ASSESSING THE ROLE OF INTERNATIONAL ELECTION OBSERVATION IN ENHANCING DEMOCRACY IN AFRICA: A COMPARATIVE STUDY OF THE 2012 ELECTION IN GHANA AND THE 2017 ELECTIONS IN KENYA

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LEGON JULY 2018
DECLARATION

I hereby declare that this dissertation is result of an original research conducted by me under the supervision of Dr. Philip Attuquayefio. All sources referred to in the study have been acknowledged and no part has been submitted anywhere else for any other purpose.

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(STUDENT) (SUPERVISOR)

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DATE DATE
DEDICATION

This work is dedicated to Mr. Gabriel Owusu Ansah (Chief Gabby)
ACKNOWLEDGEMENTS

I am highly indebted to my elder sibling, Irene Sefah and Pastor Yaa Obeng (LP) of the ACI 2000 branch of Lighthouse Chapel International, Bamako, Mali for their support, sacrifices and prayers.

Special thanks goes to Dr. Philip Attuquayefio, my supervisor and who professionally guided the accomplishment of this dissertation. I would also like to thank Mr. Peter N. Opata for giving me the opportunity to pursue this insightful programme.
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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>AU</td>
<td>African Union</td>
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<tr>
<td>CDD</td>
<td>Centre for Democratic Development</td>
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<td>CODEO</td>
<td>Coalition of Domestic Election Observers</td>
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<td>CPP</td>
<td>Convention People’s Party</td>
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<td>EAC</td>
<td>East African Community</td>
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<td>ECOWAS</td>
<td>Economic Community of West Africa States</td>
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<td>EISA</td>
<td>Electoral Institute for Sustainable Democracy in Africa</td>
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<td>ELOG</td>
<td>Election Observation Group</td>
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<td>EU</td>
<td>European Union</td>
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<td>GCP</td>
<td>Great Consolidated People’s Party</td>
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<td>IEBC</td>
<td>Independent Electoral and Boundaries Commission</td>
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<td>IEO</td>
<td>International Election Observation</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>NASA</td>
<td>National Super Alliance</td>
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<td>NDC</td>
<td>National Democratic Congress</td>
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<tr>
<td>NGOs</td>
<td>Non-Governmental Organisations</td>
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<td>NPP</td>
<td>New Patriotic Party</td>
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<tr>
<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>OAS</td>
<td>Organization of American States</td>
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<td>Acronym</td>
<td>Description</td>
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<tr>
<td>OSCE</td>
<td>Organisation for Security and Cooperation in Europe</td>
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<td>PAM</td>
<td>Pre-Election Assessment Mission</td>
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<td>PNC</td>
<td>People’s National Convention</td>
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<td>PPP</td>
<td>Progressive People’s Party</td>
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<td>UFP</td>
<td>United Front Party</td>
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<td>UN</td>
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ABSTRACT

Election observation has become a feature of democratic elections in most parts of the world as well as a key indicator of the credibility of elections. Consequently, continental, regional and sub-regional bodies have moved to form their own groups to observe and, in some instances, monitor elections in countries within their regions. Notwithstanding the relevance of election observation missions, there have been criticisms relating to the extent to which the actions of such missions enhance democracy in Africa. Using the 2012 and 2017 elections in Ghana and Kenya respectively, this study sought to examine the relevance of international elections observation missions in enhancing democracy in Ghana and Kenya. It was revealed that notwithstanding the generally positive contribution that election observation missions make to the electoral process and by extension democracy in African countries, there are a number of challenges that limit the contribution of the observation missions to democracy in the respective countries. These include deficit in the technology currently being deployed for elections around the continent and the technological competence deployed by observation missions. It was also revealed that the restrictive mandates granted to election observation missions by election management bodies in respective countries limits the extent of influence exerted by the observation missions on the democratic process of respective countries. Furthermore, it was noted that a high expectation gap arising out of a general misunderstanding of the populace about the function of observation missions relative to the mandates accorded such missions by the host country often affects public opinion of the contribution of observation missions to enhancing democracy in respective countries. The research questions were examined qualitatively using direct interviews, questionnaires and scholarly data. A review of literature was presented in line with the study objectives and research questions; and findings from the study were discussed in relation to the literature and framework that guided the study. The study recommended that to guarantee a positive contribution of international observation missions towards enhancing democracy in Africa, the above challenges ought to be comprehensively addressed through measures such as the co-optation of technologically competent personnel into missions and a reconsideration of the mandate of election observation missions by election management bodies in respective countries.
CHAPTER ONE

INTRODUCTION

1.0 Background to the Study

Democracy has become a major feature in Africa as a result of political independence and subsequently, the third wave of democratisation in the 1990s which swept across these states.\(^1\) A movement of mass protests and demonstrations emerged against the authoritarian regimes that had installed themselves after an initial period of multi-party or single-party politics in the post-independence era.\(^2\) But beginning in 1992, the democratization process in Africa stalled and in some cases such as Somalia and Rwanda, “degenerated into violent ethnic conflict leading to the collapse of the state.”\(^3\) The history of competitive elections in much of African countries is that of violence ‘marred by pre- and post-electoral crises.’\(^4\) These crises are generally as a result of the ‘lack of confidence in the electoral process, the agency charged with the conduct of elections, and the election outcome.’\(^5\) These crises manifests themselves by way of boycotts of elections, intimidation and violence of political opponents and the refusal to accept officially declared results by aggrieved parties. For instance, Keefer (2002) posits that 20% of presidential elections are riddled with intimidation or fraud such that the outcome is usually affected.

In order for democracy to thrive, there is the need to guarantee free and fair elections devoid of suspicion and intimidation from political parties. For this to be achieved, election monitoring and evaluation has been adopted as a way of assisting in the conduct of free and fair elections, increasing voters’ confidence in the electoral process, enhancing the acceptability of election outcome and the legitimacy of the governments constituted through such elections.\(^6\) Election observation is a valuable tool for improving the quality of elections.
Observers help build public confidence in the honesty of electoral processes. Observation can help promote and protect the civil and political rights of participants in elections. It can lead to the correction of errors or weak practices. More importantly, election observation can deter manipulation and fraud, or expose such problems if they do occur. This is why election observation has become an integral part of the sustenance of the democratization process in Africa. In fact, most African countries have had one election or the other subjected to processes of third-party observation and monitoring in the past decade.⁷

Having said this however, the pronouncements of observer teams, even when affirming the conduct of elections as free and fair, have not always led to their general acceptability, nor prevented the results of such elections from being contested. A classic case is the 2012 elections of Ghana in which the accusation of electoral fraud or irregularities formed the basis of a legal challenge to the 2012 presidential results. Similarly, the 2017 Kenyan elections were strongly disputed although various international elections observers pronounced the elections as credible. This has raised questions on the credibility of international election observers.

The challenges reflected in Kenya, Ghana and other countries have been the subject of growing criticism of the activities of International Election Observation (IEO) missions. Lynge-Mangeira argues that international election observation has not increased the credibility of elections.⁸ He focuses his criticism on three main points: that IEO missions are partisan; that the information available to IEO missions is inaccurate or inconsistently analysed; and that IEO missions are unable to detect and deter electoral irregularities. Similarly, Bjornlund posits that “election monitoring programs can be dangerously superficial, which sometimes leads the international community to accept the legitimacy of
highly flawed processes and hinders the search for enforceable, universal standards.”9 Kelley shares similar views. She states that IEO have political entanglements, practical constraints and normative concerns which affect and compromise their neutrality.10

1.1 Problem Statement

It has become customary for emerging democracies to invite and use observer teams (local and international) to monitor their elections. Members of these teams tend to be highly respected and organizations they represent, highly reputable. After the elections, these teams issue reports on the conduct of the elections. Often, they have declared these elections as credible and that outcome must be accepted. There is evidence that the international community gives considerable weight to these reports. Kelley notes that the pronouncements of IEO have gained worldwide attention as a result of their active role and considerable influence in election monitoring.11 Their reports help the international community to evaluate the legitimacy of governments. In some instances, these reports become bases upon which sanctions are applied by the international community on countries with ‘flawed’ elections. Supporters of election observation argue that observers improve the quality of elections and make it more likely that election fraud will be uncovered. However, in some cases there is evidence that substantial violations occur before, during, and after these polls that call into question the outcome of the elections.

In the context of the aforementioned arguments, this research work analysed the 2012 and 2017 elections of Ghana and Kenyan respectively in relation to the conduct of IEO missions. In the particular case of Ghana, after international election observers had given the process a clean bill of health, a legal challenge to the results at the Supreme Court of Ghana revealed the occurrence of some irregularities. Although the Supreme Court of Ghana decided in a
majority verdict that the irregularities did not warrant a general annulment of the results, it nevertheless called for massive reforms to prevent such challenges in future elections. In the case of Kenya, in the aftermath of the August 2017 elections, all observer teams including the local Election Observation Group (ELOG) indicated a credible process. The East African Community (EAC) observer team, for example, issued a statement claiming that the 2017 elections of Kenya were free and fair and that the Independent Electoral and Boundaries Commission (IEBC) had ‘done a good job.’ Similarly, the European Union (EU) observer mission indicated that it had seen no signs of "centralised or localised manipulation" of the voting process. These affirmations of a credible process were in spite of claims of malpractices which put the integrity of electoral observers in disrepute. Following the annulment of the Presidential Election by the Supreme Court of Kenya, IEO missions were subject to massive criticism for not being effective and threatening the democratisation process of the Kenyan state.

The above generates an observable contradiction. In one breadth, the activities of IEO mission are expected to strengthen the democratisation process yet on the other hand, their verdicts have also been criticised as outside the reality of the process and capable of negatively affecting the credibility of the democratisation process in the two countries. This is the research problem.

1.2 Research Objectives

The study will be guided by the following objectives:

- To examine the relevance of elections to democracy in Africa.
• To examine the recent cases of Ghana 2012 and Kenya 2017 and the extent to which the activities of IEO missions are relevant to enhancing democracy in Africa.
• To examine some challenges to the activities of IEO missions in Africa.

1.3 Research Questions

To address the above research problem, the study sought answers to the following questions:

• How relevant are elections to democracy in Africa?
• Given the recent cases of Ghana 2012 and Kenya 2017, are the activities of IEO missions relevant to enhancing democracy in Africa?
• What are some of the challenges of IEO missions in Africa?

