



**Realising effective and sustainable
democratic governance in Southern
Africa and beyond.**

**Election Monitoring and
Observation in Nigeria and
South Africa: A Decade Review**

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Introduction

In a democracy, elections offer the freedom of choice, the power to hold elected leaders accountable and provide protection against the perpetuation of arbitrary rule. The deepening culture of democratic elections is, no doubt, an outgrowth of the ‘*global wave of democratization*.’ This may be viewed in a similar context to what Samuel Huntington terms ‘*the third wave of democratization*’ [1] and what Francis Fukuyama refers to as ‘*the end of history*.’ Both notions suggest the triumph of liberal democracy over the authoritarian communism of the former Eastern bloc [2]

Closely associated with this democratic revolution is the art and practice of election monitoring and observation. With specific reference to Africa and other transitional or new democracies, monitoring elections and observing electoral rules, procedures (before, during and after the election) have, in the last decade, increasingly featured in Africa’s political process.

The concepts ‘monitoring’ and ‘observation’ are often used synonymously as though they mean the same process. Both in common usage and academic discourse, the two terms should be used to refer to two distinct, albeit intertwined, processes. The two terms are certainly intertwined and to the extent that they “refer to some form of eye witnessing and fact finding The Institute for Democracy and Electoral Assistance (IDEA) defines election monitoring as “an activity which involves the authority to observe an electoral process and to intervene in the process if relevant laws or standard procedures are being violated or ignored” [3]

Although both election monitoring and observation review and evaluate the whole electoral process, covering the pre-election phase, the polling day and the post election phase, the former is more thoroughgoing and extensive than the latter. Thus, for Rwelamira and Ailola, election monitoring is a 'little more involved than mere observing. It involves the careful scrutiny and assessment of an election for purpose of determining its impartiality, in terms of organization and administration. It also includes an assessment of the process and actual formulation of the electoral law and the role of the security forces'.[4]

It is quite clear, therefore, that election monitoring is a much more interventionist form of fact-finding about the election process. For this reason, military and police observers are, when appropriate, engaged to monitor the activities of national police and military forces. Other areas which may be monitored are the civil service, the media, political party campaigns, voter education voter registration and the actual voting as well as the vote counting and results announcing processes [5].

In contrast, election observation refers to some fact finding by both internal and external actors regarding an electoral process with limited or without direct intervention into the actual electoral process. According to the Institute for Democracy and Electoral Assistance (IDEA), election observation refers to,

...The purposeful gathering of information regarding an electoral process, and the making of informed judgment on the conduct of such a process on the basis of the information collected, by persons who are not inherently authorized to intervene in the process, and whose involvement in the mediation or technical assistance activities should not be such as to jeopardize their main observation responsibilities" [6]

An election observer, therefore, is a person (local or foreign) who is participating in the electoral process of a given country, not as a voter but as an evaluator of the process, and is accredited to do so by relevant authorities of that country. International observers also conduct their fact-finding mission in accordance with Codes of Conduct where applicable. One of the most comprehensive and well development guidelines (norms and standards) for election observation is the Commonwealth Electoral Practice, premised upon the 1991 Harare Declaration. Among its most useful guiding principles for observation is the provision that states...*the practice of permitting local and international observers to observe elections helps to inspire confidence in the electoral process and should be encouraged. All observers should operate within the laws of the host country and liaise with electoral body. Any complaints received by observers from political parties, candidate or individuals should be brought to the attention of the electoral body. [7]*

After a critical analysis of Carter Center's approach to election observation, it appears that it is construed as a project to be described rather than a concept to be defined.

The Carter Center observation projects generally begin well in advance of election. Observers' teams are often in a country in time to assess registration exercises and political campaigns. During election, the observers monitor voting and counting and remain after the ballots have been counted to monitor vote tabulation

Before an election, the Carter Center observers meet with election officials and party leaders to discuss electoral procedures. Sometimes they mediate election disputes and help all sides to agree on election rules. During this phase, an assessment is made of the

voter registration process, voter education efforts, and the fairness of the campaign's "field of play".

On Election Day, observers are dispatched together with systematic survey forms to urban and rural areas where they witness preparations to poll openings, voting and vote counting. The aim of this is to determine as far as possible, whether the vote was secret and fair at the sites they visited. In addition to talking with polling site officials and party witnesses, observers interact with citizens to note any complaints.

