



CONTRIBUTING TO CREDIBLE ELECTIONS IN AFRICA THROUGH IMPROVED INTERNATIONAL OBSERVATION PRACTICES.

CONCEPT NOTE

15TH ANNUAL EISA SYMPOSIUM

23-24 November 2021, Abidjan, Côte d'Ivoire

Introduction

EISA will organise its 15th annual symposium on 23-24 November 2021 in Abidjan, Côte d'Ivoire, to share experiences, harness lessons, and explore the practice of election observation as a means to supporting the development of more resilient and sustainable democracies in Africa.

Election observation has played a pivotal role in supporting the democratic processes in many new, transitional, and post-conflict states on the African continent. The value in inviting teams to observe an election is underpinned by the belief that they play a vital role in contributing to elections that are transparent, free, and fair, and that the outcome is accepted by voters, political parties, and candidates. In recent years, however, a growing number of critics argue that international election observation no longer serves the purpose for which it was initially intended. The statements issued by International Observer missions suggesting credible elections following elections that were later deemed to be flawed have contributed to a growing scepticism in the practice. More recently, the affirmative post-election statements by numerous election observation teams after the 2017 Kenya elections, which were later contradicted by the courts in that country, highlighted the issues raised by critics. The COVID-19 pandemic further complicated the election space, creating numerous challenges for election stakeholders.

The purpose of the 15th annual EISA Symposium will be to take stock of the value that election observation has had on the development of electoral democracies, while also considering the criticisms of the practice, with the intention of strengthening the field of election observation going forward. This symposium has been organised with the recognition that election observation as we know it will need to change if it is to remain relevant and useful to the support of democratic progress. The speakers at the event will reflect on gaps and weaknesses in the processes of observation, as well as contemplating how the field can make best use of new technologies going forward.

The symposium will provide a platform for dialogue among key democratic governance stakeholders such as representatives of political parties, members of parliament, civil society organisations, academia, as well as the African Union (AU) and Regional Economic Communities (RECs). The symposium aims to generate policy-oriented recommendations with a view to shaping future direction in fostering and contributing to the consolidation of democracy in Africa.

Background

Towards the end of the 20th century and the start of the 21st century, many African countries held multiparty elections. For many of these countries, it was their first multiparty election while for countries such as Zambia, Tanzania and Ghana shifted from one-party systems to multiparty systems. This necessitated a need for impartial and independent observation and monitoring of the elections as there was little to no trust in an electoral system that had previously not existed (African Union, 2014: 19). In addition to the backdrop of one-party systems or military juntas, election observation on the continent became an important tool in validating election results in the event of losing parties declaring the results fraudulent, as was seen during Lesotho's 1998 general election. Thus, it was only in the 1990s that the value of election observation gained traction as a host of African elections and their results were observed, monitored, and audited.

Perhaps the aspect where election observation shows its greatest value is in peacebuilding. Particularly in post-conflict countries where elections are held for the first time, election observation is regarded to be 'more sophisticated' as it 'encompasses several distinct benefits' (Lappin, 2009: 93). The African continent still faces an array of conflict in which peacebuilding is required, which necessitates the need for election observation to not only certify election results, but to contribute to restoring peace within a post-conflict country. As a form of democratic assistance and building peace within post conflict countries, election observation benefits the democratic process by deterring and detecting conflict; evaluating legitimacy of elections; instilling confidence in elections; providing wider post-conflict recovery; and deterring war (Lappin, 2009: 93-97).

Election observation has assisted in providing African elections and their results with credibility and integrity during a political atmosphere that was characterised by one-party systems, military leaderships, and mistrust in multiparty electoral processes. As seen with the 2021 general elections in Ethiopia, there are still instances where electoral processes are questioned and the credibility of the elections are doubted, thus election observation can continue to add value to democracies and electoral processes by gathering electoral information, intervening in electoral processes when laws are not adhered to and certifying the validity or lack of validity of an election process (Al Jazeera, 2021).

It is important to note that election observation is a term that is often used interchangeably with other related terms namely election monitoring and election auditing. Although any presence of an independent and impartial party before, during, after, or even at an election, may be deemed to be that of an election observer, the activities undertaken are distinct. For example, not only do election monitors observe the electoral process, but they can also intervene in the electoral process when laws and procedures are not followed which differs from election observers who only gather information and observe an election (Aubyn, 2012: 243). Election auditors completely differ from both monitors and

observers in that auditors supervise elections by certifying and endorsing the validity of the election process (African Union, 2002). The three activities of election monitoring, election observing, and election auditing all form a part of an election observation mission (EOM) despite the varying functions of each activity.