1.4 Scope of The Study

The study reviewed activities of IEO missions in Africa with specific reference to the 2012 elections of Ghana and the 2017 Kenyan elections. It critically analysed the effectiveness of international election observation in ensuring credible elections and how that translated to enhancing democracy in the two countries. The analysis included the pre-election stage through to the Election Day and the Post-election statements issued by international observers.

1.5 Rationale of The Study

This study provides useful scholarly knowledge on the effectiveness of IEO to the democratic development of Africa especially at a time when the activities of election observers are under critical scrutiny. It also highlights the activities of IEO and their relevance to the electoral process of Africa. The findings of this study may guide the reformation of IEO missions.
1.6 Theoretical Framework

This study was situated within the theory of neo-institutionalism. The term neo-institutionalism was coined by March and Olsen in 1984 to emphasize the theoretical importance of institutions. The major assumptions underlying this theory are that institutions create order and predictability in the actions of governments and individuals, and that political order is created by a collection of institutions that fit more or less into a coherent system. The basic argument is that institutions identify and then adapt to changing circumstances in their environment through a process of learning. Changes in that environment constitute a set of opportunities for the institution, as well as a threat to its established pattern of behaviour. In addition to this, neo-institutional theorists believe that institutions are not static and institutionalization is not an inevitable process. There are three major types of new institutionalism (Normative institutionalism, Historical institutionalism and Rational Choice institutionalism) but this work shall focus on normative institutionalism.

In their explanation of normative institutionalism, March and Olsen argue that “the best way to understand political behaviour (seemingly both individual and collective) is through a ‘logic of appropriateness’ that individuals acquire through their membership in institutions.” Normative institutionalism reflects the central role assigned to norms and values within organizations in explaining behaviour. March and Olsen believe that the behaviour of people in institutions is as a result of the normative standards in those institutions and not because of their desire to maximize individual utilities. In other words, their interests are strictly subjected to the manipulations and regulations of the institutions and not their own. This could explain why electoral observers might sometimes pander to the desires of their member state or donor rather than to their own beliefs and principles.
March and Olsen\(^9\) further argue that behaviours will be 'intentional but not wilful' when individuals are motivated by the values of their institutions. That is, individuals will make conscious choices, but those choices will remain within the parameters established by the dominant institutional values. In this normative conception of institutions, it is the routine and the mundane that appear most important. No institution will be so well developed that anomalous situations will not arise. Therefore, there will have to be enforcement mechanisms to deal with inevitable cases of deviance, but for most decisions at most times routines will be sufficient to generate 'appropriate' performance.

One major criticism of the normative institutionalism is that as with any conceptualization in the social sciences, it appears to contain some problematic elements. One potential problem is the degree of uniformity assumed to exist within an institution.\(^{20}\) It is accepted, for example, that even in well-developed and long-standing institutions different people will read cultural signals differently and will define 'appropriate' in very different ways. Another criticism of the new institutionalism is that “there is an apparent theoretical inconsistency within new institutionalism.”\(^{21}\) In the view of Peters “institutions tend to be inherently static, while the world of politics it seeks to explain, is almost always changing.”\(^{22}\)

Normative institutionalism as a theory is important to this study because it helps to explain the role institutional norms play in the activities of election observer groups. It explains why states will comply with international norms because it is consistent with their material interests. When an international norm contradicts what would otherwise be viewed as a state’s rational self-interest, it is likely not to comply. For instance, states seeking international benefits are motivated to send externally credible signals that they possess certain characteristics when they perceive that doing so will increase their share of
internationally allocated benefits, such as foreign aid, increased foreign investment, tourism, trade, membership in international organizations, and legitimacy and prestige. When other states imitate successful benefit-seeking signals, new behaviours become widespread, even in the absence of overt pressure on states to adopt the new behaviour. If a signal is accepted by other international actors as a behaviour common to all states possessing a valued characteristic, it becomes a new international norm. Institutions are often regarded as important in delimiting political behaviour and are considered vital variables in explaining government performance. Institutions such as election observer groups are important because they ensure elections are conducted in credible environment which is necessary in a democracy. Normative institutionalism therefore helps illuminate the norms of elections observer groups and how these impact on their activities on one side and the enhancement of democracy on the other.

1.7 Literature Review

Literature abounds on the challenges of the activities of IEO in Africa largely in the form of field reports and of articles by observers. Several arguments have been put forward by scholars on the need for the reformation of electoral observation. There have been many debates in the literature on the effects of electoral observation and monitoring in reducing electoral fraud. What is lacking, thus far, has been the absence of a comparative study of IEO on two elections which cast doubts on the pronouncements of international observers.

Anglin, for instance, assesses the performance of election observers in their efforts to promote democratic norms in Africa. He points out two major lessons international election observation activities have come to appreciate in Africa. He argues that international election observers must expand their scope of participation in the electoral process. There is more to
elections, he argues, than Election Day. The second, which is related to the first, is that democracy involves much more than elections. He argues that election is more often than not used as the yardstick to measure the democratic nature of a country. In his opinion, international election observers must include ‘support for a fair and efficient court system, a competent and incorrupt public service, professional community policing, and a vibrant civil society’ as principal benchmarks for democracy.26

Anglin’s work has enriched the debate on IEO in Africa. It has also provided useful information on the challenges of election observation in Africa. However, his work fails to examine the effectiveness of election observers in Africa and how this has impacted on elections.

Hyde, in her book, “The Pseudo-Democrats Dilemma: Why Election Observation Became an International Norm” holds the view that pseudo-democrats, or governments willing to engage in election manipulation face a dilemma.27 They either face the wrath of the international community by their refusal to invite election observers or they invite observers and get caught or suffer negative reporting. Why incumbent leaders invite international election observers and cheat in front of them is the puzzle she attempts to answer. She posits that the reason for the invitation of international observers by governments is changing. In her estimation, the availability of international benefits for countries perceived as democrats is the driving force for the invitation of observers. Internationally endorsed elections, she argues, brings internationally allocated benefits. On the other hand, a negative report could be used as a catalyst for reduce foreign aid, or could be used to “legitimize or support post-election electoral revolutions.” She notes that election observation is vital for the promotion
of democracy and serves as a form of “international intervention in the domestic politics of sovereign states.”

In general, Hyde’s work has provided a theory for the reasons why international observers are invited. While her work is apt in the scholarly analysis of election observers and the significance of international observer missions, it fell short in explaining the reasons for the endorsement of flawed elections by international observers.

Abbink argues that the monitoring of elections in Africa is to stimulate political liberation and democratization. He observes that election monitoring has gained relevance as a result of new conditions of political liberalization in Africa and the establishment of the Election Assistance Unit by the United Nations (UN). He makes the point that the limitation of electoral observation to only the production of ‘free and fair’ elections has resulted in ‘structural constraints’ which has the tendency of negatively impacting on the democratic culture of African countries.

Similarly, Kelley underscores the growing importance of electoral observation but is puzzled at why sometimes election observers will endorse flawed elections. For example, Kelley cites the 1998 Cambodian election which was fraught with problems but was still endorsed by the joint international observer groups even before counting was complete. In addition to this, he explains that observer “assessments contradict each other in 22% of elections.” He further notes that international election monitors have been condemned for endorsing weak elections such as the 1997 Kenyan election and the 1993 Cambodia’s UN-supervised post-conflict election. He therefore argues that, the understanding of the behaviour of election
observers is critical because they help the international community evaluate the legitimacy of governments.

Draxecker’s work, “The cost of exposing cheating: International election monitoring, fraud, and post-election violence in Africa” provides an answer to Kelley’s question on why electoral observers will sometimes endorse flawed elections. He argues that elections that are declared fraudulent by international election observers stand a high chance of post-conflict violence. He notes that international election observers will induce violent uprisings rather than decrease it if elections are declared as fraudulent. For this reason, he expects that “fraudulent elections monitored by international organizations will have an increased potential for subsequent violence” In his analysis of post-election conflicts in Africa from 1997-2009, it came out that when IEO expose electoral fraud there is a high possibility of post-election violence.

His work adds to the debate on the role IEO play on domestic politics. The work also highlights the complexity involved in declaring elections as fraudulent when electoral fraud were discovered. This could explain the reason behind the declaration of the Kenyan elections as free and fair even though serious electoral malpractices were discovered subsequently. Second, his work adds to the growing literature on the linkage between elections and violence. However, his work does not provide the effects a flawed election will have on democratic development and how this impact on the reputation of international election observers.

Simpser and Donno argue, in similar terms with Draxecker, that international election monitoring may induce incumbents to resort to election manipulation. They note that election
monitoring may turn to have an unintended negative effect on governance. In what they term ‘strategic Adaption’, Simpser and Donno posit that incumbent governments have shifted from cheating on Election Day to cheating in the pre-election stages. As a result of this, they argue that, domestic institutions and governance suffer. In response to this problem, they submit that a mechanism of publicly rating the (un)democratic credentials of incumbent governments must be created. Done this way, they believe it will deter incumbent governments from electoral fraud as they will “internalise the social costs of their actions.”

Simpser and Donno’s work has challenged the traditional notion that election monitoring always provide positive benefits. They have been able to highlight the negative spill-over effects of election monitoring. However, their work fails to examine the biases of election monitors and only puts the argument on incumbent governments.

Obi surmises that neo-liberal policies and market-based economic reforms by the International Monetary Fund (IMF) have made it possible for external interventions in the political transformations of African countries. He states that international election monitoring was expected to guarantee the transition to democracy and the market economy in Africa. In addition to this, development aid for states in Africa was conditioned on international democratic electoral standards. He argues that, the Post-cold war agenda of promotion of democracy around the globe or the Democratic Peace Theory increased the activities of IEO in Africa. He examines the linkage of election observation to democratic building, drawing on a case study of the 2007 Nigerian elections. He posits that, “even though most observation reports declared that the 2007 Nigerian elections fell short of national, international and regional standards, the international community stopped short of calling for the re-run of the elections or to refuse to recognize the government brought to
power through the flawed process.” Obi’s work is significant to this study as it has highlighted the power play involved in the activities of international election observers. He remarked that “underneath the whole superstructure of international support for democracy in Africa lie the complex world of real politik, and the interests, assumptions and geo-political considerations that inform and drive international election observation politics.” His work has shared lights on the activities of international election observers in relation to interest and motives.

