

One-day conference Netherlands Ministry of Foreign Affairs & African Studies  
Centre, Leiden:

THE ROLE OF ELECTIONS IN AFRICA: WITH SPECIAL  
ATTENTION TO ELECTORAL OBSERVATION

The Hague, 18th February, 1997

**The organisation of electoral observation**

reported by:

W.M.J. van Binsbergen

African Studies Centre & Free University, Amsterdam

**INTRODUCTION**

As part of the programme of the one-day conference on which the present book is based, two parallel sessions were held, one of which — chaired by Dr Gerti Hesselink, director of the African Studies Centre, Leiden — dealt with the organisation of electoral observation. The aim of the session was to arrive, by a process of open discussion without prepared papers, at a tentative outline of the organisation of electoral observation, and if possible at suggestions as to how to improve the present situation.

The session comprised a considerable number of people who (contrary to myself) had been active as electoral observers. Many of them ventilated frustrations and criticism concerning various aspects of the electoral observation practice such as it came to be established in recent years. Others however insisted on registering their satisfaction with the established practice of electoral observation, and claimed that they had quite appreciated the conditions under which they had had to work. Their stint as electoral observers had inspired them with pride and with a sense of meaningfulness.

As session reporter I have faithfully reported whatever views were propounded. I have streamlined these ideas and cast them in as coherent a framework as possible. The fact that the session comprised over thirty people means that inevitably a plurality of voices is implied, rather than the unitary and consistent argument by one author.

For the same reason, I decline personal responsibility for the views presented in the present report, and for such omissions and one-sidedness as the following overview may display. As a first systematic inventory of the field, however, the outcome of our session may yet have its uses.

## **THE WIDER CONTEXT OF ELECTORAL OBSERVATION**

What is the context in which electoral observation situates itself?

### *The international context*

In regard to the assessment of existing practices of electoral observation, and the formulation of specific recommendations concerning those practices, it may be useful to distinguish between local, regional, national, bilateral interstatal, and multilateral interstatal objectives and constraints.

A conspicuous set of constraints exists at the multilateral interstatal level. Here the room for manoeuvre for any one observer country (e.g. The Netherlands) in defining its relationship vis-à-vis the *host country* whose elections are to be observed, is largely determined by the international relations such as exist between the observer country and other countries (e.g. fellow-member states of the European Union) with which the observer countries entertains rather closer ties than with the host country itself. Thus international observational practices which in terms of organisation, recruitment, training, funding, have all the appearances of being predominantly bilateral (they are conducted by or under the aegis of a national Ministry of Foreign Affairs in close association with the host country), in fact are expected to yield to international conventions, priorities, pressures, in a *de facto* multilateral context.

### *The conditions for electoral observation*

Should electoral observation exclusively be staged in response to a specific request from the field (i.e. from the country where national elections are being held)?

The alternative is that the initiative for electoral observation is taken in the North, in a situation of conditionality, where the host country's (re-)admission to the international community of democratic states is at stake, or where specific donor support is made conditional to the implementation of specific democratic measures including fair and free elections.

Obviously, such conditionality poses ethical, political and international-legal problems. It is not a manifest sign of hegemonic relations imposed by the North onto the South? Does it not infringe on national sovereignty? It is not objectionable for

these very reasons? Or are we justified in claiming that democracy is sufficiently sacred a value so as to override considerations of national sovereignty?

Beyond such considerations in the field of international law, it is only realistic to admit — from a political rather than legal perspective — that the North is intervening in many aspects of South societies and politics, and will continue to do so in the foreseeable future; from such a perspective the question is not so much *whether* the North should engage in electoral observation and in other forms of intervention, but *on which grounds* the North should be entitled to do so, and on the basis of which principles and procedures.

