

**REAPPRAISING NEW INITIATIVES AND MULTIPLE GUIDELINES IN  
ELECTION OBSERVATION: POSSIBILITIES AND ENDURING CHALLENGES**

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**ABSTRACT**

*Given the danger portend by pseudo democratic elections to both global peace and democratic consolidation, the quest for free, fair and credible election has become a greater concern for national and international actors/organizations. This has culminated in the introduction of several new initiatives and guidelines to strengthen election observation with the primary aim of ensuring genuine election and democracy promotion. This study argues that the vagaries of initiatives, methodologies and guidelines in election observation are often time contradictory, creates unhealthy competition among observers groups and sometime provide alibi for misinterpretation and manipulation of election observation outcome by contending factions within the host nation. In essence, this study stress that as much as the introduction of many new initiatives and guidelines to strengthen election observation process are crucial, it is pertinent to note that such initiatives and guidelines must be regulated and harness in order to reduce obscurity in observation agenda and to allow for smooth inter-organizational collaboration in election observation.*

**Keywords:** *multiple guidelines, global peace, election observation, democratic consolidation*

**Introduction**

Given that existing and future electoral reforms will continue to place more emphasis on the need to ensure credible and transparent elections, the role of election observers has become more crucial than before.<sup>1</sup> Apart from helping to bring legitimacy to the electoral process and ensuring independent assessment of democratic elections in Africa, the presence of election observers, is an important indication that transparent process will be followed in the conduct of any election.<sup>2</sup> However, in order to prevent the criticism which usually occasions the role

of election observers especially by some politician, political parties, incumbent and other critical stakeholders that viewed observers' intervention as inimical to their interests during the conduct election.

Given the above explication, several attempts have been made by various intergovernmental organisations, international non-governmental organisations and other institutions or groups interested in election monitoring and observation business in order to create guidelines, code of conduct and other instruments to aid election monitoring and observation. More often than not such instrument covers critical areas of election observation as a practice. This study shall discuss the structures of election observation, ethics governing election observation, analyze various methodologies involve in election observation, the rights and limitations to the rights of election observers, criteria for selection of observers and challenges posed by new initiatives and multiple guidelines highlighted in election observation.

### **Structures and New Initiatives in Election Monitoring and Observation**

Generally speaking, a typical monitoring and observation mission as noted in many handbooks and guidelines of election observation usually includes; a core team, long-term observers and short-term observers<sup>3</sup>. However, specific organizations have also developed other initiatives as part their efforts to strengthen election monitoring and observation process. For instance, the composition of election observation mission according to OSCE/ODHIR (2005) includes: Needs Assessment Mission, (NAM) Election Assessment Mission (EAM and Expert Support Team (EST) have been introduced.<sup>4</sup> European Commission also introduced Exploratory Mission (EM). Similarly, Technical Mission was equally introduced by African Union (AU)<sup>5</sup>. Likewise the concept of national support staff has also been adopted by virtually all election observation organizations in their mission.

More importantly, there are number of initiatives that have been introduced to the typical existing structures of election observation mission. According to the Organisation for Security and Cooperation in Europe and Office for Democratic Institutions and Human Rights OSCE/ODIHR (2005) beside the standard mission which include; a Core Team, Long-Term Observers (LTOs) and Short-term Observers (STOs). There are other types of mission developed to support the work of the standard election observation mission and it includes:

Needs Assessment Mission (NAM), Expert<sup>6</sup> Support Teams (EST),<sup>6</sup> National Support Staff and Election Assessment Mission (EAM).<sup>7</sup>

1. Needs Assessment Mission represent initial steps towards the establishment of an Office for Democratic Institutions and Human Rights' Election Observation Mission (ODIHR-EOM), NAM is usually deployed several months before a given election and its purpose is to identify the prospects for the conduct of an election process in line with OSCE commitments... The NAM also ascertains whether the host government intends to respect minimum conditions for effective election observation. In some cases, a NAM may recommend that full observation is not appropriate or necessary in view of its findings and may instead call for the deployment of a limited election observation mission or an election assessment mission. The NAM report also establishes the numbers of long and short term observers that participating states will be requested to second in order to realize the respective mission.

