The Role of ECOWAS in Election Observation

Expert Workshop with the ECOWAS Council of Elders

Report

Accra, Ghana

June 14 – 16, 2004

ZENTRUM FÜR INTERNATIONALE FRIEDENSEINSÄTZE (ZIF)
Berlin, Germany

The Role of ECOWAS in Election Observation

Expert Workshop with the ECOWAS Council of Elders

Accra, Ghana, June 14-16, 2004

Conducted by the ECOWAS Secretariat and ZIF

in cooperation with FES-Ghana and GTZ

The **Zentrum für Internationale Friedenseinsätze (ZIF)** was established by the German Federal Government in June 2002 with the aim of enhancing Germany's civilian crisis prevention capacities. ZIF's core mandate is the training, recruitment, and support of German civilian personnel for peace operations and monitoring missions conducted in particular by the OSCE, the EU, and the UN. ZIF is organised in three units:

Training Unit – prepares civilian personnel for future missions. Courses are conducted on the national and the European level and cover issues such as international humanitarian law, challenges of modern peace operations, intercultural communication, and election observation. Field exercises simulate complex risk situations such as moving in mined areas and hostage taking. ZIF cooperates closely with international organisations as well as training centres and is a founding member of the EU Group on Training.

Recruitment Unit – maintains a pool of pre-trained and pre-selected German civilian professionals. In close cooperation with the German Foreign Office, ZIF selects candidates from this pool and deploys them to peace and election observation missions. Currently, over 200 German professionals are serving in UN, EU, and OSCE field missions. Since its founding, ZIF has also deployed more than 800 German election observers all over the world.

Analysis and Lessons Learned Unit – supports ZIF's core tasks through analysis and conceptual work. The Unit researches current international crisis management issues with special relevance for ZIF's mandate and monitors developments in a range of areas such as rule of law programmes in peace operations, the cooperation between civilian, police, and military actors, and organised crime in post-conflict areas.

ZIF is a non-profit company with limited liability. Its sole shareholder is the Federal Republic of Germany, represented by the Federal Foreign Office. It is governed by a supervisory board comprised of ministers of state or state secretaries from the Foreign Office, the Ministry of Defence, the Ministry for Economic Cooperation and Development, and the Federal Ministry of the Interior, as well as four Members of the German Bundestag. It has an advisory board with fifteen high level members. The Center's Chairman and Director is Dr. Winrich Kühne.

For further information, please contact:

Zentrum für Internationale Friedenseinsätze (ZIF)
Ludwigkirchplatz 3–4,
10719 Berlin, Germany.
Phone: +49 (0)30 – 520 05 65 – 0
Fax: +49 (0)30 – 520 05 65 – 90
Web: http://www.zif-berlin.org

Table of Contents

Introduction

Winrich Kühne, *Director, ZIF (Center for International Peace Operations)*

The ECOWAS Council of Elders is a key organ of the Mechanism for Conflict Prevention, Management and Resolution, Peace and Security of the Economic Community of West African States (ECOWAS). The Council consists of 15 eminent personalities from all member states of ECOWAS who are chosen "to use their good offices and experience to play the role of mediators, conciliators, and facilitators" in the region.

Leading ECOWAS election observation missions (EOMs) is becoming a key task of the Elders. The "Role of ECOWAS in Election Observation" was therefore chosen as topic of a three-day Expert Workshop with the Elders, the Executive Secretary General of ECOWAS and his Deputy, as well as regional and international experts. Held in Accra from June 14-16, 2004, it was the first Workshop with the Elders of this kind.

The Workshop was jointly organised by the ECOWAS Executive Secretariat and the German Center for International Peace Operations (ZIF) in cooperation with the office of the Friedrich-Ebert-Foundation in Ghana. It is part of a broader German project to strengthen civilian crisis prevention capacities in West Africa.[1]

Due to the high quality input of the experts, Elders, and the leadership of the ECOWAS Secretariat the Workshop resulted in remarkably frank and penetrating discussions on the importance of elections for peace, democracy, and good governance in the region. Basic difficulties in

---

[1] The project is funded by the German Government in cooperation with GTZ (Gesellschaft für technische Zusammenarbeit).

designing the adequate electoral laws and institutions as well as the best modes of election observation were thoroughly discussed.

The number of lessons already learned is impressive. Participants agreed that considerable progress has already been made regarding peace, democracy, and good governance in the region but that much remains to be done in view of the fragile situation.

It is our pleasure to publish this report on the Workshop. Its key issues and findings are summarised in the subsequent "Executive Summary".

Dr. Winrich Kühne

Director

Zentrum für Internationale Friedenseinsätze (ZIF)

Berlin, Germany

September 2004

Executive Summary

Winrich Kühne, *Director, ZIF (Center for International Peace Operations)* **in cooperation with Julia Hett,** *ZIF*

The Workshop was arranged jointly by the Center for International Peace Operations (ZIF), Berlin, the ECOWAS Secretariat, Abuja, and the Friedrich-Ebert-Foundation, Accra, for the members of the ECOWAS Council of Elders. 13 Elders, representing the states of Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo, attended the 3-day workshop. The official opening took place in the presence of H.E. Nana Akufo Addo, Foreign Minister of Ghana, H.E. Dr. Mohamed Ibn Chambas, Executive Secretary of ECOWAS, and H.E. Peter Linder, Ambassador of the Federal Republic of Germany to Ghana, as well as more than 30 members of the press.

During the working sessions, the following key issues were examined:

I. Ratification of the 2001 ECOWAS "Protocol on Democracy and Good Governance"

As an introduction to the Workshop, General Cheick Oumar Diarra, Deputy Executive Secretary of ECOWAS, gave a presentation on the role and mandate of ECOWAS regarding good governance, democratisation and election observation in West Africa. In particular, he stressed the importance of the 2001 ECOWAS "Protocol on Democracy and Good Governance" and the need for member states to ratify it for the future work of ECOWAS in election observation:

- The Protocol has been signed by all 15 member states of ECOWAS. However, so far, only Ghana, Mali, and Guinea have ratified it. The Protocol will only become legally binding for all 15 member states once 9 states have ratified it.

- Only Cape Verde has officially expressed reservations about the ratification of the Protocol due to contradictions with its constitution. In execution of the 2003 ECOWAS Summit calling all member states to ratify it by the end of 2004, the ECOWAS Secretariat has sent out a reminder to member states.

- The Protocol is a basic document for the work of ECOWAS in election observation as it describes the organisation's mandate in that field. Despite the fact that heads of state have gone ahead with implementing parts of the Protocol so that ECOWAS could conduct its first election observation missions, it is of the utmost importance that the states ratify the Protocol as soon as possible in order to not obstruct future missions.

- Elders should add their voices to that of the ECOWAS Secretariat and the ECOWAS Parliamentarians to push for ratification in their respective countries.

II. Past Experiences and Lessons Learned of ECOWAS Election Observation

Following a presentation by H.E. Sira Diop, member of the Council Elders for Mali, on her experiences in ECOWAS election observation, Elders raised particularly the following critical issues with regard to the organisation of election observation missions (EOMs) by the ECOWAS Secretariat:

- Elders having already led ECOWAS observer missions did not feel timely and well enough informed by the Secretariat before undertaking these missions.

- Elders felt that inconveniences had occurred which could be avoided in the future such as having to advance the money for plane tickets to the host countries.

- Elders also felt that the measures undertaken by the Secretariat and the host countries in regard to the security of mission personnel were not sufficient.

General Diarra responded to the questions concerning the role of the Secretariat in preparing observation missions in a very comprehensive manner, noting that the Secretariat is conscious of the fact that missions are not always as properly organised and conducted as required. Some problems are due to failures of the Secretariat, for others the Elders and the host countries have to take responsibility:

- The Secretariat is in most cases informed at a very short notice about a mission because the agreement for an election observation mission is signed at the last minute;

- often the Secretariat has difficulties in reaching the members of the Council of Elders;

- it is practically impossible to send prepaid plane tickets from Nigeria, where the Secretariat is based in Abuja;

- the Secretariat sometimes has problems reimbursing Elders on time due to difficult administrative procedures;

- it is the host country that is primarily responsible for the security of observer missions;

- the Secretariat is in the process of preparing an election observation guide book;

- the Secretariat is lacking capacities at the moment to prepare the missions at a sufficient level.

III. Electoral Systems

Dr. Michael Krennerich, election expert from Germany, and Dr. Kwadwo Afari-Gyan, Chairman of the Electoral Commission of Ghana, gave presentations on the types and the development of electoral systems outside and inside Africa which triggered a discussion on the following issues:

- An apparently very technical issue is also a politically highly sensitive one: The wrong electoral system can easily lead to violence and civil war. In addition, governments benefiting from a particular system are very reluctant to change it. The debate over which is the best electoral system therefore will most likely never be fully resolved. Electoral systems have to take into account the local conditions and traditions. Since these are subject to change, the electoral system implemented immediately after a war might not be the best applicable ten years later.

- From an EOM (Election Observation Mission) perspective, four questions have to be asked with regard to an electoral system: Is it really inclusive? Does it provide for some form of competition? Does it provide a form of representation in societal terms? Does it lead to political instability and are there side effects?

- The different advantages and disadvantages of electoral systems were discussed with regard to West African countries. I.e. the question of legality of the "mixed membership" electoral system

arose since in Mali that system is considered to be a violation of the constitution. (This proportional representation system excludes very small parties from parliamentary representation at the national level through a five percent threshold.)

- Elders asked to what extent the various "Western" electoral systems are applicable to Africa, where the majority of people are illiterate, and whether a "home-grown African system" would not be better suited. Experts agreed that such a system does not really exist and pointed out that a convergence of Western systems with traditional African structures is possible. Once a country has chosen democracy, certain basic principles have to be adhered to and have to be adjusted to local conditions.

IV. Cooperation, Coordination, and Complementarities with Observer Missions by other Organisations (EU, OSCE, the Commonwealth and NGOs)

Mark Stevens, election expert from the UK, former Nigerian President General Abdulsalami Abubakar, member of the Council of Elders for Nigeria, and Dr. Kwadwo Afari-Gyan, Chairman of the Electoral Commission of Ghana, launched a discussion with their presentations on the roles of regional and international organisations in election observation missions. Inter alia, the following issues were taken up in the discussion:

- Election observation missions of different organisations may vary in terms of modalities but not so much in terms of objectives.

- The role of local observers is very important. The aim of international EOMs, in the long run, should be to become unnecessary and to fully turn over observation to local observers. It is decisive for

democracy building that local capacities take over. International technical support to domestic observers is important.

- Coordination and cooperation between observer groups are crucial. Experts pointed out that generally it is best to have both international and domestic observers. They should cooperate, but separation on the ground during elections has turned out to be in everyone's best interest. General Diarra emphasised that ECOWAS EOMs can and will cooperate with NGOs but should always retain their autonomy.

- Experts drew attention to the risk of election observation becoming a big industry. There is often a lot of money around which attracts NGOs and consultants, not always the best ones. Nigeria, for instance, has had a rather problematic experience with some domestic observer groups. Surely, there are also reputable NGOs, but they must be properly coordinated and trained. It must also be considered that in some cases NGOs are politically aligned without making that transparent.

V. The Differences between Election Observation, Monitoring, and Supervision

While speaking about basic issues and key problems of developments in international election observation, the experts drew attention to the different types of missions, which are often mixed up because the differences are not easy to define:

- The confusion of these terms is dangerous as countries, being afraid of outside interference, sometimes refuse election "observers" because they mistake them for "monitors". *Observation* is a rather passive activity, even though it can be constructive in the way the observer engages with the authorities, and entails no

interference. A *monitor*, on the other hand, can give binding instructions and his role is interventionist and preventive. Finally, a *supervisor* administers elections de facto like an election official.

- The question whether Elders could play the role of observers and of mediators at the same time and how far they can go in advising is a difficult one as the role of observers includes enhancing voters' confidence in the process and calming voters and election officials through their presence. In the real world it may not be possible to be rigid about what an observer may do. Yet, in principle they should not interfere.

VI. Standards of Election Observation Missions

Experts emphasised the importance of clear standards for EOMs. In particular, difficulties arise from the fact that different standards have to be applied to different types of conditions existent at the time of elections in the various countries. The circumstances under which to conduct an observation mission have to be scrutinised carefully.

- In West Africa, the countries can be grouped into three general categories with respect to the application of standards: a country emerging from civil war, a country having experienced many years of authoritarian rule, and a country having experienced previous democratic elections. The experts advised that ECOWAS and the Elders be conscious of the circumstances in which the host country is holding elections when drafting reports and statements.

- The language of the statements and final reports of EOMs is a delicate issue. For instance, the terms "irregularity" and "rigging an election" have to be carefully distinguished: Many events qualify to be called irregularities, but observers have to go beyond simply calling it an irregularity and ask whether it is a mistake or

deliberate, an isolated incident or widespread or a pattern because only then can meaningful conclusions be drawn. The term "rigging the election" is only appropriate when the irregularities have been deliberately engineered.

- Combining the technical and procedural analysis of an election with a political assessment is a crucial aspect of an EOM. International EOMs have gained legitimacy because they have stopped meddling with the political actors of host countries and have adhered to their acknowledged standards. Observed facts need to be stated clearly.

- Finally, General Diarra stressed that in the EOM final declaration destined for the government of a host country, careful language is absolutely mandatory. This declaration needs to be a joint statement of all observers of the mission and should be general. Critical observations should be written down in the EOM report designated for the Executive Secretary of ECOWAS.

VII. Electoral Management Bodies in West Africa and their Role in Organising Elections

Speaking on electoral management bodies in West Africa and their role in organising elections, Dr. Michael Krennerich and Dr. Kwadwo Afari-Gyan highlighted the importance of voter registration as the decisive period of an election, because the whole process will be rigged if the registration is manipulated:

- The following characteristics of an electoral management body are considered to be crucial: impartiality, accountability, verifiability, transparency, and effectiveness. From the point of view of an election observer, the key word for a good electoral management body is "trust".

- Elders wanted to know whether the electoral management body should be permanent or non-permanent (Benin, for instance, has no permanent commissions but a permanent secretariat, whereas in Ghana both are permanent). The experts underscored that the processes and whether the body can operate independently and efficiently matter most, not whether it is permanent or temporary.

- Answering questions by Elders regarding the necessity of the use of indelible ink for the marking of voters who have cast their ballots, the experts emphasised that such methods are very desirable to prevent cheating. The same applies for the use of transparent ballot boxes.

VIII. Preparations for the Forthcoming Elections in West Africa

Dr. Kwadwo Afari-Gyan, Chairman of the Electoral Commission of Ghana, presented a number of critical issues concerning the preparations for the legislative and presidential elections in Ghana scheduled for the 7th of December 2004. Among these issues were the census (which took 2 years to complete), the demarcation of constituencies, and voter registration.

Dr. Afari-Gyan underlined that the President of Ghana has sent out invitations to the international community to observe the elections and encouraged ECOWAS to send an observer mission.

Regarding the forthcoming elections in Liberia in 2005, Dr. Afari-Gyan voiced a plea: Time is at hand to take a closer look at the electoral preparation so that corrective measures can be undertaken now in order to avoid a crisis. Especially voter education is a crucial factor for the success of the Liberian elections.

Concerning the preparations for the elections in Niger this year, H.E. Sidikou Amirou Garba, member of the Council of Elders for Niger informed the participants of the Workshop that dates had not been set for the parliamentary and presidential elections because the local elections had not yet taken place.

IX. Concluding Session

The Elders expressed their appreciation for the Workshop, thanking the organising institutions for their efforts to enhance the capacities of the Council of Elders in regard to election observation missions, the possibility to exchange experiences, to share information, and to discuss and clarify issues related to this field.

H.E. Mohamed Ibn Chambas, Executive Secretary of ECOWAS, concluded that West Africa is one region which will not meet the millennium goals for development. The key to development, he stressed, lies in political stability, which will be furthered by assistance to the conduct of free and fair elections. General Diarra therefore appealed to the Elders to be at service for future ECOWAS election observation missions and asked ZIF and the German government in cooperation with GTZ to make further workshops of this kind possible. The German Ambassador, Peter Linder, took part in the closing session.

Official Opening

Nana Akufo-Addo, *Minister for Foreign Affairs, Republic of Ghana, and Chairman, Mediation and Security Council, ECOWAS*

Ministers for Foreign Affairs of ECOWAS and Members of the Mediation and Security Council, Executive Secretary of ECOWAS, Members of the Diplomatic Corps, Representatives of International Organisations, Ladies and Gentlemen:

On behalf of the President of the Republic, the Government and people of Ghana, it is my singular honour to welcome members of the Council of Elders of ECOWAS to Ghana. The inauguration of Members of the Council of Elders is a major event in the calendar of the ECOWAS Community and Ghana is pleased to host the event in Accra for the second time.

Mr. Chairman, it is important to locate the significance of the Council and its inauguration within the recent history of the region.

We all remember that issues concerning peace and security were not part of the 1975 Lagos Treaty by which ECOWAS was established originally as a Community. The main purpose of ECOWAS, as conceived by our forbears, was to work towards the economic development and integration of the region in order to raise the standard of living of our citizens by initially forming a customs union.

Most of the conflicts in the region at that time arose between states due to the careless delineation of borders by the colonial powers and in response to such conflicts, ECOWAS adopted two legal instruments, namely; the Protocol on Non-Aggression (1978) and the Protocol on Mutual Assistance in Defence (1981).