### *The wider social context*

A wider field of questions opens up here. Elections may be necessary conditions for the democratic process, but they are far from sufficient conditions. The peaceful transition of power by means of elections — such as electoral observation means to articulate — can only succeed if all relevant *extra*-electoral conditions are fulfilled. What are these conditions? They differ from country to country and from historical moment to historical moment. Electoral observation (‘a bunch of UN officials isolated in some hotel’) may not offer the best possible perspective on these extra-electoral conditions. Instead, the extra-electoral conditions are much better assessed by the local embassies, with their usual lines of communication and information with local organisations such as the national councils of churches. However, it is important to preserve the independence and neutrality of the electoral observers’ mandate. This is a major reason why, from The Netherlands, electoral observation is organised from the Ministry of Foreign Affairs in The Hague, rather than at a local level in the host country, and why the local Netherlands Embassy is not too much involved. In such a way it is ensured that the electoral observation is perceived as truly multilateral, rather than as a bilateral intervention between The Netherlands and the host country. In practice however bilateral and multilateral aspects are intertwined, as we shall see below.

With regard to the many variables that directly or indirectly bear on electoral performance, countries have different profiles, and it is here that specialised academic knowledge (such as available, e.g., at the African Studies Centre) can come to the assistance of policy makers and electoral observers.

At this point an element of cultural specificity needs to be appreciated for which perhaps a comparison with assessment techniques in industry is illuminating. In industry, especially in the context of multinational corporations, the visiting inspection is a usual form of intervention. It is remarkable that citizens of the various European countries differ considerably in their reaction to visiting inspection. The British let themselves be guided by the conventional wisdom that under no circumstances the inspector should be met with manifest signs of distrust. The French and the Swiss tend to insist on a flexible response to visiting inspection. This field offers opportunity to study the variety of ways in which codes of international

hospitality are implemented locally. In general, Europeans tend to take offence to the being inspected; Africans, on the other hand, tend to respond more positively to this idea, since for them the international inspection corroborates the global importance of their national institutions.

## DEFINITIONS

Electoral observation is a complex field composed of interrelated roles. Therefore it is imperative that we map out the entire field within which such observation has to take place. We may distinguish between the following roles:

- *the electoral supervisor*: this is a member of the agency organising the elections, in the specific case that the elections are organised not by the national authorities but by an international agency, such as the European Union, the OCE [ **check; explain** ], the United Nations.
- *the electoral observer*: this is exclusively an observer, without anything to do with the organisation of the elections, and without any right to intervention
- *the electoral monitor*: this is a local person, usually from the field of non-governmental organisations (NGOs), who functions as an impartial local observer in the case of multi-party elections; the electoral monitor has a limited right to intervention
- *the party agent*: this is a local person who represents any of the contesting parties within the polling office.

We note that the supervisor's role is to assist in the organisation of the elections. Per definition a supervisor cannot be an observer, since the roles are complementary but fundamentally different.

## THE ELECTORAL OBSERVER

### *The ideal profile of the electoral observer*

Ideally, any electoral observer should display the following characteristics. She or he should be a person

- with some experience concerning national elections
- with a certain social status

(here a dilemma arises: although the ideal electoral observer should have a certain social status, it stands to reason that this requirement is difficult to meet in the case of *long-term* electoral observers: such social status as they may have would usually

mean that they have pressing duties which preclude their availability for long-term observer status)

- with ample social abilities
- with the ability to report both orally and in writing
- with the ability to work in a team
- with a fit physical condition
- with adequate mastery of at least (1) the international language which is the language of communication within the team; (2) the international language which is the language of communication between the team and the international agency to which the team belongs; and (3) the international language which is the language of communication between the team and the local election officers; in practice these three languages may be one and the same, but this is not always the case
- with adequate intercultural experience.

### *The selection of electoral observers*

The electoral observation mission starts with the recruitment of electoral observers. Ideally such recruitment should proceed along uniform criteria implemented throughout the European Union. In practice however, no such uniformity is achieved. As a result there tend to be great differences in social, education, economic and professional status among electoral observers recruited for the same mission, which results in considerable problems of communication and leadership within the observation team.