After poll close, delegates observe the counting of the vote and the delivery of ballot boxes. Then the entire delegation meets to discuss its observation and issue a statement of findings as a group. If necessary, qualified high-level observers can serve as mediators to facilitate the peaceful transfer of power. Once election results are confirmed, the Carter Center observers, on occasion, remain engaged in a country through the inauguration of a new President or Government and beyond. This relates, in particular, to countries where the Center has had/ or anticipates a long-term involvement.[8]

With reference to EISA's thinking, although the terms monitoring and observation are often used interchangeably, it is worth noting that the two processes are, in fact, fairly distinct, albeit intertwined. **PEMMO** defines observation as information gathering or on-site fact-finding and making informed judgments about the credibility, legitimacy and transparency of the electoral process. It is often carried out by external agencies that cannot intervene in any material way in the voting and counting operations. Monitoring refers to information gathering and examination and evaluation of the electoral process. It is often carried out by domestic agencies. They are able to draw the attention of the presiding officers to observed

deficiencies in the voting and counting operations. Election monitoring and observation may take two main forms:(a) long-term - covering all the phases of the electoral process and (b) short term - covering mainly polling day activities. [9]

The Nigerian Experience with Election Monitoring and Observation

When observer groups first surfaced on the Nigeria electoral scene to witness the presidential election of **12 June 1993**, Nigeria considered the idea as entirely novel. Today it has developed to become an accepted feature of the country's electoral process, with local observer groups also taking part. About 12,000 accredited election monitors assessed the 27 February 1999 Presidential election between Olusegun Obasanjo, a retired general and former Head of State, and Olu Falae, former Finance Minister in the Ibrahim Babangida military regime. Included in this number, about 2,000 were foreign observers drawn from different organisations. They came to witness the election at the invitation of General Abdul salami Abubakar, former Head of State and Ephraim Akpata, (Now late) former Chairman of the Independent National Electoral Commission,(INEC) The European Union, (EU,) sent 100 observers and the Commonwealth, sent a 23-member Commonwealth Observer Group (COG).[10]

The Carter Center was involved in collaboration with the National Democratic Institute for International Affairs, (NDI), based in Washington, D,C and the Human Rights Watch. Furthermore, observer groups from Canada, Norway, Japan, and some African countries were also present. Former President Jimmy Carter of the United States led the Carter Center delegation. It comprised Mahanane Ousmane, former Niger President, and Colin Powell, the former chairman of the United States Joint Chief of Staff and now U.S Secretary of State. Ketumile

Masire, former President of Botswana, led the 23-member COG. The 100-member European Union Observers Mission, (EU-OM,) was led by Hans-Gunter Sulimma, (former German Ambassador to Canada), while another US-Based group, the International Republican Institute, (IRI,) was led by Ed Royce.

Over 10,000 domestic observers were sent by different non-governmental organisations, (NGOs.). The Transition Monitoring Group, (TMG) and the Abuja NGO Coalition for Democracy and Good Governance contributed the majority of the members. Each of these NGOs is a coalition comprising over 50 other NGOs and human rights organisations.

The number of observers who witnessed the 1999 presidential election far outstripped the 3,000 observers that monitored the 1993 Presidential election. Of this number, 135 were foreign. Britain contributed 24 observers, the largest. The British Team with four parliamentarians was led by the then British High Commissioner to Nigeria. But unlike the 12,000 foreign and local monitors who were accredited by INEC in the 1999 election, the 3,000 monitors in the ill-fated 1993 presidential election were invited and accredited by the Center for Democratic Studies, (CDS) to give credibility to the elections. [11]

The same reason probably informed the decision by INEC and Gen. Abubakar to invite observers in the run up to the 1999 elections. At a meeting in February 1999 of the INEC and the TMG, Akpata stated that his Commission believed in election observation and monitoring. Akpata, who was represented by Steve Osemeke, (INEC's Director of Public Affairs), agreed that the reports submitted by the observers who monitored the local government, states' Houses of Assembly and governorship elections, had been very useful to the Commission in re-appraising its strategies for future elections. Mr. Clement Nwankwo, the

TMG director, re-emphasised the fact that his group was involved in election monitoring in order to contribute meaningfully to the conduct of a credible and acceptable election in Nigeria. [12]

After comparing the methods applied by both local and foreign observers during the previous elections, it became clear that there was no difference from those employed during the 1999 elections. It was a painstaking job, given the Nigeria's geo-political structure. The 100 observers from the EU operated in teams of two and were deployed in the 36 states of the federation and in the Federal Capital Territory. The teams observed the election of polling stations, the accreditation of registered voters, the poll and the count at polling station level. They then proceeded to monitor the collation of the results at ward and local government area centres. In all, the 100 observers visited over 900 polling stations and witnessed the collation of results at 200 centres. [13]

The Commonwealth Observer Group (COG) also observed the process from start to finish, using its own methodology. Its members travelled to many parts of the country before, during and after polling. The Carter Center-NDI observers did the same thing in 24 states and reconvened in Abuja to discuss their findings. Thereafter they issued a preliminary report of their observation findings.

