

**Forum:** General Assembly 6 (Legal)

**Issue:** Ensuring transparent elections in post-conflict zones

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## Introduction

Under immense volatility and disorganization, a post-conflict zone is often one of the most precarious locations for the installation of fair and transparent democratic systems. An election is very important as it addresses the often large power vacuum and offers roles of leadership and power. Depending on whether it is handled correctly, an election can either worsen the situation and send a country back into open conflict or stabilize the new society. Elections in post-conflict zones are frequently plagued with vote rigging, voter intimidation, and in certain cases, outright political violence, leading to anything from questionable election results to the fracturing of the nation. In the current day, the issue of stable, fair and transparent elections in post-conflict zones goes often unsolved. From Somalia to Iraq to Afghanistan, allegations of voter fraud, vote riggings, and constitutional violations proliferate, and often lead to further civil strife and sectional conflict.

Also, post-conflict nations often do not have the necessary government and legal structure for a functioning election to proceed. It is up to the international community to provide personnel and election commissions to put in place an effective management to monitor the election process. The implementation of modern electoral technology in these often under-developed nations can also bring challenges and risks. It is important for the election commission to evaluate the political environment and implement regulations and rules accordingly. Finding a sustainable, peaceful and effective solution to this often violent issue is imperative to ensure a safer and more prosperous world.

## Definition of Key Terms

### Electoral Commission

The electoral commission is a general name for a body responsible with overseeing the implementation of election procedures. An electoral commission can be independent, judicial, mixed or governmental. The existence of electoral commissions can be controversial because it is difficult to balance the personnel of the commission between government officials, local citizens, or international

representatives without creating bias. Also, since the UN itself acts as an election supporter, its roles overlap with those of the electoral commission.

### **Election Management Body (EMB)**

A stand-alone electoral organization that is free from oversight or the influence of other government agencies. The EMB is a type of electoral commission tasked with overseeing and regulating the elections of post-conflict nations since it may not have set up an effective electoral infrastructure. Most importantly, the entire process of an EMB-nomination of members, registration of voters, and the election campaign must be transparent.

### **United Nations Transitional Authority in Cambodia (UNTAC)**

In 1991, Cambodia is a nation torn by conflict between the State of Cambodia (SOC) and 3 warring factions of Cambodia Resistance including Khmer Rouge. UNTAC was established in February 1992 to ensure the Agreements on the Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991, was implemented. UNTAC also oversaw the elections of May 1993, as well as the electoral campaigns and voter registrations.

### **United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO)**

The MONUSCO assisted a local EMB, the Commission Electorale Indépendante (CENI), with the national elections of DR Congo in November 2011. MONUSCO provided technical and logistical support as well as the deployment of electoral materials. It also aided in training national police to protect polling stations and ensure the smooth operation of the election process.

### **United Nations Operation Mission in Côte d'Ivoire (UNOCI)**

Following the controversial 2010 Presidential Elections, Côte d'Ivoire plunged into a political crisis which was eventually resolved by a civil war in March 2011. The UNOCI supported the Ivorian Government in the disarmament, demobilization and reintegration (DDR) of former combatants and assisted with the legislative parliamentary elections held on 11 December 2011.

### **United Nations Mission in Liberia (UNMIL)**

UNMIL assisted Liberia's National Elections Commission (NEC) during the presidential and general legislative elections of October/November 2011. UNMIL deployed electoral observers throughout the country and civilian staff who monitored the polling centers. It also aided the police force and military personnel in maintaining a strong presence in the election atmosphere. It helped the NEC uncover voter fraud in August 2011, and the subsequent election was able to proceed freely and fairly.

## United Nations Mission in Sudan (UNMIS)

In April 2010, UNMIS helped Sudan with its first presidential and multi-party election in 20 years. This election officially marked the end of the transitional period since the grueling Second Sudanese Civil War ended in 2005. UNMIS provided advice and technical support to Sudan's NEC and helped transport registration and ballots around the country.

## Background Information

### The role of elections in stabilizing post-conflict nations

Elections play a significant role in stabilizing a post-conflict nation. However, each nation has its own unique environment and problems, so it is crucial to have a full understanding of the history and the causes of the conflict. The nation's existing religious, ethnic and social tensions must be taken into consideration, as well as separating possible regional linkages of conflict parties and distributing them within the country. It is important to keep in mind that while getting all the elements right does not guarantee success, even one mistake in any of the aforementioned topics can seriously harm the credibility and integrity of the electoral process and jeopardize stabilization efforts. These are a few important elements to an election.

