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ELECTIONS OBSERVATION AND MONITORING GUIDELINES

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I. INTRODUCTION

1. At the turn of the 80's, a number of dramatic and fundamental changes precipitated by the collapse of the Berlin Wall and the disintegration of the Union of the Soviet Socialist Republics, began to take place in various parts of the World, particularly in Central and Eastern Europe. By the beginning of 1990, the events happening elsewhere in the international political arena started to significantly impinge on the socio-political landscape of the African continent by way of agitation for political reforms. Conscious of the need to respond to these events, African Heads of State and Government meeting in their 26th Ordinary Session in Addis Ababa in July 1990, adopted the **"Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World"** in which the leaders committed themselves to further democratization of African societies and the consolidation of democratic institutions taking on board Africa's socio-cultural values and other peculiarities of the Continent.

2. At the same session African Heads of State and Government also adopted the "African Charter for Popular Participation in Development and Transformation" which was the culmination of the "International Conference on Popular Participation in the Recovery and Development Process in Africa" held earlier on, in Arusha, Tanzania (1990). By endorsing that Charter, the Heads of State and Government not only recognized the central role of people's participation in Africa's development endeavours, but also demonstrated in no uncertain terms that in matters pertaining to national development, the policy of popular participation and tolerance is the conerstone of democracy.

3. The decision of African leaders to enhance democracy and, by so doing, meet the expectations of their people, has been not only courageous but encouraging. As a matter of fact, the on-going process of change towards democracy in Africa is absolutely necessary if the continent is to fall in line with development in the rest of the world and the AU is to play a credible role in the new international order. In other words, Africa's development, like elsewhere in the world, remains inextricably linked to the existence of lasting peace on the Continent and on a more democratic Africa.

4. The staging of democratic elections monitored by international observers has indeed facilitated the prevention of fraud or the limitation thereof, helped build confidence among voters and the competing political actors, and ensured that elections take place in a free, fair and transparent atmosphere. Consequently, the Chairperson is increasingly being called upon by Member States to send delegations to observe elections and other related processes alongside other international observers. The Organization has always responded positively to such requests and, since 1990, has dispatched observer missions to most Member States that organized elections. Although, owing to limited resources, its representation in these national activities has remained symbolic, its presence on the scene has, nonetheless, not only been appreciated by the Member States concerned and by the people of Africa in general, but has also made positive difference in the electoral process.

5. Mindful of the imperative need for the Organization to backstop the democratization process in Africa and capitalize on the experience so far gained, the Commission hereby provides Member States with a manual on elections observation and monitoring, offering guidelines and criteria for elections observation by the Organization in Member States. This is in compliance with the decision taken by the Council of Ministers meeting in its 64th Ordinary Session in Yaounde, Cameroon, from 1 to 5 July 1996.

II. DESIGNATING AN OAU ELECTION OBSERVER GROUP

6. As an inter-governmental organization, it must do nothing that may be construed as violating the sovereignty of Member States. For this reason, the Organization, as a matter of policy, may not in any way dictate to any Member State in matters relating to electoral procedure. The Organization only responds to those invitations extended to the Chairperson by Member States' competent authorities (Government of the day, National Electoral Commission) with the concurrence of the competing political parties, requesting him to send an AU delegation to participate in the country's electoral process in an observer capacity.

7. Upon receipt of such invitation, the Chairperson may decide, depending on the situation prevailing in the Member State concerned, to field a technical mission from the Commission, in advance of the elections, for the purpose of making an on-the-spot evaluation of the general political climate and preparations for the election. On the basis of the findings of the mission, the

Chairperson may designate an AU Observer Group comprising not only members of the Commission but also representatives of some Member States, taking into consideration, as far as possible, the factor of geographical contiguity.

8. Furthermore, for the benefit of the observers, a set of documents providing basic information on the host country, including the pre-election technical mission report, the Constitution, the Electoral code, guidelines for international observers as well as geographical, historical and political data on the country, will be compiled by the Commission or obtained from the concerned country's Government by the Commission, and made available to the observers prior to their departure.