In 1999, both the foreign and local observers were unanimous in their findings. Although the exercise took place peacefully nationwide, there were nevertheless instances of electoral abuse, such as falsification of voters and stuffing of paper into ballot boxes. In fact, while addressing a world press Conference in Abuja on Sunday, 28 February 1999, Jimmy Carter opined that members of his monitoring group witnessed serious irregularities and overt electoral fraud. According to him *"...It appeared that many of these electoral abuses were a result of collusion*

between polling officials and party agents and security operatives...”[13] In a letter to INEC chairman, the following day, Monday, 1 March 1999, Carter stated: “Regrettably it is not possible for us to give an accurate judgment about the outcome of the presidential election. But all the other groups including the ones dispatched by the Organization of African Unity, (OAU), were of the opinion that the election results reflected the wishes of the Nigerian people”. [14]

2003 Elections: Observing Observer’s Observation

The various post-election reports of the international observers bear testimony to the fact that Nigeria’s democratic experience is far from perfect, and, in all measures, Nigeria has yet to pass Huntington’s two-turnover test.[15]The following represents the summaries of international and local observers reports on the conduct of the 2003 elections:

The EU-Election Observer Mission

The EU-EOM arrived in Nigeria on 11 March 2003 following an invitation from Nigeria Ministry of Foreign Affairs. The mission was led by Chief Observer Mr. Max Van den Berg, Member of the European Parliament, Vice chairman of the EU Parliament Committee on Development and Cooperation and Member of the Joint-Parliamentary Assembly of the EU – ACP States. In the Presidential/Gubernatorial elections the EU-EOM deployed 118 observers throughout Nigeria.

Mrs. Karin Junker member of the EU Parliament and two members of Dutch Parliament also participated in the EU-EOM. After the April 12 and 19 elections, the EU-EOM published a summary of its findings. The EU-EOM noted that the presidential and a number of gubernatorial elections were marred by serious irregularities and fraud in a certain number of states. The minimum standards for democratic elections were not met.

The observers witnessed and obtained evidence of widespread election fraud in certain states. Many instances of ballot box stuffing, changing of results and other irregularities were observed in Cross-River, Delta, Enugu, Kaduna, Imo, and Rivers. The elections in these states lack credibility and there is a need for the relevant authorities to take appropriate measures. Similar irregularities were observed to lesser extent in a number of other states, including Anambra, Benue, Edo, Katsina, and Nassarawa. These incidents served to undermine the electoral processes and irregularities should be thoroughly investigated and addressed by the appropriate authority.

In many other states in the country and, in particular, in South-West (including Lagos), elections were described as largely orderly. Improvements were noted in the distribution of election materials, the timely opening of polling stations and, in some places, the secrecy of the vote. Nevertheless, substantial flaws and weaknesses remain in these states, e.g. tampering with voter’s lists, ballot distribution and safeguards against multiple voting. The EU-EOM observed that there were delays and repeated polls for the National Assembly elections. These were not conducted in a transparent and credible manner. A countrywide breakdown of results by polling stations is recommended to enhance the credibility of the process.

Federal and state-owned media failed to live-up to their legal obligations in providing equal access and fair coverage to all political parties and demonstrated political bias in favour of the rulings party at Federal and state levels. Private broadcasters and print media provided greater coverage of the opposition party; editorial policy was however, influenced by commercial imperatives and led to unbalanced treatment of candidates. The EU-EOM noted that once again that the election was generally peaceful. It encouraged all stakeholders to actively

contribute to a peaceful environment and urged aggrieved parties to resort only to legal remedies through the judiciary. [16]

International Republican Institute (IRI)

IRI, in its findings, showed that the Nigerian voters made a substantial effort to participate in the election, often under difficult conditions. The group did not report evidence of widespread or systematic misconduct. It was noted however, that significant procedural irregularities were identified at practically all stages of the voting and vote tabulation process in those states observed by the Institute.

