The Role of Elections in Emerging Democracies and Post-Conflict Countries

Key Issues, Lessons Learned and Dilemmas

Elections have become a major factor in the stabilisation and democratisation of emerging democracies and post-conflict countries. More than a dozen such elections will take place in 2010 and early 2011. However, the risk of a relapse into war and violence is considerable. Elections in these countries are a tightrope walk between war and peace, stability and instability.

But there is no iron law according to which elections are doomed to fail. There have been a number of success stories in the past two decades. Such elections can be conducted successfully if important lessons are taken seriously and implemented. Apart from the difficult issues of timing and the choice of an electoral system properly tailored to local conditions, the establishment of an independent, well functioning Election Commission and an Election Complaints System are crucial elements for success.

The international community – and in particular the Western countries – more often than not have failed to insist on the implementation of these elements, despite their resounding rhetoric on the need for democracy and free and fair elections. They should do better and take more seriously the notion that, for the local population, these elements, in particular the existence of an effective and independent Election Commission and an Election Complaints System, are unmistakable indicators of the credibility of the electoral undertaking. Politicians and diplomats should not forget the lessons of the presidential elections in Afghanistan in autumn 2009, which were a near-disaster in this regard.
# Table of Contents

**Introduction** ...........................................................................................................................2

**1. Four Strategic Lessons Learned** ..........................................................................................2
   1.1 Elections – Just a First Step ............................................................................................2  
   1.2 Minimum Conditions .........................................................................................................3  
   1.3 The Timing Dilemma ...........................................................................................................3  
   1.4 Elections and Traditional Structures ....................................................................................4

**2. Key Elements of Organising Elections Successfully** ............................................................4
   2.1 Voter Registration ...............................................................................................................4  
   2.2 Choice of Electoral System ...............................................................................................5  
   2.3 National Election Commissions ..........................................................................................6  
   2.4 Electoral Complaint Systems .............................................................................................7  
   2.5 Confidence Building Measures .........................................................................................7

**Conclusion** ..............................................................................................................................8
Elections in emerging democracies and post-conflict societies have a great potential to plunge a country back into violent conflict, to undermine processes of stabilisation and to discredit democratisation. The presidential elections in Afghanistan in autumn 2009 are one of the recent examples for this risk. Elections are not only a tool of democratic participation but also a fierce contest for positions of leadership, power and access to resources.

There have been difficult elections in conflict-ridden countries in late 2009 and early 2010, like those in Afghanistan, Sudan, Burundi, Guinea-Bissau and Guinea. There are more difficult ones to come in the second half of 2010, like in Rwanda, Afghanistan, the Central African Republic (CAR) and Chad, Madagascar, Haiti, and Cote d’Ivoire (where elections have already been postponed more than six times). In early 2011 difficult elections like those in Niger, Nigeria and Zimbabwe will follow. All these elections will be a tightrope walk between war and peace, between stability and instability.

Yet, one should not forget that there have been a number of (more or less) successful elections in post-conflict countries in the last decades, like those in Namibia, South Africa and Mozambique, Nicaragua, El Salvador, Cambodia, Sierra Leone, Liberia, the DR Congo as well as in Bosnia and Herzegovina, Kosovo and Macedonia on the Balkans. There is no iron law according to which elections are doomed to fail in war-torn countries and emerging countries. Elections can play a significant role in stabilising and democratising them if handled properly.

This article therefore deals with those political, structural and institutional lessons learned and elements which are today considered by most practitioners to be indispensable for giving elections a chance to succeed in emerging democracies and war-torn countries, despite the enormous challenges the environment in these countries poses. There is no reason to give up supporting these elections. But the international community, not least the Western countries, have to take a clearer stand on what kind of elections they are ready to support, and which not. This concerns in particular the existence of certain key elements, like independent Election Commissions and functioning Electoral Complaint Systems.

Without these elements the electoral process is in great danger of being manipulated by those who hold power, and therefore lacks credibility in the eyes of the population. The events in Afghanistan in autumn 2009 should be a warning to the West. The risk of destabilisation or even a relapse into war and violence is high.

1. Four Strategic Lessons Learned

1.1 Elections – Just a First Step

In the early 1990s, with the Cold War over, a wave of democratisation swept Africa, the Balkans and other regions of the world. It was very much energised by the expectation that the transformation to democratic rule would be accomplished speedily and without too much complications – despite the experience of most European countries to the contrary. Their struggle for democracy had been long, painful and fraught with bloody setbacks.

