

Roles and performances of regional election observation delegations in the SADC region

By
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The context of election observation in the SADC region

The reintroduction of political pluralism in Africa in the early 1990s was mostly the result of internal and external pressures upon Africa's single party regimes, following the disintegration of the former Soviet bloc and the collapse of communism in the late 1980s. Over 30 African countries partook in the 'third wave' of global democratisation.¹ Many African governments, which owed their survival and longevity to the existence of the schism between the capitalist and communist blocs, had to adjust and adapt to the new dynamics in the international political environment in order to survive. Realising that foreign investment and aid were no longer based on political alignments, but conditional on political and economic transformations, many African autocrats took steps, though often reluctantly, toward the democratisation of their regimes.

African opposition and pro-democracy groups were accusing incumbents of using democratic processes as a survival strategy rather than as a tool for the genuine political, economic and social development of their countries. The presence of international observers was thus seen as one of the ways of exposing any attempts by incumbents to rig elections. The pronouncements of those foreign observers, mostly westerners, on the lack of freeness and fairness in politically manipulated electoral processes would result in the donor community freezing the much-needed financial aid and loans.

Thus, over the past decade, international non-governmental organisations (NGOs) played a key role in the monitoring of transitional elections in Africa. These organisations contributed substantially to encouraging the sceptical electorates and opposition political organisations to participate in electoral processes and to make their voices heard at times when national and regional organisations had limited, if not non-existent, capacity to conduct efficient and competent election observer missions. The involvement of the international observer missions in the first multiparty elections in Zimbabwe in 1980, Namibia in 1989, Zambia in 1991, and Malawi, Mozambique and South Africa in 1994 was of paramount importance in ensuring the transparency, fairness and legitimacy of the electoral processes in those countries, which were, at that time, led by racial minorities or single-party state regimes.

Recently there have, however, been growing tensions between African governments and the Organisation of African Unity (OAU) – now known as the African Union (AU) – on the one hand, and some international observer groups, on the other. In June 2000, the government of Zimbabwe refused to accredit several prominent international groups, including leading US NGOs that promote democracy worldwide. In order to restrict the number of foreign observers, Zimbabwe became virtually the first country in the world to make the granting of accreditation to international observers and foreign journalists conditional on a payment of

US\$100 per international observer. The government of Zimbabwe explained that the fee was introduced to meet administrative costs related to the presence of observers. Zambia later followed the Zimbabwean example and its electoral commission applied fees for the accreditation of foreign observers in December 2001. Even domestic observers in the two Southern African countries had to meet this requirement, and though the amount imposed on them was much smaller compared to that paid by foreigners, it still constituted a burden for those organisations deploying a large number of observers, as this cost was not initially budgeted for.

In 2002, the Zimbabwean authorities granted selective accreditation to the European Union (EU) members, with close to half of the member countries accused of interfering with the country's internal affairs and declared ineligible. This culminated in the EU election observation mission pulling out of Zimbabwe. Equally, some African governments questioned the motives of Western observers in the Zimbabwe elections. The South African election report on the 2002 Zimbabwe presidential elections reads:

The question, therefore, is why is the international community so focused on Zimbabwe's internal problems when similar situations exist in other countries in the world? It appears that the role played by the UK government in general, and the plight of white Zimbabweans in particular, many of whom are British citizens, who are perceived to be the prime victims of the current land distribution campaign, should provide part of the answer.²

Echoing the sentiments expressed by a number of African governments, Amara Essy, the secretary-general of the OAU, declared on 15 February 2002 in Lusaka, Zambia, that the EU should leave Africa to monitor its own elections: "We have to find an internal organ within Africa to monitor elections and to help strengthen democracy in Africa. We do not need foreigners." Essy also expressed the wish that "there would be no foreign observers or monitors of elections in Africa after the next decade".

This paper examines the process of election observation in the Southern African Development Community (SADC) region, and assesses the roles and performances of regional election observation organisations. It also explores the way forward for the professionalisation of those emerging regional election observation missions.

Nature of regional election observation organisations

Little attention has been paid to the roles and performances of regional election observation missions. Yet, there has been a myriad of such missions over the past two years.