For instance, IRI reported that there appeared to be general lack of observance of the prescribed procedure for securing ballot boxes. In addition, it observed that irregularities were most dramatic and also of greatest concern in the vote tabulation and collation process. The group observed that consistent, well-articulated and properly implemented procedures were essential to the credibility of any election. According to IRI, though none of the administrative and procedural problems identified would by themselves call into question, the integrity of the April 12/19 election process or the credibility of the results, their overall impact on the perceived quality and transparency of the election was substantial. With 42 monitors, the IRI was only able to cover the 12 states of Bauchi, Cross River, Gombe, Imo, Katsina, Kogi, Lagos, Nassarawa, Ogun, Oyo, Rivers, Sokoto and Abuja. Seven states were grouped under those with relatively good performance – Bauchi, Gombe, Lagos, Ogun, Oyo, Sokoto and the FCT. The most serious cases of fraud were allegedly recorded in Cross River, Imo and Rivers. Here, some polling stations had no result forms while ballot tabulation and collation processes were highly irregular and created opportunities for abuse. [17]

Commonwealth

At the head of the Commonwealth Observer Group (COG) was the respected former Secretary-General of the now defunct Organization of Africa Unity and former Prime Minister of Tanzania, Dr. Salim Ahmed Salim. On arriving Nigeria, the group stated that its primary assignment was to observe the elections and to consider the various factors impinging on the credibility of the electoral process as a whole. Furthermore they intended using their own judgment as to whether the conditions existed for a free expression of will by the electors and if the results of the elections reflected the will of the people.

After observing the elections throughout the states, the COG in its interim report, paid tribute to the Nigerian people for treating the elections with great seriousness. The group, also indicated that Nigerians displayed an impressive enthusiasm, patience and determination to exercise their right to vote. It noted however, that there were logistical problems in many places as essential materials were missing thus delaying opening of polling stations. The voting process was often very slow; the voting process lacked the required secrecy obtained elsewhere in the world and the collation process suffered from poor organisation, inadequate accommodation and deficient lightning. [17]

National Democratic Institute (NDI)

Mr. Sam Mpasu, Speaker of the Parliament of Malawi, headed NDI with its 50 observers from 12 countries in Africa Europe and North America. In its preliminary report after observing the Nigeria 2003 elections, NDI reported that there was need for concerted and extraordinary steps by INEC, the government and the political parties to remedy fundamental flaws in the election process if the integrity of ballots and other electoral items was to be preserved. In addition, NDI observed

that in some states such as Bayelsa, Rivers, Akwa-Ibom, Delta, Enugu and Anambra, blood flowed freely although the death toll was reduced in comparison to the National Assembly elections in the same states. [18]

Justice, Development and Peace Commission

In its interim statement on the Presidential/Gubernatorial Elections held on 19 April 2003, the Justice, Development and Peace Commission of the Catholic Secretariat of Nigeria observed that, unfortunately little was done in the political education and enlightenment aspect. A substantial number of the non-literate population therefore, could neither recognise the party symbols nor vote properly for the candidates of their choice. Despite the effort of the INEC's *ad-hoc* staff, about 35% of them still lacked adequate knowledge of election guidelines.

The non-display of the Voter's Register for claims and objections and its late display in several places made it difficult for voters to ascertain the authenticity or otherwise of the register. This led to delays and disenfranchisement of eligible voters. There were cases of INEC's *ad-hoc* officials selling cards to party officials who used them for multiple voting. This was observed in Idah, Kogi state. On the rationale for election boycott and a low turnout, there was high incidence of rigging, intimidation and even violence in Enugu, Anambra, Rivers, Bayelsa, Edo, Delta States, and no positive action was taken by INEC to correct the situation. The failure of INEC and Government to address these anomalies led to boycott of the election in Enugu and Ebonyi states and there was low turnout of voters for fear of further violence in Rivers, Anambra, Bayelsa, Edo and Delta.

As massive rigging of elections was always perpetuated at the collation centre, there was need to involve

observers in all of these centres. However, various returning officers especially at the local government officers refused observers access into the collation centres. This was observed in many local government areas in Anambra such as Njikoka, Aguata, Onitsha and Nnewi, in Imo State such as Owerri North-East, Orlu, and in Rivers, Enugu and Delta states. The EC 8A (i) form designed for statement of the results did not have provision for incorporating the number of the total valid votes in words. This gave room for possible manipulation of numbers or altering the authentic results.

On monetary inducements, stealing and stuffing of ballot boxes, the heavy presence of security officials in the polling centres did not deter monetary inducement. This was prominent in Kogi, Katsina and Taraba states. Some INEC officials colluded with party agents to share unused ballot papers for financial rewards especially in Jalingo, Delta and Ekiti states. Both stealing and stuffing of ballot boxes was observed in many states.

In some areas such as Aboh Mbaise in the Imo state, a vehicle with stuffed ballot boxes was apprehended and destroyed around 11.00a.m on an election day. In addition, a vehicle was burnt near Owerri Girls Secondary School in Owerri. The INEC office in Ahiazu Mbaise together with the local government office in Aboh Mbaise, all in Imo state, were also burnt down by irate crowds in a similar incident.