Cooper et al, in their work on international observation in Uganda, highlight the disagreement over the choice of methods of observation on Election Day between election observers in Uganda. The first group of observers advocated the restriction of their opinions to a quantitative observation. The second position supported a more qualitative, broader view on the political as well as election process. The first group was unwilling to acknowledge structural disadvantages which questioned the democratic character of the election. They therefore advocate for common statements by international election observers.

Teshome investigates the importance of international election observation using the 2005 parliamentary elections of Ethiopia. He also examined the advantages and disadvantages of election observation in emerging democracies in Africa. He posits that, governments invite international election monitors for the purposes of appeasing the opposition, to gain credibility and to “normalize and maintain relations with the international world.” He provides five functions of IEO as: it increases the credibility of the election process. The observers give technical assistance to the hosting country. The observers give the service of
mediating disputes. The observers make electoral problems public and hence facilitate the chance for solving them. Sometimes, observers supervise and administer the election process, and hence assist in peace building process in the host country.”

Having said this however, he states that, one of the major weaknesses of international election observation “is their lack of interest in a post-election process.” In addition to this, international election observation is too costly and their impact on the democratization process on the host countries is very limited and temporary.”

According to the Carter Center “host governments facing difficult elections often selectively invite observer groups they perceive as more sympathetic to their interests.” Worse than this, “Instance in which election observation reports are inconsistent among different organizations generates doubts about the methods, professionalism, and credibility of international observation as a whole.”

Bittiger provides certain minimum prerequisites criteria that should exist in the host country before international election observers will operate. He lists four of these criteria. Firstly, there should be a real political pluralism in the host country. Secondly, respect for basic rights. In addition to this, there must be free and fair competition between candidates and lastly the desire to implement previous observer recommendation. Bittiger notes that, not all these criteria are present in countries where the EU and other electoral missions have observed elections. He posits that observer missions often take place in authoritarian regimes where these criteria are not in place. He uses Africa as an example where he claims that, “constitutions are being re-written to allow additional terms of office” and yet observer missions are still deployed in these countries. He argues that, even in the absence of these criteria, it is still important that electoral observers are deployed because they can still
contribute to the democratization process in such countries. In addition to this, international election observation reminds the “host country of their international obligations, while at the same time they monitor the country’s compliance with those obligations.” All these studies are essential, at least in identifying common problems and suggesting fairly similar solutions. Much of the recent research on electoral observation fails to provide a comparison of one country to the other within Africa and the lessons that can be drawn from them. It is against this backdrop that this work provides an addition to the growing literature on electoral systems in Africa.

1.8 Methodology

In order to satisfy the objectives of the dissertation, a qualitative research was used. The main characteristic of qualitative research is that it is mostly appropriate for small samples, while its outcomes are not measurable and quantifiable. Its basic advantage, which also constitutes its basic difference with quantitative research, is that it offers a complete description and analysis of a research subject, without limiting the scope of the research and the nature of participant’s responses. However, because it is more appropriate for small samples, it is also risky for the results of qualitative research to be perceived as reflecting the opinions of a wider population.

1.9 Sources of Data

The study combined data from both primary and secondary sources. Primary data was gathered from direct interviews with people who served as election observers. In addition to this, questionnaires were administered to six selected officials of the Coalition of Domestic Election Observers (CODEO) and the Centre for Democratic Development (CDD) based on their participation in election observations. This is because they have gathered enough
experience and expertise in election monitoring and observation. Relevant academic journal articles, books and internet sources will be relied on for the secondary data required.

1.10 Data Analysis

Content analysis method of data analysis was used. This method of data analysis allows the researcher to categorise the data into sub-theme and themes. The use of content analysis offers ‘valuable historical and cultural insights through the study of texts.’ Moreover, this form of analysis can allow for both quantitative and qualitative operations. In this respect, it is best suited to making reasonable deductions from the plethora of literature on election observation in Africa. This includes a detailed explication of the effects of election observation in ensuring credible elections.

1.11 Arrangement of Chapters

Chapter one is the introduction to the study. Chapter two examines the relevance of elections to democracy in Africa. It also provides an overview of international election observation in Africa. Chapter three examines the role of IEO missions in enhancing democracy in Africa using the Ghana 2012 and Kenya 2017 elections as case studies. It also reflects on some challenges to IEO missions on the basis of the two case studies. Chapter four summarises the research findings, states the conclusions and offers some recommendations.
ENDNOTES


5 Ibid.

6 Ibid., p. 71

7 Ibid.


11 Ibid.


15 Ibid.

16 Ibid., p. 735

17 Ibid.

18 March, James G., and Johan P. Olsen, op. cit., p. 736

19 Ibid.

20 Peters, B. Guy, op cit., p.19


22 Peters, B., Guy, op. cit.


26 Ibid.

27 Hyde, Susan D., op. cit.

28 Ibid.

29 Ibid.


32 Ibid.


34 Ibid.


36 Ibid.

37 Ibid.


CHAPTER TWO

AN OVERVIEW OF INTERNATIONAL ELECTION OBSERVATION IN AFRICA

2.0 Introduction

Election observation has become a feature of democratic elections in many parts of Africa. Consequently, the African Union (AU), regional and sub-regional bodies have deployed election observation groups across diverse regions on the continent to observe elections and report on the extent to which the conduct of elections are guided by democratic principles. Bodies such as the EU, the Commonwealth, AU, the ECOWAS and the Carter Center among others are known to have a track record of election observation, often deploying on the request of member states and foreign governments. Most of these observer groups have worked in Africa since the end of the Cold War and have consolidated electoral democracy in some African countries. This chapter presents an overview of international election observation in Africa. It includes reflections on the relevance of elections in the context of democracy, the origin of international election observation and international standards for elections and election observation.

2.1 Elections in the Context of Democracy

Elections constitute a quintessential element of liberal democratic dispensations. In fact, elections are a key criterion of democratic system of governance, alongside the freedom and independence of the media and the protection of civil rights and liberties.1 This notwithstanding, the results of the trend emerging in elections in both advanced and nascent democracies in contemporary global political landscape have been Janus-faced. Whilst in some cases elections have facilitated peaceful democratic transitions, in other contexts, it has
been a source of political hostilities and uncertainties in emerging democracies in particular. This has made the relevance of elections in democracies a focus of scholarly and policy-making conversations. Against this backdrop, illuminating the utility of elections in democratic societies is at the heart of this exploration, with the objective of contributing to the growing academic debate on the subject. To achieve this, the study first examines the importance of elections in democratic societies. Following this, the repercussions of elections on democracies are also presented in the next segment of the paper. The concluding aspect of the paper briefly sums up the arguments of the study.

To begin with, in democratic dispensations, elections provide the citizenry the opportunity to participate in the governance processes of states. Because democracy is a system of governance which allows the citizens to elect their own representatives to govern the affairs of a country, political participation in the affairs of states by the citizens is a key prerequisite in the advancement of representative multi-party democracies. Through elections, citizens express their will and preferences by electing their representatives to the national and local legislative assemblies to promulgate laws and by-laws to regulate the conduct of affairs in the country. In a similar vein, at the national level, qualified citizens elect competing political parties through Presidential and Legislative elections to form a government to govern the country for a specified term of office enshrined in the national constitutions. To this end, the franchise has become an integral aspect of civil liberties entrenched in the constitutions of liberal democratic societies to provide the electorate the power to decide who and how their countries should be governed. As a result, elections have become a recurrent feature in democratic dispensations. Beside this, elections stimulate competition among political parties competing for power in the country. Through this, democracy is sustained and consolidated
as evident in the cases of Ghana, Benin, Nigeria, Kenya, Senegal and Botswana among others.²

It is equally pertinent to mention in the discussion that elections serve as an instrument for checks and balances in democratic societies. The principle of checks and balances is designed to avert arbitrariness and misrule in democracies. Aside separation of powers as mechanism to achieve this, elections are a subtle tool for the citizens to assess and evaluate the performance incumbent governments and decide whether to vote for or against competing political parties – incumbent and opposition parties – in elections. Here, since elections are the main vehicle through which leaders are elected into office, the manifestoes and programs of political parties including presidential and parliamentary candidates are subjected to critical assessment by civil societies, the media, interest groups and the citizenry during elections period. In light of this, elections make governments and opposition parties accountable to the people. Here, the desire to maintain or wrestle power from the ruling governments, in a way, serves as a check on the conduct of political parties and politicians in the management of national resources and public affairs.

Another manifestation of the utility of elections in democratic societies is reflected in its role as a causal factor in democratization and democratic transitions. Since the end of the Cold War in the early 1990s, elections have become the medium for transition from authoritarian and single-party regimes to democracy in Africa and other parts of the world.³ The unanticipated event had tremendous impact on the contours of global politics and Sub-Saharan Africa in particular. In the political environment of the latter, it pummeled authoritarian and one-party rule and open the political space for a wave of transitions toward multiparty democracy. Consequently, elections became the instrument for such transitions to
democracies. As such, countries such as Benin, Zambia, Malawi, Ghana, Nigeria and Kenya among others were pressured to initiate measures to facilitate the democratic transitions.\(^4\) While most of the early elections organised in the aforementioned states in Africa were fraught with fraud, intimidation of opposition parties and manipulation of the electoral process by the incumbent governments to maintain the status quo ante, the quality of multiparty elections in some African countries has improved tremendously over the years.\(^5\) This has contributed in the democratisation and democratic consolidation process in Africa.

Closely related to the above, elections have also contributed in facilitating democratic transitions in post conflicts states in Africa and other parts of the world. Essentially, in post conflicts states, the liberal democratic peace model has been utilised as conflict resolution mechanism in peace agreements between feuding factions in order to assuage further relapse into violent conflicts. Thus, elections have contributed in enhancing stabilisation of post conflict societies. The cases of Namibia, South Africa, Mozambique, Nicaragua, Cambodia, Rwanda, Burundi, Sierra Leone, Liberia, Cote d’Ivoire, DR Congo as well as Kosovo, Bosnia and Herzegovina, and Macedonia on the Balkans are emblematic of the relevance of elections in democratic transition in post-conflict societies across the world.\(^6\)

Beyond the above, the relevance of elections in democratic societies is further reflected in the facilitation of social and political inclusion and integration. Democracy as an inclusive system of governance seeks to stimulate extensive competition among individuals and organised groups in societies.\(^7\) This involves inclusive political participation of the various ethnic, religious social and political groups in the selection of leaders through periodic elections across the various parts of countries. This is to ensure that all identifiable groups are not excluded from the political process. In view of this, elections serve as a link between the
government and the governed. In furtherance of this, Lindberg points out that sequence of elections in Africa, for instance, have contributed in creating incentives for political actors, fostering the expansion and deepening the quality of democratic regimes, and expanding and solidifying civil liberties in societies.

