Aim of Election observation

- Not validate results!
- Deter fraud and violence
- Create confidence for contestants and voters to participate in election process
- Evaluate process against international standards for democratic elections
- Provide a “snapshot” analysis of a wide range of issues related to democracy and the rule of law
- Produce constructive recommendations
Started in 1993 in Russian Federation and 1994 in South Africa

Until 2000 ad-hoc, case by case approach


Since 2000 Communication on Election Assistance & Observation, some 90 EOMs deployed to 54 countries in Africa, Asia, Central & South America
Supporting free and fair elections contributes to peace and security.

Annual programming of election observation which takes into account all aspects of the relations with a country.

A standardised and comprehensive methodology
- impartiality
- independence
- observation of all stages of the electoral process and full geographical coverage
- by invitation
Elections as a panacea for conflict resolution?

International community too quick to exit before sustainable democracy institutionalised?

“Instead of signalling consolidation of democracy, the coming elections present at best a logistical problem and at worst a new cause of destabilisation for a country that has still not recovered from the long wars that marked the end of the Mobutu era” (ICG, May 2011 on DRC)

“timely, transparent, credible, peaceful and secure, offering all Congolese a full opportunity to participate freely without fear of harassment and violence. We have invested much – and there is much to lose.” (UNSG Ban Ki-Moon)

Do elections cause violence? Or do corruption, poverty and ethnic division?
Undermine’s the election:

1. voters stay at home,
2. candidates withdraw,
3. elections are postponed

Legitimacy of the result is jeopardised when observers judge that the election was marred by violence
Different types of electoral violence?

1. Deep-rooted power asymmetries…revolutionary change
2. Electoral mismanagement…violent reactions

Different potential causes?

1. Structural weakness in election management
2. Electoral systems (“winner takes all”)
3. Identity
Identification: the EU prepares 6-12 months in advance (priority countries)

Missions are deployed by invitation

Deployment is based on an exploratory missions (E-4 months)

MoUs signed with host country
Minimum conditions required:
- suffrage is generally universal
- political parties & individual candidates are able to take part
- freedom of expression & movement
- reasonable access to the media for all

Three main criteria on which assessment is based:
- Useful? Added value?
- Feasible? Security, logistics, timely deployment, welcome?
- Advisable? Genuine election?

ExM report - EU internal document (summary distributed to MSs)
1. political situation, legal framework, electoral preparations,
2. logistics & security conditions for an EU EOM, indicative budget.
- Holistic assessment of all facets of the cycle (political as well as technical)
- Not only election related events
- Conduct of security forces and their training
- Police deployment plans (discussed with stakeholders?)
- Hot-spots can be identified (for EMBs and EOMs)
- Uncertainty – allegations of fraud more likely to frustrate
Use of inflammatory campaign rhetoric

ECK lacked cohesion; inexperienced commissioners

Mechanisms for verification lacking

Use of state resources

Low confidence in the judiciary

Flawed party nominations

ExM detected signals, underestimated conflict potential
Not validate results!

Deter fraud and violence

Create confidence for contestants and voters to participate in election process

Evaluate process against international standards for democratic elections

Provide a “snapshot” analysis of a wide range of issues related to democracy and the rule of law

Produce constructive recommendations

Election observation timeline
Mission composition

Chief Observer (CO)

Core Team (CT):
- Deputy Chief Observer (DCO)
- Election Analyst
- Legal Analyst
- Political/Country Expert
- Media Analyst
- Press Officer
- Observer Coordinator
- Deputy Observer Coordinator
- others

Implementing Partner (Service Provider), Local Staff

Media Monitoring Team

Long Term Observers (LTOs)

Short Term Observers (STOs)
including LSTOs and MEPs
Assessment of the electoral process in relation to international standards for democratic elections
- Political rights and fundamental freedoms, included in international and regional instruments
- Observation of all aspects in accordance with the Declaration of Principles for International Election Observation:
  - Institutional, political, legal and electoral framework
  - Work of the electoral administration
  - The electoral campaign
  - Civil society
- Election day, polling, counting, tabulation and post-electoral environment
- Complaints and appeals.
- Assessment of the electoral process in relation to international standards for democratic elections

Ascertain the role of alternative dispute resolution mechanisms
Key operational concern

Security features at every stage (ExM to mission end)

What about when we cannot deploy?