Two regional observer missions have been prominent owing to their high level visibility in nearly all the elections that have taken place in the region over the past four years: the SADC Parliamentary Forum (SADC PF) and the Electoral Commissions' Forum of SADC countries (ECF).

The SADC PF was established in 1996 in accordance with Article 9 (2) of the SADC Treaty as an autonomous institution of SADC. It is a regional inter-parliamentary body composed of 12 parliaments representing over 1800 parliamentarians in the SADC region. Member parliaments are Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The Democratic Republic of the Congo (DRC) and the Seychelles are the only two SADC countries that have not officially joined the regional parliamentary body.

The objectives of the Parliamentary Forum include the promotion of multiparty democracy, good governance and political stability in the region, as well as respect for the rule of law, human rights and fundamental freedoms. In line with the above objectives, SADC PF has taken

a keen interest in election observation in its member states. In this regard, the regional parliamentary body observed elections in Namibia and Mozambique in 1999, and Zimbabwe, Mauritius and Tanzania in 2000. Based on these observations, the forum developed and adopted electoral norms and standards for the SADC region in March 2001, which serve as benchmarks against which to assess the management and conduct of elections in the region. Thus, the forum's assessments of the Zambia tripartite elections of December 2001, the Zimbabwe presidential election of March 2002 and the Lesotho legislative election of May 2002 were based on its own election norms and standards. By setting up electoral standards, the SADC PF observers have been able to reach consensus on the conduct of electoral processes relatively easily, based on consistent, objective and impartial criteria. A number of local and international observer groups have used SADC PF's standards to assess the Zimbabwe 2002 presidential elections.³

The combination of Members of Parliament from both ruling and opposition parties in its election observation missions has been one of the main factors that has ensured a fair balance in the SADC PF's assessment of electoral processes. Observers from the ruling and opposition parties have learnt to make decisions based on consensus and to accommodate minority views.

Since 1999, the forum has benefited from working closely with the US-based National Democratic Institute for International Affairs (NDI), whose technical assistance has allowed the parliamentarians to acquire skills in election observation, among other things. The forum is now equipped to organise and competently conduct election observer missions and to report on its observations, findings, conclusions and recommendations independently, impartially and objectively.

Formed in Cape Town, South Africa, in July 1998, the ECF is made up of 14 electoral commissions from the SADC region, including the Zanzibar Electoral Commission but excluding the DRC, which does not have an electoral management body yet. The purpose of the ECF is, among other things, the exchange of information and experiences between member electoral commissions, the harmonisation of the management and the conduct of elections and the development of electoral best practices for the region.

The ECF has drawn extensively on the support and research carried out by its temporary secretariat, the Electoral Institute of Southern Africa (EISA) as well as on the experiences of member commissions and the know-how of individual commissioners and senior electoral staff in the field of election management. The ECF has observed nearly all the elections that have taken place in the region from 1998 to 2002.

In addition to these two forums, the Election Support Network of SADC countries (ESN) – a group of over 50 leading civil society organisations working in the field of election monitoring in their respective countries – has observed most elections that have taken place in the region from 1999 to 2002. The ESN delegates usually monitor elections jointly with their local monitor counterparts. They tend to keep a low profile and have until now received little media coverage. Their election monitoring reports have had only a limited distribution.

Many ad hoc regional election observer teams have been constituted over the past two years to observe elections. Zimbabwe was the focus of most regional election observer missions in 2000 and 2002. The executive branch of SADC sent a small delegation to observe the poll and the count there in March 2002, as did the governments of South Africa, Namibia, Tanzania, Malawi and Botswana. Official presidential observer missions to Zimbabwe also came from as far as Nigeria and Ghana.

Denis Kadima argues that, though the 25 May 2002 parliamentary election in Lesotho did

not attract as much attention internationally as the 2002 Zimbabwe presidential election, these elections were seen as an important milestone in the region.⁴ Regional delegations, like the SADC PF and the ECF, and several official presidential missions were sent to observe the kingdom's legislative election. SADC itself sent the 'Extended SADC Troika Mission', which was formally entrusted with the responsibility of ensuring that the political situation in Lesotho evolved smoothly. Composed of South Africa, Botswana and Zimbabwe, the troika was reinforced by Mozambique and Namibia; hence the 'extended' SADC troika.

