11 International Election Observation: a Discussion on Policy and Practice
W. van Binsbergen and J. Abbink

INTRODUCTION

The Netherlands is one of the donor-countries that has shown a strong commitment to democratization efforts and to participation in electoral observation missions in Africa. This chapter is a reflection on discussions held between observers, academics and policy-makers at the Netherlands Ministry of Foreign Affairs in February 1997 during a seminar organized by the Ministry and the African Studies Centre, Leiden. As the seminar brought together the three main parties in the electoral observation effort and debated on the core issues involved, a summary of the discussions is presented here which in its turn is useful to introduce the two subsequent chapters on the development of policy and practice.

Assessing the potential and impact of election observation on democratization processes in Africa must be based on a continuous dialogue and exchange of views between host governments, countries sending observers, actors on the local political scene of the country holding elections, and domestic and foreign observers themselves. This chapter is an attempt to contribute to such dialogue and is based on discussions and conversations with field observers (active in recent years in African elections), policy-makers and researchers (see also Von Meijenfeldt 1995).

Bringing together these three groups revealed both common concerns as well as differences in perspective on the perceived ideal, context and practice of election observation in Africa. Two central issues in these discussions were: a) the role, status
and mandate of foreign election observers in Africa and b) the organization and execution of election observation. From the accounts of the actual field observers, whose experiences and criticisms are not always reflected in the final statements and reports issued after an election is concluded, it often appeared that these two issues are never entirely resolved and need continuous reassessment (see Geisler 1993, Boneo 1996, Engel 1996 and Garothers 1997).

1. THE MANDATE AND ROLE OF ELECTION OBSERVATION

In the Introduction and in Chapter 1, the possibilities and constraints of election observation – as a predominantly Western or donor-country technique of democracy support – has been mentioned. A sustained commitment on the part of the country sending observers as well as of the observers themselves to the ideal of democratic and fair elections as well as long-term democratization of the country in question is a requirement (cf. Goodwin-Gill 1994). A reflection on the mandate and role of election observation relates to some of the ideological justifications of observation and to the personal motives of observers involved in it. Election observation for many observers must be informed and guided by a commitment to and practical implementation of ideals of equality, freedom of political expression, democratic decision-making and equitable justice, of which people in democratizing countries in Africa and elsewhere were, and often still are, long deprived.

When discussing the mandate and role of election observation, at least three issues should be taken into account: 1) the formal and legal mission of the observers. What is their job, what can be expected from them? Related to this the question of the criteria of evaluation of the observers, 2) issues of legitimacy, for example, the local perception of the mandate and role of observers, and 3) the relation between foreign and local observers in the country.

1. On what basis are observers invited and sent to an election? The dominant idea behind sending election observers from countries where democratic structures are well-entrenched and non-controversial is that the presence and activities of observers can help to promote an atmosphere of 'freedom and fairness' of the electoral process: free in allowing the unencumbered expression of political and party preferences of the electorate and fair in allowing for reliable procedures of actual voting and counting. Ideally this exercise is supposed to cover the preparatory stage of the election as well: registration of all eligible voters, party formation and campaigning, acceptance of candidates, media access and exposure, and the like. The activity of foreign observers could thus contribute to political stability and orderly procedures, assuming that in the face of their critical presence, illegal practices would be inhibited. In situations of civil unrest or the end of an long armed conflict, the international community often tends to pressure for speedy elections. Such a decision may be an act of self-delusion, because no one's legitimacy, let alone democracy, will be established by it.