Neither of these instruments foresaw the spate of intra-state conflicts that marked the end of the Cold War and the dismantling of the apartheid regime in South Africa. We were, however, quick on the uptake as these developments unfolded. West African States responded to these global and local events by being the first regional block in Africa to undertake peacekeeping missions and to devise internal mechanisms for resolving the emerging types of conflicts. These latter efforts culminated in the Declaration of Political Principles (1991) and later in the Protocol relating to the Mechanism on Conflict Prevention (1999) and its supplementary Protocol on Democracy and Good Governance (2001).

In the 1999 Protocol, the Community identified the institutions and organs, each with clear structures, aims, and objectives, which are to undertake various activities in peace and security. These include conflict prevention, management and resolution, peacebuilding, humanitarian action, and such regional security issues as trafficking in persons, drug trafficking, money laundering, illicit proliferation of small arms, child protection etc.

Mr. Chairman, in view of the high cost of conflict management and resolution in human and material resources, ECOWAS is now laying greater and greater emphasis on conflict prevention which hinges on two pillars, viz. the Early Warning System and the Council of Elders.

For the Early Warning System, the Community has set up an Observation and Monitoring System (OMS). The OMS is comprised of a Centre at the ECOWAS Secretariat and four bureaus located in Cotonou, Ouagadougou, Monrovia and Banjul, with each covering three or four countries. These bureaus are to collect, analyse, and report data in a timely manner for decision-making.

For preventive diplomacy, the Community relies on members of the Council, who are often the first to make contact with dissenting

groups within member states, in trying to seek solutions to particular problems.

Ladies and Gentlemen, given the symbiotic relationship between peace and development, it is imperative that we work towards achieving the aims envisaged by our forefathers in order to secure the future of our region. It is for this reason that each member state has chosen an eminent representative to serve on the Council of Elders, which is tasked with facilitating the achievement of these grand objectives.

I am sure that the worthy sons and daughters of the Community who are gathered for this inauguration will do ECOWAS proud in their year of service. On behalf of the Mediation and Security Council which I have the privilege and honour to chair, I wish to assure our Elders of the Council of my continued availability to assist them in their work.

I seize this opportunity to convey the appreciation of the Mediation and Security Council and the Council of Elders to the President of the Ghanaian Republic and Chairman of ECOWAS, John Agyekum Kufuor, for his systematic support of the work of both Councils. This has been of great benefit and, knowing him, I am confident that His Excellency will continue to have his doors readily open to us.

Mr. Chairman, I trust that the Members of the Council of Elders will enjoy our traditional Ghanaian hospitality during their stay amongst us and, once again, I say 'Akwaaba' our word of welcome.

I thank you.

Mohamed Ibn Chambas, *Executive Secretary, ECOWAS*

Honourable Nana Akufo Addo, Honourable Minister of Foreign Affairs, Ghana, His Excellency General Abdulsalami Abubakar, Your Excellencies, Distinguished Ladies and Gentlemen:

I wish to thank you all for your presence at this high level seminar for the ECOWAS Council of Elders. ECOWAS attaches great importance and significance to this workshop. Your attendance is indeed a sign of your commitment to peace and security in our sub-region. Despite the various pressures on your time, you have still thought it worthwhile to make time to attend this seminar. Indeed our sub-region is eternally grateful for this.

As the Honourable Minister has already stated, this seminar not only allows a forum for an exchange of views, but is an opportunity for the Elders to prepare themselves further to better perform their duties, which are largely mediation in potential and real conflict situations and observation and monitoring of electoral activities in member states. It will be recalled that in July 2001 in Niamey, during the inauguration of the first ECOWAS Council of Elders, the members recommended regular briefings and exchange of ideas. This high level seminar today fulfils that recommendation, belated though it may be, but better late than never. I wish to assure you that with the support of our German partners, we shall hold this type of seminar from time to time.

Elections represent the most critical test of democracy and, if not well managed, can constitute potential causes of conflict and threat to peace and security. The dynamics of conflict and its nexus to development in West Africa necessitate the imperative to build democracies in the sub-region. As we all know, elections are a significant and veritable tool and benchmark in building democracies.

To build enduring democracies and create the environment for sustainable development, ECOWAS, as you may recall, has two major instruments for political programmes; the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 1999 and its Supplementary Protocol on Democracy and Good Governance 2001. One of the organs crucial to our Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security is the Council of Elders, in our efforts to consolidate peace, democracy, good governance, and rule of law in the sub-region. Our Council of Elders are men and women of experience and gravitas, able to lend their wisdom to preventing potential threats to peace and security through preventive diplomacy or in the eventuality of actual conflict, able to act as mediator and arbiter, brokering acceptable agreements by all parties, as witnessed in the work of His Excellency General Abdulsalami Abubakar in the Liberia peace process and the eventual signing of the Comprehensive Peace Agreement.

The ECOWAS Supplementary Protocol on Democracy and Good Governance aims to tackle the root causes of conflicts and acts as an expression of democratic principles, guidelines, and benchmarks for good governance in the sub-region. It outlines broad frameworks and parameters on various issues including elections and democracy. Amongst other matters, the Protocol details such issues as constitutional convergence principles, the requirements for conduct of transparent elections, defines boundaries of acceptability and sanctity of election results, and the modalities for equitable disposal of petitions relating to elections. Further, the summit of the Authority in Dakar on 31 January 2003 directed the Executive Secretariat to send fact-finding missions to member states planning to organise elections in order to determine the level of preparedness for elections in the sub-region. Since that directive, ECOWAS has observed elections in several

of its member states, most recently in March 2004 in Guinea Bissau, where four members of the Council of Elders were an integral part of the ECOWAS mission. It is expected that similar missions will be dispatched to member states due to hold national elections this year such as Ghana and Niger.

The critical challenges for 'Elections Missions' is the issue of the clarity of the role, relevance, and mandate of missions. The Supplementary Protocol of 2001, specifically in Section III, Articles 11 to 18, seeks to shed light on this critical issue by setting out Articles on Election Monitoring and ECOWAS Assistance. The Supplementary Protocol clearly sets out what may be called the Terms of Reference for Election Monitoring and ECOWAS Assistance. These Terms of Reference include the triggering of election monitoring missions, a clear definition of the role of an ECOWAS fact-finding mission, collection of texts governing the concerned election, meeting all candidates, the composition of such missions, the supervisory or purely observatory nature of the mission and the channels of communication of the mission.

Other challenges include updating knowledge on recent developments and international trends in designing electoral legislation. Notable amongst these could be the issue of equal access to state owned mass media, receipt of money from foreign sources, the issue of proportional representation versus 'first-past-the-post', jurisdiction and competence of particular electoral tribunals/courts, and direct elections versus selection, cooperation, and assent procedures.

All of these have become even more challenging with the new rules that apply to building democracies in countries and the renewed interest developed economies have in African countries. International recognition and support for developing countries are inevitably bound to the holding and conduct of free and fair elections. These elections must not only measure up to best practices internationally but also be

free of violence and manipulations. ECOWAS member states have taken it upon themselves to get their house in order, to develop their own systems of mutual cooperation and support guided by strict rules of democratic engagement. This high level seminar today serves as a forum for our esteemed members of the Council of Elders to examine new trends in electoral matters, discuss lessons from past missions, and to share experiences. Undoubtedly, with the wealth of experience available to our Elders, this seminar would be an enriching and fulfilling event.

Let me at this time seize the opportunity to thank all the members of our Council of Elders for the selfless service they have continued to render to the people of West Africa, even beyond their core responsibilities of mediation and electoral matters.

I would like to renew the continued commitment of the ECOWAS Secretariat to service the Council of Elders as well as all organs and institutions of ECOWAS until peace, security, and development is established in West Africa.

I wish to further seize this opportunity to thank members of the international community for their continued support to our sub-region and their assistance to the ECOWAS Secretariat in carrying out its function. Particular appreciation goes to the government of Germany, ZIF, and FES for their support of this high level seminar of the Council of Elders.

Finally, I would like to once again thank the Government of Ghana for its usual hospitality. I wish this seminar all the best.

Thank you all for your kind attention.

Peter Linder, *Ambassador of the Federal Republic of Germany to the Republic of Ghana*

Honourable Minister, Distinguished Dr. Chambas, Executive Director of ECOWAS, Illustrious Delegates from ECOWAS countries, Excellencies, Dr. Kühne and Mr. Bergstermann, representing ZIF and Friedrich-Ebert Foundation, Ladies and Gentlemen:

I consider it a great honour to participate in the official opening of such an important workshop like the one starting today and now.

It is the logical consequence of Germany's policy towards Africa to be actively involved in issues like the present one, namely the possible role of ECOWAS in election observation.

When Chancellor Schröder was on his first official visit to this continent earlier this year, he visited not only the seat of the continental political organisation in Addis Abeba, but also paid visits to Ethiopia, Kenya, South Africa, and Ghana, representing the sub-regions.

Echoing my Head of Government's voice let me use a few remarks the Chancellor himself made during the official opening of the prestigious Kofi Annan International Peacekeeping Training Centre (KAIPTC) on January 24 this year:

In far too many countries on this continent in particular, conflicts, violence, and instability are the key obstacles to the sustainable development which is so urgently needed.

Without peace, the people of Africa have no hope of sharing in the fruits of globalisation.

It is essential that Africans themselves have recognised this connection.

During the Chancellors' visit to Addis Ababa, the Chairman of the African Commission, Alpha Oumar Konaré, described the African Union's considerable conflict-prevention efforts in Africa in an impressive manner.

However, he also made it very clear that Africa and its regional organisations still need the support of the international community in order to fulfil the peacekeeping tasks on this continent themselves.

Germany and its partners in the European Union and in the G8 are aware of the need for targeted international assistance.

In this respect, we are encouraged by the stepping up of Africa's own efforts in the field of peacekeeping.

Particularly in West Africa, the Economic Community of West African States, ECOWAS, under the able Ghanaian chairmanship has done much to ensure that conflicts in this region can be contained.

Such progress shows that international support is well-invested here.

The G8 states therefore agreed last year with the African Union and the United Nations to strengthen African continental and regional organisations in conflict management and to help make them more effective.

Our common goal is to develop Africa's own capacities in the spheres of the military, the police, and civilian peacekeeping personnel.

We know from our experience in international peace missions that it is essential for these three areas to be closely interlinked.

Purely military peace missions cannot eliminate insecurity and instability in the long run.

Even in cases in which the initial task is to halt or prevent violent conflicts, long-term peacekeeping and the construction of stable, democratic structures must be considered from the outset.

Anyone who wants to ensure lasting peace must integrate his activities into regional structures. For stability and security almost always affect entire regions beyond national borders.

Your Excellencies, Ladies and Gentlemen, everything the Chancellor said about peacekeeping is valid for the issue of the present workshop, since election observation is an important part of the last phase before conflict countries can return to normal, transparent, and democratic life to the benefit of their people.

My government is very happy about the partnership in this context. We consider it important to conduct this conference together with the ECOWAS Secretariat. I should like to express appreciation for the work done by Dr. Chambas, the Executive Secretary and his team as well as by Dr. Kühne of the Center for International Peace Operations and Mr. Bergstermann of the Friedrich-Ebert Foundation. They will give their point of view in due course.

Let me conclude by thanking everybody who contributed to the success in bringing this important workshop about. Germany is committed to continue the cooperation with ECOWAS in this context also in the future. This can be done through the Secretariat directly or through the Kofi Annan International Peacekeeping Training Centre, whichever way is more practical.

Your Excellencies, Ladies and Gentlemen, I wish you fruitful deliberations in the coming days. Thank you very much.

Contributions

Le Rôle et le Mandat de la CEDAO en matière de la Démocratie, de la Bonne Gouvernance et de l'Observation des Elections en Afrique de l'Ouest / *The Role and Mandate of ECOWAS regarding Democracy, Good Governance, and Election Observation in West Africa*

General Cheick Oumar Diarra*, Deputy Executive Secretary, ECOWAS*

Excellences, Mesdames et Messieurs,

Je voudrais remercier la Fondation Friedrich-Ebert et le Centre pour les Opérations Internationales de Paix (ZIF) pour avoir initié et organisé conjointement avec le Secrétariat Exécutif de la CEDEAO ce séminaire de haut niveau destiné aux membres du Conseil des Sages sur le rôle de la CEDEAO en matière d'observation des élections en Afrique de l'Ouest. Ceci traduit les bonnes relations de coopération que le gouvernement allemand entretient avec la CEDEAO.

Comme vous le savez, ce séminaire, fruit de deux ans de consultations entre le Centre pour les Opérations Internationales de Paix (ZIF) et la CEDEAO, nous tient particulièrement à cœur car la question des élections constitue une des problématiques des conflits et exige d'être abordée et traitée convenablement.

La CEDEAO se réjouit de la tenue de ce séminaire qui n'aurait pas été possible sans l'engagement personnel du Docteur Kühne. Qu'il en soit remercié.

Je voudrais également au nom du Secrétariat Exécutif de la CEDEAO, remercier tous les Sages qui se sont déplacés ici à Accra, les différents intervenants ainsi que tous ceux là qui ont contribué à l'organisation de ce séminaire.

Je voudrais tout particulièrement saluer son Excellence le Général Abdulsalami Abubakar, médiateur de la CEDEAO pour le Libéria, ancien Président de la République Fédérale du Nigeria, qui a bien voulu accepter de participer aux travaux de ce séminaire, malgré son emploi du temps très chargé. Cela prouve une fois encore l'intérêt particulier que nos Sages accordent à la promotion d'une paix durable dans la sous région.

Il m'a été demandé de livrer à l'attention des participants de ce séminaire, des éléments de réflexion sur le *Rôle et le Mandat de la CEDEAO en matière de Démocratie, de Bonne Gouvernance et d'Observation des Elections en Afrique de l'Ouest*.

Un tel thème semble venir à point nommé surtout au moment où la CEDEAO déploie des efforts importants afin de développer les capacités du Secrétariat en vue de rendre opérationnels ces différents instruments en matière de démocratie et de bonne gouvernance.

Pour vous introduire le *Rôle et le Mandat de la CEDEAO en Matière de Démocratie, de Bonne Gouvernance et d'Observation des Elections en Afrique de l'Ouest*, j'évoquerai dans un premier temps, le contexte de la démocratie et de bonne gouvernance. J'aborderai dans un second temps le cadre institutionnel de la CEDEAO en matière de démocratie et de bonne gouvernance. Ensuite, je présenterai les expériences pratiques sur le terrain et je terminerai mes propos par le mandat de la CEDEAO en matière d'observation des élections en Afrique de l'Ouest, un des baromètres de la démocratie.

Le contexte de la démocratie et de la bonne gouvernance en Afrique de l'Ouest

Depuis les indépendances, le souci premier de nos états a été de réaliser le développement dans l'unité nationale et la cohésion sociale tant étaient nombreuses les menaces de déstabilisation pour les jeunes états qui venaient de se constituer. Cela s'est traduit en général par l'apparition des régimes forts où très peu d'espace était laissé à la liberté, aux droits de l'homme, bref à ce que nous appelons aujourd'hui démocratie et bonne gouvernance. Rien de plus normal donc que l'organisation sous-régionale constituée d'états membres fut à l'image de ce constat.

Il convient ici de rappeler que la CEDEAO a été créée le 28 mai 1975 dans un but économique, celui de promouvoir la coopération et l'intégration dans la perspective de la mise en place d'une union économique en Afrique de l'Ouest pour améliorer le niveau de vie des populations, assurer la croissance économique, promouvoir les relations entre les états membres et contribuer au progrès et au développement du continent africain.

Les questions politiques n'étaient pas inscrites à l'ordre du jour de l'agenda des chefs d'état et de gouvernement de la CEDEAO. Mais très tôt, il est apparu que la paix et la sécurité sont indispensables pour le développement des peuples, de même que, aujourd'hui l'expérience a montré que le développement ne peut se faire que dans certaines conditions dont celle de la démocratie, de la bonne gouvernance.

En 1989, avec l'effondrement du bloc de l'est, la disparition de la guerre froide, le discours de la Baule en 1990 conditionnant l'aide au développement à l'instauration de la démocratie et de la bonne gouvernance, les états de l'Afrique de l'Ouest se sont rendus compte que, désormais le développement du continent est indissociable des pratiques démocratiques et de bonne gouvernance.

On a vu ici et là naître des conférences nationales qui réclamaient des réformes des structures de l'état, le partage du pouvoir, la garantie des libertés individuelles et collectives. Ces tentatives de réformes ont plus ou moins réussi, marqué par l'apparition de conflits entre les partisans des réformes et ceux qui considéraient les réformes comme une menace à la paix, la stabilité et la sécurité nationale, voire sous-régionale.

Face aux revendications et à l'aspiration des peuples à plus de liberté et de démocratie, les chefs d'état et de gouvernement de la CEDEAO, réunis à Abuja, le 6 juillet 1991 ont adopté la Déclaration des Principes Politiques de la CEDEAO visant à garantir les libertés individuelles, la démocratie, la promotion des droits de l'homme et l'état de droit.

En vue de faire face à la menace des conflits, principal obstacle au développement, la CEDEAO s'est dotée le 10 décembre 1999 d'un Protocole relatif au Mécanisme de Prévention, de Gestion, de Règle-ment des Conflits, de Maintien de la Paix et de la Sécurité, et en 2001 du Protocole additionnel sur la Démocratie et la Bonne Gouvernance traduisant ainsi dans les faits, les objectifs définis dans le Traité Révisé de 1993.

Cadre institutionnel

Les changements intervenus dans le monde et la sous-région à la fin des années 80 ont amené la CEDEAO à tirer les leçons de quinze an-nées de vie de la Communauté. Tout en réaffirmant les dispositions du Protocole de Non-agression de 1978 et du Protocole d'Assistance mutuelle en matière de Défense de 1981, les états se sont engagés résolument dans des changements profonds touchant les questions politiques confortées par le principe de la supra-nationalité.