In Umudele Ndeshi Etche Ward 17, Port Harcourt, Rivers state, trouble broke out as the ballot boxes were snatched away. In Ward 11, 007 and Ward 19 in Port Harcourt, result sheets were reported to have been hijacked or grabbed from the presiding officers by party agents. [19]

Transition Monitoring Group (TMG)

The TMG, a coalition of 170 human rights and civil society organisations

deployed 10,000 monitors. The TMG preliminary report on the Nigerian Presidential and Gubernatorial Elections also noted that, it appeared that INEC did not make adequate arrangement for the transportation of election materials, polling officials and security personnel from the polling stations to the coalition centres and officials in many polling stations could not report on any concrete arrangements made for this purpose.

The TMG observed also that elections did not take place in some parts of Delta and Bayelsa states. Shortage of elections materials and insufficient ballot papers were reported in some parts of Ogun and Edo state. It was noted that there were few cases where election officials did not quite know what to do in clarifying some issues such as happened in the Borno state.

Lack of confidentiality in the voting process was a major concern as polling officials in many polling stations did not make adequate provision to guarantee the secrecy of the ballot. This occurred in several states. In addition, there were scores of cases of alleged electoral fraud in many states across the country, often pursued in collusion with election officials and security personnel. TMG observers noted massive under-age voting in some polling stations. There were reports of police complicity in electoral malpractices in some states, reluctance to intervene in glaring cases of electoral malpractices on the part of some party agents, and the inability to maintain law and order in some centres. This gave hoodlums a free rein to unleash mayhem.

The TMG observed that there were substantial flaws in some of the critical stages leading up to elections. This tended to undermine the credibility of the process, and there were cases of electoral violence and numerous reports of electoral fraud in some parts of the country. [20]

Election Observation in South Africa Since 1994

In **1994**, thousands of local monitors and foreign observers were deployed during the campaign and the poll. This is not unexpected given that the year 1994 marked a turning point in South Africa's history of democratic and non-racial governance.

According to Tom Lodge, Five thousand foreign observers arrived close to the polling day and some of the had very generous resources at their disposal

For example, the official U.S Team led by Reverend. Jesse Jackson was supported by a US \$ 35 million grant. The UN Monitoring mission fielded 1 800 observers from 100 countries. The EU also dispatched a mission, the only one to produce a carefully qualified report on the elections as '*free, but not fair*'. European monitors played a procedurally improper but functionally indispensable role in running rural voter stations in those parts of Kwazulu Natal where IEC preparations went awry.

In **1999**, the law made no provision for the assertive role that monitors had played in the 1994 election. In 1999, the Commonwealth administered the largest team of foreign observers, while smaller the US National Democratic Institute, SADC Electoral Commission Forum, and the NGO Network for Electoral Support in Southern Africa (NGONESSA) mounted operations. [21]

All of these missions published broadly favourable reports. The SADC teams were co-coordinated by EISA, which also worked closely with an extensive monitoring operation mounted by the South African Civil Society Coalition (SACSOC). The remainder of this report summarises the findings of the Southern African and South African observers. The insights are gleaned from the 6,322 voting station monitors and 3,233 counting station monitors. [22]

According to the NGONESSA, the special voting facilities visited by its members were smoothly managed. Most observers expressed reservations over the quality of polling staff training. Generally, polling staff "displayed maturity and courtesy to the voting public" and party agents demonstrated mutual co-operation and tolerance.

The voting process was evaluated as orderly and peaceful. The errors that occurred did not have significant consequences. The conclusions that arise from these reports are reassuringly similar. In general, the 1999 election in South Africa was a well-co-ordinated exercise in which political parties, electoral authorities and voters all deserved praise. The conclusions of the reports from these observers were uniformly favourable: "credible". According to Ben Lobulu of Tanzania National Electoral Commission: in the view of the NGONESSA mission, it was "one of the best organised elections in this part of Africa"; and a "good election "from the perspective of Ms Georgina Chikoko-a British Council Representative.[23]

The 2004 South African Election: The Observers Observations

The third democratic elections in South Africa were held on 12-14 April 2004. As usual the South Africa Independent Electoral Commission (IEC) planned for, and was actually preparing to receive international, continental and regional observers before IEC received messages from several international organisations saying that they had no plan to come and observe the polls. Initially, this was taken as wrong signal until this was interpreted as vote of confidence in the country's ability to deliver a free poll. [24]

Few days prior to the 2004 election, the IEC had only received 148 applications from some other international and regional bodies expressing keen interest to observe the elections. As expected most of the applications came from