This limited role and mandate is being differently interpreted by observers, the host government, the voting public and the donor government providing them. Apart from the fact that the status and position of observers differ according to country of origin and membership in an overarching unit (from the EU or the UN, for instance), the international observer is always in a quandary: s/he has to respect the local 'rules of the game', made by others, which may be at variance with those valid in his/her own country and even be unfair from the start (for example, party registration, campaigning opportunities, voting procedures which easily allow count-rigging afterwards). An evaluation can and should be made by them on whether the 'playing field is level': this requires more attention to context and background than is possible or allowed on election day (for example, on the 'different weight' that certain votes have in certain districts, on gerrymandering practices, on limited opposition party activity). Among many observers, the idea has now emerged that election observation can only gain legitimacy and thus better fulfil its mandate – if the period of observing is extended before and after the elections. (This idea has now been put into practice in Kenya, in the December 1997 elections; see Rutten in this volume.)

It is not feasible for international observers to harshly criticize the problems of the election or government policy on the
basis of their own standards while on observation duty. What falls definitely within the role of observers, however, is to give a factual and business-like evaluation afterwards, in the framework of the observation unit in which they operate. In this respect it often appears that many such statements are written in such a way as to see primarily positive aspects of the electoral process, while the mandate of observation is primarily to give a critical assessment of it. This is in fact the general advice that the observers received from the governments that send out to Africa: if in any way possible, the process of democratization should be encouraged, and be seen in the light of a probably long process of ‘building democracy’. In this context, a mildly worded statement on the elections, even if these did not live up to expectations, should function as a political signal. This practice (recently again demonstrated in the rather lame European Union observer report on the Kenyan elections of 1997) is conditioned by diplomatic convention, UN middle-of-the-road policy, and by Realpolitik and rivalry between the larger donor-countries themselves, wishing to keep or extend their local influence. But it ultimately subverts the mandate of observation, encourages complacency with the incumbent regime which ‘got away with it’, and leads to a loss of confidence among the wider public and civil society organizations.

2. This brings us to the second point: issues of legitimacy and the local perceptions of the mandate and role of observers (by both the government and the wider population). First it should be remembered that around 1990, the initial stimulus to processes of political liberalization and democratization often came from the mass protests and rebellions of the African populations (for example in Benin, Togo, Nigeria, Malawi, Mali, Kenya, Zambia, Zaire). This element tends to be forgotten in many discussions, but points to the fact that demands for democratization protests were formulated in the idiom of social reform, equitable justice, accountability, ending graft and corruption, and political rights for the masses. Hence, this movement has set part of the criteria which define the legitimacy of the subsequent process of democratization, including the institution of rule of law instead of (arbitrary) rule of persons and the electoral process.
3. Closely related to the foregoing is that of the relation between foreign and local observers in the country. As part of the democratization programmes supported by donor-country embassies, civic education projects and local NGOs are funded to enhance local capacity and create local stakes in the democratic institution-building process. These efforts are commendable. Up to now, however, the relation between the international and the local observers is not well-investigated or even well-defined. The impression among many Western observers is that the experiences of domestic observation are not sufficiently taken into account (cf. Nevitte & Canton 1997). Perhaps this is due to the perception among donor-embassies that domestic observers are not independent enough (the same argument would apply, with much more force, to the government in the country). But the fact is that in the years of political liberalization since 1989, a significant — though embattled — private or independent press has been emerging in many African countries. Many of these journals, magazines and radio stations have gone through a period of remarkable growth also in the quality and range of their reporting. Next to that, a whole new array of local NGOs, often with development purposes, has emerged, no doubt many jumping on the bandwagon of funding opportunities. A critical assessment of the best of them would, however, yield a significant pool of dependable local observers, in addition to people from the local churches which have often been involved. Hence in this domain, there is scope for much improvement, and dependable observers in the country will be found by building long-term associations with these local NGOs and media, provided their aims are within the sphere of interest of donor-country policy and are not political, sectarian, ethno-nationalist, and the like. A moot point is whether party agents (for instance, from the opposition) could be used as observers — the local situation may often not allow it, and it may possibly be putting them in an unpredictable or dangerous position after the elections.