Despite the foregoing positive tendencies of elections, scholars have revealed that elections have negative repercussions on democratic societies. It is thus worthwhile for the study to highlight such instances in this discussion. In authoritarian democracies, for example, elections are replete with lack of transparency, intimidations, manipulation of political opponents, ballot fraud and abuse of incumbency among others, often resulting in violence that have blighted the security climate of such democracies. In 2007, for instance, post-elections conflict in Kenya claimed the lives of 1,500 people and displaced about 65,000. Similarly, contested electoral results in Cote d’Ivoire in 2002 plunged the country into civil war the led to the death and displacement of many people.

Also, elections in Zimbabwe and Uganda cannot be exempted from this scenario. Indeed, elections in these countries have been dogged with repressions, intimidations and violence that have led to hostilities in the countries. These are vivid depiction of instances of negative effect of elections in emerging democracies.

More importantly, the emerging trend in the results of elections in some democratic societies are characterised by allegations of the use of cyber technology to manipulate elections to favour established interests. In such circumstances, elections cannot be described as a true reflection on the will of the electorate. The Kenyan Supreme Court, for example, overturned the 2017 Presidential elections in a petition filed by the opposition leader, Raila Odinga’s
National Super Alliance (NASA) against the declaration of President Uhuru Kenyatta as the winner of the elections on grounds of irregularities in the electronic transmission of paper result forms.\textsuperscript{12} There are similar allegations in the 2016 Presidential election in the United States about alleged Russian cyber interference. The Senate Committee has concluded that indeed Russia interfered in the 2016 elections to benefit President Donald Trump.\textsuperscript{13} These instances suggest that contemporary elections are under cyber threats and thus cast a shadow of doubt about the quality of elections in democratic societies. It further threatens the advancement of democratic frontiers in societies across the world.

Lack of transparent, independent, and effective electoral bodies to ensure free and fair elections also pose a critical challenge to the quality of elections in some democratic dispensations in Africa and other parts of the world. In such societies, arbitrary procedures in pulling stations as well as electoral results are manipulated to favour incumbents.\textsuperscript{14} The consequences of this are street protests by opposition parties which are often met with reprisal attacks and harassment of opposition members and their sympathisers by state security agencies. In such states, political dissents are repressed and electoral process are controlled by incumbent governments. Here, countries such as Rwanda, Burundi, Zimbabwe, Cameroon and Uganda exemplify this case. In reality, elections in these societies fall short of international standards and hardly reflect the will of the electorates. Elections in these circumstances contribute to human rights violations, making it a counterproductive in democratic societies.

In a nutshell, the study has noted the usefulness of elections – promoting political participation and competition, enhancing democratic transition and consolidation, ensuring social and political integration, and entrenching civil liberties – in democratic societies.
Notwithstanding this, elections have also been a source of insecurity in many emerging democracies. Additionally, electoral manipulations by incumbents in particular has also stalled democratic gains which often result in violent conflicts that threaten human security. To curb such negative impact of elections on democratic societies, the study, among others, calls for an independent and efficient election management bodies to steer the affairs of elections, institutionalization of peacebuilding infrastructure to prevent and manage violent conflicts associated with elections, and involvement of civil society groups and the international actors to serve as watchdogs. This, in a way, would contribute towards the realization of the impact of elections in democratic societies.

### 2.2 Origin of International Election Observation

The history of IEO can be traced to the supervision of a plebiscite in 1857 by a team from European Commission (EC) made up of France, Britain, Prussia, Russia, Austria and Turkey representatives in the disputed territories of Moldavia and Wallachia.\(^{15}\) Santa-cruz, however, notes that IEO should be traced back to the 1950s. To him, the 1959 “Declaration of Santiago” in which Nicaragua proposed the use of international election observers was significant in the development of IEO.\(^{16}\) From this period onwards, IEO has grown to become a regular feature in elections and this has resulted in more international development agencies and donor countries taking part in the exercise.\(^{17}\)

Notwithstanding its earlier foundations, Kelley posits that, IEO witnessed a dramatic growth in the 1980s and has expanded in scope and mode of operation.\(^{18}\) Present day election observation has moved beyond a “short visit by a few people, to pre-election assessments visits, long-term missions, and on election day, individual observers often numbering in the hundreds.”\(^{19}\) She argues that this growth was as a result of an increase in democratic
transitions, “a change in global normative environment about elections and human rights and finally the end of the cold war.” International Election Observation has therefore become a standard practice not only for established democracies but also for transition states and non-established democracies.

For this reason, in 1991 the UN Electoral Assistance Division was created to supervise and provide technical electoral assistance to member states. The United Nations Electoral Assistance Division has observed important elections in Cambodia, East Timor, El Salvador, Mozambique and South Africa. In addition to this, the Organization has provided “crucial technical and logistical assistance for important elections in countries such as Afghanistan, Democratic Republic of the Congo, Iraq and Nepal.”

In 2005, a watershed moment in the development of election observation came to light in the speech of the then Secretary-General of the UN, Mr. Kofi Annan, when he endorsed the Declaration of Principles for International Election Observation. It marked the first efforts “to outline a code of practice for safeguarding the integrity of objective and impartial election observation as a shared global activity.” In a speech on the occasion, Kofi Annan aptly captured some of the key principles of international election observation when he noted thus:

The Declaration of Principles for International Election Observation, and its accompanying Code of Conduct, marks an important step forward. Among the many sensible guidelines it establishes is agreement by organizations sending observers that they will act with total impartiality. They agree also to examine all of the relevant stages of the elections, and not simply parachute in on the day of the vote. They commit to take no funding from host Governments whose elections they are observing, and to insist on freedom of movement and full access to information throughout the many stages of the election. Organizations also undertake carefully to select and train members of the observation team, ensuring that they have no political bias that might affect their judgement. Each and every observer is asked to adhere to a Code of Conduct. The Declaration is also very explicit in committing organizations never to send an election observation mission to a country if its presence would be misinterpreted as giving legitimacy to an election that clearly is not democratic.

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Currently, “the UN rarely fields its own observers; instead, observation is carried out by regional governmental and international non-governmental organizations.”\(^{25}\) The attention of the world has, in recent times turned to international election observation as it has become a major form of democratic assistance. Election observation now features prominently in the democracy development assistance platforms of inter-governmental, national and non-governmental organisation.\(^{26}\) For instance, some countries may choose to use the EU or the UN, which are examples of governmental and intergovernmental organisations, to observe elections.\(^{27}\) Other countries may choose to act through national agencies such as the Carter Center in the United States.

### 2.3 Development of Election Observation

Election observation has been defined in the African Union Guidelines for Election and Monitoring Missions as “a process which involves the gathering of information and making an informed judgment on the gathered data or information.”\(^{28}\) The European Union Election Observation Mission (EU EOM) sees election observation as involving “all aspects of the electoral process, its constitutional and legal framework, the delimitation of constituencies, the registration of voters and candidates, the training of election staff, voter education, media coverage, the campaign and the preparations for election day, as well as the appeals process.”\(^{29}\) More importantly, *the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers* defines International election Observation as “the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of
It observes that IEO must evaluate elections from the pre-election, elections and post-elections stages in order to provide comprehensive assessment of the process.

The rationale for election observation, according to the EU EOM, is to provide support for democracy, rule of law and human rights. In addition to this, the EU EOM seeks to provide an assessment of an electoral process by promoting public confidence, deterring fraud, legitimization of governments and enhancing transparency and accountability of elections. Reisman has also argued that IEO is to ensure that “the minimum requirements of an international standard; the term of art for this conclusion is that the election has been "free and fair." According to Carothers, election monitoring and observation “is the best-established, most visible, and often best-funded type of democracy-related assistance.”

Election observation and monitoring have on many occasions been used interchangeably. However, there is a difference between the two. According to the Guidelines for African Union Electoral Observation and Monitoring Missions, election observation “involves gathering information and making an informed judgment” while election monitoring “involves the authority to observe an election process and to intervene in that process if relevant laws or standard procedures are being violated or ignored” Election monitors have the authority to supervise and intervene in the actual administration of the process and can give binding corrective instructions to an election official in the course of executing his/her duties. Unlike an observer, a monitor must know not only how an electoral activity is carried out but also why it is done that way, thus a monitor requires more technical knowledge of election administration than the ordinary election observer. Reisman hypothesizes that, elections monitors are usually nationals of the country conducting the elections and for this reason international election observers sometimes incorporate election monitors in their
activities. Even though their mandates differ, election observers and monitors are important actors in the electoral process and their role are indispensable to the process.

The EU is an important organisation in the conduct of election observation. It has recognised “the importance of international involvement in democracy assistance initiatives, and has become a supporter of international election monitoring missions” and has since 2000 engaged in “over thirty-five (35) missions that have taken observers all over the world.” The EU observer mission is second only to the UN. The UN Electoral Assistance Division (EAD) has been vital in election observation by “working closely with national, intergovernmental and non-governmental organizations.” The EAD is responsible for establishing a “small secretariat in the requesting country to help coordinate and provide logistical support to international election observers.” A third big international election observer group is the Carter Center, which unlike the UN and EU, is privately funded. It is based in Atlanta and its core duty is “advancing human rights and alleviating unnecessary human suffering.” It has been able to monitor more than hundred (100) elections since 1989. Aside the monitoring of elections, the Carter Center has been able to build “consensus on standards for democratic elections.”

2.4 International Standards for Elections and Election Observation

In the conduct of elections, it is important to have sets of rules, guidelines and laws that will serve as the standard practice for all officials. This way, disharmony and disorder will be avoided in the election observation process. The European Commission defines ‘International standards’ as “the principles defined in international instruments, including political declarations, and to the clarification and interpretation that has developed within the framework of human rights bodies and courts to specify the scope of application and content
of these principles.” Meyer-Ohlendorf, on the other hand, defines International standards as “document that is established by consensus and approved by a recognized body, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order.” These definitions suggest that standards ensure congruence and conformity. International standards ensure that transparency and order prevails in the electoral process.