A travers la Déclaration des Principes Politiques, les états se sont engagés à promouvoir et à encourager la jouissance pleine et entière par toutes les populations de leurs droits fondamentaux, notamment leurs droits politiques, économiques, sociaux, culturelles et autres inhérents à la dignité de la personne humaine et essentiels à son développement libre et progressif.

Ils ont ainsi opté pour la promotion d'une démocratie pluraliste et d'une économie de marché.

Cette volonté a été clairement réaffirmée dans le Traité Révisé de 1993.

Le cadre institutionnel offert par la Déclaration des Principes Politiques et le Traité Révisé a permis en 1999 d'adopter le Protocole relatif au Mécanisme de Prévention, de Gestion, de Règlement des Conflits, de Maintien de la Paix et de la Sécurité.

Le Protocole a été complété en 2001 par le Protocole additionnel sur la Démocratie et la Bonne Gouvernance qui aborde de façon la plus exhaustive la question de la démocratie et de la bonne gouvernance dans ses aspects relatifs au développement et à la prévention des conflits. Ainsi sont traités les principes de convergences constitutionnelles comme normes universelles et sous-régionales devant figurer dans les institutions des états membres de la Communauté. Il s'agit notamment de:

- séparation des pouvoirs

- indépendance du parlement et de la justice

- liberté des barreaux

- mode d'accession au pouvoir

- participation populaire à la prise de décision

- apolitisme de l'armée

- laïcité de l'Etat

- liberté de presse, d'association

pour ne citer que ceux là.

Le Protocole aborde de façon détaillée, la question des élections comme menace et facteur de développement de la démocratie, et définit le rôle de la Communauté en la matière en direction des états.

La question de la lutte contre la pauvreté, la promotion du dialogue social, l'éducation, la culture et la religion est aussi traitée, de même que celle relative à l'état de droit, les droits de la personne et de la bonne gouvernance.

Enfin, le rôle des femmes, des enfants, de la jeunesse est mis en exergue comme principaux acteurs du développement.

Si ce Protocole constitue une avancée notoire en matière de promotion de la démocratie et de la bonne gouvernance, il n'en demeure pas moins qu'il n'est pas appliqué totalement dans toute sa dimension. L'une des raisons est la non ratification et le caractère sensible des questions qui y sont abordées. Ayant conscience de cela, les chefs d'état ont décidé à Dakar en 2001, de mettre en œuvre immédiatement les aspects relatifs aux élections devenus une des préoccupations majeures de la démocratie.

Expériences pratiques en matière de démocratie et de bonne gouvernance – enseignements à en tirer

Le Protocole additionnel sur la Démocratie et la Bonne Gouvernance de 2001, traite dans la Section III de l'observation des élections et de l'assistance de la CEDEAO en ses articles 12 et 13, ainsi qu'il suit :

- A la demande de tout état membre, la CEDEAO peut apporter aide et assurance à l'organisation et au déroulement de toute élection.

- Cette aide ou assistance peut s'effectuer sous n'importe quelle forme utile.

- De même, la CEDEAO peut envoyer dans le pays concerné, une mission de supervision ou d'observation des élections.

- La décision en la matière est prise par le Secrétaire Exécutif

- A l'approche d'une élection devant se tenir dans un état membre, le Secrétaire Exécutif de la CEDEAO envoie dans le pays concerné une mission d'information.

Cette mission peut être suivie d'une mission exploratoire destinée à:

- collecter tous les textes devant régir les élections concernées

- collecter toutes informations et tous éléments caractérisant le cadre et les conditions dans lesquelles devront se dérouler les élections

- réunir toutes informations utiles relatives aux candidats ou aux partis politiques en compétition

- rencontrer tous les candidats, les responsables des partis politiques et autorités gouvernementales et autres responsables compétents

- évaluer l'état des préparatifs

- recueillir tous éléments utiles à une exacte appréciation de la situation.

Des missions d'information ont été envoyées au Togo, en Guinée Conakry et en Guinée Bissau dans le cadre des élections présidentielles et législatives.

La CEDEAO a également participé à l'observation des élections en Gambie, en Sierra Léone, au Zimbabwe, au Nigeria et Togo.

Des missions envoyées sur le terrain, il ressort les enseignements suivants :

- le manque de préparation des missions envoyées dans les états membres

- la nécessité de former les observateurs

- la nécessité d'envoyer des observateurs au moins trois mois avant les élections afin qu'ils puissent évaluer la situation avant les élections

- la nécessité de renforcer les équipes d'observateurs de la CEDEAO.

Le Secrétariat Exécutif a manqué de ressources financières, humaines et matérielles, d'expertise dans l'exécution de son mandat.

Il convient de renforcer les capacités du Secrétariat Exécutif en le dotant de moyens nécessaires à l'exécution de sa mission notamment par:

- la mise en place d'une cellule chargée de la question des élections,

- la mise en place d'une banque de données sur la pratique électorale,

- la création d'un kit électoral,

- la formation des experts électoraux,

- la ratification par tous les états membres du Protocole additionnel sur la Démocratie et la Bonne Gouvernance,

- la diffusion en masse du Protocole sur la Démocratie et la Bonne Gouvernance

- la mise en place d'un fonds spécial pour les questions électorales.

Le Secrétariat devra aussi sensibiliser les états afin qu'ils acceptent son assistance en matière d'observation des élections.

Conclusion

Il est évident que les élections demeureront pendant longtemps l'enjeu majeur de la Communauté en matière de démocratie. Il est impératif donc que le Secrétariat travaille étroitement avec les membres du Conseil des Sages et les partenaires en vue de développer des capacités réelles d'assistance électorale aux états organisant des élections.

Le développement de ces capacités passent par:

- la ratification du Protocole additionnel

- le renforcement des capacités du Secrétariat

- le renforcement des capacités du Conseil des Sages

- la mise en place d'un Fonds.

Expériences Passées de la CEDEAO et les Leçons en matière d'Observation des Elections / *Past Experiences and Lessons Learned of ECOWAS Election Observation*

Mme Sira Diop, *Member of the Council of Elders, Mali*

I. Introduction

Conformément aux dispositions de l'article 42 du Protocole du 10 décembre 1999 complétées par celles de la Section III du Protocole additionnel, le Secrétariat Exécutif de la CEDEAO est invité, par les pays qui veulent organiser des élections crédibles, à observer les différentes étapes de ces élections, partant des préparatifs à la tenue du scrutin et à la proclamation des résultats.

Ainsi, le Protocole A/SP1/12/01 sur la Démocratie et la Bonne Gouvernance, additionnel au Protocole relative au Mécanisme de Prévention, de Gestion, de Règlement des Conflits, du Maintien de la Paix et de la Sécurité a pris certaines dispositions en son article 13 et le Sommet des Chefs d'Etat et de Gouvernement, en sa 26ème session tenue à Dakar le 31 janvier 2003, a pris une décision qui renforce les dispositions de l'Article 13. Toutes deux stipulent que le Secrétaire Exécutif de la CEDEAO, à l'approche des élections devant se tenir dans un état membre, envoie une mission sur l'état de préparation des élections dans le pays concerné.

Le Conseil des Sages de la CEDEAO, lors de sa séance inaugurale tenue à Accra (Ghana) en 2002 a exprimé sa volonté de participer à ces missions auxquelles ses membres pourraient valablement apporter

leurs expériences et leur savoir-faire en matière de conciliation et de prévention des conflits.

Depuis lors, le Secrétaire Exécutif de la CEDEAO a associé les membres du Conseil des Sages à plusieurs missions d'observation dont notamment:

Au *Togo*:

Octobre 2002: élections législatives anticipées

Mai 2003: information sur l'état de préparation des élections présidentielles

Mai-juin 2003: élections présidentielles

Au *Nigeria*:

2003: élections présidentielles

En *Guinée Conakry*:

Novembre 2003: information sur l'état de préparation de l'élection présidentielle

En *Guinée Bissau*:

2004: élections présidentielles

Personnellement, j'ai été nommée chef de mission au Togo (en octobre 2003 et mai 2003) ainsi qu'en Guinée Conakry (en novembre 2003).

Mon exposé ne peut donc être exhaustif sur toutes les expériences passées de la CEDEAO en la matière. Il se veut seulement introductive à un débat que chacun enrichira avec son propre vécu des opérations électorales dans notre sous-région, en vue d'en tirer des leçons, sinon un savoir-faire en matière d'observation des élections.

II. Déroulement des missions

1. Accréditation

Il est clair que nul ne peut se targuer d'être observateur international ou même simplement local s'il n'est muni des pièces qui l'attestent, délivrées par ceux qui l'accréditent.

Ainsi donc, avant de se mettre en besogne un membre du Conseil des Sages doit obtenir, pour ainsi dire, trois «visas», à savoir:

- Une lettre d'invitation du Secrétaire Exécutif de la CEDEAO avec un ordre de mission et un billet aller-retour pour le trajet prévu.

- Un ordre de mission de son gouvernement qui lui conféra certains égards aux passages, à l'aéroport et avec les services de sécurité à défaut du passeport diplomatique.

- Une inscription sur une liste d'observateurs agréés avec à l'appui un badge par les organisateurs des élections dans le pays concerné.

Or dans la pratique:

- Les contacts avec le siège de la CEDEAO à Abuja sont très difficiles à établir; et souvent les lettres d'invitation ne vous seront remises que sur les lieux de la mission avec la liste des autres membres, et votre ordre de mission; et vous aurez prépayé votre billet à tarif économique. La copie faxée de votre lettre d'invitation arrivera parfois illisible et même incomplète au niveau du Ministère des Affaires Etrangères. Les communications téléphoniques, si elles passent, peuvent être remises en cause dans leur teneur et vous n'avez aucun support matériel pour prouver l'authenticité de ce qui s'est dit au téléphone. Aussi, on note l'attentisme de plusieurs invités dans ces

conditions par la CEDEAO, car personne n'ose plus se décider à partir à ses risques et périls.

- Le pays d'origine ne vous délivrera pas un ordre de mission car ils ont su très tard que vous partiez et leurs administrations ne pourront pas établir ce «laissez-passer» dans les délais requis. Vous n'avez donc pas d'assistance pour vous soulager de certains tracas en cours de route.

- Le pays à observer enverra son service du protocole pour vous accueillir à l'aéroport, si jamais ils sont avisés de votre arrivée. Le plus souvent, avec les élections, il y a d'autres observateurs qui se sont annoncés, et vous pouvez bénéficier de leur accueil, transiter comme eux par le salon d'honneur, et être déposés en ville. Là le problème de l'obtention d'une chambre d'hôtel se posera, si les membres venus du Secrétariat Exécutif de la CEDEAO ne sont par là pour vous servir de point focal et faire des réservations nécessaires.

2. Travail sur le terrain

Une fois sur place, la mission de la CEDEAO se regroupera autour du chef de mission, assistée par le représentant du Secrétariat Exécutif. Les tâches et obligations sont déjà connues car inscrites dans le Protocole A/SP1/12/01, Section III. De l'observation des élections et de l'assistance de la CEDEAO, Art. 13 à 18.

On se rappelle, avec les termes de référence et on se met à l'œuvre:

- Document de travail à se procurer

- Liste des personnalités à rencontrer

- Contacts à établir avec les autres groupes d'observateurs accrédités par le gouvernement

- Rendez-vous à obtenir auprès des autorités nationales par les services du protocole du Ministère des Affaires Etrangères

- Rendez-vous à obtenir auprès des catégories de citoyens concernés, par vos propres moyens (parfois le membre du Comité des Sages de ce pays, souvent des parents, des contacts établis avec d'autres observateurs, les journaux, la radio et la télé du pays ou d'autres comme RFI, TV5)

Ensuite vient l'observation des opérations pratiquées sur le terrain. Pour les élections, il faut surtout se rendre dans les lieux où des conflits sont possibles, même s'ils sont très éloignés du chef-lieu et difficiles d'accès car c'est là que des problèmes se posent et que la présence des observateurs internationaux contribue à rassurer le petit peuple et peut-être garantir la sincérité du scrutin, tous éléments concourant à prévenir les débordements et à maintenir la paix.

Pour les préparatifs, il faut voir les structures mises en place, les documents élaborés, les centres de distribution des cartes, écouter les uns et les autres sans commentaires.

3. *Compte rendu de fin de mission*

Le temps imparti à la mission étant épuisé, vient le moment des rapports *aux autorités nationales*.

Il y a avant tout le rapport que le gouvernement demande tout de suite à tous les observateurs accrédités, dès le scrutin terminé pour les élections et en tout cas avant de quitter le pays, même pour l'état d'avancement des préparatifs. Souvent, une déclaration générale est rédigée par un secrétariat élu parmi l'ensemble des observateurs,

adoptée par eux en plénière et remise solennellement au chef de l'état du pays concerné, avec interview par la presse, la radio et la télé.

En ce qui concerne la CEDEAO, même si nous avons travaillé avec la coordination des observateurs, nous n'avons pas fait de déclaration, étant donné que c'est au Secrétaire Exécutif que nous transmettons notre rapport et qui fera parvenir au gouvernement. Cependant, signalons ici qu'à la fin de notre mission d'information au Togo en mai 2003, le Président Eyadema qui nous a reçus afin de savoir notre opinion, a bien accepté les suggestions que nous lui avions faites pour alléger le climat entre le pouvoir et l'opposition, alors que le Premier ministre de Guinée les a fort mal acceptées en novembre 2003 où notre mission a du écourter son séjour tant rien n'était fait pour nous faire accéder aux informations et aux autorités à l'approche de l'élection présidentielle de décembre 2003. La suite est connue de tout le monde, puisqu' aucun observateur n'a été admis à cette élection présidentielle.

A la CEDEAO: C'est au jour le jour que la mission écrit son rapport à la CEDEAO et le met au propre au fur et à mesure.

Ceci a pu être fait sans trop de peine à Lomé où se trouve une maison de la CEDEAO dont le personnel nous a prêté main forte.

En Guinée Conakry, c'est grâce à M. l'Ambassadeur du Ghana dans ce pays que nous avons trouvé un secrétariat (ordinateur et personnel) pour finir notre rapport que chacun des membres de la mission doit signer avant le départ, et cela n'a vraiment pas été sans peine.

Il est à remarquer qu'une fois ce rapport de mission remis à la CEDEAO par le fonctionnaire du siège d'Abuja qui assiste la mission, c'est terminé. Aucune réaction du Secrétariat Exécutif ne parvient aux membres de la mission ni sur le travail accompli ni sur ses retombées auprès du gouvernement à qui il a été transmis.

III. Observations et recommandations

A la lumière des faits et constations que nous venons d'exposer, nous pouvons déduire que:

- La participation des membres du Conseil des Sages aux missions d'observation des élections s'est avérée fructueuse; leur présence a souvent inspiré confiance aux opposants et conforté les autorités dans leur besoin de garantie impartiale. La CEDEAO en sort donc valorisée dans son rôle d'assistance adéquate aux pays membres en situation d'élection.

- Cependant, la préparation de ces missions a souvent été trop hâtive et les difficultés de communication ainsi que les moyens financiers limités des membres n'ont pas été suffisamment pris en compte pour assurer la présence effective des membres dans ces missions. Un fait parmi d'autres qui illustre la lenteur du courrier est que, une lettre écrite à Abuja le 04 mai 2004, confiée à DHL le 24 mai 2004, n'est parvenue à destination que le 04 juin 2004, soit un mois après sa signature par le Secrétaire Exécutif.

- Pour le voyage, la CEDEAO accorde des billets avion en 1ère classe aux membres du Conseil des Sages. Cependant, s'il leur est demandé de pré-financer le billet, ils ne peuvent que supporter le tarif de la classe économique, qui leur sera remboursé sur présentation du billet. Ainsi leur confort ne sera nullement assuré pour le voyage.

- Des frais imprévus pendant la mission tel que prolongement inattendu du séjour ne sont remboursés que longtemps après; ainsi pour une demande introduite le 13 mai 2003 suite à une mission au Togo, le compte n'a été soldé que le 01 juillet 2003.

Pour une autre du 05 janvier 2004, en Guinée Conakry, le compte n'est toujours pas soldé à ce jour.

En conséquence de ces observations majeures, nous formulons quelques recommandations, dont:

- Prévoir les missions assez tôt.

- Les documents (lettre d'invitation, billet, ordre de mission) doivent être non seulement préparés en temps utile mais aussi expédiés dans les délais permettant leur réception en temps utile, les copies faxées ne faisant pas foi, encore moins les coups de téléphone.

- Prendre les dispositions financières nécessaires pour rembourser les frais assumés pendant la mission pour ceux qui ont préfinancé ces frais.

- Adresser un message de retour aux membres du Conseil des Sages, une fois leur mission accomplie, comme suite à leur rapport.

IV. Conclusion

Comme nous l'avons signalé au début de cet exposé, nous souhaitons vivement que ce séminaire de haut niveau puisse permettre à tout un chacun de faire cas de ses propres expériences. Ainsi, nous arriverons à élaborer un «petit guide CEDEAO de l'observateur des élections», petit guide que la CEDEAO éditera sûrement en bleu et qui deviendra le «livre bleu», bleu comme la paix et le drapeau des Nations Unies.

Types and Development of Electoral Systems outside and inside West Africa

Michael Krennerich, *Election Expert, Germany*

Introduction

It is a great pleasure and a great privilege for me to be here and talk to you about a number of considerations on the subject of electoral systems.