Regional observer groups have a number of undeniable comparative advantages over international observers. These include a better knowledge of the region, their proximity to the host country and the resulting potential for involvement in the host country over a longer period of time before and after the election, and their commitment to political stability in their region. In addition, it is believed that election observation by international groups often suffers from their inadequate knowledge of the host country's cultures, languages and physical terrain and of the geo-political context of the continent.

The emergence of regional election observer missions raises, however, a number of questions, including:

- Do regional missions have the capacity to observe elections independently, objectively, impartially and competently?
- What have been their performances over the past few years?
- How can such performances be enhanced?
- What lessons can be learnt from international observers?
- Do international observer missions still have space in the region?
- Would the host country's membership of a particular regional body not limit the ability of regional observers to come out strongly against wrongdoings by the host country's government, in an effort to preserve the unity of the regional body?

Answering these questions will allow us to understand the many challenges facing regional election observation bodies and to offer ways of enhancing their performances.

Challenges to regional election observers

In 'The Observers Observed', Thomas Carothers caustically comments on international observer missions as follows:

It is difficult to get close to a major international election-observation effort without feeling that something is amiss in the zoo-like atmosphere on election day, and that many of the observers are motivated as much by vanity and a tourist's taste for the exotic as by a serious commitment to supporting democracy abroad.⁵

Carothers' description of international groups applies also to the emerging election observer missions from the African continent, in general, and the SADC region, in particular. More importantly, the mushrooming of regional observer delegations is accompanied by serious challenges. The development of regional observation missions will depend on their ability to surmount a number of those challenges, as analysed below.

Inadequate training and amateurism

The lack of adequate training of many of the emerging regional observer groups has resulted in some of them making superficial assessments of electoral processes. On a number of occasions, it has been clear that many hastily assembled election observer missions from the SADC region have shown serious limitations in their assessing of electoral processes. Many of these missions often overlooked the need for carrying out proper training for their delegates

or they assumed that observing elections was a relatively easy task that did not require much preparedness. Some official presidential missions therefore displayed considerable amateurism. Unfortunately, some of those missions received a lot of media coverage, thus reflecting poorly on regional election observer missions in general.

Constituted hurriedly, many regional delegations have often failed to see the big picture, and have tended to evaluate elections on the basis of political considerations, often motivated by peer solidarity. The emerging regional election observer missions need to take the time to learn about the requirements of competent and non-partisan conduct of election observation.

Focus on the polling and counting activities

Another challenge facing emerging regional election bodies has been their near-exclusive focus on short-term observations. It is understandable that financial constraints often do not allow regional organisations to deploy long-term observers. There is, however, a need to come up with creative ways of circumventing such limitations. EISA, for example, used to hire a team of local researchers to monitor and report on relevant political and electoral developments in the host countries, from the early stages of the electoral process to the post-election phase. Their findings were published in an informative *Election Update* series. This publication allowed regional election observer missions, and particularly the ECF, to have a good understanding of the 1999 and 2000 electoral processes in South Africa, Malawi, Botswana, Mozambique, Namibia and Zimbabwe.

Concurrent with the adoption of its norms and standards for elections in the SADC region, the forum also decided to abandon its earlier focus on just the observation of polling and counting activities, and extended its missions to the other phases of the electoral process. Accordingly, it sent missions to observe voter registration in Zambia and Lesotho, in July and August 2001 respectively. It also deployed a post-election good-will mission to Tanzania/Zanzibar in October 2001 to support efforts by the ruling Chama Cha Mapinduzi (CCM) and the opposition Civic United Front (CUF) to iron out their differences after the failed general election in Zanzibar in October 2000.

The above cases are, however, isolated efforts to spread regional election observation activities throughout the entire electoral process and, where necessary, beyond. Some regional groups have based their assessment of the entire electoral process on the voting and counting activities.

In Zimbabwe in 2002, for example, many of those groups declared the entire electoral process 'free and fair' only because of the peacefulness and transparency of the voting and counting activities, the dedication and commitment of electoral staff, the high voter turnout and the apparent absence of political violence during the poll and the count. They ignored all the serious problems that occurred during the pre-electoral phase and which had a direct impact on the electoral outcome, such as the pre-election politically motivated violence and intimidation, the non-transparent, and at times selective, registration of voters, the lack of an independent and impartial electoral management body and the inability of many urban voters to cast their ballots.