The development of international standards for elections gained momentum in 1948 when the Universal Declaration of Human Rights was created. In the subsequent years, other international and region-specific legal instruments were adopted. In addition, international organizations including the UN, the EU, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, the Inter-Parliamentary Union and the International Institute for Democracy and Electoral Assistance (IDEA) as well as international associations of electoral practitioners and election monitoring organizations have all issued codified guidelines on best electoral practice. These standards include but not limited to the Copenhagen document of 1990, the Harare Declaration (1991), International Covenant on Civil and Political Rights (CCPR) of 1966, Declaration on Criteria for the Free and Fair Elections (1994) of the Inter-Parliamentary Union. There are common principles in all these documents and they have come to serve as the standard for any democratic election. These principles include:

- Respect for civil and political rights and freedoms during elections. The right to vote and to be voted for is an inalienable political right of the people. These rights enshrined in the various international instruments do not only uphold the right of the citizens of a state to participate in the decision-making process but also to lawfully assemble or associate with a group. Moreover, the Social Contract theory espouses
that, having entrusted their collective power into an individual, the people hold the power to change or retain the individual in whom this collective power is reposed.

- Secrecy of Ballots. The votes of citizens have the preserve of not being made public or open to public scrutiny. This helps stem intimidation or influence in any form by political elites.

- Eligibility of all persons not constitutionally barred from voting or contesting as a candidate. Persons who are not in any way constricted per the provisions of their states constitution, have the right to vote or present themselves as candidates to be voted for.

- Universal suffrage with no discrimination based on lines of ethnicity, class, colour, religious affiliations as well as disability. The right of the citizen to vote and be voted for cannot be barred by virtue of his religious inclinations, his social standing, his tribe or skin colour.

According to the OSCE, the Copenhagen Document was the first political agreement among sovereign states to institutionalize election observation by extending a standing invitation for OSCE states to observe each other’s electoral proceedings. Moving forward, the organisation then fostered a mechanism for election assistance and observation.

The Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers outline ten (10) code of conduct for international election observation. On August 27, 2005, twenty-one international and inter-governmental organizations endorsed the Declaration of Principles. Among them are the AU, the UN, the European Commission, the Council of Europe Parliamentary Assembly and the Organization of American States (OAS). The code of conduct has become universally accepted principles.
although other continental organisations have also fashioned out their own codes of conduct. For instance, the AU is also guided by *African Charter on Democracy, Elections and Governance and the Principles Governing Democratic Elections in Africa*. The *American Declaration of the Rights and Duties of Man (1948)* and the *American Convention of Human Rights (1969)* serve as the principle document in America. But in all of these, there are certain universal standards followed by all IEO. These standards constitute those from *the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers* among which are:

**Respect for Sovereignty and International Human Rights**

An important rule for international election observers is for them to respect the sovereignty of the host country, its electoral laws and legal framework and to not interfere in their domestic governance processes. The sovereignty of the host country is so important that, international election observers need formal invitation of the host country. Every election represents the expression of the sovereignty of the people, and this expression of the will of the people must be devoid of intimidation and the violation of their fundamental rights as enshrined in the Universal Declaration of Human Rights. In this regard, elections observers “must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.”

Moreover, accreditation must be sought from the electoral management body before embarking on election observation. All these are done to ensure that the sovereignty of the host country is not violated.

**Respect for the Laws of the Country and the Authority of Electoral Bodies**

The authority of the electoral management body must be respected by observers. There should not be any form of interference of the mandate of the electoral bodies. For instance,
the code of conduct for European Union Electoral management missions clearly states that “Observers will respect the laws of the land. They enjoy no special immunities as international observers, unless the host country so provides.”

**Respect the Integrity of the International Election Observation Mission**

This entails that personnel of observer missions must respect their own code of conduct. According to the *Declaration of Principles* observer groups must respect and strictly adhere to the methodologies used by the observer mission and they must also report all matters of conflict of interest to their leadership.

**Maintain Strict Political Impartiality at All Times**

International election observers must maintain neutrality and impartiality in their interactions with stakeholders in an election. This will give their pronouncements credibility and acceptance. They must maintain strict neutrality and should not “exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process.”

**Do not Obstruct Election Processes**

The operations of International election observers differ from local monitors in that, observers are legally barred from interfering directly in the election process. They can only give report on what they have observed and cannot directly interfere in the election process even if irregularities are seen. “Observers may bring irregularities, fraud or significant
problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner.”

*Provide Appropriate Identification*

All international election observers must provide a form of identification to the electoral and national authorities when they are requested. This is to ensure that they are easily known from other electoral groups.

*Maintain Accuracy of Observations and Professionalism in Drawing Conclusions*

Pronouncement of international election officials is crucial for establishing legitimacy of governments. This therefore requires circumspection and utmost accuracy and professionalism. Observers should ensure that information they seek are accurate. “Observers also must keep a well-documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.”

*Refrain from Making Comments to the Public or the Media before the Mission Speaks*

The Declaration of principles admonishes international election observers from pronouncements that have the potential of putting the election process into disrepute. They are refrained from making personal comments about the election that could potentially affect the election, “unless specifically instructed otherwise by the observation mission’s leadership.”

*Cooperate with other Election Observers*
Contemporary elections are often host to many governmental and inter-governmental election observers and it is prudent that they cooperate with one another to overcome common concerns.

*Maintain Proper Personal Behaviour*

It is required that observers demonstrate personal integrity and behaviour. “Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time”

2.5 Election Monitoring and Observation in Africa

At the end of the Cold War, two major political events pushed the African continent towards political liberalization. First, was the ‘revolutionary pressures from below’ and second was pressure from outside the continent. The pressure from within was the growing dissatisfaction with authoritarian regimes while the external pressure was a demand for good governance. These two events were instrumental in the democratization of the continent. However, this democratic development in Africa was severely challenged in the 1990s prompting external intervention by the International Monetary Fund (IMF) and the World Bank. These interventions impacted the economic and political development of the continent including the conduct of elections. The IMF and the World Bank both argued that good governance is the only viable way for developing countries to achieve social justice, sustainable development and poverty reduction. At the heart of this good governance is free and fair elections. It is important to note that founding elections in Africa suffered credibility crisis and this further led to the intervention of the international community. For this reason,
Carothers notes that “election observation is the best-established, most visible and often best funded type of democracy related assistance.”

Abutudu observes that, election monitoring and observation is not a new phenomenon in Africa. He argues that since colonial times, elections in Africa have been “the subject of some sort of monitoring and observation. Journalists have always observed elections in order to report on them. Security agencies have equally been deployed not only to maintain law and order during elections, but also to ensure that that electoral rules and regulations are adhered to by electoral officials and voters.” He goes on to add that, elections in colonial times have witnessed scholars going round observing them and collecting data. He however notes that, the late 1980s saw a dramatic change in the way elections are monitored. He attributes this change to the growing numbers of civil society organisations, international organizations, inter-governmental groups and foreign governments. Similarly, Obi argues that, election monitoring and observation is not a new phenomenon in Africa. He notes that, election observation and monitoring has a prior history in the “politics of ‘late’ decolonization.”

According to Anglin, contemporary election observation and monitoring came to prominence in Africa before spreading to “Central America, Eastern Europe and Central Asia and, to a lesser extent, the Middle East and South East Asia.” The 1980 independence election in Zimbabwe is considered the first contemporary election monitoring in Africa which was “conducted within a post-conflict situation.” Most of the early election observations in Africa were conducted in the context of a post-conflict circumstance. The 1989 Namibian elections and the 1994 South African elections are examples of election supervision conducted after a conflict. Obi adds that, the 1991 Zambian Presidential and Parliamentary elections popularised election observation in Africa. The first early election observations
came from “Commonwealth, the UN, Organisation of African Unity (OAU), the EU and smaller groups from NGOs, and individual country missions.” Abutudu, however notes that, most of these observer groups lacked coordination.

Election observation and monitoring has become a normal part of Africa’s electoral politics. In this regard, an election which is conducted without the invitation of election monitors and observers become suspicious and this may undermine the sovereignty of the incumbent government. Election monitoring has therefore been systematised in the politics of most African countries. For example, the OAU, now AU has created “its own election observation unit and has since monitored over 70 elections of various kinds in some 40 African countries” The AU sees its involvement in election monitoring as a way of assisting the democratization process of the continent. Most election observer teams in Africa often come from the UN, Commonwealth, EU, the Carter Centre and sometimes from “smaller groups from NGOs, and individual country missions.”

According to Matlosa, election monitoring, especially in developing countries, has been used by industrial countries to impose their hegemony and further undermine the sovereignty of these countries. He adds that, election monitoring has been made a foreign policy tool by western countries to “exert their sovereignty over smaller states.” Although he concedes that election observation has the potential of nurturing and consolidating democratic governance, he however argues that, it has been turned into political conditionality by aid donors. To buttress this point, he cites the example of the 2000 parliamentary and the 2002 presidential elections of Zimbabwe. He contends that, “enormous interest of western governments in the 2000 Parliamentary and 2002 Presidential elections in Zimbabwe was driven more by a desire for entrenchment of their hegemony over Zimbabwe and
achievement of their strategic interests, than any quest for the rule of law and democratic principles.” The diplomatic battles and contentious relationship between Zimbabwe, on one hand, and the United States, the United Kingdom and the EU is testament to the assertion that election monitoring is a tool to undermine the sovereignty of African countries.\textsuperscript{79}

Pereira, arguing in a similar fashion to Matlosa, cites the example of the 2005 Ethiopian elections in which the Carter Center and the EU gave divergent conclusion about the validity of the elections.\textsuperscript{80} The Carter Center reported favourably on the election results, drawing criticism and attack from other observers. It was also criticised for calling the election as ‘free and fair’ even before the final results were announced by the electoral management body. The EU on the other hand was criticized by the incumbent regime and the National Electoral Board of Ethiopia for issuing a report that was too harsh and unreflective of the election. The electoral board added that the EU report was “highly biased, self-contradictory and thus very destructive.”\textsuperscript{81} The 2005 Ethiopian election represents a quintessential manifestation of the problems associated with international election observation. This has led Kelley to note that in roughly a third of the elections conducted around the world, “monitoring missions disagreed with one another about their overall assessments. Often the discrepancy was because some organizations endorsed or denounced the elections, while others offered assessments that were ambiguous.”\textsuperscript{82}

The 2007 Nigerian election is another case study. Obi asserts that:

Even though most observation reports declared that the 2007 Nigerian elections fell short of national, international and regional standards, the international community stopped short of calling for the re-run of the elections or to refuse to recognize the government brought to power through the flawed process. Instead, it opted to encourage those who lost the elections to resort to legal means in seeking redress, and made recommendations for electoral reforms to guide future Nigerian elections.\textsuperscript{83}
2.6 Conclusion

In this chapter, an overview of election observation in Africa was conducted. It was observed that election observation in Africa is not a new thing. It has also been demonstrated, in this chapter, that election observation has come to stay although there is the need for some reforms. This chapter has pointed out some important IEO missions and their activities in Africa.
ENDNOTES


5 Gyekye-Gyandoh, op. cit.


8 Aryee, A. “Overview of Elections, Democracy and Development under the Fourth Republic in Ghana”, Keynote Address delivered at the Second Colloquioum of the Faculty of Social Studies, University of Ghana, Legon. May 22, 2008.