African countries. These observers were eager to learn about sound electoral processes. The largest of these observer teams (52 members) was from the Southern African Development Community (SADC) and the body's Parliamentary Forum (SADCPF). Others included a team from African Union (AU), individual member countries, electoral management bodies from Swaziland, the DRC, Namibia, Rwanda, and the Electoral Institute of Southern Africa.[25]

Ambassador Judith Sefi Attah, former Director-General of the Foreign Affairs ministry of Nigeria, led the African Union Team of 21 Members. The team included representatives from UNESCO, Parliamentarians, members of the electoral management bodies and other officials from various African countries.[26]

As soon as the election was over, most of the observers were unanimously praised the South Africa's Independent Electoral Commission (IEC) for delivering efficient, free and fair elections in the country for the third time running. Though there were minor incidents when people came to vote but were not registered, or those who had forgotten their identity documents, observers had witnessed an IEC-well organised election in all facets, logistically and technically.

According to a Burundian observer Bamvuginyumvira Frederick, "The IEC's systems were meticulous, which provided good lessons for Burundi as the country prepares to hold its own elections..." [27]Having observed the polls in Pretoria's township of Mamelodi, he was impressed by the way South Africans had turned out to cast their vote and noted the non-racial approach in the voting process. The Senegalese Ambassador Samba Buri Mboup, observed that "the presence of party agents, the abundance of electoral material, conduct of presiding officers and a deep civic culture of voting in

disciplined manner was a good example for other African States." [28] He was satisfied with the way the IEC organised the elections, and the way that people/voters responded in turning out in large numbers, which showed political and civic maturity.

A Namibian Electoral Commissioner Salmaan Jacobs, observed the elections in Soweto and Johannesburg, and was impressed by the way special voters - disable people, pregnant women and the sick were provided for and assisted. She also praised the increase in voting stations, which helped reduce long queues as well as the distances people had to travel. She also noted the transparency and all-inclusive nature of the process. [29]

EISA Mission

The EISA Observation Mission report on the 2004 South Africa election remains the most comprehensive in terms of details and coverage. The assessment covers the entire election period from the pre-polling up to voting and including counting as well as the results' transmission process. The Mission was composed of 40 representatives of electoral commissions, civil society and government ministries from ten SADC countries. The mission was deployed to six provinces, namely Eastern Cape (Umtata and East London), Gauteng (East Rand, Alexandra and Soweto) Kwa-zulu Natal (Ulundi, Estcourt and Port Shepstone), Limpopo, Mpumanlanga and Western Cape

The EISA Election Observer Mission, using the PEMMO as guideline, came to the following conclusions:

On the question of the constitutional and legal framework, the electoral law provided for mechanisms to address conflict in the electoral process. This framework contributed to creating an environment conducive for successful elections. The electoral system was observed to be all-inclusive, which

guaranteed the participation and representation of minority and disadvantaged groups including women. [30]

The IEC itself was described as transparent, in terms of its constitution, and the clarity of its mandate and provision of adequate resources has enabled the Commission to discharge its duties efficiently and effectively. On Voting Stations and Election Materials, EISA observed an increase in the number of polling stations, which were adequately staffed and provided with sufficient materials, in addition to free movement of voters in and outside polling stations. [31] The result centres, established throughout the country, improved the transparency of the tabulation of the result and contributed to the acceptance of the results by all the parties. On conflict prevention, the presence of the security forces, contributed to the peaceful conduct of election in addition to the commendable tolerance shown by voters and party supporters. On the challenges which IEC should note for future elections, EISA observed the inconsistent application of voting and counting procedures. [32]

These include the following;

- The position of ballot booths had the potential of compromising the secrecy of the ballot in some places.
- The use of ballot papers, which were not very easily distinguished from each other, led to confusion.
- Some voting stations used one ballot box for both national and provincial papers whilst others used a ballot box each for the two ballot papers
- The lightning in some voting stations was inadequate
- In a number of counting stations, there was no reconciliation of the ballot papers before counting.
- The role of party agents was not clear as in some cases; they were observed playing the role of election officials.
- Stakeholders also noted that the date of the election over the Easter

holiday had the potential to affect voter participation

- There was an insufficient number of domestic observers.[33]

The (Ir) relevance of Election

Observation: Two Schools of Thought

International election monitoring and observation in Africa has been viewed from two major perspectives: The first perceived election monitoring and observation by both bilateral and multilateral aid agencies and governments as having the same purpose with the political pluralism and structural adjustment of the 80s and early 90s. This was meant to be applied as carrot and stick pressure on developing countries to achieve their strategic interests. However, the second school of thought opined that election observation and monitoring added substantial credibility to democratic governance in the African region. It is argued that this practice should be encouraged because it represents good practice in the process of consolidating and nurturing democratic government. It is argued that the process has both constructive and transformative value. As a result of this disparate view, almost every aspect thereof has been subjected to contest between the pro-monitors and anti-monitors, especially among African policy makers, media practitioners and academia. The most controversial according to Khabele Matlosa, is the question of uneven application of election observation in developing countries and not in developed nations.

