



European Commission United Nations Development Programme International IDEA

***Joint Training on
Effective Electoral Assistance***

DAY 2

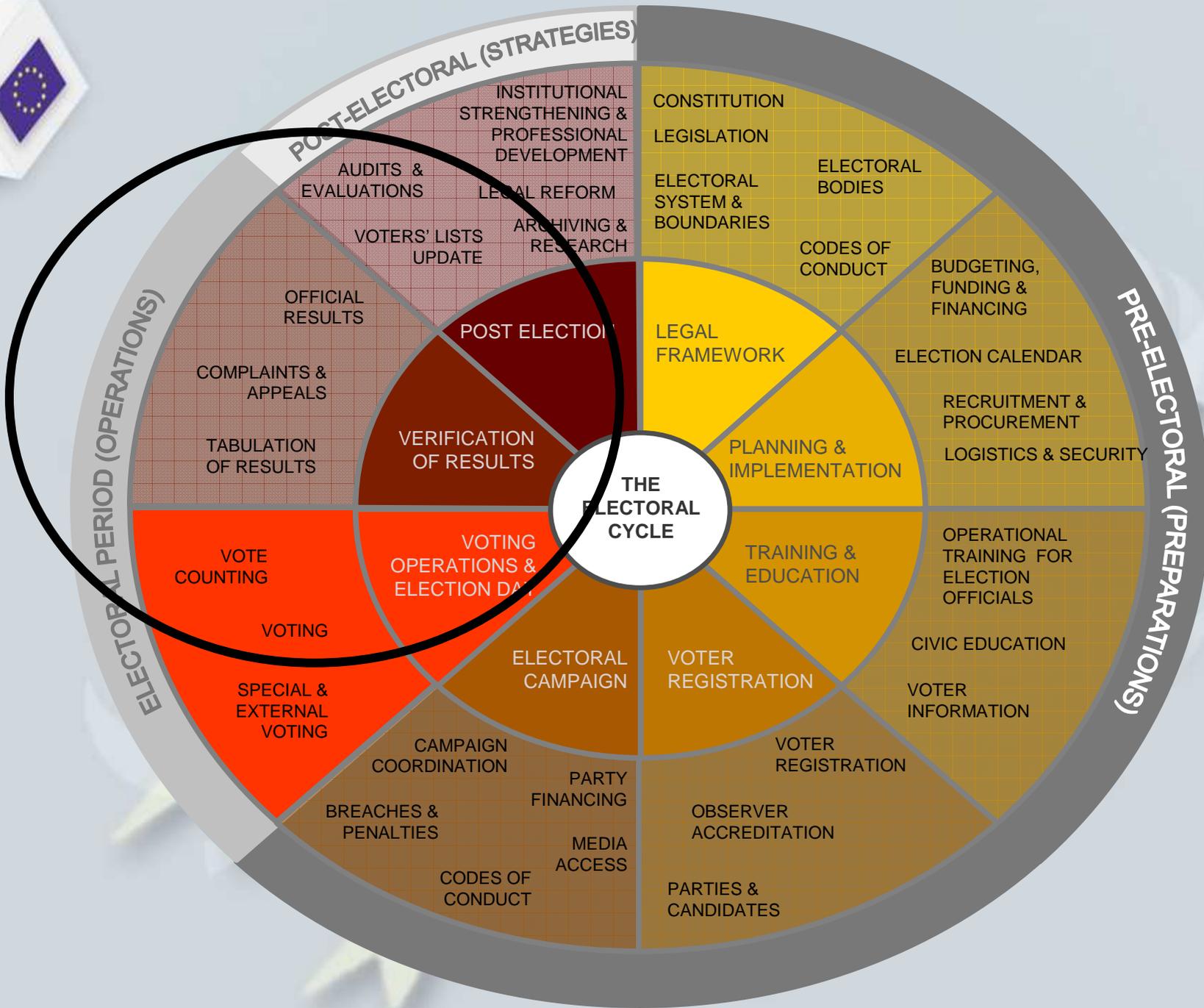
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Electoral Disputes Resolution