Thus, NAM makes a preliminary assessment of the following according to OSCE/ODIHR Election Observation Handbook; the extent to which recommendations emerging from previous ODIHR observation missions have been implemented; the pre election environment, including the general extent to which human rights and fundamental freedoms are being observed by the government in relation to the upcoming election; the legislative framework and any amendments since the last election; the composition and structure of the election administration, as well as the status of its preparations for the election and the general extent of public and pal confidence in its work; the status of media and their expected role in the elections; any other issues of particular relevance, such as the compilation of voter registers, the candidate/party registration process, the participation of women, the inclusion of minorities, or election activities of civil society organization; the degree to which interlocutors behave in the establishment of an ODIHR election observation mission can serve a useful purpose; and whether the security situation is conducive to an observation mission.

2. Expert Support Team (EST) is most often deployed in the case of municipal elections or referenda that the ODIHR does not intend to observe on a large scale. Their role is

to be present immediately before, during and immediately after an election and to enhance the mission's capacity to report an election through its standard reporting channels.

3. National Support Staff are often deployed and attach at least one to each member of the core team and they usually serves as interpreters and as administrative support staff for international personnel.<sup>8</sup>
4. Election Assessment Missions (EAM) is normally deployed to assess elections in long-standing or more established democracies and focuses on specific issues and implementation of best practices. Since established democracies usually have well-tested electoral practices that enjoy the overall confidence of their electorates, as well as free and robust media that identify electoral short comings for public debate. The Election Assessment Missions can accomplish their essential objectives at minimal cost without the need for a long-term presence or systematic deployment of election-day observers. An assessment mission generally consists of a team of experts who visit a country for a relatively short period of time before election and on election-day. An assessment mission does not attempt to comment on an election process in the comprehensive manner of an observation mission.

In the same vein, The Exploratory Mission was introduced as an initiative by European Commission to conduct research and examine the political process and its environment between six and four months in advance of the scheduled election date, and usually last for around two weeks. It is composed of between five and nine persons which includes; European Commission officials, external experts on elections, security and logistics, and up to two seconded experts from member states. The mission is usually led by the Director General external relations/ election team representatives. The purpose Exploratory Mission is to advice whether deployment of a European Union Election Observation Mission (EU-EOM) would be useful, feasible and sustainable.<sup>9</sup>

The Technical Mission on the other hand was developed by African Union and it is usually deployed depending on the situation prevailing in member states concern. The AU chairperson may deploy Technical Mission in advance of the elections for the purpose of making an on the spot evaluation of the general political climate and preparation for election

by the host government to determine the nature and composition of AU election observation mission.<sup>10</sup>

### **The Fundamental of Election Monitoring and Observation**

As a result of the criticism that usually occasioned the activities of election monitors and observers, particularly by the advocates of state sovereignty. The debate on the purpose of election monitoring and observation has gained prominence among scholars and organizations on this field.

According to Vikram Chand (1997) election monitoring and observation has five major functions to perform; to increase the credibility of election process, to give technical assistance to the hosting country, to assist in mediating disputes among contending political groups, to make electoral problems public and hence facilitate the chance for solving them and sometimes, to supervise and administer the election process and hence assist in peace building process in the host country.<sup>11</sup>

Similarly, Carter Center (2006) posited that an international election observer serves the following purposes: express the interest of the international community in the achievement of democratic elections, and hence facilitate international recognition and acceptance of the winning party; Secondly, as a widely accepted body, an international election observation body plays an important role in supplying impartial and accurate assessments about the election.<sup>12</sup> Carter Center submission regarding the purpose of international election monitoring and observation (IEMO) is inadequate in the sense that, it is not enough for IEMO to express the interest of international community in the achievement of democratic election, particularly in Nigeria, because it is also important for IEMO to consider the interest of the affected country and the disposition of its people to the type of democracy that is best suited to their society. To Abbink and Hesseling (2006), the three main purposes of election monitoring and observation by domestic neutral groups and external observers are to: expressing solidarity with emerging democracies, strengthening public confidence in the electoral process, and contributing to the free and fair conduct of elections.<sup>13\*</sup>