Elections on the African continent have evolved considerably over the course of the last 30 years. Elections have grown from being characterised by one-party systems to being characterised by multiparty systems. This was catalysed by struggles for democracy, human rights, independence, and socioeconomic rights (Matlosa, 2021: 5). Similarly, and as a consequence of a growth in elections, election observation grew not only in number but in importance as well. However, as Gyimah-Boadi and Dulani (2015) point out, the growth of democracy on the continent did not match that of multiparty elections, despite the interest and demand by citizens for democracy to replace authoritarianism. This is because elections replaced bullets and war as 'fundamental instruments' in the fight for power, particularly in the 21st century (Matlosa, 2021: 5). Indeed, while election observation proved to be a critical part of elections in Africa during the 1980s and 1990s by ensuring election integrity, the ability for election observation 'to reinforce' and ensure election integrity in the 21st century has been strongly tested and has experienced significant shortfalls.

The context within which elections are taking place is transforming faster than the processes used to ensure their credibility. Emerging technologies provide new opportunities for stakeholders in the democratic landscape, but they also present a new array of democratic and human rights challenges. Strong protections for democratic freedoms are necessary to ensure that the new technologies will not be used by oppressive regimes to undo democratic gains.

The COVID-19 pandemic further complicated the elections landscape. The containment of the virus necessitated the shift to increased use of online platforms for the dissemination of election related information and political campaigns. During this period several states have introduced new laws, policies, proposals, and reforms for regulating these spaces. While the responsible regulation of platforms is a undoubtably necessary, internet freedom is increasingly jeopardised by the evolving tools and tactics of digital authoritarianism, which have spread rapidly around the globe during this period.

Is election observation important for democracy in the 21st century?

In simple terms, election observation is a process which involves the monitoring of an election by local or international independent parties. It is a tool of democracy that has become an integral and important method of ensuring electoral integrity and democracy in the 21st century. It is a tool that has become so widely accepted that any election held without observation or monitoring is regarded as rigged or stolen (Hyde, 2011: 1). Indeed, unlike the international law of the protection of human rights, which is enforced by various intergovernmental organisations (IGOs), election observation is a custom that countries have chosen to follow and continue to do so. This is because election observation is a process that involves impartiality which provides elections, and the outcome thereof, with credibility and belief that elections were conducted freely and fairly. In addition, election observation also assists in decreasing the presence of conflict before, during and even after elections thus serving the role of being 'democratic police' (Aubyn, 2012: 242).

Election observation can be conducted by citizen observers (domestic) or international observers (foreign). Election observation by citizen observers often takes the shape of citizen election observation missions (CEOMs). CEOMs are carried out by non-governmental organisations (NGOs) or civil society organisations (CSOs), for example *Des jeunes pour les droits de l'Homme* in Rwanda (Youth for Human Rights International in English) or the Coalition of Domestic Elections Observers (CODEO) in Ghana. On the other hand, international observers conduct election observation through international election observation missions (IEOMs). These missions are carried out by international non-governmental organisations (INGOs) such as the Electoral Institute for Sustainable Democracy in Africa (EISA), the National Democratic Institute (NDI) as well as IGOs such as the African Union, and the United Nations (UN). While the goal for both domestic and international observers is to observe electoral processes, Cage (2018) notes that their goals are different in that domestic observers check for and fix election irregularities whereas international observers 'identify whether an election meets international standards'.

Although election observation in the latter part of the 20th century was a process that monitored countries transitioning democratically (Aubyn, 2012: 243), election observation has since been accepted by and conducted in consolidated democracies and flawed democracies alike (Hyde, 2011: 6). Election observation in the African context coincided with the ushering of the third wave of democratisation, specifically with Zimbabwe's independence election (Aubyn, 2012: 242). By the 1990s, election observation on the continent became widespread with countries such as Ghana, Lesotho, Tanzania, and South Africa conducting elections that were observed by INGOs. Since then, elections in Africa have been observed by a number of organisations including the AU, the EISA, The Commonwealth, as well as the regional economic communities (RECs) of the AU. As the African Union notes (2014: 6), election observation in Africa has become vital since the electoral environment on the continent is significantly impacted by factors such as ethnicity, religion and other socioeconomic factors.

Has a failure to adapt the methods of election observation resulted in a redundant practice?

There is a growing perception that election observation practitioners need to prioritise the improvement of the quality of election observation if they are to 'remain relevant in improving the quality of elections and building public confidence in electoral processes (ISS, 2018). Particularly in the wake of Kenyan Supreme Court's decision to annul the 8th of August 2017 election vote, election observation missions have come under extreme scrutiny and criticism. According to Fonteh Akum, a senior researcher at the Institute for Security Studies, the Kenyan 2017 election annulment highlights how international observation missions can be tricked by powerful political parties into thinking that elections were free and fair (ISS, 2018). In addition, IEOMs have been criticised for placing a 'narrow' focus on election day proceedings rather than a more holistic assessment of an electoral cycle, as evidenced by the AU's observation of the 2017 Rwandan elections which it regarded as peaceful despite political opposition members being imprisoned (Akinduro, 2021).

