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Electoral Administration in Africa***

Election Observation and Monitoring

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Table of Contents

1.	<i>Importance of Observation and Monitoring</i>	1
2.	<i>Types</i>	1
3.	<i>Monitoring</i>	1
4.	<i>Official Oversight</i>	1
5.	<i>Observation</i>	2
6.	<i>Authorization and Legal Framework</i>	3
7.	<i>Accreditation</i>	3
8.	<i>Management</i>	4
9.	<i>Standards and judgements</i>	5

1. Importance of Observation and Monitoring

Observation and monitoring are important parts of the electoral process. They can help increase transparency, detect problems and deter fraud. The presence of observers and their findings can reassure parties, candidates and the public as to the credibility of the elections and help build trust in the accuracy of the results.

Observation also helps ensure compliance with the legal framework for the elections and the enforcement of the electoral laws. Public reporting by monitors and observation groups not only increases the transparency of the process, but public knowledge on election administration, its problems and their resolution. This scrutiny can help increase accountability of administrators and participants.

In this paper, observation and monitoring are looked at from the perspective of an Elections Management Body (EMB).

2. Types

For the purposes of this workshop, the terms of “observation” and “monitoring” are defined according to their common usage. Although both activities involve watching the electoral process, assessing the information and making an informed judgement as to the accuracy and quality of the process, they each have different roles and involve different responsibilities

3. Monitoring

Monitors watch the electoral process, but can also intervene in that process. Their participation is vital to ensuring an equitable, professional and transparent administration of the process. There are several different types of monitors involved in elections.

4. Official Oversight

Most electoral systems have an official oversight mechanism. This can be a separate office within the EMB itself or be a government agency, legislative committee or other independent body. Official overseers can help improve EMB management and operational systems as part of their monitoring mandate. They also help deter waste and abuse of public funds through their financial programmatic audits and identification of specific problems or systemic deficiencies.

- **EMB Monitoring**

The EMB also monitors the electoral process. It does so through supervisors who routinely monitor their divisions, or through commission oversight. It can also be through the creation of a separate office within the EMB, such as an inspector general. EMBs often monitor other aspects of the process, such as political party or media compliance to regulations and codes of conduct.

- **Political Party Monitors**

Political party monitors also watch the process. Their participation is seen as essential component in obtaining and maintaining integrity in the electoral process. According to IDEA: The role of political parties in election observation is critical, for it is the parties that have the greatest self-interest in monitoring an election process. They are the best situated to

assess the political environment, identify the impediments to free campaigning, the implications of electoral system choices, etc. In addition, strong parties that can establish a nationwide presence at polling stations on election day are often the positioned to act as a deterrent to irregularities and attempts at manipulations. (IDEA, Lessons Learnt: International Election Observation, Stockholm, 1995, p.18)

Political party monitors are the agents of the parties and candidates participating in the election. As such, in most systems, they are given the authority to not only closely watch the electoral process, but to intervene if they believe the legal requirements are not being respected. They can also be an integral part of the administrative process, by validating ballots and tally sheets through their signatures or by participating in polling administration and count. This role, however, is a voluntary systems, and voting operations are not held up if a political party agent is not present.

- **International Monitoring**

There can also be international monitoring of a process. This is usually part of an international accord with the government and the monitors can be stationed within the election administration. In the case of the 2001 elections in Guyana, the international community put a Joint International Technical Assessor in to the EMB and his monthly assessment of the process determined whether international donor and political support to the electoral process would continue.

5. Observation

Observers watch the process, but they do not get involved in the administration of the process or in the resolution of disputes. Official observers are usually accredited by the EMB so that they can have access to sensitive electoral sites, but those who actively follow the electoral process can far surpass the number accredited observers.

- **National Observation**

Domestic observers are usually from organized civil society groups. As elections are part of the internal workings of a country, the judgement of domestic observers on the quality and integrity of that process is important. Accrediting domestic observation can be a daunting task for electoral administrators, as in the case of Indonesia where more than 600,000 domestic observers covered the 1999 elections.

- **International Observation**

International observers also watch elections. They can be from international NGOs that specialize in elections or human rights issues or be members of governments, multilateral agencies or intergovernmental associations. International observers tend to concentrate their coverage around voter registration and the vote/count, but long term observers can observe the process from its beginning (establishment of the EMB and drafting of the legal frame work) to its conclusion (swearing in of the newly elected officials).