Specifically, on election day, observers and monitors were to look out for violence or disturbance; intimidation of voters; confusion or disorganization at polling stations; and the presence of unauthorized person at polling stations; monitor the vote count, whether it was done by polling-station officials or other persons, among others and monitor the tabulation of ballots, including any incidence of ballot-box stuffing or switching and disorderly counting procedures.<sup>14</sup> Whereas, post election monitoring would involve noting the nature of the declaration of results, including unreasonably delayed announcement of results, denial of access to observers to this process, and discrepancies between election-day records of results and the final results, at any level of the election administration post-election day complaints and appeals process and implementation of election results, including disqualification of winning candidates.<sup>15</sup>

The ultimate objective of the election observation, according to International Institute for Democracy and Electoral Assistance (IDEA) (1999) is to help a country consolidate its own democratic processes and capacities....<sup>16</sup> Similarly, by providing information on whether the elections are conducted freely and fairly, election observation constructs international accountability for the process through which national authorities assume powers, a 'seal of quality to legitimize national authority.'<sup>17</sup> However, OSCE/ODIHR (2005) has cautioned that, election observation is not an end in itself: Its purpose is not to criticize countries for failing to hold fully democratic elections or to praise others that live up to their commitments, but elections observation has a much more practical purpose to help all OSCE member states improve their electoral processes to the benefit of their citizenry.<sup>18</sup>

In a similar analogy, the Independent Electoral Commission (INEC) (2011) offer guidelines for election observation for the conduct of the 2011 general elections in Nigeria. This guideline specifically highlighted the role of observers which includes four major activities; to observe processes and activities organized during election; to collate facts and observations; to interpret the facts gathered against the laws governing elections as well as basic democratic standards, in order to see whether or not the elections meet the threshold of credibility as defined by law and accepted by the international community; and to outline the findings collated and the interpretation based on such findings in a document or report.<sup>19</sup>

As observed by Ayoade (1999) the purpose of election monitoring and observation includes the following among others; to guarantee the integrity of an election process, and critical factor to the future status of a government, to convince a skeptical and apathetic public of the importance of the electoral process, the significance of the participation of each voter, to resolve political constitutional disputes, to determine fraud, irregularities and innocent administrative mistakes, a powerful disincentive to election malpractice, to discourage intimidation and harassment during a campaign and or election day, to provide an unbiased source for verifying official results and to provide some guarantee to opposition parties by reassuring of their safety to participate in the election process.<sup>20</sup>

Garber and Gibson (1993) also noted that, the monitoring of vote counts as part of an overall election-observation effort can boost the confidence of voters suspicious of possible fraud, permit results to be projected more quickly than the official results, and allow for the identification of actual winners and the consequent exposure of any attempted manipulations.<sup>21</sup> Garber's and Gibson's position is contrary to the finding of this study, because election related violence prevented election monitors and observers from covering collation, vote counts and actual announcement of election results, which did not permit the results to be projected more quickly than the official results, particularly in some parts of the South-south and Southeast of Nigeria. The importance of election monitoring and observation was further stressed by Hameso cited in Abbink and Hesselning (2000) that, in a political atmosphere where the state has had its legitimacy and trust worthiness repeatedly questioned, election observation was needed to boost public confidence in the democratic process and to secure the fairness of the elections.<sup>22</sup> This is supported with the findings that sixty eight percent (68.0%) of the respondents from the Southwest perceived that election monitoring and observation enhanced voters' confidence to cast their votes with little fear of intimidation.