Several speakers during the session insisted that at present the selection criteria of electoral observers are far from transparent, and often rather arbitrary (e.g. the fact that one has ever worked for the Directorate General for International Co-operation, the Netherlands Ministry of Foreign Affairs' former wing for development co-operation). Certain social positions would seem to be particularly suitable to recruit electoral observers from, e.g. members of national parliaments, members of the European parliament, and journalists.

### *The remuneration and training of electoral observation*

Short-term electoral observation is as a rule not remunerated, nor supported by any specific training. There is a general feeling that this state of affairs is undesirable since it may be conducive to amateurism on the part of the short-term observers. Since long-term observers tend to be both remunerated and specifically trained, the current situation also tends to lead to unnecessary estrangement between long-term and short-term electoral observers.

Ideally, the training of electoral observers should at least highlight the following topics:

- the terms of reference under which the specific electoral observation in question takes place
- the distinction between the various roles in the field of electoral observation (observer, monitor, supervisor, party agent)
- the authority of the electoral observer
- the scope of the mandate under which electoral observation takes place
- the relationship between electoral observers and the local election officers
- the relationship between electoral observers and local monitors
- the difference between *observation* and *checking* (Dutch: ‘controleren’)
- the relation with the local population
- the techniques and limitations of eye witnessing.

On the last point, it is important that the electoral observers realise the weaknesses of eye witnessing as an assessment technique. It is useful to distinguish between types of observation according to the three phases of the electoral process:

- the observation of procedural mechanisms in the polling office
- the observation of the processing of the electoral results after the completed voting materials have left the polling office
- the observation of the electoral results as reported after the processing of all the votes

Often the role of the electoral observer is conceived as being restricted to the first phase, that of the polling office. This is naive, also in view of the defects of eye-witness observation, as amply demonstrated by observational psychology.

As far as the relation with the local population is concerned, it is important that the electoral observers have ample previous intercultural experience, as well as an intensive introduction to the local culture, religions, and social conventions. They should be prepared for a situation where the local perception of electoral observers may show considerable discrepancy with the observers’ self-perception as unremunerated, self-sacrificing representatives of lofty democratic ideals. In some cases (an event on Zanzibar, 199... [ **vul aan** ] is cited) electoral observers were met with signs of hatred from the part of the local population, as if the electoral observers are locally considered to be in collusion with the national political elite, which is perceived as corrupt and as inimical to popular interests.

Just as we found on the point of selection criteria, there turn out to be marked differences in local preparation and training between electoral observers from the various European countries. In recent times we have seen the emergence of formal training institutions for electoral observation. Such institutions include:

- Kontakt der Kontinenten (Soesterberg, The Netherlands),
- IDEA, a Stockholm-based Swedish organisation which over the years has built up considerable experience in the field of electoral observation,

- ECDPM [ **check** ] (Maastricht, The Netherlands [ **check** ] ) — a pilot project in which 15 member states participate.

The Association of West European Parliamentarians for Africa (AWEPA) is also deeply involved in the organisation and the management of electoral elections

Such points as training and remuneration raise questions as to the desired level of professionalisation of electoral observers. We shall come back to this point in the conclusion.

### Debriefing

What is done with the electoral observers' experiences after their return from the host country? Debriefing offers the opportunity of sharing their anxiety and frustration and indignation, if any. The problem however is that such debriefing tends to take place at the local level (i.e. within the national framework, e.g. of the Netherlands Ministry of Foreign Affairs), whereas the organisation of electoral observation, and such frustrations as the observers may have experienced, normally take place at the international level: that of the European Union, the United Nations, etc. Even so there seems to be considerable leeway even at the national level. Some of the problems which electoral observers have experienced during their mission may therefore be attended to at the local, i.e. national, level. E.g. in Sweden the decision to professionalise electoral observation was taken at the national level, and within a very short time.