One reason for the hope of quick progress was, of course, that now the established and wealthy democracies in Europe and America would be prepared to lavishly provide assistance in the form of good advice and money. Democracy building became a major issue in Western development assistance and academic writing. It took a number of severe disappointments for this hope to turn into a more realistic and sober assessment, as it prevails today.

Inevitably, democratisation and organisation of elections also became a key issue in international peacekeeping missions in the early 1990s, starting with the United Nations Transition Assistance Group (UNTAG) in Namibia in 1990. Elections were considered to be the optimal end state for the quick and successful exit of the international mission. Not only the elections in Namibia, Nicaragua.
and El Salvador but also those in Mozambique and Cambodia were exemplary and rather successful cases of this philosophy.

However, these cases have, in hindsight, to be considered as »lucky« exceptions of a much more mixed record. Angola (1992), and soon after the elections on the Balkans in the mid-1990s and in Liberia in 1997, forced the international community to learn a painful lesson: Elections are not at all synonymous with successful democratisation and the successful exit of a peacekeeping mission. They are merely a first step in a long and difficult process. Indeed, they may even provoke more instability and trigger a return to war and destruction, as happened, most tragically, in Angola and later in Liberia.

1.2 Minimum Conditions

International election experts have drawn distinct lessons from past failures. There are, in particular, three basic conditions which need to be met before elections may be risked in emerging democracies and post-conflict countries:

- A sufficiently secure environment is the sine qua non for organising and carrying out elections successfully. The majority of combatants and militias should therefore have been disarmed (or at least reliably pacified) and sufficient progress made in the building of »new« army and police forces.³

- The administrative and communication infrastructures of the respective country must have been re-established to a degree that they allow for a sufficiently smooth conduct not only of the elections themselves but also related activities, like voter registration, civic education etc.⁴

- Finally, the justice system and police must have reached a degree of functioning that enables them to deal with cases of fraud, abuse and other legal issues related to the proper conduct of elections; otherwise the opposition parties and the population at large will have no confidence in the fairness of the elections (more on this later). The danger of a relapse into fighting is eminent.

Obviously, it is difficult to ensure that these conditions are in place in war-torn countries. It takes time to build the respective institutions and capabilities. Therefore, a third and widely debated question is: What is the right timing and sequencing of elections?

1.3 The Timing Dilemma

Election experts agree, almost in unison, that elections in emerging democracies and post-conflict countries should be conducted rather later than earlier to ensure that the above mentioned conditions have been established. Furthermore, multi-party elections – which are by nature competitive – may easily become highly exploitive in societies divided along ethnic, religious or other lines. These lines, and the group identities emanating from them, will almost inevitably become key elements of competitive campaigning and will be deliberately heated up by those fighting for governmental power.

It is therefore no surprise that the bitter lesson, learned in particular from early elections on the Balkans, is that elections held too early tend to strengthen those radical leaders and groups which in the past have been in the forefront of instigating conflict and violence. As far as Africa is concerned, the so-called ethnic vote – i.e. the fact that only a very small margin of less than two percent of members of ethnic groups is prepared to vote for leaders other than those representing their group – is considered to be one of the main obstacles to the successful introduction of multi-party democracy in most countries.

With regard to proper timing, most election experts also tend to agree on the need to differentiate between national and local elections. In general, it is considered to be more prudent to start with the latter. The stakes in terms of power and wealth to be distributed are less dramatic than on the national level and, even more important, in these countries 70 to 80 percent of the population normally lives in rural areas, far removed from national capitals, where the big power game takes

³ In Angola as well as in Liberia these imperatives were grossly violated, although both were explicitly spelled out in the respective Security Council resolutions. The international community, in particular those states that had to pay the bill for the missions, were most anxious to get out as quickly as possible.

⁴ Again, these imperatives were not met either in Angola 1992 or in Liberia 1997 or in the DR Congo 2006 and Afghanistan 2009; in the DR Congo, however, these deficiencies were to a large extent overcome by the massive involvement of the UN and other international actors in organising the elections.
place. Therefore, local elections are more relevant for their day-to-day lives than national ones.