There is, however, no doubt that a measured building and use of local capacity of really independent observers will enhance the democratization process, especially when models of cooperation with the international observers are implemented.
hegemonic relations imposed by the North onto the South? Does it not infringe on national sovereignty? Is it 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. A commonly accepted point by now is that elections may be a necessary condition for the democratic process, but they are far from a sufficient condition. 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 (sometimes described as ‘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 might be better assessed by the local embassies, if they have good lines of communication and information with local organizations such as civic groups, independent press and local NGOs, and national councils of churches.

However, it is important to preserve the independence and neutrality of the mandate of foreign electoral observers. This is a major reason why, from the Netherlands, electoral observation is organized 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. (An important change has, however, subsequently been introduced during the Kenyan elections of December 1997, where EU diplomats stationed in Nairobi were actively involved in a new model of observation.) 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 specialized academic knowledge 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. From observers’ reports and personal communications it appears that, for instance, the British let themselves be guided by the conventional wisdom that under no circumstances should the inspector 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 at 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 inter-related roles. Therefore it is imperative that one maps 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 organizing the elections, in the specific case that the elections are organized not by the national authorities but by an international agency, or by the European Union or a United Nations division (for example, UNDP).
- **the electoral observer**: this is exclusively an observer, without anything to do with the organization of the elections, and without any right to intervention.
266  Election Observation and Democratization in Africa

- **the electoral monitor:** this is a local person, usually from the field of non-governmental organizations (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 organization of the elections. By definition a supervisor cannot be an observer since the roles, while complementary, are fundamentally different.

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 inter-cultural experience.

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, educational, 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 (for example, the fact that one has once worked for the former Dutch Directorate General for International Cooperation, under the Netherlands Ministry of Foreign Affairs section for development cooperation). Certain social positions would seem to be particularly suitable to recruit electoral observers from, for example members of national parliaments, members of the European parliament, and journalists.

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 *supervision*;
- the relation with the local population;
- the techniques and limitations of eye-witnessing.
On the last point, it is important that the electoral observers realize 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 inter-cultural 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 (as observers from Zanzibar (1995) and Chad (1996) reported), electoral observers were met with signs of hatred from the local population, as if the electoral observers were locally considered to be in league with the national political elite, perceived as corrupt and 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, often in a certain competitive relationship. Such institutions include:

- the International Institute for Democracy and Electoral Assistance (IDEA), a Stockholm-based organization which over the years has built up considerable experience in the field of electoral observation;
- the Association of West European Parliamentarians for Africa (AWEPA), involved in the organization, sponsoring and management of election observation;
- the European Centre for Development Policy Management (or ECDPM, in Maastricht, the Netherlands), which in 1996 initiated a pilot project with EU funding in which 15 member states participate;
- in the Netherlands also, the foundation Kontakt der Kontinente (based in Zeist) is active in the field.

Issues such as training and remuneration raise questions as to the desired level of professionalization 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 (within the national framework, for example of the Netherlands Ministry of Foreign Affairs), whereas the organization of electoral observation, and such frustrations as the observers may have experienced, normally take place at the international level: that of the European Union, or the United Nations. Even so, there seems to be considerable leeway even at the national level. Some of the problems that electoral observers have experienced during their mission may therefore be attended to at this national level. For example, in Sweden the decision to professionalize electoral observation was taken at the national level, and within a very short time.

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 duration of electoral observation is determined by the agency which organizes the electoral observation, and usually this is not the Netherlands Ministry of Foreign Affairs, but an international organization like the European Union or the United Nations.

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 in such a short term; medical examinations can be made prior to departure; and so on. However, it has been suggested that if the organizing 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 and political structures at the national level, and given the practical problems of communication and logistics (among them, scarcity of transport, relatively paucity of electoral observers as compared to the number of polling stations, cultural and linguistic problems of communication), electoral observation which extends 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 observational and non-biased 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 specialized observers (including academics) equipped with extensive local knowledge (for more on this, see Mair 1997). The transfer of knowledge between long-term observers and short-term observers deserves 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.