## **THE TEAM OF ELECTORAL OBSERVERS**

The composition of the specific team of electoral observers is considered to be of great importance. The electoral observation team should be composed of members who in general meet the ideal characteristics of electoral observers as defined above. The team should have an equitable composition in terms of gender and age. In addition, each team should comprise at least one member who speaks the local language(s), so that the team is at liberty to communicate with the electoral monitors without involving any third party. The ideal team is composed in such a way that there are no very great differences in social, economic, educational and professional status between the members, so that there will be no insurmountable problems of communication and leadership.

## **THE TIME FRAME OF ELECTORAL OBSERVATION**

The duration of electoral observation is determined by the agency which organises the electoral observation, and usually this is not the Netherlands Ministry of Foreign Affairs, but an international agency: the European Union, the United Nations, etc.

For short-term electoral observation a period of three weeks has become established. The reasons for this are largely practical: the electoral observers' professional and personal life suffers minimal disturbance by such a short term, medical examinations can be made prior to departure, etc. However, it is suggested that if the organising agency would rely on an established pool of experienced electoral observers, these practical problems would be reduced to a minimum and different time frames could begin to be contemplated.

Given the intricacies of political cultures, political histories, political structures at the national level, and given the practical problems of communication and logistics (scarcity of transport, relatively paucity of electoral observers as compared to the number of polling stations, cultural and linguistic problems of communication, etc.) electoral observation extending over only a few days around the actual moment of the elections, is fraught with difficulties. It may at times have only a symbolic and political function instead of a strictly and neutrally observational one. In order to counter this effect, any short-term electoral observation needs to be informed and facilitated by long-term observation in the hands of more specialised observers (including academics) equipped with extensive local knowledge. The transfer of knowledge between long-term observers and short-term observers deserved special attention. Even so, it is important that a certain preparation precedes the actual electoral observation, not only in the country of origin, but also within the host country. Electoral observers should ideally be in the host country a considerable amount of time before the actual elections.

## **THE MANDATE AND THE CODE OF CONDUCT**

*Too often the mandate and the code of conduct remain merely implicit*

Electoral observation involves complex actions in politically and socially sensitive, complex situations. It is important that the rules governing such actions are made explicit in the first place. However, usually this is not the case. Often the electoral observers' mandate is scarcely if at all defined. This creates immense problems: how, by what concrete procedures, and against what criteria should one assess electoral performance? There are likely to be cultural differences in the interpretation of the mandate, both between the various European nations which compose the team of electoral observation, and between the electoral observers and the host country. And beyond such cultural differences, there are the bilateral political and economic self-interests of the North countries participating in the electoral observation, which may

be conducive to an oblique interpretation of the mandate. It is a first priority that the mandate and the code of conduct attending electoral observation be made explicit and agreed upon by all parties concerned.

*From electoral observation to judicial intervention in the field?*

It was suggested during the session that the members of an electoral observation team would be in an excellent position to dispense instant justice: not only to witness infringement of the electoral laws and procedures of the host country, but also to redress any such infringements on the spot, thus reinforcing the voters' confidence in the elections as a form of political self expression. However, it is a principle of electoral observation (and an implicit condition of the host country's agreement to admit electoral observation) that it remains just that, without developing to intervention on the spot. Therefore such judicial intervention is utterly impossible and would be counterproductive.

**THE OFFICIAL STATEMENT AT THE END OF ELECTORAL OBSERVATION**

The final product of an electoral observation mission is the *assessment statement*, passing a solemn, international verdict on the quality of specific elections. It is indicative of the problems in this field — problems both of an organisational and of a political nature — that in most cases of electoral observation no explicit procedure has been evolved for the formulation of such an assessment statement. Minority opinions within the team of observers are difficult to accommodate. There is great pressure towards unanimity, and there may also be pressure, to a lesser extent, towards a positive assessment. All this means that there is no water-tight guarantee that the official assessment statement as produced and publicised is in actual fact supported by all observers, despite its suggestion of unanimity.