The arguments in favour of holding elections rather later than sooner seem to be compelling ones. There is, however, one important group of practitioners – the leaders of peacekeeping missions – who will more often than not refuse to follow them, for one simple reason: in their day-to-day work they are in dire need of local counterparts, in particular on the government level, who enjoy sufficient acceptance among the population, i.e. who enjoy legitimacy. This is, however, often not the case, particularly in early phases of missions. Mission leader’s counterparts are mostly self-imposed leaders whose »legitimacy« preferably derives from the »barrel of the gun«, and (interim) agreements negotiated by them as parties to the conflict together with representatives of the international community. Whether they really enjoy the support of their people has never been tested in a free and transparent manner. Elections, despite all their shortcomings, are the only manner to do this in a credible manner and are widely accepted as such (see the considerable number of conflict countries which have opted for elections in 2009 and 2010 alone). It were these dynamics, this need for proven legitimacy, that explain why Aldo Ajello, SRSG (Special Representative of the Secretary-General) in Mozambique in 1994, and SRSG Bernard Kouchner, in Kosovo in 1999/2000, brushed aside all arguments against early elections.

In sum, the real world of conflict management, peacekeeping and peacebuilding is a tough and contradictory one, full of dilemmas which are difficult to manage for those in the field forcing them to make decisions which often do not necessarily correspond with those of the academic world.

1.4 Elections and Traditional Structures

The above dilemmas and problems regarding elections have, for years, triggered a very fundamental discussion amongst some Western academics and politicians: Do elections really make sense in Africa and other developing regions? Or are they the expression of an ill-adviced tendency to impose Western concepts of democracy on these countries? Should they therefore be abandoned in favour of traditional, more popular ways of choosing leaders and modes of rule, whatever they may be?

Those familiar with the reality in developing countries will hardly share this view. It shows itself ignorant of two basic facts. Firstly, it lacks a realistic understanding of what so-called »traditional« structures actually look like today. With few exceptions, they have been eroded or distorted in centuries of slave trade and colonialism as well as by decades of dictatorial, corrupt rule and/or violence and civil war. These so-called traditional structures are therefore often rather part of the causes of state failure, violence and civil war than their solution. There are not too many people in these countries who would like them to return. What they want, however, is that much more consideration is being given to the particularities of their existing local conditions.

Secondly, it underestimates the deep desire of the population in these countries to have a direct say in the selection of their leaders, even though they may not be familiar with all the sophistications and problems of modern democracies. Yet, they have fully understood that elections are the only realistic way to let this desire become true. An overview of the development of elections and democracy in Africa since the end of the Cold War and its background would easily prove this point. Even in Afghanistan the desire for having a say in the selection of the government persists despite the bad experience with elections in the past.

2. Key Elements of Organising Elections Successfully

2.1 Voter Registration

It is, in particular, one day in the lengthy electoral process which attracts the utmost attention of the international media and public: Election Day. Voter registration, however, no less decisive for the outcome of elections, remains very much on the margins of international attention, although it offers many ways to manipulate the outcome of elections.

Those in power are very much aware of this possibility. As they are mostly in control of the administration re-

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5. This section is inter alia based on the before mentioned Report on »Elections in Post-Conflict Countries – Lessons Learned from Liberia, Sierra Leone, DR Congo and Kosovo«. (http://www.zif-berlin.org/de/analyse-und-informationen/veroeffentlichungen.html); see in particular the introduction by Winrich Kuehne, pp.7
sponsible for conducting registration, they have ample means to cheat – and most of the time they do so. Inflating, for instance, the number of those on the electoral roll who will vote in favour of them and decreasing the number of those who may vote for competitors are one obvious way to accomplish a favourable result.

The manipulation of the voter registration process for the 2009 elections in Afghanistan has been widely discussed in the international press, and needs no further deliberation here in its negative impact. Registration in Ivory Coast was equally controversial and continues to be so, similar to the 2008 census in Sudan and its result. In Namibia, in 1989, the author, together with other observers, made the surprising discovery that a number of people, resting officially in peace in different graveyards of the country, had been resurrected. Their names were to be found on voter lists for the constitutional referendum.