In the same vein, OSCE/ODIHR (2005), election observation handbook, cited in the Strohal stressed the different stages that are relevant for a comprehensive observation after the initial needs assessment and the development of an observation programme, are essentially the following; analysis of relevant legislation; monitoring of the electoral environment and of election disputes; assessment of voter registration and delimitation of district boundaries,

observing the election administration, monitoring candidate and party registration, observing election campaign, media monitoring; observing the voting and counting process; monitoring the tabulation, transmission and declaration of results, following the complaints and appeal processes.<sup>23</sup>

Meanwhile, The Sudanese National Elections Act, 2008, section 105 also specified the functions of the election observers as follow; observe the polling, sorting and counting of votes, to monitor the fairness of the polling, sorting and counting procedures; Ensure the impartiality of the persons in charge of the polling, sorting and counting of votes, and their commitment to this Act and regulations, rules and orders made hereunder; Visit the geographical constituencies and polling, sorting and counting centers at any time without previous notice; Ascertainment of the freedom and fairness of the elections and the secrecy of the polling and write reports to that effect as shall be specified by the regulations and the rules.<sup>24</sup>

In essence, the functions of election monitors and observers are well articulated in most instruments designed by global, continental, regional, sub-regional institutions and many non-governmental organizations to guide election observers in fulfilling their mission's agendas and promoting democracy at large.

### **Ethical Standards in Election Observation**

A number of ethical standards have been designed by various intergovernmental organizations, international non-governmental organizations and other institutions interested in election observation business to guide the conducts of observers and monitors in their respective mission areas. This has become pertinent, given the crucial and sensitive role of election monitoring/observation and the challenges posed by quest to preserve the state's sovereignty from external usurpation in a democratic system.

Much therefore depends on ensuring the integrity of international election monitoring and observation groups, and all who are part and parcel of that mission; including long-term observers, short-term observers, members of assessment delegations, specialized observation teams and leaders of the mission. This is important in order to ensure strict compliance to

ethical standards for both local and international election observers. Thus, a declaration of principles for international election observation and code of conduct for international election observers was developed in October 27, 2005, at the United Nations through the efforts and co-operations of substantial numbers of global stakeholders in election monitoring and observation, to serve as guidelines in which every observer must subscribe for proper conduct in any observation across the globe.

In general, the prominent and universally accepted standards were developed by United Nations (2005) Declaration of Principles and Code of Conduct for International Election Observers. This document emphasized on the following; respect sovereignty of the host nation and international human rights; respect the national laws of the host country and the authority of its electoral bodies; observers must respect the integrity of the international election observation mission; observers must maintain strict political impartiality at all times, even in their leisure time in the host country; refrain from obstructing any element of the election process, including pre-election processes, voting, counting, tabulation of results and other processes in the aftermath of election-day; observers must display his/her identification provided by the election mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested; ensuring accuracy of observations and display professionalism in drawing conclusions; observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership; observers must recognise other observation missions and cooperate with them when necessary as instructed; observers must maintain proper personal behaviour and be sensitive to host country cultures and customs and finally observers must exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times<sup>25</sup>.

### **The Rights of Election Monitors and Observers**

In order to ensure smooth and unhindered election monitoring and observation exercise, both the national and the international actors interested in election and democracy have placed more emphasis on how to guarantee some fundamental rights of election observers and

monitors in the course of their duties in their respective host countries. Thus, these rights have reflected in some of the instruments of global, regional, sub-regional and national organizations respectively.

According to the Election Code of the Republic of Azerbaijan, *supra* note 124, act 42:2, the international observers are guarantee the rights to (1) study voter rolls; (2) be in the voting room of any precinct at any time on election day; (3) observe the distribution of ballots to voters; (4) observe the tallying of total voters; (5) order that observation results be included in final protocols of the CEC; (6) observe the counting of the votes and check the validity of votes; (7) view the protocol and other election day documents; (8) provide the person in charge at the precinct with constructive comments; (9) obtain a copy of all protocols and documents issued by the CEC; (10) observe any recounts; and (11) observe the transfer of all documents from local election commission to the CEC. Many countries (including Azerbaijan) go one step further in including an important, yet still disputed, right: the right of observers to provide real-time constructive criticism to election workers<sup>26</sup>.