9 Lindberg, S., op. cit.


14 Gyekye-Gyandoh, op. cit.


19 Ibid.

20 Ibid.

21 Ibid., p. 6.


23 Ibid.


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27 Ibid.


29 European election


31 Ibid.

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37 Pereira, L. D., op. cit. p. 35.
39 Pereira, L. D., op. cit.
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46 EU Election Observer Handbook
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69 Obi, C., op. cit.
70 Abutudu, Musa I. M., op. cit., p.3.
72 Ibid., p. 9
73 Anglin, op. cit. p. 13.
74 Ibid.
75 Abutudu, Musa I. M., op. cit. p. 3.
77 Ibid., p. 3.
78 Ibid.
79 Ibid.
80 Pereira, L. D., op. cit. p. 53.
CHAPTER THREE

ASSESSMENT OF THE ROLE OF IEO MISSIONS IN ENHANCING DEMOCRACY IN AFRICA: GHANA 2012 AND KENYA 2017

3.0 Introduction

This chapter assesses the role of IEO missions in enhancing democracy in Africa using the Ghana 2012 and Kenya 2017 elections as case studies. The assessment is conducted on the basis of the activities conducted by the missions during the pre-election, election and post-election phases of the two elections. This is however preceded by a discussion of the political environments leading to the respective elections in the two countries. The chapter ends with a discussion of the challenges to the activities of the IEO missions.

3.1 Background to the Ghana 2012 and Kenya 2017 Elections

The 2012 general elections in Ghana was the sixth since the country returned to constitutional government in 1993. The 1992 constitution which represents the primary legal framework for the election provides for a multi-party democracy and a nonviolent transfer of political power through free, fair and transparent elections every four years. Article 21 of the 1992 constitution further guarantees a number of rights and liberties including the right to participate in the governance of the country, the right to speak freely and the right to form political parties and choose who governs the country. Within this framework, the country had successfully organised five previous elections. The 2012 elections were therefore the sixth elections organised under the 1992 constitution. In addition to the constitution, the 2012 elections were also guided by the Political Parties Act (2000) and the Electoral Commission Act.
Since 1992, there had been improvements in the electoral processes of Ghana and in the manifestation of representation. The latter for instance saw an increase in number of constituencies from 140 in 1992, to 200 in 2000, and 230 in 2004 and 2008 and 275 by 2012. Enhancement of the electoral process also manifested in the movement from opaque ballot boxes in the 1992 and 1996 elections to transparent boxes and also the replacement of black and white cards with colour photo identification cards following the biometric registration of voters. Within the framework of democratic governance, these developments allowed for an increased access by the voting public as well as enhancing confidence in the electoral process.

With the return to constitutional rule, Ghana’s electoral landscape has been dominated by two major political parties: the New Patriotic Party (NPP) and the National Democratic Congress (NDC). Notwithstanding the dominance of the two major parties, the 2012 presidential elections saw the smaller parties also mounting challenges. Thus, for the presidential, for instance, the elections were contested by Hassan Ayariga of the People’s National Convention (PNC), the incumbent John Mahama of the NDC, Papa Kwesi Nduom of the Progressive People’s Party, Nana Addo Dankwa Akufo-Addo of the NPP, Michael Abu Sakara Forster for the Convention People’s Party (CPP), Akwasi Addai Odike of the United Front Party (UFP), Henry Herbert Lartey of the Great Consolidated People’s Party (GCP) and Jacob Osei Yeboah, an independent candidate.

In the lead up to the elections, the political environment was marked by a high degree of competition between the two major parties the NDC and NPP. Having lost the sitting President Atta-Mills through death, the incumbent party had to make do with the former vice president (who had been sworn in as President) as their candidate. His running mate, a former
governor of the Bank of Ghana, Amissah-Arthur was not new to the political landscape but was a novice with regard to the dynamics of heavy campaigning in an election period. The opposition NPP on the other hand had presented the same team that had run the previous 2008 elections and were confident of being two time lucky.

In the aftermath of the elections, John Dramani Mahama of the NDC won 5,574,761 of votes constituting 50.70 percent of total valid votes cast while the largest opposition party’s leader Nana Akufo-Addo garnered 4,248,898 votes constituting 47.7 percent of total valid votes cast. Together, the two front runners obtained about 98 percent of the presidential vote. The remaining two percent was shared among other smaller parties. The NDC also won majority of the parliamentary elections with 148 seats to the 123 won by the NPP.

Similar to Ghana, The Republic of Kenya per its 2010 Constitution also runs a Presidential system of government manifesting a system of government that has executive authority embedded in a President, with legislative and judicial authority exercised respectively by a Parliament made up of the National Assembly and Senate and an independent Judiciary. The primary instrument that underpinned the 2017 elections was the 2010 constitution of Kenya. In addition to the constitution, other legal instruments that provided direction for the elections included the Elections Act 2011, Elections Offences Act 2016, Leadership and Integrity Act 2012 and the Electoral Regulations/Subsidiary Law Number 24 of 2012.

For the 2017 elections, the 2010 Constitution of Kenya provided for contest for six elective positions namely President, Members of the National Assembly, County Women Members to the National Assembly, Members of the County Assemblies, Senators and Governors. The Kenyan constitution also provided for the election of the President by adult suffrage through
a two-round majoritarian system that requires an absolute majority of the valid ballots cast (50%+1), as well as 25% of the votes cast in at least 24 of Kenya’s 47 Counties. Under the constitutional provisions in the event that no candidate obtains the required absolute majority, a run-off election is held between the two candidates with the highest votes in the first round.

The two main candidates for the 2017 elections were Uhuru Kenyatta, the incumbent representing the Jubilee Party and Mr. Raila Odinga, a former prime Minister of Kenya representing the largest opposition Coalition, the National Super Alliance (NASA). Other candidates for the presidential elections were Joseph Nyagah, an independent candidate, Abduba Dida of the Alliance for Real Change, Ekuru Aukot of the Thirdway Alliance Kenya, Japheth Kaluyu, an independent candidate, Cyrus Jirongo of the United Democratic Party and Michael Wainaina, an independent candidate.

In the lead up to the elections, the environment was highly tensed with the leading candidates campaigning on ethno political grounds. There were also numerous disputes relating to the electoral process that were largely adjudicated by the judiciary. Other controversial circumstances in the lead up to the elections was the alleged murder of Chris Msando, the head of Information Technology at the Independent Electoral and Boundaries Commission (IEBC) and a key figure in the management of the elections ICT system.

The results of the 8 August election as announced by the IEBC put Uhuru Kenyatta ahead with 8,223,369 constituting 54.17 percentage of valid votes cast and Raila Odinga at 6,822,812 constituting 44.94 percent of votes. Contestation over the results of the presidential elections resulted in the annulment of the elections by the Supreme Court of Kenya with an
order for fresh presidential elections came off as planned on October 26, with the incumbent Kenyatta winning.

3.2 Role of IEO Missions in Ghana 2012 and Kenya 2017 Elections

Within the literature on election management and among election management practitioners, the electoral cycle stretches from the pre-elections phase, through the Election Day and the post-election phases of any particular elections. Consequently, over the years, key electoral bodies and stakeholders including IEO Missions have tailored their observation to reflect this cycle. This section examines the role of IEO missions in Ghana 2012 and Kenya 2017 through the prism of the electoral cycle.

In terms of actors, the IEO Missions during Ghana’s 2012 elections include the AU, Commonwealth Observer Group, the ECOWAS Observer Group, the EU and the Electoral Institute for Sustainable Democracy in Africa (EISA). IEO missions to Kenya’s Elections 2017 on the other hand included, the AU, the EU, the Carter Center, the Commonwealth Observer Group and the East African Community among others.

All the IEO missions to both countries observed the elections within the framework of domestic laws and international instruments. These international instruments included the African Charter on Democracy, Elections and Governance, the Durban Declaration on the Principles Governing Democratic Elections in Africa, Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers”, endorsed by 21 intergovernmental organisations in 2005, and the ECOWAS Protocol on Good Governance and Democracy.
3.2.1 Pre-Election Activities

The electoral cycle includes the pre-election environment. In line with this, IEO missions consider the phase as critical to the general integrity of the electoral cycle. In the case of both Ghana and Kenya, the AU, for instance, deployed observers during the pre-election phase. In Ghana, a Mission of the Panel of the Wise and the Pre-election assessment mission was deployed in October 2012. Two clear months before the general election. With regards to Kenya, between 18 and the 27 of June 2017, the AU deployed a Pre-Election Assessment Mission (PAM) to assess the state of preparations ahead of the General Elections by institutions and stakeholders and to examine the political climate as well. The Carter Center similarly deployed in Kenya in March 2017 for the same purpose.