III. MANDATE, RIGHTS AND OBLIGATIONS OF THE OBSERVERS

9. Before departure, several days in advance of the elections, the AU Observer Group will be thoroughly briefed by the Commission on the objectives of the mission. It will also provide the Group with specific succinct terms of reference which will serve as the observer's mandate; and depending on the electoral law in force in the Member State concerned and the corresponding regulations and/or code of conduct regarding the conduct of international observers, the AU Observers will, *inter-alia*, have the right to:

- a) move about freely within the host country;
- b) communicate freely with the competing political parties, civil society Organizations (CSOS) and other social groups such as religious bodies, students organizations, intellectuals, labour organizations, women's groups, eminent persons, members of the press, government functionaries, the African diplomatic corps and members of the National Electoral Commission or the Electoral Administrators;
- c) have free access to the polling stations before, during and after polling day;
- d) have free access to the voters register;

- e) observe the political parties and groups as well as the population at large in the exercise of their political rights, and the conditions in which such rights are to be exercised;
- f) seek the collaboration of the appropriate arms of government with a view to facilitating their mission within the host country;

10. In addition to being impartial, objective and non-partisan, the observers should, in particular:

- a) be able to communicate in the language or languages spoken in the host country and have the least recourse to local interpreters as a way of guaranteeing maximum objectivity and impartiality;
- b) have a good knowledge of the various legal instruments relating to elections, especially the Electoral Code – a key document for the successful accomplishment of their mission – together with other related instruments such as Human Rights Conventions;
- c) show maximum courtesy and respect to polling officers as well as voters;
- d) refrain from issuing orders or instructions to polling officers.

11. If, in their judgment, their intervention might help enhance the voting process, without violating the international observers' guidelines issued by the host country, the observers should express their concerns to the polling officers particularly, the presiding officer, with utmost courtesy and circumspection. As a principle, the observers should restrain themselves from becoming part of any problem relating to the electoral process, and should endeavour to use their heads, eyes and ears rather than *their mouths*.

IV. COOPERATION WITH OTHER OBSERVERS

12. While the need to maintain the independence and integrity of the AU and, for that matter, operate as a separate entity from both the country and international observer teams remains paramount, AU observers should cooperate, liaise and consult with other observers throughout the election observation period.

V. ELECTORAL PROCESS

13. The electoral process generally comprises three major stages, namely: voter registration, electioneering campaign and the actual polling, including vote counting. However, for the purposes of clarity, other stages of lesser importance have also been taken into account in so far as the present guidelines are concerned.

14. As a matter of principle, observers are not there to supervise nor to direct; rather, they are to ascertain whether or not the electoral process, in all its stages, is conducted in a climate of freedom and fairness. In other words, the overriding responsibility of the observers is that of verifying whether all the competing political parties, individuals and groups in the host country do enjoy complete freedom of organization, movement, assembly and expression without hindrance or intimidation, violence or coercion or any other such acts capable of thwarting the will of the people.

A. EVALUATION OF THE ELECTORAL LAW

15. Observers should seek answers to the following questions:

a) Election Administrators

- i) Who are the administrators of the election? Are they civil servants, party appointees, political independents?
- ii) How are the election administrators appointed, and by whom?
- iii) Do the competing political parties, including the incumbent, have a say in the appointment of the election administrator?

b) Political Parties

16. i) Are there specific formalities for registering parties? If so, what are they?
- ii) Do these formalities require the exclusion of certain parties from participating in the electoral process

- iii) Does the electoral law govern internal party activities, such as the nomination of candidates or mobilization of resources for promoting the activities of the parties?
- iv) What is the specific role of the parties in administering the election?

c) Voter Registration

17. Voter registration is an important stage in a country's electoral process; it is, indeed, the backbone of the entire electoral process. In this regard, observers should search for answers to the following questions:

- i) Is pre-registration required?
- ii) If so, how is it accomplished? Is it, for instance, a continuing list or is it automatic upon reaching a certain age?
- iii) If pre-registration is not required, how is voter eligibility determined? It should be noted that there are circumstances where pre-registration may be inappropriate; in which case the authorities concerned should develop means to prevent double voting and voting by those not eligible to vote.
- iv) Who is excluded from voting: felons, citizens living outside the country, aliens or refugees, insane persons, etc?

d) Election of Candidates

- 18. i) How are candidates elected? Are they elected by majority vote, by constituency or by some form of proportional representation?
- ii) Does the system deliberately disenfranchise voters for reasons of race, nationality, ethnicity, religion, gender, residence, etc...?

e) Constituencies

- 19. i) Where constituencies are used, what are the criteria for their delimitation? And when were they delineated?