At first sight this is a particularly dull topic containing many technical details and plenty of mathematics. Soon, however, it will become apparent that questions concerning electoral systems are not purely social-technical, but highly political in nature, as we are dealing here with nothing less than political power.

The understanding of electoral systems can be interpreted either narrowly or widely. In some countries, above all those in the south, the term "electoral system" refers to the entire electoral process, including provisions concerning electoral rights and the election administration. In political science, however, the term has a much narrower definition. According to this the electoral system regulates the means by which voters express their political preferences and how votes are translated into political mandates/seats.

Electoral systems are fixed components of every type of election, be it the election of a single person, as in the case of elections for president, governor or mayor, or the casting of votes for political entities, such as national, regional, or local parliaments. The following lecture deals only with electoral systems for elections to national parliaments.

Selected types of parliamentary electoral systems

When parliamentary electoral systems are discussed the question arises early on as to what is better, plurality/majority systems or proportional representation systems. Anyone who takes up this question would do well to bear in mind that there are very different plurality/majority systems and very different proportional representation systems (PR systems) in operation throughout the world. There are also now a number of electoral systems which combine technical elements of the plurality/majority systems and PR systems. Especially as a result of recent democratisation processes numerous new or new types of electoral systems have been created. In the following, I would like to very briefly present only six selected types of electoral system (with some variations), knowing only too well that the variety of existing or even theoretically possible electoral systems is completely immeasurable.

The first important system is the *plurality system in single-member districts (first-past-the-post system)*, as it is found in the United Kingdom, Canada, and the United States, as well as in many African, Asian, and Caribbean states which have historically been influenced by Britain.[1] With the first-past-the-post systems the country is divided into single-member districts. In each constituency one candidate is elected to parliament. Each voter has one vote, and the winning candidate is simply the person who gets the most votes in the respective constituency. Generally, the first-past-the-post system produces a high degree of disproportion between vote and seat shares of the parties, which tends to favour the party with the most votes. For

---

[1] According to International IDEA (Institute for Democracy and Electoral Assistance) the first-past-the-post system is applied in 57 independent states and related territories (2002) (see www.idea.int).

smaller parties (without regional strongholds) it is difficult to gain parliamentary representation.

In Africa, interestingly, many former British colonies such as Gambia, Ghana, Nigeria, and Uganda have applied the plurality system for multi-party elections at various points in their political history after gaining independence. Even in the course of recent liberalisation or democratisation processes the plurality system was never really questioned in anglophile Africa. There are only a few countries with an Anglo-American tradition which have abolished the plurality system. For example, Namibia, South Africa, Sierra Leone, and Liberia introduced proportional representation in the 1990s. In each of these countries there were, however, specific circumstances and reasons surrounding a change of electoral system, which we can go into later.

It is worth pointing out that a few countries use the plurality system in multi-member districts. The most prominent African example is Mauritius where the plurality system is applied predominantly in three-member constituencies, in conjunction with the so-called "best-loser system". A less-known example is Djibouti (with its multi-party-elections in 1992, 1997 and 2003).

Plurality system in single-member constituencies
First-past-the-post system
Technical details:
single member constituencies – individual candidacies – single vote – plurality

| **High frequency outside Africa** |
| United Kingdom, Canada, the United States and in numerous states in Asia (e.g. Bangladesh, India, Mongolia), Oceania (e.g. Papua New Guinea) as well almost all countries of the Anglophone Caribbean (e.g. Barbados, Belize, Grenada, Jamaica, St. Lucia, Trinidad & Tobago) |
| **High frequency inside Africa** |
| e.g.Botswana, Ethiopia, Gambia, Kenya, Lesotho (until 1998), Malawi, Nigeria, Tanzania, Zambia, Zimbabwe |
| **Variations**: |
| Plurality system in single- and multi-member constituencies: e.g. Thailand |
| Plurality system in multi-member constituencies: e.g. Mauritius*, Djibouti |

*In conjunction with the so-called "best-loser system"

The *absolute majority system in single-member districts (*better known as the *two-round system*) is the French variety of majority representation. It differs from the first-past-the-post system only insofar as the winning candidate has to get the absolute majority of the votes (50% plus 1) in the first round of the elections. If no candidate wins an absolute majority in the first round, a second round will be held. The second round can be a "run-off" contest between the two top candidates. Where several candidates participate in the second round the candidate with the most votes wins. With the French two-round system the large parties or party alliances tend to be benefited (as is the case in the British first-past-the-post system).

While the two-round system is frequently used for presidential elections, it is rarely applied in parliamentary elections in established

democracies outside Africa. However, some still non-democratic states such as Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and the Caribbean state Haiti used this system in the 1990s. Inside Africa a number of former French colonies continue to use the French electoral system. Some of them, however, have not yet acquired the "label" of free and fair elections by the international community.

With two-round systems, single-member districts are the rule. Exceptions to the rule are, for example, Côte d'Ivoire, Mali, and Mauritania where the electoral system have been applied in multi-member districts.

Another variation of the absolute majority system is the so-called alternative vote system which is used in Australia (and on the small island of Nauru). Under this electoral system voters rank the candidates in order of preference.

Absolute majority system in single-member constituencies **Two-round system**
Technical details: single member constituencies – individual candidacies – single vote – absolute majority second round if needed (run-off or plurality)
Medium frequency outside Africa: e.g. France, Monaco e.g. Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan and Haiti

High frequency inside Africa
e.g. Comores, Central African Republic, Congo, Gabon, Togo
Variations
Two-round system in single- and/or multi-member constituencies: Chad, Côte d' Ivoire, Mali, Mauritania   *Alternative Vote*: Australia, Nauru

On the other end of the scale, the *national PR list system* is the "classical" type of proportional representation. With this system, voters usually give their vote to a (closed) party list. Seats are allocated proportionately to the parties according to their vote share at the national level. If there are no (or only small) thresholds, the electoral system produces highly proportional electoral outcomes and thus could be called a "pure PR system".

At the beginning of the 20th century this system was highly respected in many European countries. Today it is applied only in a few states outside Africa, e.g. in Israel (with a 1.5% threshold), the Netherlands, and the small Caribbean state Guyana. Inside Africa, Namibia has applied the pure PR system since the UN-supervised elections for the Constitutional Assembly in 1989. In the 1990s Sierra Leone and Liberia introduced the system, too.

If the national PR list system is combined with a high threshold of between 4% and 6%, as is the case in Bulgaria, Slovakia, and Moldova, it can not be regarded as a pure PR system any longer since small parties are excluded from parliamentary representation. Thus, such a system is listed as a variation of pure PR.

Another variation of the pure PR system is PR being applied in multi-member constituencies, in conjunction with compensatory seats at national level that aim to achieve overall proportional results. Such a system is applied, for instance, in the Republic of South Africa.

National PR list system **Pure PR system**
Technical details: national constituency – (closed) party lists – single vote – PR formula applied at national level
Low frequency outside Africa: Guyana, Israel*, Netherlands
Low frequency inside Africa: Namibia, Liberia (1997), Sierra Leone (since 1996)**, Rwanda***
Variations: PR list system at national level with high thresholds: Bulgaria, Moldova, Slovakia**** PR list system in multi-member constituencies with compensatory seats at national level: e.g. South Africa

* A threshold of 1.5% is applied. ** With a 5% threshold. Only 68 of 80 members of parliament are elected by direct vote. *** Only 53 of 80 members of parliament are elected by direct vote. A 5% threshold is applied. **** In conjunction with open lists and up to four preferential votes.

Much more common than the pure PR system are *PR list systems in multi-member districts*.[2] According to this type of electoral system the country is divided into multi-member constituencies of varying sizes (which often correspond to administrative units, e.g. provinces). Seats are distributed to party lists according to a PR formula at the constituency level.

To give you an example, in the parliamentary election of Cape Verde there are 79 members to be elected. For that purpose the national territory is divided into 19 constituencies in each of which several candidates are elected by way of party lists (in the smallest constituency two members of parliament are elected, in the largest it is 19). The strength of the respective parties is decisive for the number of members of parliament gained proportionally in each constituency. In a constituency with five members of parliament, for example, three seats in parliament could go to the government and two to the opposition.

For mathematical reasons (which I can, if you so wish, expand on later) the proportional representation system in multi-member constituencies usually results in a lesser degree of proportionality between the vote and seat shares of parties than a proportional representation system at the national level (that is, with only one national constituency). In this sense the PR system in multi-member districts might be called an "impure" PR system. Mathematically the rule is: The smaller the constituencies are, the stronger the disproportional effect that favours bigger parties (and small parties with regional strongholds). This is also the background for the recent electoral reform debate in Burkina Faso, where the parliament decided

---

[2] According to International IDEA, 63 independent states and related territories apply PR list systems. However, these data include all PR list systems: PR list systems at the national level as well as PR list systems in multi-member constituencies, with or without additional or compensatory seats.

to overturn the 2002 reforms and return to the proportional representation system in 45 small and medium-sized constituencies for the elections in 2005.

The proportional representation system in constituencies is used in many European and Latin American democracies as well as in a number of countries of other world regions. Inside Africa, several states, such as Benin, Cape Verde, Guinea-Bissau, Mozambique, and Sao Tomé e Principe, have introduced such a system. Sierra Leone switched from a national list proportional system to a PR system in 8-member constituencies in 2002.

PR list systems in multi-member districts
Technical details:
multi-member constituencies − (closed or non-closed) party lists* − single vote (or preferential votes)* − PR formula applied in each constituency
High frequency outside Africa:
especially in Europe (e.g. Austria, Czech Republic, Cyprus, Estonia, Luxembourg, Portugal, Romania, Slovenia**, Spain**) and Latin America (e.g. Argentina, Brazil, Costa Rica, Colombia, Dominican Republic, Honduras, Paraguay), as well as in some countries of other world regions (e.g. Cambodia, Indonesia)
Middle frequency inside Africa:
e.g. Algeria, Benin, Burkina Faso (1992-1997, introduced again for 2005), Burundi (1993), Cape Verde, Guinea-Bissau, Mozambique, Sao Tomé e Principe, Sierra Leone (2002)

Variations:

PR list systems in multi-member districts with additional PR seats at regional/national level:

e.g. Angola (1992), Burkina Faso (2002), Iceland, El Salvador, Guatemala, Nicaragua, Sri Lanka, Greece***

* While closed lists are most common, several states are using open or even free lists, which allow for preferential voting. ** With a few single-member constituencies. *** In contrast to most other countries, in Greece the additional seats do not intend to reinforce proportionality, but rather the formation of a parliamentary majority. Thus, the electoral system there is called a "reinforced PR system".

It is not unusual for PR list systems in multi-member constituencies to be combined with additional PR seats at regional/national level. In Burkina Faso such an additional list was applied in the 2002 elections. The allocation of additional seats may either increase or weaken the degree of proportionality. The effect depends largely on which parties are allowed to participate in the allocation of these additional seats. In contrast to compensatory seats (see above), however, additional seats are not aimed at producing fully proportional results.

Besides those "classical" electoral systems there are a number of combined electoral systems. These systems contain technical elements usually belonging to the plurality/majority system as well as to PR list systems. Under combined electoral systems, one part of the parliamentary seats is distributed in single-member constituencies by plurality or majority rule. The other part of the parliamentary seats is allocated by a PR formula at national (or regional) level. For the classification of the electoral system it is important whether both allocation procedures are separated from each other, as is the case in parallel systems, or whether they are inter-related, as is the case in mixed-member proportional systems.

The segmented or parallel system provides for a separate allocation of parliamentary seats. A proportion of the seats are distributed in single-member districts by the plurality rule, the remainder being allocated separately to regional or national party lists by a PR formula. The overall electoral outcome is achieved by adding together the two part results as determined separately. The bigger the proportion of votes cast in single-member districts, the greater the disproportion between seats and votes tends to be. If the number of constituency seats exceeds that of PR list seats by a large amount it is a variation of a plurality system with additional PR list seats.

Segmented system, Parallel system	
Separate allocation of seats: single-member constituencies – individual candidacies – single vote – plurality/ majority	**Separate allocation of seats:** national constituency – (closed) party lists – single vote – PR formula
Medium frequency outside Africa: e.g. Armenia (56/75), Georgia (85/150), Russia (225/225), Ukraine (225/225), Lithuania (71/70), Japan (300/200), Mexico (300/200)	
Low frequency inside Africa: Guinea (38/76), Senegal (70/70)*, Seychelles (25/up to 10)	

> **Variations**:
>
> Plurality system in single-member districts with additional PR list seats:
>
> e.g. Azerbaijan (100/25), Philippines (208/52), South Korea (227/46)

The numbers in brackets indicate the number of constituency seats and PR list seats. *Plurality seats in single-member and multi-member constituencies.

Segmented systems have become increasingly popular in countries of the former Soviet Union: Russia, Lithuania, Georgia, and Armenia apply such a system. It was also successfully introduced in Mexico in the 1990s. Inside Africa, the Seychelles have a segmented system (with more plurality seats than PR-seats), as well as Senegal and Guinea (which, however, use single- and/or multi-member districts for the plurality part of the vote). It is interesting that the introduction of segmented systems has been seriously discussed in the electoral reform debates in several African countries, such as in Ghana, Tanzania, and Mauritius, without, however, having being introduced up to now (see Hartmann 2003).

In contrast to the segmented system, it is a characteristic feature of the German mixed-member proportional system (in Germany known as "personalised proportional representation"), that both procedures of seats allocation are interrelated. Its essence is the way in which it combines a personal vote in single-member districts with the overall principle of proportional representation. Though half of the representatives are elected in single-member constituencies by the plurality rule, the party list votes determines almost exclusively how many representatives will be sent from each party to Parliament. The mixed-member proportional system, such as is applied in Germany and recently in New Zealand, differs from pure proportional representation only in that a 5% threshold at national level excludes very small parties from parliamentary representation. The application of the

mixed-member proportional system in Bolivia and Venezuela tends to produce less proportional results since the party share of seats is determined not at national level, but at regional level there.

Though the introduction of a mixed-member proportional system was seriously discussed in the Republic of South Africa during the electoral reform debates in the 1990s, Lesotho became the first African country to test this parliamentary election system in 2002 (see Elklit 2002).

A variation of the original mixed-member proportional system is those systems which combine single-districts with proportional representation through a compensatory seat allocation of proportional list seats. The compensatory effect stems from the fact that the successful parties in the single-member districts are disfavoured in the allocation of proportional seats (e.g. Italy, Hungary).

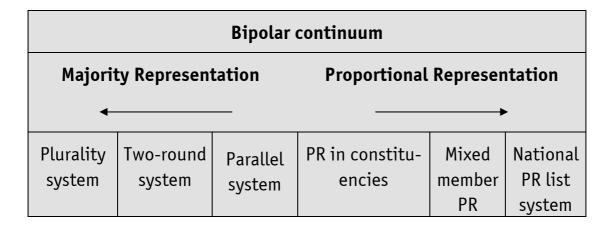| Mixed-member proportional system	
Personalised proportional system	
Combined allocation of seats:	
Single-member constituencies – individual candidacies – single vote – plurality rule	National (regional) constituency(ies) – party list – single vote – PR formula
Low frequency outside Africa:	
Germany*, New Zealand*, Bolivia**, Venezuela**	
Low frequency inside Africa:	
Lesotho (since 2002)	

Variation:
Compensatory mixed-member proportional system: Hungary, Italy

* In conjunction with 5% threshold at national level. ** Proportional seat allocation at regional level. In Bolivia a 3% threshold is used at national level.

If we place the selected types of electoral systems on a bipolar continuum between majority representation and proportional representation the following would be the result:

Bipolar continuum					
Majority Representation			**Proportional Representation**		
←			→		
Plurality system	Two-round system	Parallel system	PR in constituencies	Mixed member PR	National PR list system

The electoral systems on the left tend to favour the winning, bigger parties, in order to achieve a parliamentary majority, as is the aim of plurality/majority systems. The electoral systems on the right tend to produce a more accurate, that is proportional representation of political parties in parliament, as is the aim of a proportional representation systems.

That then is the short, very much compacted presentation of important types of electoral systems. Some types, like the Irish "single transferable vote system", which is often discussed but rarely used, will have to be left unmentioned for reasons of simplicity. It is also not possible to explain the respective development and modifications

of the different electoral systems although such details play a decisive role in determining their effects.

Evaluation of electoral systems

Now let us come to the key question: What is the "best" electoral system? My answer is quite clear: There is no such thing as the "best" electoral system which can be exported to all countries in the world. Apart from the fact that the effects of one particular electoral system can be different from country to country, we must appreciate that electoral systems can pursue different political aims. The question as to whether an electoral system is "good" or "bad" is very much dependent on the aims that are ultimately being pursued by an electoral system and whether these can in fact be achieved bearing in mind the specific circumstances in the respective country.

One electoral system might concentrate more on a fair representation of the parties in the parliament whilst another might aim to avoid a fragmentation of the party system and encourage the formation of a governing majority of one party in Parliament. One electoral system encourages a close relationship between voters and "their" constituency representatives, another makes it easy for the parties to specifically introduce women, minorities, or specialists into parliament by way of closed party lists. In some countries complicated electoral systems are accepted so as to combine several political aims. In other countries it is seen as a priority that the electoral system should not to be too difficult for the electorate and the administration to both understand and operate. The appropriateness of an electoral system is effectively determined according to whether it will do justice bearing in mind the local conditions and problems.