#### *The choice of election systems*

Depending on the specific local needs and requirements, the electoral system has a variety of peacebuilding priorities such as strengthening the nation's autonomy, guaranteeing seats to minority groups, or providing for a transparent, easy-to-administer electoral process. However, each specific purpose also has drawbacks, and it is up to the election commission to address these issues. Different types of voting systems have its advantages and disadvantages. The US and the UK use the plurality/majority system, which means that an individual candidate with the most amount of votes will win. This system is widely regarded as less prone to fragmentation than the Proportional Representation (PR) system used by many European nations because the PR system creates more intra-party competition and thus fragmentation. On the other hand, voters under the PR system vote for parties, not individuals, which means that every person within a party rises and falls together. This provides greater incentive than the plurality system for party members to adhere to election law for the sake of their party image.

#### *Timing and sequence of elections*

In post-conflict regions, it is understandable for the public to insist on holding the election as early as possible to ensure the proper function of the government. However, elections cannot be held until an adequately secure environment has been established and the infrastructure and

personnel required for election management and conflict resolution have been put in place. Furthermore, the electoral commission has to make the decision whether to hold all elections (presidential, parliamentary, local) simultaneously or in a defined order.

### ***Security and Election Laws***

Security agencies and the justice system are crucial parts of elections, as they must be willing and able to maintain the peace, offer equal legal protection and responsibilities to all parties and candidates, and adopt a zero-tolerance policy to election-related violence, regardless of the source. The Berlin Center for International Peace Operations (ZIF), a non-profit Non-Governmental Organization (NGO) that collaborates with UN in training civilian experts for international peace operations, conducted a seminar on the importance of post-conflict elections in 2008. In this seminar, they stated that justice systems must meet three essential requirements for complaints and appeals processes to work: speed, accessibility, and transparency. The justice system must institute short deadlines for lodging appeals because the final election results cannot be validated until the appeals that can seriously affect the elections are dealt with. The potential for unrest or even violence also becomes greater as the period of uncertainty becomes longer. It is also important for the justice system to disseminate electoral law and information in all the local languages and in as many forms of media as possible, and allow full access to the appeals process by election observers and NGOs.

### ***The role of the international community***

Since post-conflict nations often do not possess the infrastructure to run an election, they rely heavily on outside assistance. International electoral commissions can guarantee voter security, provide administrative and technical and logistical expertise, assist in mediating and resolving conflicts, mobilize funds, or even assume administration responsibilities temporarily during an election. The UN has a long history of providing electoral assistance to post-conflict. In recent years, UN has taken more of a supportive role in assisting EMBs and electoral commissions of a country. The technical support and election monitoring personnel that the UN provides greatly contributed to the successful elections in post-conflict nations such as Côte d'Ivoire and Liberia. There have also been occasions when the UN fully supervised the elections of a nation, where UN also send in Peacekeepers to aid the local military in maintaining order and peace during the election process. 2 very successful cases are UN's mission in Cambodia from 1992-93 and in Timor-Leste in 2001.

### ***Expectation management***

After the end of **a** violent conflict, the population often associate the prospect of elections with **the** unrealistic expectation of rapidly improving living conditions. In order to avoid this disillusionment that can potentially lead to a wholesale rejection of the newly established political

system, both local and international electoral commissions must provide the population with a realistic appraisal of the difficult transition period ahead.

## Key Issues

### Electoral Fraud

One of the most important issues in an election is one party rigging the elections to guarantee a win. Since post-conflict countries are often disorganized, it is very easy for electoral fraud to occur. Should an election take place without proper guidance, it is very easy for a group or a party to rig the results. Zimbabwe's oppressive president Robert Mugabe, for example, has a history of rigging results to ensure that he stays in power. In the 2008 elections, he used violence to force the opposing candidate to step down. Despite his ever-diminishing legitimacy, Mugabe rigged the 2013 elections while maintaining the illusion of an orderly poll so that he and his Zanu-PF Party once again came out on top. Similarly, Nigeria's ruling People's Democratic Party (PDP) utilizes both violence and fraud to win every election since the end of the nation's military rule in 1999.

#### *Ballot Stuffing*

This is a strategy often employed by parties. Without regulations, one person can cast multiple ballots. There are votes being cast by people who are either long dead or do not exist in the first place. In the case of the 2013 Zimbabwe elections, 838,000 ballots were found with the exact same name, date of birth and address but with different ID numbers. There are 350,000 people over 85 years old and 109,000 people over 110 years old when the nation's life expectancy is only 51 years of age.