Similarly, the Electoral Institutes of Southern African (EISA) (2004) also specified some categories of rights which must be enjoyed by foreign observers, these rights includes; (1) upon accreditation, election monitors and observers must be accorded the same protection by the law and the authorities as any citizens of the host country; (2) the Election Management Body (EMB) must ensure that the accreditation process for observers and monitors is speedy, efficient and non-discriminatory; (3) the code of conduct for election monitors and observers must not impinge on the ability of monitors and observers to discharge their duties freely.<sup>27</sup>

Likewise, the United Nations (Oct, 2005) also posited that, in order for an international election observation mission to effectively and credibly conduct its work basic conditions must be met by the host country. These conditions includes among others: (a) guarantees unimpeded access of the international election observer mission to all stages of the election process and all technologies...., (b) guarantee unimpeded access to all persons concerned with election processes, including: electoral officials at all levels, upon reasonable request, members of legislative bodies and government and security officials whose functions are relevant to organizing genuine democratic elections among others; (c) guarantees freedom of

movement around the country for all members of the international election observer mission; (d) guarantees the international election observer mission's freedom to issue without interference public statements and reports concerning its findings and recommendations about election related process and development; (e) guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission; and (f) guarantees that no governmental authority will pressure, threaten action against or take any reprisal against any national or foreign citizen who work for, assist or provides information to the international election observation mission.<sup>28</sup>

At the 38<sup>th</sup> Ordinary Session of the Assembly of the Head of State and Government of the Organisation of African Union (OAU) on 8<sup>th</sup> of July, 2002 which produced African Union Declaration on the Principles Governing Democratic Elections in Africa. During the summit it was stressed that, observers will, inter-alia, have the rights to: (1) move about freely within the host country; (2) communicate freely with the competing political parties, civil society organizations and other social groups; (3) have free access to the polling stations, during and after polling day; (4) have free access to voter register; (5) observe the political parties and groups as well as the population at large in the exercise of their political rights, and the conditions in which such rights are to be exercise; (6) seek the collaboration of the appropriate arms of government with a view to facilitate their mission within the host country.<sup>29</sup>

Given the fact that the host country has a prominent role to play in ensuring unimpeded election observation mission, the Independent National Electoral Commission (INEC) recognizes that it owes some responsibility to the observers to ensure an effective observation exercise and that election observation can only be achieved if INEC and the observers work together. To this end INEC undertakes to: provide all the necessary assistance to enable international observers to sufficiently prepare and fulfill immigration requirement to do their work; issue invitation letters to international observers mission which comply with the conditions for accreditation; guarantee unimpeded access to observers to all the stages and process of the election; guarantee reasonable access to all persons concerned with election process who are within the authority of INEC; and ensure that the election observers shall have access to all INEC literature and instruction on the election.<sup>30</sup>

From the foregoing stipulated rights of election observers, it suffices to say that for a successful conduct of election monitoring and observation in Nigeria, the host country must ensure that these rights are extended to cover the rights to security of life and properties of the international monitors and observers during their duties. This is important because one of the major challenges to smooth observation has revealed by many observers is the issue of electoral violence and security during election election-day's activities.

Although the roles of election observers and monitors in democratic promotion are very crucial, however, there are certain limitations to prevent them from encroaching into the sovereignty of the host country.<sup>31</sup> Instructively, the same national laws and other international instruments/documents that guarantees the rights of election observers, also places very specific limitations on observers rights; a clear line between what observers may or may not do were drawn.

For instance, Article 41(3) of the Election Code of the Republic of Azerbaijan, allows observation mission to operate only from the date the elections (referendum) are announced to the day when all dispute regarding elections (referendum) are heard by the relevant courts, and results of elections (referendum) are officially published.<sup>32</sup> The Azerbaijan Election Code further explicitly prohibits observers from: (1) issuing ballots; (2) polling voters either before or after they have voted; (3) receiving ballots on behalf of voters; (4) marking a ballot for a voter, even if requested; (5) participating in official vote counting; (6) acting in any way that obstructs the election commission; (7) campaigning for candidates or parties; (8) affecting the decision making of election commissions; (9) responding to questions posed by voters about anything other than the individual's status as an observer; (10) function independently and with the financial support of either their sponsoring organizations or themselves and they must not abuse their status as observers for purposes unrelated to the election.<sup>33</sup>