Functional demands on electoral systems		
Functions	**Favouring**	**Avoiding**
Representation	• representation of minorities • fair (e.g. proportional) representation of parties in Parliament	• exclusion of minorities • high degree of disproportion between vote and seat share of parties
Concentration	• concentration of party system • stable governing majority in Parliament	• fragmentation of party system • instable governing majority in Parliament
Personalisation Accountability	• selection between individuals, not only parties • constituency representation • close voter-representative relationship	• „anonymous" party lists • lack of constituency representation • lack of individual accountability of representatives
Strengthening party organisations	• strengthening of party organisations • institutionalisation of parties	• excessive intra-party competition • localism, personalism, clientelism
Simplicity	• electoral system which is easy to understand and to handle	• problems in understanding and handling the electoral system • high number of invalid votes
Costs and	• no drawing of electoral	• drawing of electoral

administration efforts	boundaries necessary • no constituency-bound registration and voting necessary • one electoral round only • no comprehensive voter education necessary	boundaries necessary • constituency-bound registration and voting necessary • two rounds of elections • comprehensive voter education efforts necessary

It is obvious that different electoral systems satisfy these functional demands in different ways. None fulfils all of the requirements completely. Different functional demands tend to pull the electoral system in different directions. For example, the demand for an effective constituency representation within an electoral system that simultaneously ensures fair representation inevitably leads to a more complicated system. In such a case the demand for a simple and easily comprehensible electoral system may not be satisfied. Or the antagonistic requirements of ensuring adequate and fair representation and an effective parliament based on a reduced number of parties may not be reconciled. In short, one particular electoral system never fulfils all functions perfectly. One particular electoral system satisfies some functional demands more, others less. All of them have their advantages and disadvantages. A first, general comparison of the types of electoral system mentioned here makes this clear.

The *plurality system in single-member districts* usually avoids an excessive fragmentation of the party system, and it favours the building of a stable governing majority in parliament. Furthermore, single-member districts are considered to be a key element in ensuring a close relationship between voters and representatives. Candidates who represent single-member constituencies are usually regarded to be closer to

the electorate they serve. In many countries, constituency representation is part of the political culture and a central argument in favour of the first-past-the-post system. Finally, the plurality system is easy to understand and to handle.

A number of disadvantages, however, do of course exist alongside this. By far the most important is the exclusionary tendency of the plurality system, which is especially important in (ethnically) divided societies. Plurality systems are winner-take-all-systems. Losers' votes are "wasted". The electoral system tends to exclude small parties (without regional strongholds) from parliamentary representation. In those states in which the governing party has a structural majority (as in some African states), the plurality system runs the risk of producing or stabilising a dominant or even hegemonic party system without any chance of government alternation or even effective opposition. It may even exaggerate the parliamentary representation of the strongest party (compared to votes) so that opposition parties may be virtually eliminated in parliament, as happened in Lesotho in 1993 and 1998. Furthermore, the electoral system is, or may be, conducive to personalism, localism, and regionalism, which can be problematic in those states with poorly institutionalised parties at the national level or strong territorial cleavages. It seems also to be more difficult for representatives of minorities, women, and experts to get elected in single-member constituencies than on party lists. As for poor countries with many refugees and migrants, the first-past-the-post system finally has the disadvantage that it makes boundary limitations and constituency-oriented voter registration necessary.

The *two-round system* (double ballot system) shares most of the theoretical advantages and disadvantages of the plurality system. However, its empirical effects are quite difficult to measure, since in most countries where this system is applied nowadays the electoral results are distorted by irregularities of the elections. Theoretically,

however, the system's unique and central characteristic is that voters are allowed to revote in a second round. "All other electoral systems are one-shot; the double ballot, and the double ballot only, is a two-shot system" (Sartori 1994: 63). In the second round the voter does become pressured into "strategic voting" for a possible winner, e.g. strong parties and party alliances. The electoral system also provides strong incentives for parties to bargain and take part in "exchange games". Advocates of the two-round system welcome the fact that electors, candidates, and parties are able to make a rational choice in the second round elections, on the basis of the results of the first round. However, the fact that this system is rarely used for parliamentary elections in current democracies indicates that the arguments in favour of the two-round systems are not completely convincing. This is even more so the case if there is non-transparent partisanship amongst the parties. Furthermore, one has to take into account the great administrative efforts necessary for organising two rounds of elections. Finally, voters have to be motivated to participate in elections twice.

The *segmented or parallel system* shares, albeit in an extenuated form, the weak and strong points of the plurality/majority system in single-member districts. Due to the single-member districts, disproportion between votes and seats is usually still high. It can only be lowered, but not compensated for by the separate allocation of PR seats. Here it is the case that the bigger the proportion of PR seats is, the more likely it is that there will be this compensation. On the other hand, the voter-representative relation is favoured by the use of single-member districts. However, the advantage of the single-member district should not be overestimated: The constituency representatives, in general, have to represent relatively large districts (in terms of population size) since only a certain number of the representatives are elected in constituencies.

If not applied in small districts, *PR systems in multi-member constituencies* tend to produce proportional results, but cannot achieve pure proportionality. Thus, the system demonstrates a greater possibility to be representational but at the same time a lesser possibility of concentration than the already discussed first-past-the-post systems. The representation or concentration effect depends largely on the sizes of the constituencies (the smaller the constituencies, the higher the disproportion, at least theoretically). However, African experiences show that the effects on the party systems may not necessarily correspond to theoretical assumptions, insofar as PR systems with larger constituencies do not always lead to a higher fragmentation of the party system (see: Basedau 2002).

Applied in conjunction with closed party lists the electoral system doesn't provide the voter with the possibility of giving a vote to an individual candidate; it may, however, strengthen the influence of the national or regional parties. Also, it is extremely easy to understand and apply. If the allocation of constituencies follows the predetermined administrative structures, then the drafting of the constituencies does not present any notable problems. In conjunction with open or free party lists, which allow voters to give their preferences to particular candidates within or among party lists, the "personalisation effect" of the electoral system can be considerably increased, possibly though at the costs of party coherence. Furthermore, open or free lists make the electoral system much more complicated.

The *mixed-member proportional system*, as has been applied in Germany or New Zealand, enables at least those parties which get into parliament to have a very fair representation based on the proportion of votes. At the same time the 5% threshold excludes small parties from parliamentary representation. In this sense, the threshold has had a concentration effect on the German party system, without making governing majorities for one single party more likely. The

strong point of the mixed-member proportional system is, however, that it combines single-member constituencies with proportional representation. In international reform debate such a combination is greatly appreciated since it serves to secure a close voter-representative relationship and, at the same time, guarantees a fair (proportional) representation of parties according to the votes they receive. Nevertheless, the advantage of districts should not be over-estimated in countries with strongly institutionalised parties, as in Germany. Candidates in single-member constituencies are elected on the basis of party preferences and not on the basis of the personality of the candidates there. The main problem with the mixed-member proportional system is perhaps the fact that it is not easy to under-stand. However, the fact that this system has been introduced not only in New Zealand, but also in Venezuela, Bolivia, and recently also in Lesotho, indicates that it is even applicable in the so-called developing countries. In Lesotho the mixed-member proportional system performed very well in 2002, as, in contrast with the former plurality system, the opposition parties gained representation in parliament.

The *pure PR system* achieves in the best way possible a fair representa-tion of the parties in parliament. It is generally praised for avoiding destabilising and "unfair" results thrown up by plurality/majority systems and for giving even small parties (without regional strong-holds) access to parliament. Furthermore, it may encourage parties to present inclusive and socially diverse lists, including representatives of minorities. A further advantage that is often overlooked, however, is that is easy to understand and in particular to operate. Especially in post-conflict countries with a high number of internally and externally displaced persons, it is not necessary to allocate the voters to specific constituencies or establish absentee voting procedures. This was one of reasons why, for instance, Sierra Leone and Liberia opted for a

national PR list system in 1996 and 1997, respectively. On the other hand, the lack of "constituency representation" as well as the non-personal and anonymous character of the national party list are widely regarded as defects of the electoral systems in many countries. It was also for this reason that Sierra Leone returned to proportional representation in constituencies in 2002 (8 members of parliament were elected in each of 14 districts), which, however, at the same time made it more difficult for small opposition parties (without regional strongholds) to gain parliamentary representation. Another disadvantage which is often brought up, namely that the electoral system leads to a fragmentation of the party system has not as yet been confirmed in Africa, neither in Namibia and South Africa, nor in Sierra Leone and Liberia.

Theoretical tendencies: strong and weak points of selected electoral systems						
	plurality (in SMC)	TRS (in SMC)	Parallel	PR in MMC		MMP	Pure PR (closed lists)
				closed lists	open / free lists		
representation	–	–	–	+	+	+	+
concentration	+	+	+	–	–	–	–
personalisation	+	+	+	–	+	+	–
party organisation	–	–	–	+	–	+	+
simplicity	+	–	+	+	–	–	+
administration	–	–	–	+	–	–	+

SMC = single-member constituencies; MMC = multi-member constituencies; PR = proportional representation; MMP = mixed-member proportional system

The table illustrates the advantages and disadvantages of the respective electoral systems, albeit without the larger graduations which are strictly necessary. As already stated we must be aware that we are looking here merely at tendencies. Whether the electoral systems do in fact bring about these effects in specific cases is essentially dependent on the local conditions. It must in any event be emphasised that the electoral system is just one of many factors involved in achieving such goals as the representation of minorities, a stable government or a close relationship between the voters and the members of parliament. They encourage the realisation of such goals or go against them but they cannot either guarantee or avoid them.

In short, it is not advisable to have too many expectations of an electoral system, nor should we expect that an electoral system reform will provide the solution to basic socio-political problems. The electoral system is nevertheless, at least in democracies, of sufficient relevance that its effects should be taken seriously and be properly discussed. In current debates on election reforms it makes sense to start with the criticisms of existing electoral systems and examine firstly whether the criticisms are justified, secondly which aims are linked to the criticisms, thirdly which reform goals take priority and are realistic, and, fourthly what systematic election reforms are recommendable so as to work towards the political goals. Here the political scope for reform must be determined. It is not unusual that small, incremental reforms are easier to implement than large, wide-reaching reform recommendations. Experience shows that the room for wide-reaching reforms is greatest following political transformations and crises.

At this point I would like to draw to a close and hope that my comments were not too technical. I thank you for your kind attention and very much look forward to the discussion to follow.

Further Reading:

Basedau, Matthias: Zum Zusammenhang von Wahlsystem, Parteiensystem und Demokratiestabilität in Afrika. Kritische Anmerkungen zum Potenzial von Electoral Engineering, in: africa spectrum, 37:3, 2002, 311-333.

Elklit, Jørgen (ed.): Electoral Systems for Emerging Democracies, Copenhagen, 1997.

Elklit, Jørgen: Lesotho: Africa's first MMP elections, in: Journal of African Elections, September 2002, Vol. 1, No. 2, 1-10.

International IDEA: The International IDEA Handbook of Electoral System Design, Stockholm, 1997.

Hartmann, Christof: The Politics of Electoral Reform in Africa, unpublished document, Bochum: Ruhr-University Bochum, 2003.

Krennerich, Michael: Electoral Systems: A Global Overview, in: de Ville, Jacques/ Steytler, Nico (Hrsg.): Voting in 1999: Choosing an Electoral System, Durban, 1996, 7-18.

Krennerich, Michael: Germany. The Original Mixed Member Proportional System, in: IDEA International: The International IDEA Handbook on Electoral System Design, Stockholm, 1997, 76-78.

Krennerich, Michael/ *Nohlen*, Dieter: Local Electoral Systems: Options for Reform in South Africa, in: Atkinson, Doreen/ Reitzes, Maxine (eds.): From a Tier to a Sphere: Local Government in the New South African Constitutional Order, Sandton, 1998, 52-66.

Lijphart, Arend: Electoral Systems and Party Systems, Oxford, 1994.

Lijphart, Arend: Patterns of Democracy, New Haven, 1999.

Lijphart, Arend/ *Grofman*, Bernhard (eds.): Choosing an Electoral System. Issues and Alternatives, New York, 1984.

Nohlen, Dieter: Wahlrecht und Parteiensystem, Opladen, 2004.

Nohlen, Dieter/ *Grotz*, Florian/ *Hartmann*, Christof (eds.): Elections in Asia and the Pacific: A Data Handbook (Vol. 1 + 2), Oxford, 2001.

Nohlen, Dieter/ *Grotz*, Florian/ *Krennerich*, Michael/ *Thibaut*, Bernhard: Appendix: Electoral Systems in Independent Countries, in: Rose, Richard (ed.): International Encyclopedia of Elections, Washington D.C., 2000, 353-379.

Nohlen, Dieter/ *Krennerich*, Michael/ *Thibaut*, Bernhard (eds.): Elections in Africa: A Data Handbook, Oxford, 1999.

Norris, Pippa: Electoral Engineering. Voting Rules and Political Behaviour, Cambridge, 2004.

Rae, Douglas W.: The Political Consequences of Electoral Laws, New Haven/ London, 1967.

Report of the Royal Commission on the Electoral System: Towards a Better Democracy, Wellington, 1986.

Report of the Electoral Law Committee: Inquiry into the Report of the Royal Commission on the Electoral System, Wellington, 1988.

Reynolds, Andrew: Electoral Systems and Democratization in Southern Africa, Oxford, 1999.

Rose, Richard (ed.): International Encyclopedia of Elections, Washington D.C., 2000.

Sartori, Giovanni: Comparative Constitutional Engineering, New York, 1994.

Kwadwo Afari-Gyan, *Chairman, Electoral Commission of Ghana*

Types of Electoral Systems

Often an electoral system is defined simply as the method used to translate the votes cast at an election into winners and losers. In this sense, there are three basic system types: the simple plurality or first-past-the-post system, the proportional representation system, and the majority system. The proportional and majority systems have variants, based on the calculations that are employed in arriving at the ultimate decision.

Under the plurality or first-past-the-post system, the candidate who gets more votes than any other candidate wins the election. This system is widely used in English speaking West Africa. Almost invariably, it is the system that was inherited from the colonial past, and thereby familiar to the electorate; but the system is also rather simple and straightforward. It requires only careful counting of votes and no calculations whatsoever. But in spite of its familiarity and simplicity, the first-past-the-post system has one principal drawback: it does not distribute legislative seats to competing political parties on the basis of their overall strength nationwide. In this sense, the system is most unfriendly to smaller parties.

Where the proportional representation system is used, legislative seats are distributed to the contesting parties on the basis of their respective percentage shares of the total votes cast at an election. In contrast to English speaking West Africa, this system is widely used for parliamentary elections in French speaking West Africa. Under this system, prior to an election, each competing party provides a list of its candidates, numbering as many as the available legislative seats and arranged in ranking or preferential order. After the election, each party's percentage share of the total votes cast is used to calculate the

number of seats it has won, and the ranking order on the list of candidates is then used to determine the specific candidates elected. The list of candidates may be national or based on electoral divisions.

Under the majority system, the winning candidate must obtain at least 50%+1 of the total number of valid votes cast at the election; or, if you like, the winning candidate must get more votes than the votes of all the other candidates put together. This is the system widely used for presidential elections in both English speaking and French speaking West Africa. In case a winner does not emerge on the first ballot, a second round of the election, or run-off, is held between the two candidates who obtained the highest and second highest number of votes at the first round.

The plurality and majority systems are candidate-based. On the other hand, the proportional system is political party-based. Plurality and majority systems are used for both presidential and parliamentary elections; the proportional system is used exclusively for parliamentary elections.

A country may use only one electoral system for its presidential and parliamentary elections: for example, the Gambia uses the first-past-the-post system, and Mali uses the majority system. But the more popular practice in West Africa is to use the majority system for the presidential election and either the first-past-the-post or the proportional system for the parliamentary elections.

Evidence from the sub-region, and indeed from sub-Saharan Africa, would seem to suggest that there is no necessary correlation between the kind of electoral system and the number of political parties that exist. Rather, the number of political parties in a country appears to be related to two factors:

- The requirements for registering and maintaining a political party: In some countries, political parties are required to demonstrate that they are national in character for purposes of registration and thereafter to be active all the time; in others, political parties are registered almost in the same way as companies are registered and they become active only around election times.

- The requirements for receiving state or public funding, where applicable: In some countries, the requirements for receiving state or public funding are so lenient as to encourage the formation of political parties. For example, in Cameroon any party that secures five percent of the votes cast in one constituency qualifies for state support. No wonder, then, that Cameroon has close to 200 political parties.

Even defined as methods of translating votes into seats, it can be seen that there is a variety of electoral systems in West Africa. But, as I will try to show tomorrow, it is too narrow to define an electoral system in this way. In the meantime, let me say something about the choice of an electoral system.

The Choice of an Electoral System

Almost invariably, the electoral systems of West African countries have been inherited from their colonial past; and one notices great resistance to suggestions for substantial changes to them. However, should the occasion arise, certain considerations are relevant to the choice of an electoral system. The first consideration should always be what one wants to achieve by the choice of an electoral system. In this regard, an electoral system is sometimes chosen simply to solve an existing problem. I want to use two examples to illustrate this,

because they may yield lessons for electoral system choice in similar situations. This first example is from Sierra Leone.

The 1991 Sierra Leonean Constitution prescribes the absolute majority two-round system for the presidential election and the first-past-the-post single-member constituency system for elections to Parliament. However, in 1996 conditions did not permit the use of the single-member system for the parliamentary elections. So, a new system, the national list proportional representation system, was put in place by a decree and used instead.

As new elections approached in 2002, the issue of which of the two systems, the proportional system or the first-past-the-post system, would be used for the parliamentary elections remained unresolved and required consultations to be made. Accordingly, the Electoral Commission held consultative forums in the four regional capitals to solicit the views of the people on the issue. It came out clearly from the consultations that the overwhelming majority of the people did not want the national list proportional representation system to be used for the elections, for two main reasons:

- Since a national list does not indicate who represents what area, it does not make it possible for the people to know their representatives in a direct way.