Another ballot stuffing method is printing extra ballot papers. According to the African Union (AU), the difference between registered voters and ballot papers should be between 5% and 10%. During the 2013 Zimbabwe elections, the number of ballot papers printed was 8.7 million, 35% more than the number of the 6.4 million registered voters.

#### *Assisted Voting*

In post-conflict nations, it is highly possible for a large percent of the citizens to be illiterate. Therefore, they may require assisted voting. However, the people who are assisting with the voting can be biased and misdirect the illiterate or the infirm to vote for one particular party or candidate. Sometimes, even literate citizens are forced to pretend to be illiterate just so that they can be "assisted". In the case of Zimbabwe, there is a high number of assisted voters despite a 90% literacy rate. In some regions, more than half of the voters were assisted.

### *Involvement of political parties or other groups*

Sometimes, political parties can interfere with the elections in an effort to ensure their victory. There are many examples of political parties preventing voting polls in certain geographic areas or preventing certain groups from voting. In the US, the Republican party often limits the voting poll locations to white-majority areas, away from black-majority areas. Since many people are impoverished, their votes are not registered because they cannot physically muster themselves to vote at a certain location. This is a form of manipulating an election and one of many techniques to sway people towards a certain political party. This kind of manipulation is even more serious in places plagued by terrorism like Afghanistan, where people cannot even leave to vote in Taliban-controlled areas.

### **Funding**

Another big problem that can often stump election efforts is the lack of funding. The economies of post-conflict nations are strained from years of warfare and are extremely fragile, often on the verge of collapse. It is very difficult for governments to provide sufficient funds the electoral process. And even when funds are provided, they may prove to be insufficient or may be received in delay. In order to create sustainable election management structures rather than permanent dependent upon outside funds, the government must implement capacity building measures. In addition, a permanent source of funding for EMBs must be found within the national budget. In order to maintain its independence and impartiality, an EMB should have some degree of budgetary independence during the entirety of the election.

### **The use of technology in elections**

Like every major industry, the conduct of elections has drastically changed over the past 20 years with modern technologies taking on larger roles in electoral processes. There are many benefits and risks that comes with the use of technology. The use of voting machines can eliminate human risk factors such as ballot stuffing, and also increase electoral turn-out as it is quicker than doing so manually or paper-based processes. This reduces the possibilities of fraud because of the faster announcement of results, which should ensure a fairer voting process. The use of technology can also increase efficiency in large nations without transport infrastructure like the Democratic Republic of Congo (DRC). The use of modern technology can actually decrease the cost of elections, as the DRC election only cost about \$2.5 per voter. However, technology does not guarantee a fair election. Although the voting process is computerized, it is still vulnerable to manipulation by experts. Since computer operations are not observable to the naked eye, it is far more challenging for election monitoring. Columbian Hacker Andres Sepulveda exploited this to devastating effect as he rigged multiple elections by stealing data and installing malware. His actions helped right-wing candidates across Latin America with their elections, from 2006 Columbian presidential elections to the 2012 Mexican presidential elections. It is also difficult to detect whether the system has suffered a malfunction or has a fraudulent outcome that may subvert electoral integrity.

The use of technology in elections should be considered on a case-by-case basis. When considering the introduction of new electoral technologies to post-conflict societies, several other factors must be considered. The most important factor is a nation's political environment and electoral framework. Electoral technology is only effectively transparent with election monitoring organizations and officials present who have legal responsibilities and powers to ensure the integrity and accuracy of the election process.

Finally, there are potential hazards about the technology itself. There has already been cases of the donors of electoral technology forcing the local EMBs to buy electoral technologies from specific nations, usually the same nation as the donor agency. Also, problems with technological assistance can arise without a properly trained local staff. The technology also has to be evaluated for long-term sustainability because donors can often be tempted to invest in quick and visible projects. Lastly, it is crucial for modern technologies to not interfere or undermine local cultures. As stated previously, there should not be an international standard for the use of electoral technologies. Each case should be evaluated separately, with the context of each individual election being taken into consideration.

The UN has a very critical role in providing and regulating the use of electoral technology. Since most post-conflict nations does not have the expertise to operate complex voter registration systems, the UN often provides expert personnel that assists with the deployment and operation of these election equipment. It also is important for UN observers to ensure that these machines are not tampered with so the integrity of the data is not undermined.