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 concreté procedures, and against what criteria should one assess electoral performance? There are likely to be cultural differences in the interpretation of the mandate, both within 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 Northern 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 be 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 into intervention on the spot. Therefore, such judicial intervention is simply impossible and would be counter-productive.

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 organizational and 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 publicized 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 organization 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 be submerged in the wider international framework of the agency organizing the electoral observation. Here there are considerable pitfalls. Electoral observers from one country may, for example, come to the conclusion that they are being hijacked by the bilateral interests of another country (for example, some European countries by 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 or the EU and UN are involved. Also, more than one international body may be involved at the same time. This situation calls for rather greater and consistent coordination than 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 the selection and training of electoral observers.

Who organizes the elections? This is of course neither a foreign donor-country embassy nor a foreign Ministry of Foreign Affairs. Electoral observation may, however, be organized to a large extent by foreign parties like the European Union, the United Nations, or the OSCE (Organization for Security and Cooperation in Europe), as in Bosnia, or in Namibia and Angola.

But multilateral frameworks often create opaque complexities and entanglements, and it may not be advisable to have a situation where the same agency organizes both the elections and the electoral observation. Bosnia 1996 is a case in point: both were organized there by the OSCE. Such a situation clearly poses very specific problems from the point of view of electoral observation and its independence.

In general, the crucial question in this connection is: how does one guarantee a maximum of independence to 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 Northern 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 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 and Europe may be discouraged by the extreme differences (on such points as logistic facilities, military protection, financial resources) between recent situations of electoral observation in these two continents. For example, against 400 troops protecting electoral observers in Angola in 1992, as many as 30,000 troops were available for such an assignment in Bosnia in 1996!

Such discrepancies have an alarming effect on the individual electoral observers and make them wonder whether, after all, they are not merely being used for window-dressing, in order to rubber stamp a political performance in the South which, while
CONCLUSION

When considering the role and mandate of electoral observation in Africa, it can be said that a clearer definition would be necessary beforehand, both for the observers and for the international organizations involved. The legitimacy and the integrity of the observers in the local setting, especially vis-à-vis the emerging local civil society and the wider electorate, should be of prime concern, and not the maintenance at all costs of diplomatic niceties with the host country. Criticism (if necessary) of the actual running of the preparatory stages and the actual voting, of the political contest, of campaigning, of institutional hindrances to political freedom and lack of equitable judicial proceedings, should be communicated in the final reports, next to concrete suggestions to the local government for improvements. A suggested trajectory for future democratization – based on good knowledge of the country, its history and its political system – should be laid out. A point often made is that no rhetorical compromise at the expense of substance should be made, because in the end international elections observation will thereby undermine itself and become irrelevant in the eyes of all parties concerned (cf. Cooper & Stroux 1996).

Concerning the actual organization of election observation, the idea of professionalization of electoral observation often comes up (for a proposal to this end, see Tostensen et al. 1997). But is it at all acceptable? If so, what should be professionalized 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). Of course, the selection of observer candidates in the donor-countries could be substantially improved, notably in choosing people who are familiar with other cultures, have a sensitivity to and basic knowledge of history and social context, and do not only focus on elite politics (these minimal criteria have by no means been applied in the past). In addition, one should work towards a professionalization of the organization of electoral observation procedure itself (compare Rutten’s chapter in this volume). This would have to include agreements on the division of labour, logistical operation, work methods, standards of integrity and honest reporting, and resistance to diplomatic pressure to manipulate final statements.

There is one thing certainly to be said against total professionalization: it reveals scepticism or even, in some cases, despair with regard to the future of democracy in the host countries. For surely, one would hope that electoral observation is, if not a once-and-for-all thing, at least an exercise with a limited time span, i.e., the observers should never have to come back if the democratic structures are being put in place in the country. Assistance by donor-countries with this process can also take other forms.

REFERENCES