Observers as Partners in Building and Consolidating Young Democracies

As indicated above, for pro-observers the uneven application of observation can be explained in two ways.

First, democracies in the developed world are considered already matured, consolidated, are fully institutionalised and thus need not to be externally examined and scrutinised. Secondly,

developing countries have undergone decades of authoritarian regimes and the recent transition has introduced young, fragile and conflict-ridden democracies that still need external assistance by way of monitoring and observation in order to be stabilised, institutionalised and consolidated. In fact, according to Carter Center, "Observers bring a reputation for impartiality, and their presence help to reassure voters that they can safely and secretly cast their ballots. As the eyes and ear of international community, observers also help deter fraud..." [34] In other words, pro-observers insist that it is worth noting that elections are highly charged political episodes, which often trigger violence in Africa's newly democratising states. This can be illustrated by Zimbabwe, which holds many elections at various periods, with reports of harassment of the opposition and the decision of the ZANU-PF government to disengage a number of international actors. They ultimately disallowed some Western groups from monitoring the 2002 Presidential election.[35]

Election observation as Western Hegemonic Agenda

Still on the question of uneven application of observation and monitoring, the anti-monitors argued that elections in the developed world are hardly ever subjected to the watchful eye of hordes of international observer groups, yet no single developing country can hold a general election without being part in the global spotlight by the international observer groups. The anti-monitors further claimed that, the problems that beset the Clinton government when US electoral colleges delivered George Bush (Jnr) as the winner of the presidential election, whereas popular opinion polls unequivocally pointed to Al Gore's lead in the race. The problems around the counting of votes certainly suggest that even the elections in the so called 'old and mature' democracies need to be subjected to international observation

and monitoring.[36] The point being canvassed here is simply that if election monitoring and observation are to be accorded the global credibility and acceptability within the new international political economy, they have to apply to all states of the world, big and small, rich and poor, weak and powerful.

The anti-monitors further illustrated this point by claiming that, there were no international observer and monitoring group scrutinising the British parliamentary elections of 7 June 2001, despite the widespread racial conflicts that occurred in the Northern parts of the country and the Yorkshire region.[37]

There was also a reference to the May 2002 presidential election in France, which pitted President Jacques Chirac against two other contenders, namely Lionel Jospin (the Prime Minister) and Jean-Marie Le Pen (right-winger). It was observed that it did not attract considerable international attention nor was it subjected to international observation, despite its problems, including sporadic violence and pervasive voter apathy. In contrast, large hordes of international observers 'invaded' tiny, poverty stricken and resources poor West African state of Mali during its presidential elections on 28 April 2002. Anti-monitors observed that the focus could not be on anything positive about the Malian electoral process. For instance, the British Broadcasting Corporation (BBC) commented only on the controversy about of the electoral process and the refusal to accept the election outcome by the other five presidential candidates. [38]

EU-Nigeria Furore and Possible Impact on South Africa Elections

With specific reference to the 12 and 19 April 2003 general election in Nigeria, the critics focused on the preliminary statement of the EU Election Observer Mission (EU-EOM). They argued that the summary shows the pessimistic

nature of Euro-American reports, which are often judgmental and confrontational.

The Information and National Orientation Minister, Prof Jerry Gana, at a press conference in Abuja claimed that the EU report was not in the interest of the Nigeria's fledging democracy. According to him, *'It is unacceptable for a Team of Observers, who can boast of no more than a bird eye-view of the event of the last three month to condemn the excellent work of the Nigerian Media has done in the current exercise... I do not really expect foreign media to care that much about peace and stability in a country that is not their own...'* [39]

He argued that the EU team not only arrived in Nigeria very late, but also had very few members, and could not therefore have had an appreciable grasp of the events in the 120,000 polling units in the country. They came just to find fault; they did not come to cover election. That is why they want things to go wrong [40]

The authorities' heavy attack on the EU Team led to government issuing a statement that the security of the EU election monitors could no longer be guaranteed. INEC officials dismissed EU observers as saboteurs who had gone beyond their mandate. President Obasanjo also became involved in the matter when he claimed that the EU observers lacked an understanding of the country's *'political culture and orientation'* and hence they could not comment on what they do not know anything about.