- ii) Do the constituency delineations respect fundamental principles such as: equity of electoral opinion, geographical contiguity and traditions?
- f) Election Administration at the local level
20. i) Who appoints the local polling officers? Is it the incumbent authorities, an independent electoral administrator or the parties?
- ii) How are these local polling officers trained to carry out their specific responsibilities?
- iii) Who trains them, and for how long?
21. Protests may occur during the electoral process. The question is: who is authorized to raise the objections; is it the candidates, the voters, party poll watchers or others?

B. ELECTIONEERING CAMPAIGN

22. The duration of electioneering campaign varies according to the type of elections being held, and the country concerned. It is however, generally long and laborious, and is intended to enable the candidates present their manifestoes to the electorate. In this regard, AU Observers are advised to arrive in the host country at least five working days before the commencement of voting, in order to have a feel of the general ambience and establish necessary contacts and rapport with both the authorities of the host country and the competing political actors. In the light of the aforesaid, AU Observers should ascertain that:

- a) the electioneering campaign is conducted in line with the provisions of the electoral law;**
- b) all competing political parties have equal access to both the print and the electronic media (radio, T.V.);**
- c) the electioneering campaign is not marred by fraudulent acts designed to unduly influence the electorate; and**

- d) **the campaign process is conducted in conditions of serenity, and that there are no acts of provocation or intimidation capable of compromising the proper conduct of the electoral process.**

23. For the sake of building confidence both in the electorate as well as the contending political parties, on their immediate arrival in the host country, AU Observers should project a **high profile** by announcing extensively, especially through the media, their presence in the host country, and indicate where they can be reached any time by the general public. Furthermore, during the five days prior to election day, AU Observers should endeavour to meet with local authorities, leaders of political parties and all independent persons or organizations (human rights activists, labour unions, student bodies, women's groups, the African Diplomatic Corp, religious organizations, etc) for the purpose of gathering information necessary for their mission. Such contacts should take place both before and after the elections. The observers should in particular:

- a) identify the names of political parties and their leaders;
- b) find out about their participation in previous elections or governments;
- c) identify their political support base (for instance: ethnic, regional, religious, elite or business class);
- d) determine party affiliations within the host country and outside;
- e) find out the level of party participation in the elections; and if some parties are not participating, the reasons for their non-participation;
- f) examine thoroughly the powers of the incumbents and their likelihood to influence the outcome of the elections;
- g) ascertain whether or not the competing political parties have pledged to accept the outcome of the elections once declared free and fair by the administrators and the observers;

- h) find out the total number of polling stations in the country and/or in each constituency; and
- i) identify the regions in which the elections should be monitored taking on board the capacity of the observer team in terms of numbers.

24. The atmosphere during the campaign should be carefully observed. The factors to consider in this regard should include:

- i) martial law in force in the host country;
- ii) civil war;
- iii) war or serious threat of war between the host country and another country;
- iv) persistent or reported cases of human rights violations;
- v) intimidation of the electorate or parties by supporters of other competing parties; and
- vi) severe environmental constraints such as drought, coerced population relocation, famine or serious economic difficulties likely to impinge upon participating in polling.

25. Regarding access to the media (print and electronic) observers should ascertain whether all the competing political parties and/or candidates have been allowed equal opportunity.

26. On campaign methods, answers should be sought to the following questions:

- i) Are there limits on public advertising?
- ii) Are there attempts to destroy campaign materials belonging to rival parties?

- iii) Are election meetings or rallies disrupted by security forces or other competing parties?

C. VOTER CIVIC EDUCATION

27. In the African context, the attitude of the voter is very much influenced by the nature of civic education he has received, his experience in previous elections and the way the authorities of the day came to power. Consequently, on the issue of voter sensitization campaign, it would be necessary to know:

- i) Who organized the voter education campaign? Was it the local authorities or authorities from outside the host country?
- ii) How much time prior to the elections did it begin?
- iii) Was it seen to be impartial?

28. On historical experience, it would be useful to address the following questions:

- i) Are the people enthusiastic about the electoral process?
- ii) Is voting obligatory under the law or is it a voluntary activity?
- iii) Are people afraid of adverse extra-legal consequences that may result from not voting?
- iv) Are voters aware of the significance of the elections?

D. DEPLOYMENT

29. Deployment of AU Observers should be effected at least two days prior to polling day to enable them familiarize themselves with the environment in which they have to operate. In principle, the observers should, on arrival at their respective operational base, report immediately to the election administrator. Thereafter, have to make a round of the area and, primarily, identify the location of polling stations therein.