In terms of activities, one of the key activities conducted by IEO missions to Ghana 2012 and Kenya 2017 during the pre-election face is to explore the election management laws and regulatory framework to determine the extent to which it created a level playing field. In an interview with an AU observer to Ghana 2012, she opined (on condition of anonymity due to non-clearance with the AU) that the pre-election assessment mission was keen on exploring the legal basis for the delimitation of the 45 new constituencies. With 45 new constituencies created prior to the election in the case of Ghana, IEO missions were interested in the mode of delimitation and the extent to which they reflected the legal provisions of the constitution. Examination of the confidential reports of the AU Pre-Election Assessment team for instance showed the concern that the AU had with the apparent gerrymandering and the protestations from the opposition NPP regarding the process of delimitation. It noted that notwithstanding the constitutional provisions, apparent overlaps between the EC and the Ministry of Local Government affected transparency of the process. It was clear however, that though it reported it, the re-election team did not engage the party in any process of calming nerves.
This is mainly because observation methodology does not mandate interference in the process. The pre-election stage in Kenya also focused on the electoral laws, regulations and processes. In a vote of confidence for Kenya’s legal framework, the AU Pre-Election Assessment Mission (PAM) noted thus:


In addition to legal framework, IEO missions to Ghana and Kenya also considered the political party campaigns, activities of key stakeholder actors like the Media and the extent of access granted to all contestants. In both Ghana and Kenya, the Pre-Election mission reported elements of fairness yet conceded that incumbents still enjoyed the larger share of publicity emerging from the state media.

Due to the contestations over the electoral process, one of the areas that IEO missions often consider in the pre-election phase is dispute resolution and the extent to which structures have been put in place to facilitate the management of disputes. In both Ghana and Kenya, IEO missions considered the dispute resolution system emplaced by the respective countries. This notwithstanding, the inability of the missions to directly intervene appeared to tame such findings of inadequacy. In the particular case of Kenya however, the IEO missions used good offices to suggest to law enforcement and judiciary, ways through which dispute resolution mechanisms can be strengthened. Further within the context of conflict management, following a determination of growing tension in Kenya Prior to the 8 August General Elections, the Chairperson of the African Union Moussa Faki Mahamat, the Head of the African Union Mission Thabo Mbeki and the Commissioner for Political Affairs for the

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African Union, Mrs. Minata Samate-Cessouma personally visited Kenya and held consultations with the President of Kenya Uhuru Kenyatta representing the Jubilee Party and Raila Odinga representing the NASA as well as other key actors in the elections including the Inspector General of the Kenyan Police Service. In addition to calling for calm, these high-level personalities also assured the Kenyan authorities of their support.

The pre-election missions of the IEO missions in both Ghana and Kenya also included an assessment of the suitability of polling stations as well as procedures for tallying and collation of votes. In the case of Kenya 2017, these procedures were observed for both the general elections and the fresh presidential election. Further, interviews with individuals familiar with processes of pre-election assessment for both Ghana and Kenya have opined that although IEO missions to Ghana and Kenya did not in all cases actively engage the electoral management body and other stakeholders, part of their recommendation captured in the preliminary statement and which formed a key part of their recommendations were influenced by observations at the pre-election phase. In the case of Ghana, this included the marginalisation of women and the declining trend of women’s participation in elections and the inadequate representation of the physically challenged in elective positions. In the case of Kenya, this included statements on the death of Chris Msando the IT expert for the IEBC who was allegedly murdered barely a month to the election.

From the above, it can be stated that arguably, the role of the IEO missions in the pre-election phase of Ghana 2012 and Kenya 2017 comprised of confidence building through the issuance of statements calling for Ghanaians and Kenya’s to allow the election processes to work, a reach out to key participants in the contest to guide their utterances and support a process leading to a peaceful alternation in political power, to gather data needed for a consideration
of the credibility and transparency of the elections and to assure all parties and stakeholders of the interest of the international community in the affairs of the respective countries.

3.2.2 Election Day Activities

For most IEO missions, Election Day activities basically involve an assessment of the voting attendance, voting itself, logistic arrangement by the electoral commission, security of the vote and security of voting, handling of electoral disputes and counting and declaration of results. In almost all cases, IEO missions observe and report their findings barely interfering in the process and the cases of Ghana 2012 and Kenya 2017 were no different. Among the IEO missions in EISA for instance deployed 9 teams to 9 regions of Ghana namely Greater Accra, Ashanti, Brong Ahafo, Central, Eastern, Northern, Upper East, Western and the Volta regions of Ghana. The AU, and other IEO missions similarly deployed to almost all the regions in Ghana taking stock of the electoral processes and giving periodic updates to the media on the level credibility they were witnessing. It is worth noting that by far, the largest observer group was the CODEO. The situation on Election Day in Kenya was no different as IEO missions deployed to most of the counties. Similar to the situation in Ghana, the Domestic Election Observation Group (ELOG) deployed to all the regions of Kenya thereby complementing the reports of the IEO missions in both cases.

To ensure an appropriate record of events on voting day, observers in both countries deployed before polls opened. In the case of Ghana, early reports from the observers highlighted the slow start in some polling stations as well as challenges in the use of the Biometric Verification Device. The mission also reported that in most cases, the places housing the voting process was convenient and could serve all classes of people including physically challenged people. The situation in Kenya for both the August 8 and the 26
October fresh Presidential election similar recorded generally orderly processes in most parts of both Ghana and Kenya. As expected, there were also records of some challenges in areas particularly in key battleground states.

In both Ghana and Kenya, observers carried out their observation roles on Election Day without interfering in the electoral process even in instances where there were clear infractions of the law and regulations guiding the electoral process. While this was in sync with international guidelines on election observation, in both Ghana and Kenya, it deepened an expectation gap generated in the minds of people whose expectation from IEO missions is anchored on they physically ensuring the integrity of the electoral process. In the particular case of Kenya, this expectation gap was deepened also because of a statement attributed to the Head of the African Union Mission, Thabo Mbeki, when he stated few days before the August 8 election thus:

So what I’m basically saying is that in this deployment, we do need to do observation, but we should also bear in mind that the contestants may very well approach you because you are AU observers, to say that, ‘we have a problem, can you help us resolve it’…. We can’t observe something going wrong and say: ‘oh, our task is to observe and then report it. Once we notice it, surely, we have to say: ‘this is wrong please don’t do it.’ Because it’s going to impact negatively on the elections. We don’t want to be that observer that will observe and then write a negative report. Because our task would be to have a peaceful, credible, free and fair elections.3

By arrogating unto observers that right of intervention, Mbeki essentially suggested to Kenyans the intention of African Union observers to undertake tasks for which they had no mandate and, in many cases, no capacity.

Another area where IEO missions put the spotlight on Election Day in both Ghana and Kenya was with regard to the national tally center. Thus at the EC office in Accra and the Bomas of Kenya in Nairobi IEO missions observed the collation, tallying and declaration of results. Essentially therefore, the role of IEO missions for Ghana and Kenya on Election Day
revolved around observing the process to ensure credibility, granting periodic media interviews on the basis of observations at various polling station and offering an independent and neutral assessment of the electoral process and thereby to shore up confidence in the process.

3.2.3 Post-Election Activities

Within the cycle of elections, the post-elections phase is quite critical mainly because of the options it offers for destabilising countries and the many examples of such destabilisation littering the African continent. In cases such as Ghana 2012 and Kenya 2017 where the contest is close, IEO missions are often looked upon to present some kind of validation or otherwise through the publication of their reports. Ghana and Kenya was not any different. One after the other, the IEO missions began granting their press statements on the credibility of the elections a day after the elections. In the main, except for minor infractions the reports from the IEO missions suggested that the process had been credible. In Ghana, the Head of the Commonwealth Observer Group noted thus:

There were hiccups here and there, [which were] purely administrative, and once they were addressed, everything proceeded smoothly… We have no hesitation in declaring the 2012 Ghana elections free and fair, transparent, and leading to a credible result.”

Similarly, the observer Mission from the Electoral Institute for Sustainable Democracy in Africa (EISA) stated thus: “The Mission would like to congratulate the people of Ghana for their overall peaceful conduct during the electoral process thus far. Though there have been challenges relating to the verification of voters before voting and late delivery of materials in some areas, the Mission concludes that the 2012 Ghana elections met regional, continental and international standards for credible and transparent elections.5

In Kenya, the Commonwealth group for instance noted that the electoral process including the “opening, voting, closing and counting process at the polling stations on 8 August 2017 were credible, transparent and inclusive.”6 Similarly, the African Union stated in its preliminary statement that notwithstanding the early contestations of the results by the NASA, the process witnessed was orderly and credible. The John Kerry-led Carter Center

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also indicated that the process had been credible although subsequent to initial contestation by NASA, the Center urged all disputes to be pursued through constitutional channels. What is also worth noting is that in both Ghana and Kenya, the domestic elections observer groups also shared insights similar to that of the IEO missions.

With the declaration of the results and the contestations in both Ghana and Kenya, IEO missions played a critical role in advising protesting parties to resort to constitutional channels for redress. Within the context of democratic stability in Africa, the coordinated position of IEO missions in pushing aggrieved parties to use the law court is particularly notable. Although in Ghana, the New Patriotic Party almost immediately declared its intention to resort to the law court, the case of Kenya 2017 was a lot more delicate. With the first sign of contestations, IEO missions particularly the EU, AU and the Commonwealth group appealed to the NASA group to pursue the matter at the Supreme Court of Kenya. Roundly rejecting this appeal and suggesting its readiness to pursue the less diplomatic option of street protest, the NASA party and the IEO Missions had to go back and forth until it finally decided to go to the Supreme Court. By so doing, the IEO missions contributed to the post-election stabilisation of both Ghana and Kenya.

Following the Supreme Court of Kenya’s decision to annul the presidential election and order a Fresh Presidential Elections for Kenya 2017, IEO missions operating in a less trusting context following public distrust of their activities continued to build public confidence in the IEBC and other state institutions such as the Judiciary in Kenya. This process continued until the fresh presidential elections on 26 October. It can therefore be concluded that in terms of its activities in the post elections phase, IEO missions essentially deployed many good offices

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to build confidence among stakeholders in the viability of constitutional systems for electoral redress.

3.3 Challenges to the Role of IEO Missions in Enhancing Democracy

From the foregoing, the reality of IEO missions playing important roles in the electoral cycle of the Ghana 2012 and Kenya 2017 elections is not in doubt. Through its activities in the electoral cycle, it has enhanced the electoral process of the two countries. With the role of elections in democratic consolidation established in Chapter two of this dissertation, it can be reasonably surmised that by contributing to the integrity of the electoral process in both Ghana and Kenya, IEO missions made useful inputs to enhancing democracy in these two countries. In the process of playing its role however, challenges emerged.

