

We ~~can~~ will now illustrate some of the problems that arise from using the noted criteria ~~mentioned~~ and from the assessments themselves ~~that have to be made on the basis of some of our own experiences as election observers or advisers~~. 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 ~~connection with~~ the Mongolian parliamentary election in June 1992, ~~one could, on the one hand, fasten on~~ the slightly reformed Communist Party ~~having introduced an~~ by and large exemplary election act, which was observed as in all essentials having all the essentials of a free and fair election. ~~On the other hand~~ However, the act also introduced an electoral system ~~which that may be~~ have been the most undemocratic in the world, with ~~(majority elections in multi-member constituencies and~~ with mandatory vote casting of for exactly the same number of ~~votes as there are~~ candidates running in the constituency), ~~and which, as was very~~. This likely, resulted in the Mongolian People's Revolutionary Party ~~achieving~~ gaining 93-ninety-three per-cent of the seats in parliament for only 57-fifty-seven per-cent of the votes. Of course, 57-fifty-seven per cent is a clear majority, but is it—from a democratic point of view—appropriate that more than 40-forty per-cent of the electors ~~are~~ were almost-effectively without parliamentary representation at a time when the social and political system of their country ~~is~~ was being totally reformed? ~~How should this be assessed in relation to the concept of “free and fair”? Should an election conducted according to a law of this character be termed “acceptable”? In the June 1996 parliamentary elections the electoral system was, however, replaced by an ordinary first past the post system.~~

In ~~connection with~~ Kenya's presidential, parliamentary, and local elections in December 1992, many elements of the electoral process ~~could be~~ were questioned.¹⁴⁶ ~~On the one hand,~~

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~~there~~There was a lot of evidence that President Daniel arap Moi and his Kenyan African National Union (KANU) pParty directly and indirectly overstepped ~~the mark, while, on the other hand, their bounds even though~~ a more democratic development ~~appeared to be progressing~~ which both improved ~~the situation as polling day approached and had as a result that polling day~~election day ~~went~~ went relatively well ~~all things considered~~. The opposition parties' poor election results ~~of the opposition parties~~ were ~~to a large extent~~largely due to their own uncooperative behaviour and not merely to the various tricks of the KANU party, the chairman of the Electoral Commission, and others. ~~How should this be assessed in relation to the concept of "free and fair"?~~⁴⁷ ~~To what~~With this example, consider if a ~~extent can some~~ small degree of progress ~~towards~~toward democracy can compensate for irregularities and misuse of existing rules².

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In ~~connection with~~Eritrea's referendum on independence in April 1993, ~~it was clear, on the one hand, that the organizational~~planning and implementation of the referendum was carried out in a convincing and impressive manner. ~~On the other hand~~However, ~~there was one-sidedness in~~the public debate, ~~in the referendum~~ posters, and even ~~as regards~~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 ~~looking~~ like an altar. ~~In a corner one might, however~~However, in the polling place there might have been ~~find~~ another box, ~~which that~~ looked like a cheap ~~dustbin~~trash can, possibly where ~~the~~unused ballots were ~~to be~~ placed (~~since the voters were given two separate ballot papers, one for each of the two alternatives~~). Voters could ~~in several cases~~sometimes easily see that this "dustbin trash can" was where ~~the~~votes in favour of the (unpopular) ~~continuation of a~~connection with Ethiopia were put

were to be put, not in the proper ballot box. This reflected the fact that the political and substantial content of the ~~was evidence that the~~ “No” choice to alternative⁴⁸ ~~vote against independence~~ had not been ~~discussed or~~ presented to ~~the electors~~ voters as a realistic possibility option.⁴⁹ How should this be assessed in relation to the concept of “free and fair?” Was it “acceptable”—or even reasonable—that the political debate was so one-sided?

Commented [NC2]: AU: confirm that voters were only given two ballots as noted instead of three to cover all their options?

In ~~connection with~~ Uganda’s elections for the ~~c~~Constituent ~~a~~Assembly in March 1994, it was decided that political parties—, which ~~are~~ were associated with the country’s bloody tribal clashes,—should not be allowed to ~~stand for election~~ run for office. ~~On the other hand~~ Instead, individual candidates were given ~~carte blanche~~, a decision ~~which that~~ provoked discontent among several parties. ~~In Uganda huge~~ Huge efforts had ~~also~~ been made ~~in vain~~ to register ~~all the electors~~ all voters, ~~but in vain~~. The ~~idea goal~~ was to complete the election in one day and count the votes before dark. ~~The electors~~ Voters were ~~therefore distributed among~~ assigned polling stations, ~~with~~ of no more than ~~600 six hundred electors~~ people assigned to a station, but for technical reasons the ~~electoral~~ registers were not published, and consequently ~~the electors~~ voters did not know ~~to~~ which polling stations ~~they belonged~~ were theirs. This resulted in a good deal of confusion on ~~polling day~~ election day. ~~Can elections be free and fair if~~ Does the exclusion of political parties ~~are excluded?~~ ~~from the election process mean that elections cannot be “free and fair?”~~ And ~~do~~ Do technical problems with the voter register ~~necessarily imply that~~ render an election ~~as is~~ unacceptable?

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