Generally, the emerging regional missions arrive in the host country when political parties and candidates are holding their final campaign rallies, observe the poll and the count, give their stamp of approval to the process and depart from the host country while the election results are still being announced. As a result, their observations and reports end up being, at best, inconsequential to post-election political developments in the host country.

Lack of objective and consistent criteria for assessing elections

There have been a number of publications on the criteria for assessing the freeness and fairness of elections, such as Jørgen Elklit and Palle Svensson's 'What Makes Elections Free and Fair?'⁶ Most regional election observation bodies have found it difficult to assess electoral processes on the basis of consistent and objective criteria. Apart from the SADC PF, which has been able to develop its own norms and standards and to use them in Zambia (2001), Zimbabwe and Lesotho (2002), most regional groups do not have such criteria. As a result, they therefore fail to assess whether a country is moving towards or away from the ideal of free and fair elections. Is the lack of objective criteria an explanation for why the ECF, for example, has never declared that any of the 10 or so elections observed by its teams in the region over the four past years were not free and/or fair? Regional bodies like the ECF need to rethink their role; the ECF might be more relevant if it could focus systematically on election assistance rather than election observation and assessment of a member electoral commission's performance.

The lack of a set of objective criteria by which to assess elections has also led some regional observers to succumb to the temptation of assessing elections in an inconsistent manner and often on the basis of political considerations rather than objective best electoral practices. As a result, many regional election observation missions appear increasingly to be mere solidarity missions. During the parliamentary elections of June 2000 in Zimbabwe, for example, some regional groups emphasised the peacefulness of the poll and the count and downplayed the impact of the pre-election campaign of political intimidation and violence. Conversely, some international observers failed to appreciate the professionalism of the electoral staff and the transparency of the poll and the count in Zimbabwe, and focused their conclusions nearly exclusively on the pre-election violence. Some foreign observers had passed judgment on the conduct of the 2000 and 2002 Zimbabwe elections based on media reports and before even arriving in the Southern African country.

A positive initiative in this area has been the development of regional election norms and standards led by EISA, the University of Namibia and the ECF, which started in June 2000 in Windhoek, Namibia, with the participation of political parties, civil society organisations, electoral commissions and research institutions from all 14 SADC countries. It is expected that the proposed norms and standards will be discussed and adopted by the participating institutions before the end of 2002. Ideally, the norms and standards being developed by SADC PF and the civil society initiative led by the three organisations mentioned above, should be consolidated into one document and adopted by various regional segments as the basis for assessing elections impartially and objectively in the region.

Late release of final reports

Most regional observers tend to release their final reports many months after the election. Unfortunately, by that time, the attention of interested parties in the host country and in the region has become focused on other matters. For example, though the Zambia tripartite elections took place in December 2001, none of the main regional observer groups published and distributed their final reports before the end of August 2002. As a result, when such reports become available, they fail to have a positive influence on any political developments in the host country. Regional bodies should emulate the example of the Commonwealth, whose final report is often available only weeks after the holding of an election.

Little emphasis on local government elections

Regional bodies have been exclusively focused on the observation of presidential and par-

liamentary elections, and have completely disregarded local government elections. These regional bodies need to appreciate that local government constitutes the training ground for democracy.⁷ The presence of serious regional election observer missions monitoring local government elections would put local government high on the regional agenda and contribute to democratic development at grassroots level.

The little emphasis on the monitoring of local government elections may be a consequence of the highly centralised nature of many national governments in the region, which has resulted in making local government matters irrelevant. This has been conspicuous in countries holding concurrent national and local government elections, as a way of, among other things, saving on costs. Botswana, Tanzania and Zambia all fall under this category of countries. It has been observed that electoral politics in those countries tend to focus strongly on national issues to the detriment of local government matters. The decentralisation of government would go a long way in giving local government matters the place they deserve. It could be expected that, with meaningful decentralisation, donors would see the need and relevance for supporting this tier of government.