To Misk (2010), international election observers should conduct their missions only if the host nation has extended invitation to them, thus, no organisation or individual has the right to enter a nation to conduct election observation without the consent of the host nation.<sup>34</sup> Also, the European Union policy papers on election observation call on observers not to

‘express any bias or preference in relation to national authorities, parties, candidates, or with reference to any contentious issue in the election process’.<sup>35</sup> Similarly, assumptions such as ‘observers must be non-partisan and neutral’ are also widely held.<sup>36</sup>

In the same manner, the National Election Board of Ethiopia (NEBE) (Feb, 2005)’s code of conduct for the international election observers further specified the obligations for the international election observers which placed some limitations to the rights they enjoy and these includes; (a) respecting the country’s sovereignty, the national laws and regulations, and the cultures of the people; (b) follow lawful instructions of the election officers and security personnel; (c) never giving instructions, and show respect and courtesy to election officers; (d) being impartial and not showing or wearing any partisan symbols and banners; and (e) they should not carry weapons.<sup>37</sup>

### **Methodology of Election Monitoring and Observation**

According to Ayoade (1999), there are four methods to election monitoring and observation. The first method is the library and Archival method to provide necessary background information to the monitors and observers. To him, this stage provides the monitors with information about the political terrain and actors, and helps him/her to design the monitoring instrument by indicating critical issues and places. The second method may involve the conduct of oral interviews with different spectra of the public. He stressed that, the interviews are aimed at giving general education and resolving issues rose in the library and archival search. The third method involves where possible and necessary, and as a supplement of oral interview, the monitor may gather relevant information through responses from questionnaires which in return facilitate the preparation of election-day monitoring instruments. The final method is the proper observation: the monitor is a non-partisan observer; he/she watches all acts and decisions and assesses their impact on the election outcome.<sup>38</sup>

In a more systematic way, the Section 1.6 of the Code of Conduct for EU Election Observers and the European Commission (EC) (2008) handbook for Election Observation specifically highlighted methodology for EU-EOM and these includes;

1. **Consistency:** To ensure a consistent approach to election observation, the EU applies the same methodology in all countries where it observes election. This methodology was established by the 2000 communication on Election Assistance and Observation. All observers are obliged to adhere to the code of conduct for EU Election Observers.
2. **Comprehensive and Long-Term Observation:** EU election observation methodology comprehensively focuses in all aspects and stage of an election process. In their report EU-EOMs will cover the following timeline areas of assessment: (a) political context; (b) legal framework; (including electoral system); (c) election administration; (d) voter registration; (e) party and candidate registration; (f) election campaign; (g) media; (h) complaints and appeals; (i) human rights (including participation of women and minorities; (j) role of civil society; (k) election day; and (L) result and post election environment.
3. **Increase Coverage in Election Day:** On election day counting at polling stations. EU observers are deployed in mobile teams throughout the host country, and each team visits a number of different polling stations within its designated region.
4. **Impartial and Independent Assessment:** EU election observers are obliged to be strictly impartial and not to show bias towards any side in an electoral process. They will base their findings only on accurate and credible information. The EU EOM will not accept offers of assistance or support that may compromise its independent or be perceived as partisanship. An EU-EOM is independent in its findings and conclusion, although there will be close cooperation with the EU institutions.
5. **Non-Interference in the Election Process:** EU observers will not interfere in the election process. Where problems are observed, an EU-EOM will bring them to the attention of electoral authorities but will not intervene to correct or otherwise directly influence the proceedings. An EU-EOM will report on the honesty, accuracy, transparency and timely delivery of election results only, not on the political outcome of the results. In its final report, an EU-EOM will offer recommendations for improving

the integrity and effectiveness of future electoral processes and the wider process of democratization.