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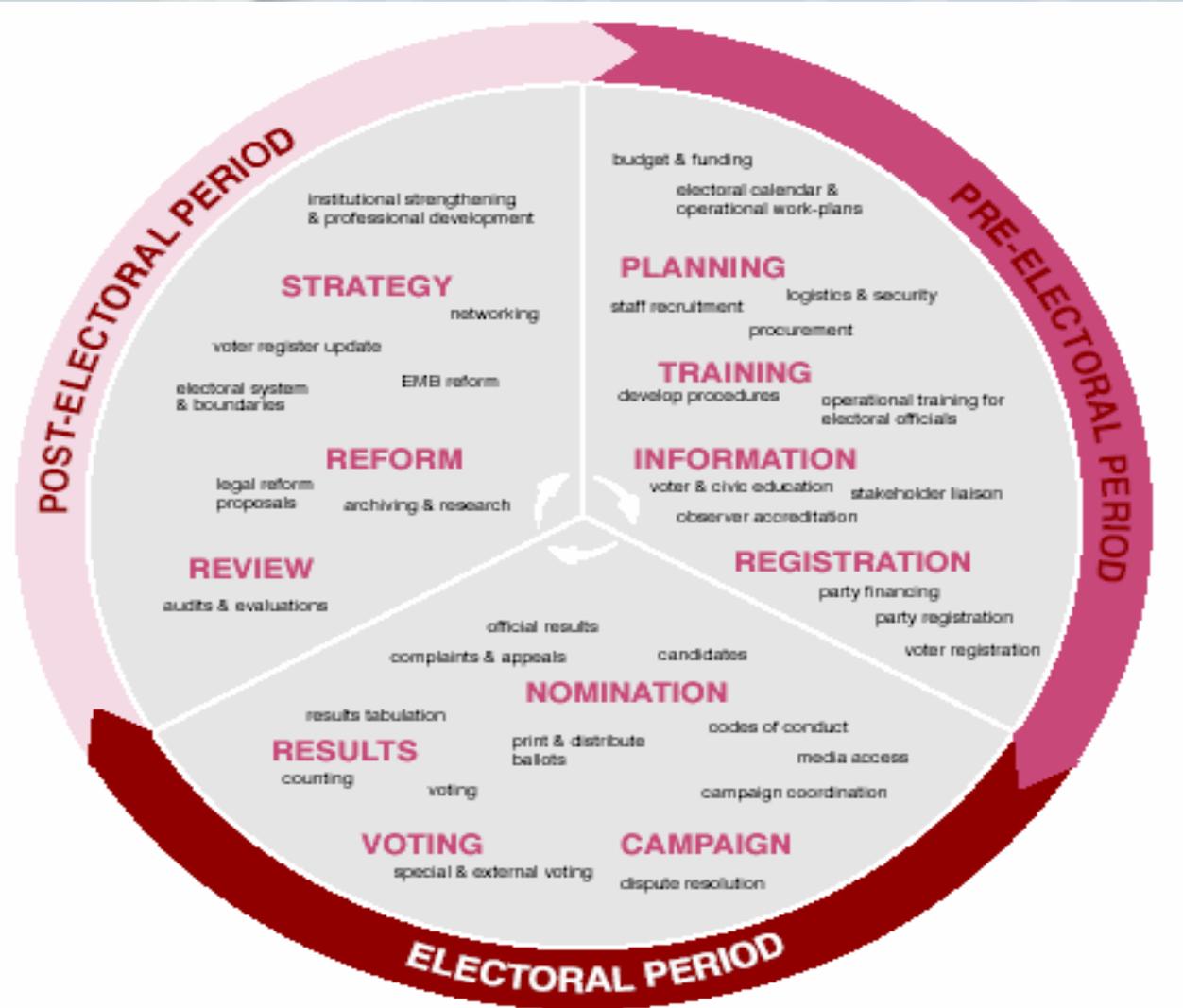
EDR mechanisms: the necessary guarantee

"Electoral processes are a key instrument for conflict mitigation and conflict management. However, their unfolding also constantly generate potential for new conflicts.

EDR mechanisms are meant to defuse these potential conflicts and allow the electoral process to absolve its primary function"



The Electoral Cycle: an EDR perspective





Requirements for establishing adequate EDR

- **Adequate legal framework**
- **Efficient institutional setup**
- **Provision of EDR bodies with sufficient powers, resources and tools to fulfil their mandate**
- **Ability to respond to demands and issue enforceable decision in expeditious manner**



The EDR System Families

- **Legislative or political systems**
- **Legal systems**
- **Other systems**



EDR Classification – The legislative system

- **Legislative or political system, known as the Traditional System**
- **Mix of political judicial or political administrative systems**



EDR Classification – Legal systems

- **Legal systems**
 - **Judicial systems (ordinary courts of justice) known as the British System**
 - **Constitutional Courts or Councils, known as the Austrian system**
 - **Specialised Electoral Courts, known as the Latin American System**
 - **Administrative Systems**



Other EDR Systems

- **Ad Hoc mechanisms**
- **Informal mechanisms**



Basic Principles

- **Independence of EDR Bodies**
- **Independence and impartiality of EDR members**
- **Accountability of EDR bodies and their members**
 - transparency (clear and unequivocal procedures)
 - integrity
 - professionalism
 - efficiency
 - service-mindedness



Factors Influencing EDR Effectiveness

- **Constitutional Legal Framework**
- **Electoral System**
- **Electoral Management Model**
- **Political and Social Environments**
- **Legal Traditions**



Other Key Principles

- **Due process**
- **Public hearings**
- **Accessibility**
- **Free of charge**
- **Simple and expedite procedures**
- **Publicity of process and decisions**
- **Motivated decision**