Responding, EU-EOM threatened to release more detailed information about election malpractices within a month. This was directly followed by accusations of racism. Mr. Berg, the EU-Mission Leader was thereafter was quoted to have stated that, *"... we are here to give impact assessment and to make our finding loudly clear to all Nigerians and the world...."* [41].

However, the threat by the Immigration Office and the need to prevent a major diplomatic row forced the EU Chief Observer to leave Nigeria on May 7, 2003. Eventually the final Report/Statement by the EU on Nigerian 2003 election is a far cry from the standard report anticipated. This was because two weeks after Mr. Berg hurriedly left Nigeria, the EU Ambassador to Nigeria issued a statement, instructively titled “*EU Declaration on the Nigeria General Elections*” which is full of diplomatic language such as; *The European Union welcomes the fact... The EU also took positive note... The EU has confidence. The EU noted with satisfaction... The EU looks forward to working cooperation with...* [42]. It is only in two paragraphs that the EU “expresses concern” and “strongly recommends” There is nothing left in the EU statement referring to details or plans to tell the Nigerian people and the world certain truths, or the need to defend democracy.

From the foregoing it is obvious that the Nigerian experience may have been one of the reasons that the International Community has decided to be cautious regarding election observation in Africa. Indeed, the Nigerian experience may have set the process for gradual withdrawal of Western powers from the practice of election observation in Africa, and their diplomatic outpost and representations may replace their often-large teams.

Thus, when the South African IEC Chairperson was notified of the absence of major international organisations as observers, the Nigeria experience resonated. However, the Chairperson was reported to have quickly responded that the absence of European Union, Commonwealth and United Nations should be seen as an indication of the international community’s confidence in South Africa’s democracy. Precisely, Dr Brigalia Bam, the IEC Chairperson was quoted as saying; *“...if you don’t see them, its not a snub. They have written to us, they have phoned to say they fell*

comfortable. They feel confident with us and so they don’t think they will be hanging around to watch whether we can do what we are doing...”[43] The chairperson actually advertised this notice as a congratulatory comment, and a feeling that the country had already “graduated” in adopting international democratic norms and standards.

In addition, Thoko Mpulwana, an IEC Commissioner was reported to have noted that; *“...the EU, Commonwealth and the UN had been invited to send observer teams but declined...They told us we think everything is going well and we’d rather focus on other areas that have not reached this stage of democratic maturity...it is a vote of confidence..*[44]” However, press sources confirmed the presence of Western diplomats at polling stations, but not in an official -observer capacity

It is also possible that the furore generated by the EU Report on the Nigeria elections may have informed the development of more broadly inclusive paradigm for assessing election outcomes. This is yielding results as effort is being made to avoid value-based judgments and use of concepts such as *free and fair*. This was reflected in the EISA’s mode of reporting the outcomes of 2004 elections in South Africa.

According to EISA *“...Basing itself on PEMMO, the EISA election observer mission concluded that the South Africa 2004 elections in South Africa were conducted in a peaceable, orderly, efficient and transparent manner...”*[45] The mission avoided the use of free and fair, but was satisfied that the outcome of the election was a true reflection of the will of the people of South Africa.

Conclusion

In conclusion, it is very important to observe that the bellicose reaction of the Federal Government of Nigeria to the EU observers says something about the pervasive reservation to alternative

views by government officials in Africa in general and Nigeria in particular. The EU observers were not calling for 'mass action' as did some of aggrieved politicians who lost at the poll in Nigeria 2003 elections, they were only reporting the evidence of their observation, and yet that was considered unacceptable, their security had to become an issue.

Within this context, the ultimate losers are the Nigerian people for whom elections may be no more than interesting rituals in which the most adept magicians win the laurels on the basis that; *irregular election* is better than a *regular Coup*. The EU Chief Observer's frank tone may have been the source of emerging diplomatic furore that was nipped in the bud, but in more ways that Nigerian officials may realised, Mr. Max van den Berg probably struck the right chord in the following words; "...Do not neglect our findings... That is the only way your young democracy can thrive. Try to find solutions to these findings. Do not throw away the message with the messenger. We appeal to the authorities to take action without delay as it is important for the growth of the process". [46]

In the case of South Africa, there is no doubt that the management and delivery of the 2004 election provided a justifiable basis for celebration not just by the IEC, the political parties, civil society and last but not the least the people of the Republic. It was indeed an African success story. It is hoped that this achievement will be sustained and used as a platform for further development and to meet the challenges ahead, which must extend beyond the borders of South Africa, in the spirit of African Renaissance.

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