6. **Cooperation with the Host Country:** EU observers will respect and adhere to the laws of the country being observed. An EU-EOM will not be deployed only after receipt of an invitation from the state and/or electoral authorities of the host country. Memorandums of understanding (MOU) between the European Commission and the host country will outline the rights and responsibilities of both parties.
7. **Openness in Findings and Visibility in Work:** An EU-EOM issues a public preliminary statement shortly after election-day (usually within two days) at a press conference, where the Chief Observer (CO) is open to questions. A comprehensive final report is issued within two months of the completion of the election process. In addition, the EU EOM undertakes public outreach activities during the course of its deployment to raise public awareness and understanding of its presence, mandate and role.<sup>39</sup>

In the same vein, the methodology required to measure the concept of democratic elections and to carry out an assessment of an electoral process is quite extensive: one source of information is the quick count or parallel vote tabulation (PVP).<sup>40</sup> In addition, Organisation of American States Election Observation Mission (OAS-EOM) relies on two other supplementary sources of information which includes:

1. **Result of an Election-Day Questionnaire for Electoral Observation:** This source of information is a questionnaire, to be filled out by electoral observers in election-day. This is the moment when EOMs deploy their largest number of observers throughout the territory of the country where elections are held and hence provides a unique opportunity for EOMs to collect first hand observations about event on polling station... Thus, so as to offer systematic and valuable information about the unfolding of events on election day, an election day questionnaire is administered and the results of the questionnaire are processed in real time at various moments during election day; and
2. **A Document of Indicators in the Electoral Process:** At the same time recognizing the imperative of assessing elections as a process that begins well

before election-day and that extends beyond the day, OAS EOMs rely on an extensive set of indicators on the electoral process broadly concerned. The relevant information must be gathered over a long period of time and should, as much as possible, rely in-situ observation and research. This collection of information depends in the work of many members of an observation mission and relied particularly on the information and analysis provided by different experts who are part of the EOMs Core Group, thus, a coordinated effort is essential to the success of this data gathering effort.<sup>41</sup>

Similarly, the African Union Declaration on the Principles Governing Democratic Elections in Africa at the 38<sup>th</sup> Ordinary Session of the Assembly of the OAU on 8<sup>th</sup> of July, 2002 further specified the methodology for all observers. For the benefit of the observers, a set of documents providing basic information on the host country, including the pre-election technical mission report, the constitution, the electoral code, guidelines for international observers as well as geographical, historical and political data on the country, will be compiled by the commission or obtained from the concerned country's government by the commission, and made available to the observers prior to their departure.<sup>42</sup>

In addition to being impartial, the observers should in particular: (a) be able to communicate in the language or languages spoken in the host country and have the least recourse to local interpreters as a way of guaranteeing maximum objectivity and impartiality; this was corroborated by the finding of the study: that, (b) have a good knowledge of the various legal instruments relating to elections, especially the Electoral Code: a key document for the successful accomplishment of their mission-together with other related instruments such as Human Rights Conventions;...While the need to maintain the independence and integrity of the AU and, for that matter, AU observers should cooperate, liaise and consult with other observers throughout the election observation period.<sup>43</sup> In summary, in all their activities observers must measure his/her assessments against acceptable international standards, the national constitution, national electoral laws as well as general principles of democratic governments.

### **The Pros and Cons of New Initiatives and Multiple Guidelines in Election Observation**

Without exaggeration, the adoption of multiple guidelines and several new initiatives to regulate the conduct observers and boost election observation process has been visited with lots opportunities and embedded challenges. By and large, both opportunities and challenges created by multiple guidelines and new initiatives have changed the focus of scholars, practitioners and other interested stakeholders in addressing contemporary issues related to election observation activities. The establishment of Needs Assessment Mission by OSCE/ODIHR (2005) is to identify the prospects for the conduct of an election process in their member states and to ascertain whether the host government will respect minimum conditions for effective election observation to take place or not.