A major point of concern on the part of individual electoral observers is therefore the way in which their individual report is incorporated in the official overall assessment statement as issued by the international organisation of which the individual electoral observer is a member. There is much apprehension that especially critical, potentially explosive individual reports are likely to be swept under the carpet. The dilemma here is: either to articulate one's own individual views, or to allow these views to submerge in the wider international framework of the agency organising the electoral observation. Here there are considerable pitfalls. Electoral observers from country A may e.g. come to the conclusion that they are being hijacked by the bilateral interests of another European country, e.g. France in francophone Africa. Only the articulation of explicit, clear and universal rules can prevent such a situation.

## THE INTERNATIONAL LEVEL AND THE ELECTORAL OBSERVER'S FREEDOM OF OPERATION

### The multilateral context of electoral observation

Electoral observation today usually takes place in a context where various fellow-member states of international bodies (such as the European Union, or the United Nations) are involved. Also, more than one international body may be involved at the same time. This situation calls for rather greater and consistent co-ordination that is now common practice in the field of electoral observation. We have already noted the defects of the present situation, making for great discrepancies in such fields as selection and training of electoral observers.

Who organises the elections? Usually this is not the Netherlands Embassy nor the Netherlands Ministry of Foreign Affairs in The Hague. Electoral observation may be organised by the European Union, the United Nations, or the OVSE [**check and explain**].

If multilateral situation create opaque complexities and entanglements, the situation is not improved if it is the same agency which organises both the elections and the electoral observation. Bosnia 199... [ **vul aan** ] is a case in point, where both were organised by the OCE. Such a situation clearly poses very specific problems from a point of view of electoral observation and its independence.

in general, the crucial question in this connection is:

### how does one guarantee maximum independence of the electoral observer?

Here again the formal framing of electoral observation in accepted policy and written procedures does not offer the electoral observer much guidance. How is the concept of independent operation formally defined by the policy makers as part of the mandate and the code of conduct? Are there discrepancies between the various North countries, and between them and the host country, in this respect? This remains a point for further analysis.

In addition to such formal procedures, *logistic aspects* of electoral observation (such as the observers' transport, lodging, food) constitute major boundary conditions on which the independence and representativeness of electoral observation depends. Observers who are confined to one place for lack of adequate transport, who are poorly lodged or poorly fed, cannot function optimally, and have a difficulty preserving their independence from political actors on the local scene who may provide the transport, shelter and food they are themselves lacking. Here shocking discrepancies can be observed. Electoral observers working in Africa may be discouraged by the extreme differences (on such points as logistic facilities, military

protection, financial resources) between recent situations of electoral observations in these two continents. E.g. against 400 troops protecting electoral observers in Angola in 199... [ vul aan ], as many as 30,000 troops were available for such an assignment in Bosnia in 199... [ vul aan ] !

Such discrepancies have an alarming effect on the individual electoral observers and makes them wonder whether, after all, they are not merely being used for window-dressing, in order to rubber-stamp a South political performance which, while falling short of formal requirements, yet serves the interests of North states.

### **CONCLUSION: TOWARDS PROFESSIONALISATION OF ELECTORAL OBSERVATION?**

What should be professionalised in the field of electoral observation? Perhaps this should be not so much the role of the electoral observer as such (for elections, however important, are relatively rare events, and the requirements of neutrality and social engagement on the part of the electoral observers would rather point to non-professionals who discharge this specialist role only occasionally). Rather, we should work towards professionalisation of *the organisation of electoral observation*.

There is one thing certainly to be said against professionalisation: it reveals a certain cynicism or despair with regard to the future of democracy in the host countries. For surely, we hope that electoral observation is a once-for-all thing, that the observers will never have to come back. And this idea is opposed to the formation of a professional body of such electoral observers.

editorial remark:

I am not a specialist in current international affairs and international law, and — as I have indicated in bold in the text — the various acronyms of international organisation involved in this field pose great difficulties, which I trust the editors of this book can easily solve.