- **Press coverage**

Another type of observer is the press. Although this issue is being addressed separately in the conference, it is important to note that the media will want to observe the process, interview participants, follow-up on events and will write or broadcast daily updates and judgements on the process. In today's interconnected world, the foreign press is usually also present during national elections and can turn a local election into an international event. The foreign press also expects the same degree of access to officials and the freedom to collect and broadcast information that it has at home.

- **Issues for Electoral administrators**

Organizing and administering an election is already a complex task. Add in several thousand observers and monitors and it can make administration even more complicated. EMB handling of observers can take significant staffing and financial efforts. How the EMBs will handle observation and how these observers will fit into the process, needs to be part of its initial planning and be included in the development of the administrative task lists, time line and budget.

Some of the issues that an EMB should take into consideration, include:

6. *Authorization and Legal Framework*

Observation and monitoring of the process requires authorization. This is usually found in the legal framework. The legal division of an EMB can determine if the existing legal framework is adequate, and, if it is not, recommend new legislation or EMB regulations that authorize the observation and define the roles and responsibilities for each type of observer. Codes of conduct for monitors, observers and the media can also be adopted. A code of conduct with enforcement powers for the EMB can help it ensure that observers, monitors and the press do not abuse their status.

7. *Accreditation*

Most observers receive an invitation from the government or EMB to observe the elections. These observers are then accredited by the EMB and given an identity card that allows them access to electoral sites and personnel. Many issues can arise during the invitation and accreditation process, such as:

- Do observers need an official invitation? If so, who should invite them?
- Who gets accredited? Should groups openly hostile to the process get accredited?
- How many observers from each group should be accredited? (Or a related issue: How many observers can a polling station handle?)
- Does the EMB have the staff and capacity to screen applications and issue all accreditation on a timely basis?
- When should accredited observation begin and end.

Some of these questions involve management issues, such as having the staff and systems in place to handle the volume of applications received. Other issues touch on election integrity issues. These require careful thought on the way an EMB handles these issues, for things such as accrediting a hostile group or not, can set the tone for the administration and the levels of transparency for the rest of the process.

8. Management

Managing thousands of domestic and international observers, political party monitors and the press can be a handful for an EMB. These groups can impose a severe management burden on any EMB, especially if they are not organized or coordinated and the individual observers all start making demands at the same time for information and access.

Some of the management issues that an EMB should consider in its planning and handling of observers and monitors:

- How involved should monitors get in election administration and operations?
- EMB staffing needs for accreditation and issuing badges;
- How to satisfy requests for information, documents, access to commissioners and staff?
- Who should coordinate the observer groups? Is this a role for the EMB?
- How to handle problems reported by observers?
- What to do with groups that violate observer codes of conduct or create problems?
- How to handle negative reports issued to the public by observer groups?
- How much access should be given to the media?
- Who should be the EMB liaison persons for monitors, observers and the press?

Since good observation and monitoring can help improve election administration and the quality of the election, an EMB can make best use of observers and monitors by thinking of them as a management tool. They can serve as thousands of eyes and ears for an EMB, finding and reporting on problems, successes or holes in the system. However, this requires an openness and a willingness within the EMB to review observer findings, investigate problems and effect any changes needed. This also requires staff time and effort that needs to be factored in to the planning and the organizational structure.

9. Standards and judgements

Monitors and observer groups assess the information that they have gathered and make a judgement as to the quality of the process and the accuracy of the results. Standards to use, can be a serious issue. Should

IDEA. Institute for International Observation Groups
▪ Receipt of official invitation
1. of Host Country of principal political parties & groups
▪ Prior understanding that observers may be withdrawn in certain circumstances
2. Initial Assessment of the Likely Character of the Election
▪ existence of basic rights and freedoms
▪ existing constitution and electoral laws in the host country
▪ credibility of the electoral authorities in the country
▪ circumstances affecting the observers' capacity to determine the relevant factors for the of the elections
▪ guaranty of rights for observers
3. Practical Considerations in Mounting an observation Mission
▪ adequate lead time for preparations
▪ availability of essential planning information
▪ availability of professional expertise
▪ financial and other resources
cooperation with other observer missions (including domestic observers)

It be the electoral framework of the country? What if that framework is deficient in some regard to the generally accepted understanding of a “free and fair” election? Should an international standard be used instead?

The following Table is an IDEA checklist of issues for international organizations to take into consideration when determining whether or not to observe an election. It is of interest to EMBs in that it shows what international observes expect and look for in their observation.

The issue of standards can generate heated debate. However, it is an important issues for EMBs to take into consideration in their planning and administration. Each observation and monitoring group will be making a judgements on the accuracy and credibility of the election based, in large part, on the standards they use.