

We will now illustrate some of the problems that arise from using the noted criteria and from the assessments themselves. In each of the following examples, special attention should be given to whether the election in question can be called free and fair or acceptable.

In the Mongolian parliamentary election in June 1992, the slightly reformed Communist Party introduced an exemplary election act, which was observed as having all the essentials of a free and fair election. However, the act also introduced an electoral system that may have been the most undemocratic in the world, with majority elections in multimember constituencies and mandatory vote casting for exactly the same number of candidates running in the constituency. This likely resulted in the Mongolian People's Revolutionary Party gaining ninety-three percent of the seats in parliament for only fifty-seven percent of the votes. Of course, fifty-seven percent is a clear majority, but is it—from a democratic point of view—appropriate that more than forty percent of the electors were effectively without parliamentary representation at a time when the social and political system of their country was being totally reformed?

In Kenya's presidential, parliamentary, and local elections in December 1992, many elements of the electoral process were questioned.¹⁴ There was a lot of evidence that President Daniel arap Moi and his Kenyan African National Union (KANU) party directly and indirectly overstepped their bounds even though democratic development improved and election day went relatively well. The opposition parties' poor election results were largely due to their own uncooperative behavior and not merely to the various tricks of the KANU party, the chairman of the Electoral Commission, and others. With this example, consider if a small degree of progress toward democracy can compensate for irregularities and misuse of existing rules.

In Eritrea's referendum on independence in April 1993, planning and implementation of the referendum was carried out in a convincing and impressive manner. However, the public

debate, referendum posters, and even the ballot boxes were clearly biased toward encouraging independence from Ethiopia. Voters were given two separate ballot papers, one for each choice in the referendum. The ballot box itself was made of high-quality material and sometimes decorated with candles and flowers, almost like an altar. However, in the polling place there might have been another box that looked like a cheap trash can, possibly where unused ballots were placed. Voters could sometimes easily see that this “trash can” was where votes in favor of the (unpopular) connection with Ethiopia were put, not in the proper ballot box. This was evidence that the choice to vote against independence had not been presented to voters as a realistic option.¹⁵ Was it acceptable—or even reasonable—that the political debate was so one-sided?

In Uganda’s elections for the constituent assembly in March 1994, it was decided that political parties, which were associated with the country’s bloody tribal clashes, should not be allowed to run for office. Instead, individual candidates were given *carte blanche*, a decision that provoked discontent among several parties. Huge efforts had also been made in vain to register all voters. The goal was to complete the election in one day and count the votes before dark. Voters were assigned polling stations, with no more than six hundred people assigned to a station, but for technical reasons the registers were not published, and consequently voters did not know which polling stations were theirs. This resulted in a good deal of confusion on election day. Can elections be free and fair if political parties are excluded? Do technical problems with the voter register render an election as unacceptable?