Registration may be conflict-laden for another reason: it may entail difficult decisions about citizenship (and thus the distribution of wealth and power). In particular in African countries, defining citizenship is often a difficult issue because of widespread and protracted immigration over decades. How long does a man or a woman, or their parents, need to have sojourned in a country to qualify for citizenship? How can the right to citizenship be proven in view of the fact that there often exist no written documents and records? The answers to these questions may not only have dramatic implications for the fate of individual persons and their families, it may also dramatically change the ethnic composition of the electorate and therefore the outcome of elections.

The need for a solid presence of international observers during the registration phase, and not only in the week before elections, can therefore hardly be disputed. However, international donors are reluctant to bear the extra costs to which an international presence of this kind may give rise because registration mostly takes place months before Election Day and may extend over quite a protracted period of time. Still, donors would be well advised to make this extra-money available. (In cases in which the UN is directly and heavily involved in organising and conducting registration, as in the DR Congo in 2006, an observation presence of this kind is less urgent, though still desirable to some extent.)

2.2 Choice of Electoral System

The divisive character of multi-party elections in societies segmented along ethnic, religious or other lines has already been noted. Designing an electoral law (as well as a party law) that goes as far as possible towards mitigating this segmentation is therefore a key element for peaceful elections.

The pros and cons of different types of electoral systems have been widely discussed in past decades. Of course, local conditions and mentalities are important. There is no one-size-fits-all solution regarding electoral law, neither for Africa nor for any other region. Yet there are some general insights which should guide any decision about electoral law:

- So-called »winner takes all« or »first past the pole« systems, popular in Anglo-Saxon countries, are highly problematic for segmented societies; they will easily turn ethnic and religious divisions into a zero-sum competition; those (ethnic-religious) groups that loose will feel excluded from the political process and all the benefits it offers; the risk of violence and even civil war will be high.

- On the other side, there is the system of »proportional representation«, more common on the European continent; the advantage of this system is obvious – all major groups and their leaders will continue to have a stake in the system (parliament and related bodies) after elections; the risk of groups feeling excluded is much lower; there is, however, a problematic downside to this approach: it does not satisfy the need of people in rural communities to directly relate to and identify with »their« candidates; in developing countries 60 to 80 percent of the populations tends to live in the rural areas.

- A third system, so-called »improved proportional representation«, practised in particular in Germany, seems to be a particularly recommendable one for segmented societies; under this system a prearranged party list of candidates to be elected along proportional lines is combined with a list of candidates running for direct election; unfortunately, this system often turns out to be too complicated for voters in countries with little democratic experience, and a high percentage of illiterate voters; still, the »German« system was very much
under debate in 1989/90 in Namibia; even SWAPO leaders liked it although the winner-takes-all system would have been more advantageous for them; at the end of the day, however, there was agreement that this system was too complicated; the simple proportional system was given preference to satisfy all parties.

In general, one can state that the debate in Africa has been quite creative in inventing models that can help to mitigate the divisive impact of ethnicity, regionalism and religion on elections. Nigeria experimented with electoral systems which allowed only those candidates to become president, or parties to gain seats in parliament, that managed to attract not only a majority of votes in one or a few federal states but also a relevant percentage (about fifteen percent or more) in two-thirds of all Nigerian states. This interesting model is, in variations, also to be found in other African states. It has, however, not saved Nigeria from continuing to be a democracy with immense problems in terms of governance, corruption, violence etc. Democratisation is more complex than just the right choice of the right electoral system.

The debate over electoral systems therefore remains a complex one. There is no ideal solution – only solutions which fit local conditions as good as they can get. It also cannot be ruled out that in deciding on electoral laws, parliaments or governments may discard all expert advice and get carried away in drafting extremely complicated electoral laws. This was the case in the DR Congo in 2006. The country ended up with an election law more complicated than that found in most European countries. The reader can easily imagine what kind of logistical nightmare this law created for those responsible for printing and transporting this material in a country the size of Europe, with hardly any functioning infrastructure, and 25 million registered voters. And the Congolese ended up marching into the polling booth with a package of voting materials almost as big as the weekend edition of the New York Times.

2.3 National Election Commissions

The strategic importance of National Election Commissions (NECs) is one of the issues neglected most when it comes to elections in emerging democracies and conflict countries. There is not much academic writing dealing with them although two recent cases, one positive and one negative, have underlined their utmost importance for free and fair and thus credible elections: Ghana in December 2008 and Afghanistan in autumn 2009.