The Kenya and Rwanda cases highlight a further concern regarding IEOMs tending to place the promotion of political stability over the promotion of democracy on the African continent. That is to say that international observers have been known to tolerate election irregularities because of fears of political instability, violence and unrest, which was evidenced by the elections in Kenya and Zimbabwe in 2007 and

2008 (Dodsworth, 2018: 382; Matlosa, 2021: 6). Matlosa (2021) identifies 5 other issues that international election observation faces including:

1. the issue of international election observation having ulterior motives other than the ‘altruistic pursuit for democratisation’,
2. the issue of international election observation applying a double standard that tends to ‘tolerate flawed elections that improved on those held previously’,
3. the issue of international election observation having to face the adverse effects of social media has had on election integrity,
4. the issue of the divide between international observers and citizen/domestic observers and,
5. the issue of contradicting statements between international election observers and court rulings.

A common complaint laid against international observation is that it has become or perceived to be “electoral tourism”. Observer teams are composed of either politically important, or professionally inexperienced, observers arriving a short period before voting. These persons visit several polling stations, watch the start of a count and then return to their hotel in the capital to issue their findings and prepare their departure. The composition of these teams and indeed their very purpose, and how and what are they observing, are among some of the crucial integrity questions arising around international observation. More technical processes around elections, such as the openness and transparency of election results transmission, for example, has become a critical component of modern elections, and yet seldom observed.

As the electoral landscape in Africa continues to evolve, technical and political developments over the past decade, coupled with the new reality of the pandemic, have made clear the necessity for a shift in the focus and practices of election observation.

[Towards adapting election observation for the evolving elections space in Africa](#)

The issues expounded upon above all highlight a need for election observation to adapt its focus and practices. Even though there is a necessity for election observation to adapt, there still exists a need for election observation on the African continent. African elections are highly contested arenas where the process and results are either called into question, not accepted or both. In this regard, election observation can add value by certifying and validating elections results. More importantly, with many African countries creating anti-NGO laws that are restricting the civic space and the domestic election observation space as a consequence, regional, continental and international election observation becomes more significant (Musila, 2019). Furthermore, international election observation has shown some progress in terms of adapting to the shifting election landscape in the context of the COVID-19 pandemic by fostering closer relationships with citizen observer groups (Akinduro, 2021). The collaboration with local or citizen observers, who follow the entire electoral cycle and who have a profound grasp of the country context, will allow IEOMs the opportunity to deliver more comprehensive conclusions about elections.

[Rationale and problem statement](#)

Problem Statement: The current methods of election observation no longer add sufficient value to the support of credible elections on the African continent.

Rationale: Improving the methods of international election observation will lead to more credible elections on the continent.

While there is existing evidence to support the claim that electoral observation has had a positive impact on electoral democracy development, the developments in the election landscape have not been matched with development in the field of observation. The purpose of this Symposium will therefore be to take a critical and productive approach into strengthening the field of election observation to best suit the sustainability of modern democracies on the continent.

Key objectives

The overarching objectives of the 15th annual EISA symposium are: (1) to contribute to the development of a deeper understanding of the current election landscape; and (2) how methods of election observation might be improved to meet the needs of the changing election landscape to add better value to electoral democracy development. Specifically, the EISA symposium will explore the following areas:

1. Election observation
 - The current international election observation methods and practices
 - The rise of citizen election observation
2. The changing election landscape in Africa
 - What has changed in the election landscape most recently – post-COVID-19
 - The shift to electronic processes in elections – adapting observation
3. Lesson learning and future trajectory
 - Take stock of challenges and strengths within the field of observation
 - Propose recommendations for adaptations for a sustainable future of observation

Methodology

The symposium will be conducted over two days with the intention of developing policy-oriented recommendations that aim to shape the future direction of and contribute to the valuable exercise of election observation that meets the needs of the shifting elections landscape. The above objectives will be met through the holding of plenary sessions that will enable participants to share international and national comparative case studies and experiences. The symposium will be opened with a keynote address from an eminent African personality chosen for his/her scholarship, political and/or symbolic role in championing democracy on the continent. Prior to the event, authors will be selected and guided by Terms of Reference for writing papers as well as arrangements for their participation in the symposium. Papers will be considered for publication and distributed after the symposium.

Participants

Participants will be drawn from key democratic governance stakeholders including members of election management bodies, representatives of political parties, members of parliament, civil society organisations, academia, as well as the African Union and Regional Economic Communities (RECs).

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