The first of this relates to the methodology of election observation. In most instances, observation of elections is premised on the traditional methodology of observation of key happenings before, during and after the elections. In both Ghana and Kenya, this methodology proved to be inadequate. Reports of the findings of the Supreme Courts of both Ghana and Kenya pointing to significant anomalies in the result management systems of the election management bodies of the two countries makes a case for a reconsideration of the election observation methodology in favour of a system that is reasonably more intrusive of the result management system of election management bodies. Naturally, this would require an expansion of the mandate and a review of the capacity of IEO missions. Nevertheless, such adjustments can play a key role in enhancing the relevance of IEO missions in elections and by extension democratic consolidation in Africa.
Further to the above, there is a yawning gap between the mandate of IEO missions and the expectation of the citizenry. Given the history of electoral manipulation in most countries, the presence of election observers is often perceived by the generality of citizens as a guarantee of transparency. The reality though, is that in most cases, the mandate of the IEO mission is obtained at the discretion of the receiving state and is often limited. Thus while their appearance might ignite some confidence, the mandate assigned to them acts as a limiting factor to the extent to which they can guarantee credibility of the elections. What makes such expectations more problematic is in cases such as with the African Union Mission in Kenya 2017 where the head of Mission courted even more expectation by suggesting a role that was clearly not supported by the mandate nor the capacity of the mission itself.

Notwithstanding the above, in its current states, IEO missions still make a reasonable contribution to enhancing the democratic experience in most countries through their actions in elections – the flagship institution of any democratic experiment.
Endnotes

2 AU Pre-Election Mission.
6 Ibid.
CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

4.0 Introduction

In chapter one of this dissertation, it was noted that notwithstanding the general expectation that the activities of IEO missions enhance democracy, there have been cases where their verdicts have run antithetical to the fact on the ground. It was suggested that such variances appeared to question the relevance of the IEO missions to democracy. Using the cases of Ghana 2012 and Kenya 2017 elections, the study sought to examine the effectiveness of International election observation in ensuring credible elections; determine the relevance of IEO mission in the context of the Elections in Ghana and Kenya and examine some challenges to the activities of IEO missions. This chapter summarises the research findings, states the conclusion and offers some recommendations.

4.1 Summary of Research Findings

This section summarises the findings of the research. This is done through the prism of the research questions.

- How Relevant are Elections to Democracy?

The study noted that elections constituted a quintessential element of liberal democratic dispensations. This notwithstanding, it recognised that within the liberal democratic space, the results of elections in both advanced and nascent democracies have been Janus-faced. In this regard, it was pointed out that whilst in some cases elections have facilitated peaceful
democratic transitions, in other contexts, it has been a source of political hostilities and uncertainties in Ghana and Kenya.

In terms of its continuing relevance however, it was averred that, in democratic dispensations, elections provide the citizenry the opportunity to participate in the governance processes of states. It was suggested that because democracy is a system of governance which allows the citizens to elect their own representatives to govern the affairs of a country, political participation in the affairs of states by the citizens is a key prerequisite in the advancement of representative multi-party democracies. Essentially therefore, the argument was made that through elections, citizens express their will and preferences by electing their representatives.

The study also mentioned that that elections serve as an instrument for checks and balances in democratic societies. Explaining how this worked, it was noted that checks and balances were designed to avert arbitrariness and misrule in democracies. Consequently elections, it was noted are a subtle tool for the citizens to assess and evaluate the performance incumbent governments and decide whether to vote for or against competing political parties – incumbent and opposition parties – in elections. It was strongly suggested therefore that elections make governments and opposition parties accountable to the people.

It was also noted that in some cases elections have become the medium for transition from authoritarian and single-party regimes to democracy. Citing examples in Africa and other parts of the world it was noted that the quest for elections pummelled authoritarian and one-party rule and opened the political space for a wave of transitions toward multiparty democracy. Consequently, elections became the instrument for transitions to democracies. The argument made thus was that, countries such as Benin, Zambia, Malawi, Ghana, Nigeria...
and Kenya among others were pressured to initiate measures to facilitate the democratic transitions.

Furthermore, it was noted that elections have also contributed in facilitating democratic transitions in post conflicts states in Africa and other parts of the world. The argument made, was that essentially, in post conflicts states, the liberal democratic peace model has been utilised as conflict resolution mechanism in peace agreements between feuding factions in order to assuage further relapse into violent conflicts. Thus, elections have contributed in enhancing stabilisation of post conflict societies.

In recognition of the fact that elections have not always had positive influences on democracy, the study noted for instance that in authoritarian democracies, elections are characterised by a with lack of transparency, intimidations, manipulation of political opponents, ballot fraud and abuse of incumbency among others, often resulting in violence that have blighted the security climate of such democracies.

The study also identified some emerging trends in democratic societies where elections are characterised by allegations of the use of cyber technology to manipulate elections to favour established interests. In such circumstances it was noted, elections cannot be described as a true reflection on the will of the electorate. In the same regard it was noted that electoral manipulations by incumbents in particular has also stalled democratic gains which often result in violent conflicts that threaten human security.

To curb such negative impact of elections on democratic societies, the study, among others, calls for an independent and efficient election management bodies to steer the affairs of
elections, institutionalisation of peacebuilding infrastructure to prevent and manage violent conflicts associated with elections, and involvement of civil society groups and the international actors to serve as watchdogs.

• **Given the Recent Cases of Ghana 2012 and Kenya 2017, Are the Activities of IEO Missions Relevant to Enhancing Democracy in Africa?**

The study discussed activities of IEO missions throughout the electoral cycle in Ghana and Kenya. In the pre-election stage, the study noted that one of the key activities was to explore the election management laws and regulatory framework to determine the extent to which it created a level playing field. This was deemed critical to the electoral process.

In addition to legal framework, IEO missions to Ghana and Kenya, it was further noted, also considered political party campaigns, activities of key stakeholder actors like the Media and the extent of access granted to all contestants.

It was further suggested that due to the contestations over the electoral process, one of the areas that IEO missions considered in the pre-election phase was dispute resolution and the extent to which structures had been emplaced to facilitate the management of disputes.

Thus, essentially, within the pre-election stage, it was argued that the nature of activities of IEO missions to Ghana 2012 and Kenya 2017 comprised of confidence building through the issuance of statements calling for Ghanaians and Kenya’s to allow the election processes to work, a reach out to key participants in the contest to guide their utterances and support a process leading to a peaceful alternation in political power, to gather data needed for a consideration of the credibility and transparency of the elections and to assure all parties and
stakeholders of the interest of the international community in the affairs of the respective countries.

Election day activities of the IEO missions were also identified. It was revealed in this regard that election day activities involved an assessment of the voting attendance, voting itself, logistic arrangement by the electoral commission, security of the vote and security of voting, handling of electoral disputes and counting and declaration of results. In it was noted that in almost all cases, IEO missions observed and reported their findings and hardly interfered in the process.

The study revealed that another area where IEO missions put the spotlight on election day in both Ghana and Kenya was with regard to the national tally center. Thus, it was noted that at the EC office in Accra and the Bomas of Kenya in Nairobi IEO missions observed the collation, tallying and declaration of results. Essentially therefore, the role of IEO missions for Ghana and Kenya on election day, it was suggested, revolved around observing the process to ensure credibility, granting periodic media interviews on the basis of observations at various polling station and offering an independent and neutral assessment of the electoral process and thereby to shore up confidence in the process.

With the declaration of the results and the contestations in both Ghana and Kenya, IEO missions played a critical role in advising protesting parties to resort to constitutional channels for redress. Within the context of democratic stability in Africa, it was suggested that the post-elections activities of the IEO missions to Ghana and Kenya were confined to stabilizing the political environment. It was suggested that such activities were also central to democratic consolidation.
What are some of the challenges of IEO missions in Africa?

Notwithstanding, the relevance of the activities of IEO missions to consolidating democracy, the study identified a few challenges. The first of this, it was noted, related to the methodology of election observation. It was suggested that in most instances, observation of elections was premised on the traditional methodology of observation of key happenings before during and after the elections. It was noted that in both Ghana and Kenya, this methodology proved to be inadequate as reports of the findings of the Supreme Courts of both Ghana and Kenya pointed to significant anomalies in the result management systems of the election management bodies of the two countries.

In terms of challenges, it was also noted that was a yawning gap between the mandate of IEO missions and the expectation of the citizenry. It was noted that given the history of electoral manipulation in most countries, the presence of election observers was often perceived by the generality of citizens as a guarantee of transparency. It was suggested that the reality was that in most cases, the mandate of the IEO mission was obtained at the discretion of the receiving state and was often limited. Thus, while their appearance might ignite some confidence, the mandate assigned to them acts as a limiting factor to the extent to which they can guarantee credibility of the elections. It was argued that what made such expectations more problematic were in cases such as with the African Union Mission in Kenya 2017 where the head of Mission courted even more expectation by suggesting a role that was clearly not supported by the mandate nor the capacity of the mission itself.
It was further suggested by way of challenges that with elections becoming more ICT based, the trend were IEO missions do not court the expertise of IT experts such as in Kenya have proven detrimental to their work in those contexts.

4.2 Conclusion of the Study

The usefulness of elections – promoting political participation and competition, enhancing democratic transition and consolidation, ensuring social and political integration, and entrenching civil liberties – in democratic societies is undeniable. Notwithstanding this, elections have also been a source of insecurity in many emerging democracies. Additionally, electoral manipulations by incumbents in particular has also stalled democratic gains which often result in violent conflicts that threaten human security. It has been revealed that notwithstanding the challenges, IEO missions by their activities enhance the electoral experiences of many countries. Consequently, it is important to rethink election observation methodology to ensure that IEO missions contribute to the success of elections and ultimately enhance democracy in countries in which they are deployed.

4.3 Recommendations

The study makes a case for a reconsideration of the election observation methodology in favour of a system that is reasonably more intrusive of the result management system of election management bodies. It is conceded that naturally, this would require an expansion of the mandate and a review of the capacity of IEO missions. Nevertheless, such adjustments can play a key role in enhancing the relevance of IEO missions in elections and by extension democratic consolidation in Africa.
• It will also be useful for IEO to co-opt technologically competent personnel into missions. This is in light of the fact that most elections are now assuming technological dimensions.

• There is the need to expand civic education as a way of limiting the expectation gap over the activities of IEO missions.
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