Ghana is one of the few African countries with a well established independent National Election Commission. Its Chairman, Kwado Afari-Gyan, who has headed the Commission since the end of the Jerry Rawlings dictatorship, has become a very popular person in Ghana due to his and the Commission’s role in successfully conducting a series of elections after years of military rule and coups. In the 2008 elections, which grew increasingly tense, he and his colleagues once more demonstrated their brinksmanship skills. Afari-Gyan rushed around the country to mediate conflicts between candidates, parties and groups on the local as well as on the national level. Then, after Election Day, on Tuesday December 30, he decisively contributed to lowering the tensions that had engulfed the country by announcing the interim results of the elections in a very well-timed manner. In the two days after the election, fears were running high in Accra that the country might suffer a fate similar to that of Kenya one year before and plunge into violence. The ruling party in Ghana seemed to be quite reluctant to accept its defeat.

The record of the so-called »Independent Election Commission (IEC)« in the 2009 Afghanistan’s election is, in contrast to Ghana’s, a dismal one. The Commission’s unfortunate role in making rigging possible has been widely discussed in the international press and is not at all surprising in view of the fact that the Commission’s head, Azizullah Lodin, was personally appointed by President Karzai. Most Afghans had no doubt what this move meant for the »integrity« of the electoral process and therefore stayed away on Election Day. (Surprisingly, it took many of the international observers much longer to fully understand the fraudulent implications of Karzai’s move.) Fortunately, there was another body, the UN-dominated »Electoral Complaints Commission (ECC)«, which, after some controversy in UNAMA (UN Assistance Mission for Afghanistan), corrected the problematic behaviour of the IEC and its judgment of the elections as free and fair.

Building a functioning Election Commission entails, of course, a number of institutional, organisational and technical details. There are, however, four issues which stand out:
Such a Commission should preferably be conceived as a permanent body; this, however, may be difficult in many developing countries for reasons of cost; there are second best solutions.

Definitely, the Commission should not be part of government, e.g. under the authority of the president, minister of the interior or any other minister. Otherwise it will have no credibility in terms of impartiality. The independence enjoyed by Ghana’s Election Commission is exemplary.

As part of this independence the appointment of its head and leading members should not be the sole prerogative of the president or the government as it is, unfortunately, the case in Afghanistan and a number of other countries; their interest in having a manipulative influence on the Commission is too obvious.

Providing the commission with sufficient funding, staff and technical means is, of course, a sensitive issue in view of the limited funds available in most developing countries. Western donors may have (and actually have had) a role to play here.

2.4 Electoral Complaint Systems

Election Commissions are an element important but not sufficient to fully alleviate the fears of the electorate and opposition parties that the outcome of elections may be manipulated. The existence of an «Electoral Complaints System» in which the people have trust therefore is essential.

To achieve this element of trust, complaints and appeals processes have to satisfy at least three basic requirements concerning (1) speed, (2) transparency and (3) accessibility. As long as they are met, it does not matter whether the body hearing the cases is permanent or temporary, formal or traditional, or whether the function is fulfilled by an existing law court, a subcommittee of the national election commission, or an independent organisation.

Speed may be regarded as the supreme demand on a complaints and appeals system. The longer a period of uncertainty persists about the final outcome, the greater the danger that rumour and disinformation will lead to unrest or even violence. In emerging democracies suspicions and rumours tend to run high, and are difficult to reverse once they have spread. Yet final election results cannot be certified officially until at least those appeals that could seriously affect the outcome of an election have been dealt with. Thus the need to deal speedily with complaints.

Transparency and accessibility are also important. Clearly, the best thought-out complaints and appeals process is worthless if the electorate is not aware that it exists or how it works, or is unable to file complaints for practical reasons. The workings of the complaints mechanism and how it can be accessed therefore need to be part of voter education efforts. Information about it should also be disseminated in all local languages and in as many different media as possible, as well as at polling stations on Election Day. Finally, the act of lodging an appeal must be as simple as possible, for example by means of a pre-printed form that is widely available.