- Party bosses in Freetown determine who goes on the national list and in what order, without sufficient inputs from the provinces and districts.

In light of the widespread dissatisfaction with the national list proportional representation system, the Electoral Commission recommended that it must not be considered at all as a possible option, if the parliamentary elections were to be acceptable to the people.

Subsequently, the Commission set about to critically examine the feasibility of dividing Sierra Leone at the time into single-member constituencies in fulfilment of the people's preference. According to the constitution, the cardinal principle to be used was that constituencies must have as nearly equal population as is reasonably practicable. Using this principle presupposes not only that the country's total population is known, but also that its distribution all the way down to the village level is also known. This was not the case in Sierra Leone. After examining various scenarios, the Commission came to the conclusion that, in view of the massive internal dislocation of people resulting from the prolonged civil war, it would be totally impracticable to divide the country into fair and equitable single-member constituencies based on population quotas.

Clearly, fresh demarcation of constituencies could be done only on the basis of a fresh population census. On the other hand, having to wait upon a fresh census would put the next parliamentary elections sometime in 2004 at the earliest. In the meantime, short of some form of interim government, for which no constitutional or other legal provision existed, the government would have had to find a way to continue in office until such time that the next parliamentary elections were held. This situation was unacceptable to the people, and the government itself did not want to keep extending its life.

In the circumstances, the Electoral Commission decided to propose another system, called the district block representation system, to be used as a provisional measure for the impending parliamentary elections. The district block system was essentially a list proportional system, but localised at the district level. Under the new system, the existing 14 districts were, if you like, construed as big constituencies. So, a district would not be further sub-divided into actual constituencies. All parties contesting the elections in the district would compete for a block of seats allocated to the particular district. After the

elections, the contesting parties would be allocated Members of Parliament from the district's number of seats on the basis of their proportional share of the total district vote.

The advantages of the proposed system were given as follows:

- The boundaries of the districts were already well established and mapped out. Additionally, the people knew and, indeed, tended to identify themselves by the districts they belonged to.

- There would be a direct link between each district and its representatives, such that the people of each of the country's fourteen districts would at least know the block of MPs that represented their particular district.

- The system has the potential to achieve greater inclusiveness in the organs of decision making by making it possible for every party with a significant following in a district to have an MP.

- It would not matter where a person voted within the district, since the whole district was a single constituency. In this way, the impact on the principle of representation of population dislocation within a district would be minimised.

- The system would boost the decision-making authority of the parties at the district level.

Once again, the Electoral Commission held consultative forums in the regional capitals to explain the new system to the people, tell them why it was being put in place and then solicit their views on its acceptability. The proposed system was overwhelmingly approved at all the regional forums and at a national consultative forum held in the capital, Freetown. Afterwards, Parliament amended the country's constitution to include the district block representation system, to be

used for parliamentary elections whenever the country cannot, for one reason or other, be divided into single member constituencies.

The second example of choosing an electoral system to solve a specific problem is taken from Lesotho. Lesotho chose a system called the Mixed Member Proportional (MMP) system to solve its chronic problem of violent conflicts, resulting from the inability of opposition parties to gain seats in the legislature under the first-past-the-post system, in spite of their sizeable share of the popular vote. For example, in the parliamentary elections prior to the adoption of the new system, the then governing party obtained 62% of the national vote, but won 79 of the 80 seats.

This system makes room for some members of Parliament to be elected on constituency basis, using the first-past-the-post system and some to be elected on a proportional basis, using national party lists. So, the voter casts two votes in parliamentary elections, one for a candidate in the respective constituency and one for a national political party.

The overall merit of the MMP system is that it combines the core advantages of the first-past-the-post and the proportional representation systems, namely:

- A direct link between some of the MPs and their electors

- A distribution of seats to parties on the basis of their proportional share of the national vote

Also, as is the case under all proportional systems, where there is the political will, it has the potential of promoting the representation of women and minorities.

Even though the MMP system is capable of achieving both direct representation and greater inclusion of political parties in the legislature, it involves the demarcation of constituencies. So, it cannot

circumvent any problems associated with constituency demarcation. As a matter of fact, sometimes the MMP system amounts to no more than tagging the proportional principle onto constituency-based elections. In the case of Lesotho, 40 proportional seats were added to the existing 80 constituency seats, thereby increasing the number of parliamentarians to 120.

Also, when adopting the MMP system, it is important to decide on three issues:

- The application of the proportional principle: will the proportional principle be applied across board to the total number of parliamentary seats or only to the non-constituency seats? Obviously, applying the proportional principle across board enhances the chances of smaller parties to secure seats, while applying it only to the non-constituency seats tends to increase the dominance of bigger parties.

- The way the threshold for gaining a seat is set: I think that it is fairer to set the threshold at the percentage of votes required to elect one representative. If the percentage is higher than that, it is unjustifiably punitive; if lower, it is plainly unfair. Clearly, any political party that is incapable of obtaining enough votes to elect one member of the legislature does not deserve to be in there.

- The overhang principle: Assuming that the proportional principle will be applied to all the available seats, will a party be entitled to retain all the constituency seats that it wins, ir-respective of its percentage share of the national vote? If so, will the number of overhang seats be deducted from the number of proportional seats before they are shared?

With these two examples of choosing an electoral system to solve a specific problem, let me briefly indicate the two other factors that are relevant for electoral system choice. One is the degree of social, ethnic, and racial fragmentation of a country. In this connection, what should be looked for is the kind of electoral system best suited to equitable representation of the various groups in the country. Obviously, the extent to which an electoral system is able to achieve inclusiveness relative to the degree of fragmentation is important for consensus building on national issues and thereby for political stability.

Secondly, considerations relating to forms of local government that are capable of generating development at regional, district and community levels are equally important for democratic governance. Without stability there can be no development; but there can be stability without development. So, all things considered, an electoral system is as good as it helps to promote both stability and development. In several places in Africa, lack of viable local government systems and neglect of the countryside have been contributory factors to a rural-urban drift of people with enormous pressures on all manner of urban facilities, to a volatile voter population of unemployed people with a leaning towards unsettling forms of political participation, and to political instability and, even, civil war. Clearly, the centre is not all that matters; for, if the periphery cannot hold, the centre also cannot hold.

The Development of an Electoral System

With respect to the development of electoral systems, whether the system is inherited or home-grown, it should not be regarded as a finished product. Indeed, every system is subject to evolution and

reform through changes to laws and regulations and administrative procedures and practices. Viewed in this way, the development of electoral systems is continuous and involves three factors:

- The development of legal frameworks that are consistent with the conduct of democratic elections: In my view, considerations relating to who does what are less important than the transparency of the electoral framework and its acceptability to the stakeholders in the country, particularly the political parties.

- The drive towards greater independence for election management bodies: Increasingly, African countries are setting up independent bodies to manage their election, and we will have more to say about this tomorrow.

- The adoption of "best practices": Election management bodies should continuously search for practices that have proven to be helpful in achieving greater transparency, accountability, and verifiability in the conduct of elections, so that we are more easily able to ascertain the authenticity of the outputs of the electoral system, should dispute arise. In this connection, I believe that, eventually, it would be possible for election management bodies in West Africa to adopt broadly similar practices in the common activities that they carry out in relation to an election.

Conclusion

I wish to conclude my contribution by saying that the greater an electoral system offers opportunities for inclusiveness, participation, and accountability, the greater the capacity to enhance the process of democratisation. In fact, a carefully chosen comprehensive electoral

system can help to focus political interests and direct forms of political participation in ways that are necessary to achieve accommodation, tolerance, stability, and socio-economic development and poverty alleviation.

The Role of other Regional and International Actors in Election Observation (African Union, United Nations, European Union, Commonwealth)

Mark Stevens, *ERIS (Electoral Reform International Services), UK* [1]

In the 21st century the world of election observation comprises a large number of different bodies such as: ECOWAS, African Union, SADC Parliamentary Forum, Commonwealth, European Union (including the European Parliament), OSCE/ODIHR, OSCE Parliamentary Assembly, OAS, Council of Europe Parliamentary Assembly, Council of Europe (Congress of Local & Regional Authorities), Francophonie, CARICOM, OIC, Bilateral Missions ("National Missions"), Parliamentary Delegations, Carter Center/NDI, Electoral Commissions (e.g SADC and ACEEEO), and national observer groups/regional networks (e.g. AN-FREL).

There are five central interlinking tenets of an election observation mission (EOM): (1) legal and political basis, (2) strategic deployment, (3) standard methodology, (4) statement and report, and (5) follow-up institutional coordination.

The Case of the European Union

Since 2002 the European Union has conducted election observation missions in Cambodia, Congo Brazzaville, Zimbabwe, East Timor, Sierra Leone, Pakistan, Ecuador, Madagascar, Kenya, Nigeria, Cambodia, Rwanda, Guatemala, Mozambique, Indonesia, Sri Lanka, and Malawi.

---

[1] The text was adapted from a Power Point Presentation given by the author.

European Union election observation is based on the following documents and agreements: For one, there is the treaty of the EU, which commits itself to develop and consolidate democracy and rule of law, respect human rights and fundamental freedoms. A basis can also be found in the EU's Common Foreign and Security Policy, the goal of which is to "...develop and consolidate democracy and rule of law..." Furthermore, the European Commission holds partnership and cooperation agreements. Within these a strong emphasis is placed on human rights and democracy, as exhibited in human rights clauses in the Cotonou Agreements, for instance. In addition, human rights regulations provide a legal basis for the operational elements of EU missions, such as the European Initiative for Democracy and Human Rights budget lines.

European Union Election Observation Missions (EUEOM) are part of the EU's Human Rights and Democracy policy. The strategy of the EUEOMs is to provide an appraisal of the electoral process, to contribute to the enhancement of public confidence in the process, to deter illegal practices, to strengthen respect for human rights, and to contribute to conflict prevention and resolution.

Based on the European Union's Communication 2000 there is a "strategic choice" of countries for election observation, with a target number of eight per year. The EU tries to ensure coherence/consistency between its election-related efforts and its other human rights and democracy initiatives, and aims for missions to be "USEFUL, FEASIBLE, ADVISABLE". EU methodology also stresses that for a mission to take place minimum conditions for democratic elections must exist, and there should be a memorandum of understanding with the respective host country.

EUEOM methodology includes: sending an exploratory mission to priority countries, conducting long-term election observation

(through a Core Team, long-term and short-term observers), and considering all aspects of the electoral process across the entire country. To accomplish this, the EUEOM must look at the legislative framework, the role of election administration, the right of participation (parties and voters), campaign freedoms, the rule of law, the access to media (including media monitoring), the non-abuse of state resources, and the voting, counting, and tabulation procedures.

With regard to the composition of the EUEOMs, they are led by a member of the European Parliament and the team consists of electoral experts. EUEOMS are independent from EU and EC member states, and they have an increased focus on training (e.g. the NEEDS Project).

EUEOMs feature institutional cooperations. An EOM is endorsed by the Council and cooperates with the Parliament. Member states provide the observers and the EC manages the "project".

Concerning statements and reports of the EUEOM, a preliminary post-election statement is made as well as a final report, which includes recommendations. The follow-up to the EOM are often EC technical projects which are based on the recommendations. The EC Delegation and member states can also take account of EOM findings for future projects and the follow-up helps the EU community to understand the nature of democratic development in the respective host country (for positive or negative).

The Case of the OSCE

The Organization for Security and Co-operation in Europe (OSCE), another organisation conducting EOMs, has 55 participating states ("From Vancouver to Vladivostok"). It focuses on conflict prevention and conflict resolution. The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) based in Warsaw is an independent

institution with an identified budget as part of the OSCE. The institution features a pro-active search for security, including security of the individual, through respect for human rights and fundamental freedoms. With the promotion of democratic institutions ODIHR is OSCE's focal-point for election-related activities such as observation, legislative reviews, and technical advice.

OSCE/ODIHR EOMs so far have been undertaken in Albania, Armenia, Azerbaijan, Belarus, Bosnia, Bulgaria, Croatia, Czech Republic, Estonia, Macedonia, France, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Romania, Serbia and Montenegro, Slovakia, Spain, Tajikistan, Turkey, Ukraine, United Kingdom, USA, and Uzbekistan.

The basis for OSCE/ODIHR EOMs is the OSCE Commitments for Democratic Elections. The strategy and methodology of the EOMs require an open invitation of the host country. ODIHR disposes of flexible observation models which are based on an all-round long-term observation concept. The team itself is comprised of experts and specialists and numbers up to 50-60 in the long term and 200-900 in the short term. These EOMs embark on an active engagement with states through commentaries on laws, follow-up, and assistance.

Institutionally, OSCE/ODIHR EOMs cooperate through the coordination of statements with the OSCE Parliamentary Assembly, which provides a "political figure head". In addition, EOMs often forge a joint position for the post-election statement with the Council of Europe and the European Parliament. However, there is an agreement with the EU for no competition in election observation in the OSCE region.

The Case of the Commonwealth

The Commonwealth has conducted EOMs in Malaysia, Bangladesh, Zambia, Seychelles, Guyana, Ghana, Kenya, South Africa, Lesotho, Pakistan, Malawi, Namibia, Tanzania, Sierra Leone, Cameroon, New Guinea, Nigeria, Mozambique, Zimbabwe, Trinidad and Tobago, Fiji, Gambia, Solomon Islands, and St Kitts and Nevis.

In regard to election observation, the Commonwealth Heads of Government 1989 Agreement states that member states could benefit from election observation as a means of strengthening democratic processes and institutions. The context for Commonwealth missions was established by the 1991 Harare Declaration, citing the need for "democracy, human rights, rule of law and just and honest government".

The Commonwealth methodology also features an invitation by the host government as a prerequisite for election observation. It strives to consider all relevant aspects of the organisation and conduct of an election. The Commonwealth formulates judgements on whether conditions exist for the "free expression of will by the electors and if results reflect the will of the people". Its EOMs are impartial and independent (from governments and the secretary general of the Commonwealth). The Commonwealth also endeavours to propose recommendations for change.

The observation itself is undertaken in the following manner: An advance team with a limited number of persons is dispatched a few weeks before election-day. Subsequently, a full observer group comprised of more senior figures mixing government and civil society persons is sent.

Conclusions

In conclusion, a few points should be highlighted. Firstly, the interest in and the basis for observation can be found in legal, political, and moral commitments. Observation itself is a useful vehicle for political and technical engagement. Furthermore, we can witness a growing interest in conducting observations. What is required for a functioning observation methodology is a flexible model based on a consistent understanding of electoral standards. It is also crucial that the EOM is part of an ongoing institutional relationship recognising that democracy is a process and elections are just one part of good governance. For EOMs to be successful it is necessary to ensure the independence and the impartiality of missions and their findings. Finally, international and regional observers need to be understood as complementary to national observers and much care needs to be given to this sensitive relationship.

General Abdulsalami Abubakar, *Member of the Council of Elders, Nigeria*

For the Third World in general and for Africa in particular, elections have become one of the key instruments for facilitating good governance practices. Elections indeed serve as one vital utensil in our tool kit, and not because the donor community says so but because we, as our ancestors before us, recognise the importance of consultation and inclusion.

Elections, if conducted in a free, fair, and transparent manner provide a means for electorates to express their will. When this happens, then the electorate has a reasonable expectation that those elected will perform and deliver. Also, the credibility of an election result reflects on legitimacy.

Constructive Engagement

Prior to, and particularly during the era of the Cold War the international community did not seem to put much of a premium on Third World or African elections as a policy instrument for good governance practices and democratisation. This was clearly the case for elections in countries that were perceived, and in some cases protected, as client states. Such client states were accepted as falling within the sphere of influence of either one of the two superpowers during that era.

On the African continent, examples of Cold War client states were Mobutu's Zaire, Siad Barre's Somalia, Machel's Mozambique, Dos Santos' Angola, and Doe's Liberia, to name only a few. In these and other client states, elections or the lack thereof was not a major cause for international concern. Elections certainly were not a cause for with-

holding or suspending foreign aid, World Bank loans, or IMF assistance.

Partnership and Elections

Since the end of the Cold War and the first half of the 1960s, when most African countries became independent of their colonisers and self governance, regional and international cooperation have been recognised and accepted as a veritable path to follow given their economic, social, political, and even security advantages.

In addition, in this era of globalisation, elections anywhere in the world generate interest, especially in developing countries and Africa, hence the involvement by regional international actors. This brings me to the topic of the role of regional and international actors in election observation.

In Africa, we see the African Union, United Nations, European Union, and Commonwealth getting involved in election processes in terms of capacity-building for the various Electoral Commissions (EC) and actual observer missions.

The Commonwealth and the European Union sometimes perform two or more functions in elections, by providing logistics and expert support to the Electoral Commission and then also observing/monitoring the elections, while the African Union is mainly involved in observation.

But before any organisation can get involved with elections, it has to get an invitation/approval from the host country. Once this invitation is received the process of observation is put into motion.

Some organisations which have the resources send an advance party into the country three months ahead to observe the campaigning

process, then follow this with observers to see the actual voting and after the elections leave observers for about a month or two.

Some believe that the ultimate objective of observation is to ensure a level playing field, fair play, openness, credibility, and transparency. The goal is also to help ensure that the opposition can exercise their rights and that they also are given fair share use of government media organs (print and electronic). During and after the elections, comments, observations, and recommendations are given in order to assist and improve further elections.

However, at times these comments are perceived as criticism by either the government or the political parties and hence some countries in Africa are rejecting these observer missions.