### **The role of the media**

The full-functioning system of free yet responsible media in post-conflict nations is undoubtedly important. The right to free press is a fundamental right in democratic societies, and the free press is a vital component in maintaining order in these societies. However, a state- or party-owned media company is likely to be heavily biased. They can use the dismays and prejudices of the population against itself and inflict great damage to these nations that has only recently emerged from prolonged periods of conflict. The government can also easily silence opposition media through the manipulation of the public.

The key issue is that many post-conflict nations lack a truly independent and responsible media. Obviously, state- or party-owned media often does not act in the best interest of the public, but rather are the propaganda-spreading partisan mouthpieces of the ruling party. It is vital for EMBs or other independent bodies to monitor the press and grant equal access to important publicly owned media platforms such as radio or television to all political parties. Also, it is important for EMBs to set up an agreed code of conduct for the press as well as media policy with appointed personnel who are qualified to monitor and liaise with the press.

## Major Parties Involved and Their Views

### United Nations

The UN believes that external support during any election can be helpful in bolstering the ability of electoral institutions, especially during post-conflict elections since they are often marred by political and social instability, including violence and/or intimidation. It is determined to help counter potential dangers with conflict-sensitive and attentive external support as well as resolve threats to the integrity of an election process. However, the UN assumes more of a supportive role during recent elections. Ultimately, the goal of UN electoral assistance is to ensure that elections are fully owned nationally, that a broader democratic governance infrastructure is set up and functioning for future elections, and that elections provide a vital means to safeguard human rights.

### United States of America

The United States has a long history of pushing democracy and in the view of some nations, enforcing their will onto other nations. Electoral assistance is no exception, as the US believes, according to their foreign policy website, that a country cannot be truly democratic until its citizens have the opportunity to choose their representatives through elections that are free and fair. The US sees elections as a tool to promote political openings and expand political participation. US foreign aid strives to promote 10 elements that are essential to fair elections: impartial electoral frameworks, credible electoral administration, effective oversight of electoral processes, informed and active citizens, representative and competitive multi-party systems, effective governance by elected leaders and bodies, inclusion of women and disadvantaged groups, effective transfer of political power, consensus-building for democratic reform, and sustainable local engagement. In 2012, the US trained more than 9,800 domestic election observers and officials and provided voter and civic education that reached more than 6.5 million people.

### European Union (EU)

The EU has both election observation and electoral assistance groups. The EU election observation missions (EUEOMs) aims to strengthen democratic institutions, stimulate public confidence in electoral processes, and inhibit fraud, intimidation, and violence. The EUEOMs does not directly interfere with the election process, and its primary purpose is to collect and verify information concerning the election process, observe, analyze, and then publish their findings after the elections. Since 2000, more than 120 EUEOM missions has been deployed, and there are current EUEOM missions in Gabon, Peru, Zambia, and Jordan. The electoral assistance missions, on the other hand, are more focused on the support to the institutional capacity of EMB and providing technical and material support. According to the EU website, EU electoral assistance has, in the last five years, accounted for close to €400 million, delivering capacity-building and technical and material support to electoral processes in more than 40 countries.



## Local election watch NGOs

The transparency of elections can be greatly strengthened by domestic election watch and media watch organizations. These NGOs usually collaborate with the EMB and provide local volunteers to monitor various aspects of the election process. Monitoring commonly focuses on activities such as the process of voter registration, media access and fairness, campaign finance, and election violence. These local organizations are very valuable because they possess certain advantages over international assistance groups. For example, local election watch organizations can issue reports in real time during the election process, so that the results can be instantly brought to public attention. Domestic observers are more knowledgeable about the languages and culture of the nation and are usually more trusted by the local population. There are already election watch organizations seen in action in countries such as but not limited to: Bangladesh, Namibia, Ghana, Uganda, and Pakistan.