Security escorts – in some cases security forces perpetrate electoral violence
Within 48 hours

Most important document?

Focus of media attention

Mission output – preliminary statement

**European Union Election Observation Mission to Malawi 2004**

Peacefully conducted elections with a wide choice of political candidates marred by serious shortcomings in the electoral process

Blantyre, 22 May 2004

The European Union Election Observation Mission (EU EOM) has been present in Malawi since 14 April to observe the presidential and parliamentary elections, originally scheduled for 18 May 2004 but postponed until 26 May 2004. The EU EOM came to Malawi at the invitation of the Malawi Electoral Commission (MEC) and after the conclusion of a Memorandum of Understanding between the Government of Malawi and the European Commission covering its presence in Malawi.

The Mission is led by Chief Observer Mrs. Marlies Sanders van Heijningen, Member of the European Parliament, Vice-President of the Bangladesh and Cooperation Committee, who heads a team of five experts able to arrive in country for a period of eight weeks. A total of 22 Long Term Observers (LTOs) were deployed throughout the country for the week and 12 Mobile Observers (MOs) joined the mission to observe voting, counting and the tabulation of results. Additional 74 observers from 12 Member States of the European Union and Norway were also present in country. A delegation of 26 members of the 2004 Caribbean Parliamentarians Union (CAPP) also participated in the elections, providing an opportunity to observe the elections in the country.

The mission assessed the elections in terms of the holding of free and fair elections, the conduct of the campaign, the outcome of the elections and the respect of human rights and democratic principles.

**Preliminary Conclusions**

1. The 2004 presidential and parliamentary elections were conducted in a generally peaceful environment and provided a wide choice of political candidates. Voters demonstrated awareness and interest in the electoral process.

2. On election day, voting and counting were marked positively in the vast majority of polling stations visited by EU observers. Party and candidate representatives and domestic observers were present in polling stations throughout the country. The secrecy of the vote was properly maintained and all votes were recorded at all polling stations visited.

3. The EU EOM wishes to congratulate election officials, party and candidate representatives and domestic observers for their dedication and contributions to a peaceful and transparent election day. The EU observers were impressed by the patience and orderly behaviour of the public throughout the day, even though problems with the voter roll were apparent in most one third of polling stations observed.
- After 1-2 months
- Detailed analysis
- Recommendations
- Return visit
- Follow-up
- Preliminary statement – before or after official results?
- What is the public perception of the nature of the statement?
- Risk of instrumentalisation by incumbents or opposition
- Final report – return visit (now MoU requirement)
- Final report – delayed during mediation processes (Kenya)
- Important to make clear what the outputs are, and what they are not
Mediation and election observation

- Sovereignty vs. responsibility to protect
- Dilemma of intervention / mediation
- Complementarities between observation and mediation: data, insights on political and electoral process, identification of flashpoints
- Avoid same organisation playing both roles in the same electoral cycle
- But a well substantiated EOM can give legitimacy for wider international community to engage in dialogue
Election observation an important check on conduct

International observation crucial in post-conflict (domestic observation weak)

Develop sensitivity to electoral violence among observers (training, observation of indicators of violence, warning mechanisms, mitigation strategies on the ground)

Additional deployment of observers to volatile areas

Link between observation and security strategies
Encourage non-partisan observation (Declaration of Principles), common standards – avoid different assessments from different EOMs

“Outsiders” pushing initiatives may be met with resistance

Encourage domestic observation – greater possibilities of mediation? PVT and other confidence building measures?
- For the EU, EOMs facilitate policy coherence, support for human rights, democracy support

- Following up the EOM needs to be better integrated into political dialogue

- The electoral cycle approach
2010

- EOMs deployed to Togo, Sudan, Ethiopia, Guinea, Burundi, Tanzania, Ivory Coast
- Election Assessment Teams (EAT): Iraq, Afghanistan
- Election Expert Missions (EEM): Nicaragua, Rwanda, Solomon Islands, Niger, Haiti, Kosovo, Zambia (voter registration)

2011

- EOM priorities: Sudan, Niger, Chad, Uganda, Nigeria, Peru, Zambia, Tunisia, DRC, Nicaragua, Yemen, Nepal, Egypt
- Election Assessment Teams (EAT): Central African Republic
- Election Expert Missions (EEM): Benin, Thailand, Guatemala…