The way forward

As explained by Gerhard Töttemeyer and Denis Kadima, many regional election observation delegations have the following objectives:⁸

- ♦ To signal, by their presence, the significance attached to the election by the people of the region;
- ♦ to assist in ensuring the integrity and credibility of the electoral process;
- ♦ to encourage high levels of participation in the electoral process by voters, political parties and candidates; and
- ♦ to report independently and objectively any serious manipulation of the electoral process.

The performances of these emerging regional actors have, however, been uneven owing to, among other things, inadequate training and methodological deficiencies. Nonetheless, a handful of regional institutions have distinguished themselves through their good work, which has been the result of several years of tireless work in the field of election observation. It is obvious that credible and competent international NGOs have proved to be effective in financial assistance and skills development and transfer to regional and domestic observers. Such organisations have worked with civil society organisations throughout the world, helping them develop the capacity to monitor electoral processes effectively. This has contributed to some degree to the professionalisation of election observation.

A major constraint for most regional bodies has been their inability to openly criticise wrongdoings of the electoral and political authorities of the host country. While this attitude allows the maintenance of some degree of regional political unity, it has failed to meet the legitimate democratic aspirations of the people and the opposition parties of that particular country. Competent international observer organisations without a political agenda may help voice what regional bodies are unable to articulate in public comfortably.

The region needs relevant capacity-building initiatives in order to have a small but sufficient number of regional organisations capable of observing electoral processes independently, impartially, objectively and competently. Regional organisations also need to develop a set of objective criteria, or norms and standards, to be used to assess elections in the region consistently. Collaboration with foreign organisations would help the region to relate international experience to its own realities. This comparative perspective would help to enhance the conduct and management of future electoral processes and to inform and inspire electoral

reforms in the region. It is hoped that the professional monitoring of elections will contribute to enhanced levels of political participation, more open political competition and improved political representation and stability. All of the above variables are necessary requisites for sustainable democratic development.

It is also crucial that the region design strategies to ensure the sustainability of regional election observation. Experience has shown that donor interest tends to decrease from the founding to the next generation of elections. As watchdog institutions, civil society organisations need to find ways of continuing to play their role, given that the costs of failed elections in the region and the continent have proven to be unaffordable.

Endnotes

- 1 Samuel P. Huntington, *The Third Wave: Democratisation in the Late Twentieth Century*, Norman: University of Oklahoma Press, 1991.
- 2 Report of the South African Observer Mission to the Presidential Elections in Zimbabwe, 9-11 March 2002, Pretoria, 2002, p 7.
- 3 The Zimbabwe Electoral Support Network (ZESN), an umbrella body consisting of tens NGOs, has consistently used the SADC Parliamentary Forum's electoral norms and standards as the basis for its evaluation of the conduct of the 9-11 March 2002 presidential elections in that country.
- 4 In an article published in the June 2002 issue of *Election Update*, Denis Kadima explains that although the 25 May 2002 legislative elections in Lesotho did not draw much attention in the international community, these elections attracted a great deal of interest in the SADC region for at least two reasons. First, SADC troops intervened in Lesotho after the collapse of law and order following the dispute over the electoral outcome in 1998. SADC member countries encouraged Lesotho to design inclusive political and electoral processes and frameworks. The region therefore monitored closely political developments in the mountain kingdom in order to avoid a recurrence of the 1998 situation. The second reason for interest in the Lesotho elections is that the region could not afford to have three consecutive controversial national elections after the fiascos in Zambia in December 2001 and Zimbabwe in March 2002, as this would have tarnished the image of the SADC region and weakened the central argument advanced by African leaders, that through the New Partnership for Africa's Development (NEPAD), the continent commits itself to democracy and good governance, and that peer review will be the basis of assessment of countries' performance.
- 5 Thomas Carothers, 'The Observers Observed', *Journal of Democracy*, July 1997, p19.
- 6 Jørgen Elklit and Palle Svensson, 'What Makes Elections Free and Fair?', *Journal of Democracy*, July 1997.
- 7 David G. Becker, 'Latin America: Beyond Democratic Consolidation', *Journal of Democracy*, July 1997.
- 8 Gerhard Töttemeyer and Denis Kadima, *Handbook for Election Observer Missions*, Johannesburg: EISA, 2000, p 5.