## Timeline of Relevant Resolutions, Treaties, and Events

Date	Description of event
October 23, 1991	<p><b>Agreements on the Comprehensive Political Settlement of the Cambodia</b></p> <p>Signed in Paris. This agreement marked the official end of the Cambodian-Vietnamese War. This led to the deployment of UNTAC and direct UN takeover of the government and conduct the subsequent elections.</p>
May 23-28, 1993	<p><b>Cambodian general elections</b></p> <p>The election was conducted by UNTAC with UN peacekeepers maintained a stable presence throughout and after the elections. The elections resulted in a hung parliament with the FUNCINPEC party being the largest party with 58 seats.</p>
August 30, 2001	<p><b>East Timorese Parliamentary elections</b></p> <p>The second case when UN fully administrated an election. The United Nations Transitional Administration in East Timor (UNTAET) organized the 2001 elections, which were successful in electing an 88-member Constituent Assembly.</p>
2007	<p><b>UN Development Programme (UNDP)'s Electoral Assistance Implementation Guide</b></p> <p>A complete guide to electoral assistance published by the UNDP.</p>

### **Ivorian Crisis**

November 28, 2010 – The 2010 presidential elections resulted in both candidates claiming victory.  
April 11, 2011 This sent the country into months of attempted negotiations and violence. The issue was resolved after the Second Ivorian Civil War.

### **DR Congo presidential elections**

November 28, 2011 The 2011 presidential elections were criticized for its lack of transparency, and elections were held amidst violence throughout the country. Both candidates claimed victory and this directly led to the M23 Rebellion in 2012

### **Zimbabwean general elections**

July 31, 2013 Resulted in the re-election of president Robert Mugabe and his Zanu-PF party. This election was heavily criticized by the western world for Mugabe's blatant conduct of electoral fraud.

## **Relevant UN Treaties and Events**

- Enhancing the effectiveness of the principle of periodic and genuine elections, 17 December 1991 (**A/RES/46/137**)
- United Nations Security Council Resolution 745, 28 February 1992 (**S/RES/745**)
- Enhancing the effectiveness of the principle of periodic and genuine elections, 17 November 1994 (**A/49/675**)
- Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization, 19 August 2011 (**A/66/314**)
- Strengthening the role of the UN in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization, 10 April 2012 (**A/RES/66/163**)

## **Evaluation of Previous Attempts to Resolve the Issue**

There have been many previous UN missions to aid elections in post-conflict regions. The most successful case is the demilitarization and subsequent election of Cambodia under the administration of UNTAC. After its establishment in February 1992, the UNTAC administration enacted the election law and conducted the provisional registration of political parties. UNTAC oversaw the elections of May 1993, as well as the electoral campaigns and voter registrations. Over 9.2 million Cambodians or 90% of registered voters voted for a Constituent Assembly. A constitution was declared in September 1993 and the new government was established. The head of UNTAC declared the election to be “free and fair”.

Another successful case was the UNOCI that aided the Ivorian Parliamentary Elections of December 2011. After the disastrous 2010 presidential elections that saw the country plunged back into political crisis and civil war, UNOCI first supervised the DDR of all previous combatants. Then, it was mandated to support the organization and conduct of the legislative elections, provide technical and logistical expertise and put in place effective security for the voters. The elections proceeded relatively smoothly and the results sparked no further conflict within the nation.

A less successful example would be MONUSCO's effort in the Democratic Republic of Congo. In May 2011, DR Congo's International Cooperation Minister relayed the government's wish of an "orderly, progressive withdrawal" of MONUSCO due to "normalization" of DR Congo's relations with neighboring countries and containment of rebels to a "few isolated zones". As a result, more than 2,000 Peacekeepers were withdrawn by June 2011. When the elections were held in November 2011, MONUSCO does not have the authority or the facility to effectively supervise the transparency of the elections. Subsequently, the government passed laws to abolish the second round of the presidential election and tried to change the legislative electoral system from proportional to majority representation. There were incidents of violence and chaotic voting throughout the nation, and the results sparked conflicts within the country as one of the presidential candidates, Étienne Tshisekedi, declared himself president of Congo despite the majority voting for the other candidate. This election is one of the direct causes of the M23 Rebellion in April 2012.

## Possible Solutions

There is no definite solution when it comes to ensuring transparency in post-conflict regions. As mentioned above, each country is its own case, and electoral commissions need to implement policies accordingly. However, there are a few elements that are crucial to the successful running of an election. An EMB must be present, with a mix of international and local observers. Its legal and administrative parameters also need to be clearly set. The international community may be required to help provide the local EMB with personnel, technical and especially financial resources. There must be NGOs or UN-affiliated agencies to provide funds to aid the fragile economy of the nation. More often than not, there will be incidents of violence during post-conflict elections, so the EMB must also collaborate with some kind of security force (military, police, UN peacekeepers, etc.) to maintain order and protect voters during the election process. The use of modern technology can also be useful for an election to proceed smoothly. Under the right monitoring, electoral technology can help decrease the possibility of manual errors and increase efficiency.

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