Conclusion

Regional and international organisations, by and large, need to play a positive role in the electioneering process in Africa and developing countries. They help train, develop capacity-building, and provide various logistics and expert support, thereby ensuring a strong and durable democracy.

Developments in International Election Observation

Mark Stevens*, ERIS (Electoral Reform International Services), UK*[1]

Models of Election Observation

There are various models of international election observation: e.g. the "classic" Long-Term Observation Model, the "NDI" – Assessment/ Support Model and the Targeted Model which is country or issue specific.

For the development of a long-term observation methodology it is important to pay heed to the experiences of the EU and OSCE/ODIHR. Both organisations' ambitions are to provide a more comprehensive, credible observation and to increase the contribution it can make. Key elements in this endeavour are "long-term" presence, national presence, comprehensive analysis of the entire electoral process, and independent and impartial observation.

There are alternative models to this approach: One is to avoid election-day observation if the process is known to be either very good or very bad. This saves resources and avoids traps, such as in the case of the Czech Republic and Belarus. Another model is to provide small "expert" assessment teams. These provide an understanding of the election and do without a visible national presence. A final alternative to a comprehensive long-term observation is an issue-oriented observation, which can focus for example on media monitoring or voter registration.

---

[1] The text was adapted from a Power Point Presentation given by the author.

Electoral Standards

Key developments in election standards are: the acknowledgement by states that electoral rights are human rights, the commitments by states to provide electoral rights expressed in legal and political agreements, and a series of international and regional agreements/ commitments on elections. The latter ones aim at establishing a "consensus" on standards for elections and at reflecting the standards in relevant laws relating to an election.

The following are excerpts on elections from important documents in international law:

- The UN Declaration on Human Rights states: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be held by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

- The International Covenant on Civil and Political Rights declares the following: "Every citizen shall have the right and the opportunity ... without unreasonable restrictions...to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."

- The OSCE Commitments (in the Copenhagen Document) include the following: "Participating States will...guarantee universal and equal suffrage, ensure that votes are cast by secret ballot and are counted and reported honestly, respect the right of citizens to seek political or public office, respect the right of individuals and groups to establish political parties and enable them to compete on the basis of equal treatment, allow political campaigning to be

conducted in a fair and free atmosphere, ensure no legal or administrative obstacles to access to media."

- The Draft African Union Charter outlines elections in this manner: Article 3: "Essential elements of representative democracy include...respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law and the holding of periodic, free and fair elections based on: Secret balloting, universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organisations and the separation of powers and the independence of the branches of government."

Key concepts and standards that are needed in elections are: transparency, accountability, inclusiveness, accessibility, no corruption, and competitiveness.

Essential to the judgement on standards of an electoral cycle which provides the basis for an observation methodology, are the following aspects: periodic elections, genuine elections, the right to stand for election, universal suffrage, the right to vote, equal suffrage, the secret vote, and the free expression of the will of the electors.

Lessons learned have shown that it is incumbent upon observation missions to insist that standards must exist and persist. There is a need to ensure genuine, not façade, democratic deepening (contestation) and democratic widening (participation).

Other Developments

Other key methodological developments include: commentaries on draft legislation and analysis of legislation in implementation, media monitoring, election-day reporting and statistical analysis, and PVT

(provisional voter tabulation) and quick counts. New methodological challenges which EOMs might face are the use of IT for tabulation and transmission of results, E-voting, and the monitoring of political party funding.

Challenges for Election Observation

Challenges to election observation are first of all the question "to observe or not to observe". Minimum conditions and constructive engagement must be guaranteed before an EOM is undertaken. Attention needs to be given to the tone of statements, specifically on how to encourage, who to encourage, and what the impact of obfuscation is. In post-conflict elections special heed needs to be paid to what can be expected and what impact the expectations might have on observation methodology. Furthermore, the coordination with national observers and between international (regional) observers has to be ensured. Finally, it is important to remember who the observation is for. It takes place on behalf of the people and national stakeholders. The AU Draft Charter Article 1 states that: "The peoples of Africa have a right to democracy and it is the obligation of its governments and peoples [AND OBSERVERS![2]] to actively promote and defend it."

---

[2] Added by author.

Types of Electoral Management Bodies in West Africa and their Role in Organising Elections

Kwadwo Afari-Gyan, *Chairman, Electoral Commission of Ghana*

Types of Election Management Bodies (EMB) in West Africa

It was pointed out yesterday that it is too narrow to define an electoral system simply as a method of translating votes cast at an election into winners and losers. Indeed, in order to reveal the true range and complexity of electoral systems, it is important to define an electoral system in an inclusive way to consist of:

- The legal framework for conducting elections

- The election management body (EMB)

- The key activities or processes that are carried out in relation to an election

- The practices that are used for purposes of accomplishing the activities

In West Africa, the legal frameworks for conducting elections differ from country to country, even in the instances where the method of translating votes into winners and losers is the same. However, irrespective of differences in legal frameworks, all election management bodies carry out certain key functions or activities in relation to an election, even though all of them may not have to be done every time there is an election. They include:

- The demarcation of constituencies or electoral divisions (except, of course, in the case of a presidential election or the use of a national list proportional representation system, where the whole country is one big constituency)

- The registration of voters

- The nomination of candidates

- Voter education

- The conduct of the poll

- The counting of votes

- The declaration of the results

One way of distinguishing types of election management bodies in West Africa is to ask the question: who performs these key electoral functions? The answer to this question reveals three types of election management bodies:

- A single body performs all the key activities in relation to an election, as in the case of Ghana or Sierra Leone.

- Apart from the demarcation of constituencies, one body performs all the other functions, as in the case of the Gambia and Nigeria.

- A separate body performs each or a combination of the key activities in relation to an election. This situation predominates in French speaking West Africa, even though the number of bodies involved may differ from country to country.

We can easily see that in some countries it is possible to point to one organisation as the election management body. But in a situation where several bodies share responsibility for an election, it is difficult to point to one of the bodies as the election management body.

A second way of distinguishing between EMBs in West Africa relates to the issue of supervision. In this regard, two situations pertain:

- The EMB does not come under the direct supervision of a Ministry. This is usually the case in English speaking West Africa.

- The EMB comes under the direct supervision of the Interior Ministry (Ministry of Territorial Administration). This is the dominant situation in French speaking West Africa.

The extent and nature of supervision raises the issue of the independence of the EMB.

A third way of distinguishing the EMBs is the composition of the membership. In this regard, there are two main variations:

- Independent persons not affiliated to political parties

- A combination of independent persons and party representatives

A fourth way of distinguishing between election management bodies in the sub-region has to do with the tenure of office of their members. Here, there are three situations:

- Permanent tenure: In this case, once appointed, the members of the election management body hold office until they reach retiring age, like justices of the superior courts.

- Fixed tenure: In this case, the members serve a fixed term, which may be renewable.

- Short tenure: This is a variant of the fixed term, except that the members are appointed close to an election and disbanded a few months after the election.

The matter of tenure has implications for professionalism in election administration.

Independent Electoral Commissions

Let me now turn more closely to the issue of an independent election management body.

Increasingly, West African countries are establishing organisations - call them electoral commissions — that are separate from ministerial departments, for purposes of the administration of elections. It has almost become the norm these days to call such a body an independent electoral commission; but attaching the word "independent" to the name does not automatically make a commission independent.

In any case, ideally, the main attributes of an independent electoral commission should include the following:

- There must be practical legal guarantees of the independence of the commission from the government or any other external body.

- The members of the EMB must have security of tenure, such that they cannot be summarily removed from office.

- The commission must be able to hire its own personnel and train, reward, discipline, and fire them. The problem of operating with personnel seconded from various government departments

and agencies is not one of efficiency or lack of commitment and dedication to duty; rather, it has to do with the retention of such personnel. Since their retention is at the pleasure of the seconding agency, it is difficult to plan the professional training and development of such personnel.

- Provision of adequate resources for the commission to be able to carry out its functions must be guaranteed and enforceable in law.

Judged in these terms, it can readily be seen that, irrespective of type, West African election management bodies differ in the degree of their independence. That aside, there are two factors about some of the electoral commissions that I consider to be problematic. First, some commissions are totally centralised in the national capital and have no continuous or active presence in the regions and districts. As a result, they are sometimes required by law to appoint district administrative officers to important positions in election administration, such as returning officers. There are three potential problems with this arrangement:

- More often than not, the commission lacks the means of effective supervision of and control over the activities of these officers.

- The person so appointed could be unduly influenced if he is a subordinate officer to a government-appointed superior officer in the local administration.

- Given that a neutral civil service is not yet firmly rooted in African governmental practices, local government officials are usually perceived by the general public to be politically aligned to the government of the day. So, having to appoint local government officials to high positions in election

administration is oftentimes viewed as compromising the neutrality and integrity of the election process.

The second factor that I consider to be problematic is a situation where there are "sitting" commissioners who work on a daily basis, and yet some official other than the head of the commission, say, a Secretary or Director of Elections, is designated by law as the chief executive or administrator of the organisation and thereby vested with all kinds of powers. The problem here is the possibility of jurisdictional conflict. An over-assertive Secretary or Director of Elections is most likely to come into conflict with the commissioners, to the detriment of the smooth functioning of the organisation. In my view, the only viable solution to this rather incongruous arrangement is to have everybody who works in the organisation completely subordinated to the direction and control of the commission.

The misgivings that I have expressed tend to suggest that in some of our electoral commissions there are still structural linkages to the era of past election administration that need to be reformed in order to achieve a more rounded picture of an independent commission.

Common Functions

In the meantime, considerations relating to differences in the composition, tenure and supervision of EMBs, and who does what in relation to elections in a particular country may be less important than how the common electoral activities are carried out. In this connection, it is to be noted that currently in West Africa a wide variety of practices is used to achieve the common functions. The question I wish to pose is this: Isn't it possible for West African EMBs to adopt broadly similar practices in the common activities they carry out in relation to an election? In trying to proffer an answer to the question as a basis for

further discussion, I cannot avoid being prescriptive in what I consider to be essentially a search for "best practices" for the conduct of democratic elections.

Demarcation of Constituencies

The practices used to demarcate a country into electoral divisions for purposes of electing representatives vary greatly. In some places population alone is used as the basis for the demarcation. There are two variants of this practice. On the one hand, where the underlying principle is that the divisions should have nearly as equal number of inhabitants as practicable, the total population is used. On the other hand, where the principle is that the divisions should have nearly as equal number of electors as practicable, only the number of registered voters is used.

In some countries a combination of population and land size is explicitly used as the basis of demarcation. Invariably, population is given a much heavier weight than land size. Where this practice is further combined with a distinction between an urban and a rural electoral division, such that the former requires a much greater minimum population than the latter, it has the effect of minimising possible enormous imbalances in the geographical areas covered by the divisions.

In addition to the foregoing considerations, in some places certain special factors are also brought to bear on the demarcation of electoral divisions. The factors include: existing administrative and traditional jurisdictions, geographical features like barriers to transportation and communication, and the distribution of different racial, ethnic, and linguistic communities.

In my view, the practice based on total population is preferable, because the elected representative represents not only the electors, but also minors, persons who fail to register and even resident non-citizens in the constituency. I also think that the idea of fair representation should include not only attempts at equalising population per representative, but also considerations relating to the territorial size of the constituency.

In any case, demarcation criteria, particularly for single-member constituencies, should be subjected to wide public discussion before adoption for two reasons:

- In the absence of widely agreed objective criteria, periodic re-demarcation of electoral divisions can easily become a politically sensitive and potentially destabilising issue.

- The way constituencies are demarcated impacts significantly not only on inclusive representation but also on the electoral fortunes of competing political parties.

Voter Registration

The voters register is the official list of persons who are eligible to vote at an election. The existence of the register makes it possible for all to know not only the maximum number of persons that can vote, but also who may vote at which place, since the register is normally broken into smaller parts to allocate voters to specific polling stations. This enhances the transparency and fairness of an election. Additionally, the voters register is a convenient tool that helps the election administrator in the procurement and distribution of election materials. These reasons make voter registration a critical aspect of the election process, and a faulty registration exercise is not likely to lead to a successful election.

The attributes normally associated with a good register are that it should be inclusive of the eligible population, up to date and accurate in the personal data. A good register should also not include persons who are not eligible to be electors, such as minors and dead persons. But, in reality, no register is absolutely inclusive, current, accurate, or without ineligible names. Be that as it may, in the final analysis, the register is as good as it is acceptable to the political stakeholders. So it is important to afford political parties, in particular, an opportunity to make inputs into the registration process and to monitor the entire registration exercise. In that way, election administrators and the key stakeholders could have a sense of shared ownership of the register, instead of the stakeholders feeling that it is something they are forced to accept.

The highlights of the process that one usually goes through in making a good voters' register can be encapsulated as follows:

The necessary data of eligible persons is collected.

The data is compiled into a provisional voters register (PVR).

The PVR is then exhibited or displayed for public scrutiny.

Corrections are made to the PVR after the exhibition.

The final voters register is then printed.

The two most important stages in voter registration are data collection and the compilation of the data. It is to be emphasised that good data collection and good data compilation go hand in hand in producing a reliable register. Indeed, good data collection is critical. In this connection, the saying "garbage in garbage out" is particularly apt. Bad data collection cannot be put right by good data compilation; rather, errors in compilation can be corrected by going back to the good data.

Scanning technology has some advantages over data entry and hand- or type-written true copies in producing a reliable register. Scanning technology is fast; data entry or producing a hand- or type-written copy is time-consuming. Unlike scanning technology, data entry or producing hand- or type-written copies may introduce into the register errors that do not exist on the original forms. Scanning technology also readily alerts one to missing information about a voter by rejecting, during the scanning process, any form that does not have all the required information.

The registration of voters may be periodic or continuous. But there is some confusion about the use of the terms. Registration is periodic when it is done at specified intervals; it is continuous when an eligible person can, in principle, place his or her name on the register any day during official working hours. Periodic registration should not be limited to those instances where a new register is made for every election. It should also include situations where new voters are added to more or less permanent databases periodically instead of con- tinuously. Continuous registration helps to achieve greater inclusive- ness and currency.

Voter registration forms and voter ID cards are two of the most sensitive election materials, so they must be properly handled. To begin with, it may be necessary to incorporate special features into these materials, so that it is difficult to fake them but also to make it possible to identify genuine ones, in case of doubt. But special features or not, it is always necessary to ensure proper storage and preservation of registration forms and voter ID cards and protect them from falling into the wrong hands.

Every effort should be made to minimise the incidence of two worri- some problems in registering voters in West Africa. One is how to prevent double or multiple registration; that is, how to ensure that

each eligible person is registered only once. Where the registration period is reasonably short, marking the thumbnails of registrants with electoral stain (indelible ink) has proven to be helpful; but it cannot be the only answer, since people who are determined to cheat try to find ways to remove the stain. Vigilance of registration officials and party agents has also been helpful.

A second problem is how to prevent the registration of minors. In a situation where the majority of the people have no documentary evidence of their ages, underage registration is difficult to control, particularly if it is encouraged, sometimes even organised, by political parties for political advantage. The testimony of local leaders and the vigilance of registration officials and monitors have been helpful.

It is important to exhibit or display the provisional voters register for public scrutiny over a period of time, for the following purposes:

- To give registered voters an opportunity to make sure that their name is in the register and to correct any errors or provide missing information in their personal data.

- To allow persons who applied for registration but whose names have been omitted from the register to apply for their names to be included. Since the exhibition is not an occasion to enter fresh names in the register, people who fall into this category are usually required to show proof of registration. So, it is imperative that every person be given a receipt or card on the spot as evidence of registration.

- To give people the opportunity to object to names in the register on grounds of ineligibility. Any person objected to should always be given a hearing.

An open process of collecting registration data and the public display of the PVR are measures of transparency in the voter registration

process. But they are insufficient and need to be supplemented with other ways of enhancing transparency. One way is to allow challenges to applicants for ineligibility at the registration point and then institute an open and easily accessible process for the resolution of the challenges. It is also important to institute an appeal process for persons who will initially be denied registration. Any applicant denied registration should be informed on the spot of the right of appeal.

Registration is a fundamental right, so it is imperative to make it easy for eligible persons to register by establishing simple procedures, ensuring easy access to registration facilities and by not insisting on qualification criteria that cannot be easily met by otherwise eligible persons.

The Nomination of Candidates

The process whereby candidates are nominated is broadly similar everywhere. The prospective candidate files an application, usually by completing a nomination form, and pays a fee, which should not be too high to favour only the relatively rich.

Almost invariably, candidacy requirements are laid down in law and leave little to the discretion of election managers. It is in the interest of the election management body to ensure that prospective candidates are sufficiently familiar with the requirements. Also, even though we normally speak of nomination day, it is better to spread nomination over a reasonable period of time, say, three days, so as to give prospective candidates ample opportunity to rectify deficiencies in their applications.

Usually, candidacy applications are vetted to ascertain whether the requirements have been fully satisfied. Vetting may include dealing with objections to candidacy, made by individuals or rival political

parties. The problem with the business of vetting is that generally West African EMBs do not have the capacity to do any serious vetting of candidates on their own. In any case, since ballots have to be printed within a short time after nomination, it is impractical to do a detailed vetting where the number of candidates is large. This explains the resort to a statutory declaration executed by the candidate before a judicial officer, affirming that he satisfies all the candidacy requirements. Any false statement in the declaration can be used as a basis of disqualification at any time. Whenever vetting is done, it is to be preferred that a candidate is given the right to appeal to a court against his rejection.