E. VOTING PROCESS

a) Polling Station

30. There are two types of polling stations, namely: fixed polling stations, and mobile or moveable polling stations. While fixed polling stations are more common than mobile/moveable stations, the latter were developed to spare voters living in remote areas long treks to voting centers. In the case of mobile polling stations, electoral officers move from one area to another, preferably in a vehicle, arriving in a given locality at hours determined and communicated in advance to the concerned populations.

31. With regard to election day, answers to the following questions have to be sought in respect of the polling stations:

- i) Where are the polling stations located (usually, community centre buildings and/or school premises serve as polling sites).
- ii) During what hours are the stations open?
- iii) How many people are allowed to vote in a particular station?
- iv) Who is the supervising authority at the polling station?
- v) Who else is supervising or monitoring the voting process at the polling station?
- vi) Are there posters, emblems or pictures at the polling site likely to influence voters' behaviour?

b) Ballot Boxes

32.
 - i) What is the physical condition of the ballot box?
 - ii) Is the ballot box empty at the start of voting?
 - iii) What method is used to lock the ballot box?

- c) Voting Procedure
33. i) How is voter eligibility determined? Is it by voters' list? Identity card? Or other forms of identification? (In some African Countries, many citizens do not possess national identification cards);
- ii) What are the mechanics of voting? Is it done by placing a mark with a pen or a thumb-print on the ballot paper?
- iii) Do the physical arrangements guarantee secrecy of voting?
- d) Vote Counting
34. i) Does the closure of polling conform with the electoral law?
- ii) What does the law say in a situation where there are still voters lining up to vote at the close of polling? Are they allowed to vote or not?
- iii) Who is present during vote counting?
- iv) How are disputes resolved?
- v) How are the results of vote counting transmitted?
- vi) Who receives copy of the results and voting records?
- vii) How are the results communicated to the national structure responsible for organizing the elections?
- e) Fraud Prevention
35. i) What safeguards are in place to prevent multiple voting and ballot stuffing?
- ii) Where vote counting does not take place *in situ*, how is ballot box safety assured?
- iii) Where proxy voting is permitted, who is allowed to vote by proxy?

f) Irregularities

Hereunder is a list of the irregularities that can seriously impact on the outcome of voting. This list cannot however be said to be exhaustive:

- restriction of the right of voters to exercise their choice;
- ballot box stuffing;
- Ballot box substitution;
- arbitrary annulment of results;
- ballot box lifting;
- falsification of results;
- open ballot in contravention of the electoral code where it provides for secret ballot conducted within a polling booth;
- voting without voters card or identity card;
- multiple voting by one voter;
- electioneering campaign in or around the polling station;
- intimidation of polling station officials and/or voters;
- attempting to influence voter behaviour by, for instance, wearing T-shirt bearing the effigy of a candidate within or around the polling station;
- voting by minors;
- voting on behalf of a third party without power of attorney;
- use of non-indelible ink;
- voting beyond hours fixed by law without commensurate legal provisions.

VI. POST-ELECTION ARRANGEMENTS

A. Announcement of Results

36. i) Who is authorized to announce the results?
- ii) How soon are the results to be proclaimed?
- iii) Where there is a delay in announcing the results, what is the explanation?
- iv) Is it possible for the AU Observer Group to await official announcement of the result? (Depending on the prevailing situation, official results may be known within a few days, several days or even weeks after polling).

- v) Is it necessary or advisable for the AU Observer Group to pronounce itself on the conduct of the elections while still in the host country? (Press release, press conference, etc...).

B. Disputing the Results

- 37. i) Who may contest the results?
- ii) What is the procedure for contesting the results?
- iii) How long does it take to resolve such disputes?

C. Transfer of Power

- 38. i) How long does it take for the elected person to assume power?
- ii) What sort of climate is prevalent in the country during this period?

VII. BACK TO AU HEADQUARTERS

- 39. Upon completion of the mission, the delegation returns to the AU Headquarters in Addis Ababa to brief the Chairperson on the outcome of the mission and submit to him an appropriate mission report. After consideration of the observations and recommendations contained therein, the Chairperson transmits a copy of the report to the host country's authorities. He also briefs the Executive Council and the Assembly of Heads of State and Government on the conduct of the elections. These measures are carried out with the primary purpose of promoting transparency as well as pointing out to the said authorities the shortcomings and irregularities if any, recorded during the electoral process.