity of elections in Nepal.

Bangladesh: In 2017, IFES conducted a review of the extent to which the ECB made political finance disclosure forms for candidates from the 2014 parliamentary election publicly available, which is required by law. The review found that the quantity and quality (format) of the information was not sufficient for voters and other concerned parties to obtain clear information. Disclosure information was not detailed enough to provide an accurate description of candidates' sources and amounts of campaign contributions or their campaign expenditures, nor was the website user-friendly, and many forms were either corrupted or too large to download. To address the lack of publicly available political finance

⁵ Öhman, Magnus and Zainulbhai, Hani, 2009. [Political Finance Regulation: The Global Experience](#) p. 13, IFES.

information, IFES collaborated with Shushonar Jonno Nagorik (SHUJAN), a civil society network, to increase the amount of financial disclosure information available; create a searchable function of the uploaded financial disclosure information so that data is more easily accessible and understandable; and conduct an audit to find out whether legal requirements for making disclosures publicly available were being met. IFES and SHUJAN have made available 2,654 parliamentary candidate forms from 2014 through the www.votebd.org website and hosted a live demonstration of the political finance database and web portal in the presence of a number of prominent political and electoral stakeholders.

3. Transparency of the Electoral Process

In his study, Grömping cites electoral integrity researcher Dr. Sarah Birch's conclusions that election administration is an important institutional "leveling" device that can increase or decrease public confidence in the electoral process. He notes that election authorities' impartiality and their role as purveyors of transparency in the electoral process are both critical electoral integrity factors. Discussing what can be done to enhance transparency in the electoral process, Grömping writes that mutual suspicions between EMBs and civil society must be broken down "allowing civil society to play a role in the co-production of electoral integrity," and that electoral authorities should create "a conducive and nonrestrictive environment for civil society participation."

IFES strongly agrees with these recommendations; indeed, much of our Asia work is targeted at facilitating precisely this interaction between election administrators and their civil society counterparts. Only in exceptionally restrictive environments where electoral authoritarian leaders seek to instrumentalize civil society cooperation does this collaborative approach begin to break down, detracting from rather than strengthening electoral integrity. In Myanmar, IFES has helped the Union Election Commission (UEC) largely redefine its relationship with civil society organizations by overhauling its organizational approach to transparency, especially transparency in its administrative planning processes. In Indonesia, IFES has helped the election management body (KPU) engage in timely open data initiatives, including an initiative that critically reinforced public confidence in the 2014 presidential election result.

Myanmar: In preparation for Myanmar's high-stakes 2015 elections, the UEC had to convince skeptical stakeholders that it would impartially deliver a fair election process. With IFES' guidance and facilitation, the UEC adopted an approach of consultative strategic planning for the development of its first strategic plan. This novel approach in Myanmar opened the door to civil society to help the UEC set its institutional objectives well in advance of the election. As progressive stakeholder input was adopted in large measure into the plan, public confidence in the UEC grew. Reaffirming its commitment to the plan, the UEC published the document and maintained an open and transparent dialogue on implementation with civil society representatives as well as with political stakeholders. The bridges built with civil society were further strengthened as the UEC gathered public input on draft regulations in the pre-election period. Once established, these bridges also allowed the UEC to effectively partner with 250 civil society organizations to spread important voter information to potentially marginalized constituencies in advance of election day. Following the election, the UEC facilitated a nationwide post-election review, gathering civil society feedback at the national as well as state and regional level, helping to establish joint priorities for reform efforts into the 2020 electoral cycle.

Indonesia: In the lead up to Indonesia’s hotly contested 2014 presidential election, presidential hopefuls were polling head-to-head. Any mishap in the official tabulation of the election result could be used to cast doubt and bring into question the entire process. The KPU realized that separate, independent tabulation efforts would be critical to building public confidence around the official result. With assistance from IFES’ civil society partners in Indonesia, the KPU designed an open data process to scan and upload results forms from polling stations across the country. Data transcribed from the images was entered into an online tabulation program in a process completely designed and managed by volunteers. The initiative was aptly named Kawal Pemilu, or “guarding the election.” In a post-election environment littered with potentially dangerous misinformation – especially divergent “quick count” results produced by party-aligned survey organizations – the independently crowdsourced Kawal Pemilu results ended up being an important myth-busting tool and affirmation of the KPU’s official tabulation.

** Lemargie and Paasilinna are advisors to the Asia-Pacific regional team, providing technical advice on electoral assistance and civil society initiatives aimed at strengthening democratic governance.*