There is a lot of room to tailor complaint systems, based on these principles, in accordance with national conditions. Yet, once again, impartiality is a must to give the electorate confidence in its judgement. To prevent this impartiality regarding the upcoming 2010 parliamentary elections in Afghanistan, President Karzai staged another coup in February 2010 building on his abuses in 2009. He issued a decree giving himself the power to appoint all five members of the Electoral Complaints Commission, the independent watchdog which in 2009 successfully prevented his fraught. He explained this move with the need to «Afghanise» the election process. To call it «Karzination» of this process is more appropriate, indeed. And, most unfortunate, the reaction from the Western diplomatic community in Kabul was rather weak as the Washington Post correctly stated: «It seems to have itself resigned to failure» in Afghanistan.

2.5 Confidence Building Measures

Choosing the appropriate Electoral System as well as establishing a functioning Election Commission and Complaints Mechanism is indispensable for ensuring sufficiently free and fair elections. Yet, more is needed if elections are to proceed and end peacefully. In war-torn

countries and countries carrying out an election for the first time, there tends to be an enormous and persistent potential for conflict, particularly with regard to acceptance of the final results. Political and other confidence building measures therefore need to be put in place to contain disruptive dynamics, on the local as well as the international level.

There have been positive as well as negative examples of such measures. In the 2005 elections in Liberia for instance, there was an imminent danger that George Weah, the famous soccer star and presidential candidate, would not accept his defeat and instead call his passionate followers, mostly youngsters, out for mass demonstrations in Monrovia, which most certainly would have led to violence and bloodshed. Members of the ECOWAS Council of the Wise, in particular former Nigerian President Abdulsalami Abubakar, rushed in and made it very clear to him, of course behind closed doors, that African leaders wanted him to abide by the rules of the game. He grudgingly did so.

In the DR Congo elections in 2006, Aldo Ajello, at that time the EU’s Special Envoy for the DR Congo and the Great Lakes Region, and several other high-level international politicians made it their task to shuttle in and out of Kinshasa in an ongoing dialogue with Interim President Kabila and other leading Congolese politicians to prevent the electoral process from derailing. The hour of truth for the Congo elections arrived when the signs grew that opposition leader Jean Pierre Bemba and his followers in Kinshasa would not be prepared to accept the victory of Kabila. Uncontrollable mass demonstrations and riots were to be feared, as the huge bulk of the population in Kinshasa were Bemba partisans. The AU reacted quickly and cleverly, sending in three high-level African politicians, two of whom, Jerry Rawlings from Ghana and Sassou-Nguesso from Congo-Brazzaville, had, in earlier phases of their lives, staged military coups themselves to seize power. Ironically, they turned out to be particularly effective in convincing Bemba that he had to abide by the democratic rules and accept his defeat.

In the December 2008 Ghanaian elections, such a high-level, intense international involvement was not needed. Apart from the above-mentioned professional role played by the country’s Electoral Commission and President, several mechanisms had been put in place on the local level to support a peaceful process. They were geared to addressing the crucial relationship between the Electoral Commission, political parties, and the electorate, in particular by

- establishing a formalised dialogue between the political parties and the electoral body that gave both sides the opportunity to raise and resolve controversial issues in a common political sphere;

- giving political parties access to direct participation at all the important stages of the electoral process, from voter registration to polling and vote counting.

The lessons learned from these as well as other cases, therefore, are unambiguous and have been pointedly stated by Aldo Ajello, the EU’s Special Envoy for the DR Congo and the Great Lakes Region: »A robust ongoing mediation role is among the most important elements to help maintain the trust of the parties in the electoral process«.

**Conclusion**

There is hardly any doubt that the struggle for better governance and democracy will continue in the developing world for decades to come. Elections will play an important role in this struggle despite all the risks and problems they entail. Heeding the imperatives and lessons learned, which have been addressed in this article as being of key importance, can contribute significantly to reducing these risks.7 Yet, carried away by abstract, resounding rhetoric on the need for democracy and free and fair elections, politicians and leaders in the Western capitals as well as in international organisations often fail to be serious about implementing them. This is particularly true with regard to safeguarding the independence and integrity of Election Commissions and Electoral Complaints Systems. The negative fallout of the abuses during the 2009 Afghanistan elections should be a sufficiently clear warning against such negligence.

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7. For more lessons learned regarding elections in post-conflict country see the before mentioned Report »Elections in Post-Conflict Countries – Lessons Learned from Liberia, Sierra Leone, DR Congo and Kosovo«. (http://www.zif-berlin.org/de/analyse-und-informationen/veroeffentlichungen.html)
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