Similarly, Expert Support Team is usually delegate to be present immediately before, during and immediately after an election and to enhance the mission's capacity to report an election through its standard reporting channels with believe that the selection of observation core team may not necessarily reflect expertise on election related matters rather it may reflect political representation of the member states. In many occasions national support staff has been adopted primarily to serve as moderators, interpreters and as administrative support staff for international personnel in order to reduce the cost international administrative overhead.

Election Assessment Mission (EAM) is another initiative adopted by European Commission (2008) is normally deployed to assess elections in long-standing or more established democracies and focuses on specific issues and implementation of best practices. The aim of EAM is to preserve the existing robust democratic values and a long tradition of freedom, fairness and credibility in electioneering in developed democracies around the world through discussion, negotiation and mutual understanding.

The Exploratory Mission on the other hand was also introduced by European Commission to conduct research and examine the political process and its environment between six and four months in advance of the scheduled election date, and usually last for around two weeks. It is composed of between five and nine persons which includes; European Commission officials, external experts on elections, security and logistics. The intention behind this initiative is to minimize the risk associated with election security, to ensure effective and efficient election

observation through prior sufficient knowledge of election related matter in the host country and lastly to guide against logistics failure through adequate and well organized logistical methods.

Within the Africa context, African Union (AU) have also established Technical Mission (TM) which the AU chairman may decided to deploy in advance of the elections for the purpose of making on the spot evaluation of the general political climate and preparation for election by the host government. This is important in order to determine the nature and composition of AU election observation mission in its respective member states.

However, without jettison the important of foregoing initiatives and guidelines in election observation, the vagaries of initiatives and guidelines in election observation have also comes with untold challenges particularly given the nature of election in developing democracies like Africa. For instance, considering the instability that usually occasioned almost all aspect of political, security and economic activities in Africa, it may be difficult for Exploratory Mission to offer reliable experts' advice on external experts on elections, security and logistics that can remain relevant even within a space of weeks in African situations.

In the same vein, adoption of national support staff also portends significant challenge, particularly when they are use as moderators or interpreters. The role of language to the successful conduct of election observation in Nigeria cannot be overemphasized. This is important, because the accuracy and quality of information obtained by international observers is likely to improve if such observers understand the local language of his or her mission areas. Similarly, security challenge occasionally encountered by international observers could also be minimize with the understanding of local language.

Thus, the usefulness of neutral interpreter has been identified as possible solution to language barrier for international election observers. It is imperative to note that, there is a limit to which observers can rely on information gathered through interpreters especially, if such interpreter secretly have sympathy for a particular political party or candidate in the election. In addition, a compressive report by observers also requires first hand and quality

information that can be achieved through basic understanding of local language among other strategies.

Equally, for international election observers to contribute to peace building and boost voters' confidence not just in election conduct but also in the post election conduct in developing democracies particularly in Africa, such election observation mission must be fully engaged in post election activities, particularly the election petition tribunal hearing and outcomes. The settlement of election disputes is considered as second most volatile phase of post election period after the counting, collation and result declaration. However, most of the guidelines developed by the host country electoral management bodies and other international organizations involved in election observation have exclusively reserved the absolute rights on the activities in the post election period particularly the areas of election disputes settlement and reconciliation to the domain of sovereignty of the host country therefore leaving reports of election observation to the political interpretations of the incumbent government and other domestic stakeholders within the host country.

### **Conclusion**

In our foregoing explications it is evident that the introduction of new initiatives and adoption of multiple guidelines to boost election observation and ensure sustainable democracy promotion particularly in developing countries have produced both positive and negative consequences. However, their overall implications on electoral process and democracy have channeled new debate in election observation phenomenon. The conclusion is here is that, in as much as creativities, initiatives and guidelines developed to boost election observation for the purpose of promoting democracy and good governance are highly important, it is crucial for various inter-governmental organizations, governmental organizations, non-governmental organizations and other interested stakeholders in election observation business to congregate their efforts, initiatives and guidelines to align with the United Nations Declaration of Principles for International Election Observation and Code of Conduct for International Observers. Or to restructure the existing declaration of principles and code of conduct for international election observers in order to reduce obscurity in observation agenda and to allow for smooth inter-organizational collaboration in election observation.

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