Of course, following the nomination of candidates, the election ballots have to be prepared. In some countries, the number of political parties and candidates is so unwieldy that a separate ballot paper has to be done for each one of them. On the other hand, in places where all the candidates contesting a particular election are placed on a single ballot paper, different practices are adopted in determining the order of placing them on the ballot paper. These include alphabetical order, time of nomination, and balloting for positions. It is advisable for the EMB to adopt whatever practice is acceptable to the stakeholders. However, having adopted a particular practice, what is important is to take extreme care to avoid mix-ups or misplacement of candidates on the ballot paper, particularly where one is dealing with a large number of electoral divisions and the associated large variety of planks or sets of candidates, as is usually the case in local government elections. In this regard, a useful practice is the publication of notices of poll, containing the pictures and the order of candidates on the ballot, for the benefit of the electorate. Notices of poll are particularly useful in situations where only symbols, and not the pictures of the candidates, are placed on the ballot paper.

The Conduct of the Poll

Actual polling arrangements may differ from place to place; but, at this stage of our electoral development, certain practices have proven to be helpful in achieving trustworthy polling. They include the following:

- Polling stations are located in places that are easily accessible to voters, including the elderly and physically challenged persons.

- Polling stations are set up in such a way as to make it feasible for the voter to cast a secret ballot.

- The categories of persons who have a right to receive assistance in casting their ballots are specified and the manner of assistance is well publicised.

- The use of voter ID cards, preferably with pictures, and marking the voter with electoral stain or indelible ink facilitate the identification of the voter and thereby make cheating difficult.

- Hands-on, instead of instructional, training of polling personnel helps to minimise petty mistakes that, understandably, frustrate and anger stakeholders.

- An audit trail not only of the total number, but also the serial range, of ballot papers sent to each polling station helps to achieve accountability.

- The use of transparent ballot boxes forestalls the proverbial allegation of ballot stuffing prior to the beginning of polling.

- The presence of party or candidates' agents throughout the polling period assures the stakeholders that their interests will not be ignored.

The Counting of Votes

Even in instances where polling has been hitch-free, the subsequent counting of the votes has sometimes given rise to complaints and accusations of wrongdoing. The following practices have been found to be helpful in preventing such a situation.

- The ideal situation is to count the votes at each polling station, to forestall any allegations of wrongdoing during the transportation of ballot boxes to a central counting point; except, of course, where security considerations in a post-conflict situation make counting at each polling station unwise.

- What constitutes an invalid ballot is clearly specified by the EMB beforehand and not left to the discretion of the counting official.

- The counting is done openly in the presence of party agents.

- Reasonable opportunity is given for a recount, if a party agent so requests.

- When everybody concerned is satisfied with the count, the number of votes obtained by each candidate is entered on a form specifically designed for the purpose.

- The presiding officer and each party agent, as an affirmation that the results therein recorded are a true reflection of the polling at the station, sign the form.

- Signed copies of the results are given to the agents for the benefit of the candidates.

The cumulative advantage of these practices is two-fold. On the one hand, candidates or parties can do their own collation of the results.

On the other hand, any controversy arising over the results can be resolved in a verifiable manner.

The Declaration of Results

After polling, the process leading to the eventual declaration of results is more important than who has the power to declare the results. The major activity in this connection is the collation of the results, whereby the votes obtained by each candidate at the various polling stations are aggregated, at the constituency level in case of a parliamentary election and at the national level in case of a presidential election, for purposes of declaring the winner. It is important that the collation is done openly in the presence of representatives of the parties or candidates. With the aid of easily available and inexpensive technological devices, adding-up the votes obtained by each candidate is a simple task. However, the collation process must be property organised, and utmost care must be taken to avoid swapping the votes of the candidates, which can alter the final result. Should such an eventuality occur, it can more easily be rectified in instances where the polling practices outlined above were faithfully applied.

Conclusion

It must be borne in mind that our existing electoral systems are not finished products. They are subject to evolution and reform through changes to laws, regulations, and administrative procedures. Viewed in this way, the search for "best practices" translates into a search for greater transparency, accountability, and verifiability in the conduct of elections so that we are more easily able to ascertain the authenticity of the outputs of the electoral system, should dispute

arise. This is imperative because, with the exception of a few things that require secrecy, election administration is public business and must not only be done in the open but must also be opened to public scrutiny.

Michael Krennerich, *Election Expert, Germany*

Introduction

It is a great pleasure for me to be allowed to give a second talk as part of this seminar which this time deals with the topic "Election Management Bodies".

Though there is no single most successful type of such a body, I would like to discuss with you some overall trends in the development of the electoral administration from an international perspective.

As we all know, the quality of electoral administration has a direct impact on the way in which elections and their outcomes are regarded as legitimate by both international observers and domestic participants such as voters, parties, media, and local observers (see Elklit/ Reynolds 2000).

The importance of the quality of election administration for the transition to and the consolidation of a democracy has been illustrated for many countries where the electoral administration has been improved considerably in the course of the democratisation process.

One of the striking African examples for such an improvement is indeed our host country, Ghana. While the 1992 elections were still characterised by rather poor election management, the years which followed have seen enormous advances in electoral administration (e.g. Ayee 1998). International experts stated that "… the Ghanaian 1996 elections were a demonstration of the impact that good election management can have on the legitimacy of the election result and the development towards a more consolidated democracy, by contribution to the ordinary voters' perceptions of the quality of the election"

(Elklit/ Reynolds 2000: 21). The 2000 elections have even outshone the well-regarded 1996 polls in Ghana (Smith 2002).

Election management bodies (EMBs) can be considered as being "the principal instruments for organising credible electoral processes ... They are now increasingly viewed as the linchpin of effective electoral governance in new as well as established democracies" (Mozaffar 2002: 90). Not infrequently election management bodies are responsible for the entire electoral administration process, including a number of delicate areas relating to it. The following table lists some selective functions of such a body:

Possible functions of national election management bodies (selection)
- compilation and update of the voter lists   - delineation of constituency boundaries   - drawing up regulations and guidelines for the election, in accordance with the law   - appointing electoral commissions at regional/local level   - monitoring the administrative tasks of electoral commissions at all levels   - promotion of civic and voter education   - registration of political parties and party coalitions   - registration of candidates   - informing candidates and political parties about the electoral process   - arranging and organising the training of election staff   - allocation and monitoring of broadcasting time   - monitoring the electoral campaign   - accreditation of national and international observers   - prevent and check for electoral irregularities   - organising the secure production, storage, and distribution of

election material
- organising the conduct of the poll
- hearing and determining election complaints, disputes, and appeals
- determining and publication of election results
- auditing expenditures of candidates and/or parties
- researching electoral matters and providing advice on improvements
- engaging in international cooperation and assistance

It should be noted, however, that in some countries several aspects of the electoral administration process are nor conferred upon the election management body. In countries such as Bulgaria, Iceland, and the Ukraine the election commission is not responsible for drawing up and exercising control over the voters lists. Instead this is the responsibility of a national census bureau or its equivalent. Furthermore, the delimitation of electoral boundaries might be transferred to a boundary commission. Finally, electoral disputes might be left to ordinary courts (or even to a special electoral court) to determine, particularly at the appeal stage.

Nevertheless, there is a tendency globally that election management bodies have the main responsibility not only to supervise, but also to administer the electoral process. Therefore, it is of paramount importance to take a closer look at the principles, structures, and functioning of election management bodies.

Principles

There is extensive general consensus among international electoral experts concerning the guiding principles for the electoral

administration: The election management body should be independent, impartial, efficient and transparent. It should also be able to implement the electoral laws without any undue interference, intimidation or impediment to its duty.

Any partial treatment or abuse of authority by an election management body may pose serious threats to an election's legitimacy. There are many countries in which the poor work or even fraudulent practices of that body have led to a severe political crisis. A recent example was the 2003 election in Georgia, which resulted in the fall of President Shevardnadze.

Even if there is not much substance behind electoral complaints, the mere perception that the election management body is either partisan or incompetent may contribute to a deep mistrust in the electoral process by voters and parties. In other words, the real as well as the perceived performance of the election management body matters a great deal.

Constitutional body vs. statutory body

An important question is whether the election management body should be established under the constitution or by an ordinary law. There is a strong argument for an election management body to be a constitutional body, rather than a mere statutory body. This is especially important for independent electoral commissions in developing countries "... in order to prevent the government of the day from changing the components of the EMB by parliamentary procedures" (ACE-Project).

A most impressive example of a country with an independent electoral commission as a constitutional body is Costa Rica. In this long-standing Latin American democracy, the constitution of 1949 has

already established an independent electoral commission – in Spanish: Tribunal Supremo de Elecciones – with the complete responsibility for organising and controlling the country's elections. By the constitutional amendment of 1975 the independent electoral commission has even been given the increased status of fourth organ of state alongside the executive, legislature and judiciary (see also, Jaramillo 1994).

Whilst only very few countries' constitutions give the election management body the same status as the other organs of state, many constitutions prescribe who has responsibility for the organisation of elections and often leave this task to independent electoral commissions. This includes not only almost all Latin American countries, but also many countries in Eastern Europe, Asia, and Africa. In the Republic of South Africa, for instance, the Independent Electoral Commission is a permanent body created by the constitution as one of six state institutions supporting constitutional democracy (Constitution of 1996, Art. 181). In other African countries such as, for example, Kenya, Malawi, Mauritius, Nigeria, Sierra Leone, Zambia, and Zimbabwe the constitutions provide for an electoral commission, too.

Permanent vs. temporary EMBs?

Nowadays, in most countries the election management body is constituted as a permanent acting body, or at least with a standing executive committee. Non-permanent acting election management bodies which do not come together until a few months before the elections are nowadays considered inappropriate to manage the complex process of the organisation of an election, particularly in new democracies.

As such, there is a strong global trend towards permanent electoral commissions. Of course, temporary election commissions may have some financial advantages, but these advantages are outweighed by the organisational advantages of permanent election commissions. Obviously, such a permanent body can devote more time and energy to the preparation and organisation of elections. Furthermore, "(i)t may also be easier for a permanent body to build on the achievements of a previous election, rather than starting from the same point each time" (ACE-Project). "Readiness and ongoing improvements are two of the principal rationales in favour of creating as much permanency in the organisation as possible" (ACE-Project). Therefore, it is widely recognised that it is much easier to adopt a professional and consistent approach with a permanent election management body. This becomes even more important when this body takes on a wider range of administrative duties and powers.

Significantly there is much international pressure on developing democracies to introduce a permanent electoral commission, at least at the national level (see e.g. Council of Europe 2003). In Albania, for instance, the law originally established a temporary Central Election Commission. Following international pressure the election law was changed and a permanent body has now been established" (ACE Project).

It is, however, open to question whether permanent election management bodies are needed on the sub-national level. In countries with independent electoral commissions, the electoral law often provides for a three-tier commission structure: a national electoral commission, provincial or regional electoral commissions and local electoral commissions. It could be argued that, at the regional level, it is less important for the election body to be permanent, but this will largely

depend on the nature of the responsibilities it is given.[1] At local level, however, permanent structures are not usually necessary.

Institutional autonomy

As I have already mentioned, the independency of the election management body is one of the key principles of a democratic electoral administration process. In general terms, an independent election body can be considered as one that is structured in such a way as to be isolated from individuals, groups or institutions that have an interest in the outcome of the election (see: ACE-Project). The question of independence can therefore be dealt with under consideration of various aspects. The most important aspect of such independency, however, is the political independence vis-à-vis the executive government.

With regard to this, a three-fold typology which has been applied by Shaheen Mozaffar (2002) might be helpful to distinguish different models of election management bodies.

The first type refers to *non-autonomous* election management bodies that are located within the formal government bureaucracy. An election management body can be considered to be non-autonomous if the authority over both administrative and supervisory activities is vested fully in a government ministry, e.g. the ministry of the interior or the ministry of territorial administration. With non-autonomous election management bodies the election administration is undertaken by a branch of the executive government, in the same way

---

[1] „If, for example, the regional body is responsible for annually updating the voters lists, monitoring regional boundaries, training issues, maintenance of equipment and so on, then perhaps it should be an established office. If its duties can all be performed some months before the election is called, then a temporary arrangement would be satisfactory." (ACE-Project)

as any other administrative task. Such a non-autonomous type of election management body is applied in many old and established western democracies.

In those states where the bureaucracy has a long-standing tradition of independence from the political authorities the non-autonomous type of election management might be acceptable. However, in new or developing democracies, there is too great a risk of governments pushing the administrative authorities to do what they want, thus the conducting of elections by a branch of the executive government potentially raises questions as to the neutrality of the electoral administration, since the executive will itself be under the control of political actors who have an interest in the outcome of the election process. This is exactly why non-autonomous election management bodies are not recommended by the Council of Europe (2003) for developing democracies in Eastern Europe, for instance. A non-autonomous election administration seems not to be the best solution for Africa, either. According to the African electoral expert Amare Tekle (1998: 116), the administration and supervision of elections by the civil service can hardly be acceptable in the present African state because it is not considered to be a neutral body capable of impartially executing its task.

The second type is a *semi-autonomous* election management body. The electoral administration is located within the formal government bureaucracy but is under the supervision of an autonomous body established specifically for that purpose.

"In Senegal, for instance, the Observatoire National des Elections has broad supervisory authority but no technical responsibility for organising and conducting elections, which rests entirely within the ministry of territorial administration" (Mozaffar 2002: 91). Even if broadly representative National Election Commissions exist they

might be presided over by the officials from the ministry of the interior or the ministry of territorial administration, as is the case in some African countries (e.g., Niger, Central African Republic).

The third type is the *autonomous* election management body which is independent from all other government institutions. This is an independent election commission (IEC) in the strict sense.

In many countries it has been deemed desirable to reinforce public confidence in the neutrality of the electoral administration by creating an independent election commission. Such an independent body may be established under a board of directors with an implementing secretariat under a Chief Electoral Office. Notable examples in long-standing democracies are the Election Commissions of Canada, India, and Australia.

Subject to certain organisational variations, many new democracies have established an independent electoral commission with full responsibility for organising elections in order to secure political neutrality of the electoral administration. Independent election commissions were established or re-established in the course of the (re-)democratisation process throughout Latin America in the 1980s and 1990s (see, Jaramillo 1994, 1998) and, later on, in many countries of Eastern Europe and the former Soviet Union, too. Some Asian countries as well as many African governments have also established formally independent electoral commissions. In Southern Africa, for instance, one of the major concessions in the course for democracy was the introduction of an independent electoral commission by almost all countries in that region (Pottie/ Lodge 2000).

Throughout Africa, independent electoral commissions are a relatively recent phenomenon. Even Botswana, one of Africa's longest-standing democracies, did not adopt a fully independent electoral commission with extensive operational and supervisory authority until a constitu-

tional amendment in 1997 (see, Mozaffar 2002: 93).[2] As was the case in, for example, Ghana[3] or South Africa sometimes also an interim electoral commission will first be established to organise democratic elections in a transitional period before the constitution then provides for a permanent and independent election commission later on.

Though the establishing of a formal independent electoral commission alone does not guarantee the independence of the commission's work in practice, it can be regarded as an important step towards strengthening the impartiality and neutrality of the electoral administration process. Thus there is a global trend towards the establishing of independent electoral commissions as fully autonomous election management bodies. This trend is visible "… even in countries, such as the ones in francophone Africa, Eastern Europe and the former Soviet republics, that do not have a tradition of organisational and functional autonomy for such bodies" (Mozaffar 2002: 90).

The following table gives an overview on the degree of formal autonomy of election management bodies in Africa, as at the end of the 1990s.

---

[2] „Before that, the supervisor of elections established in 1987 was responsible for elections. And before that, a permanent secretary in the office of the president had been responsible for elections since independence in 1966." (Mozaffar 2002:93)

[3] „(I)n Ghana' s chequered democratic history, a department in the ministry of local government was responsible for organising elections between 1950 and 1968. Between 1968 and 1982, an electoral commissioner held that responsibility, except for 1976-77 when the military transferred the responsibility to the ministry of local government. Between 1982 and 1992, a 21-member populist national commission was established to organise the transitional democratic elections that year. It was replaced by a constitutionally mandated 7-member permanent body (Badu and Larvie, 1996)". (Mozaffar 2002:93)

The degree of formal autonomy of election management bodies in Africa		
Non-autonomous	Semi-autonomous	Autonomous
Cameroon	Burkina Faso	Angola
Congo	Burundi	Benin
Côte d' Ivoire	Cape Verde	Botswana
Guinea	Central African Republic	Gambia
Djibouti	Chad	Ghana
Mauritania	Comoros	Guinea-Bissau
Rwanda	Equatorial Guinea	Kenya
Seychelles	Gabon	Lesotho
	Madagascar	Liberia
	Niger (1993)	Malawi
	Senegal	Mali
	Togo	Mauritius
		Mozambique
		Namibia
		Nigeria
		São Tomé
		Sierra Leone
		South Africa
		Tanzania

		Zambia
		Zimbabwe
Source: Mozaffar 2002		

At this point if we draw some interim conclusions from what I have already said we can identify the following general trends:

There is a global trend that…

- the election management body has the main responsibility not only to supervise, but also to administer the elections;

- the election management body is guided by the principles of independence, impartiality, efficiency and transparency;

- the election management body is established as a constitutional body;

- the election management body is constituted as a permanent body;

- the election management body is established as an autonomous body.

Composition of independent electoral commissions

Although there is a trend towards the establishing of permanent and independent electoral commissions, the question as to how such a body is actually composed will be answered differently depending on the country concerned. The composition of the national electoral commission is one of the most controversial issues in electoral law and can give rise to heated political debates between government and

opposition. I would just like to mention the case of Mozambique where, a few years ago, an ad hoc Parliamentary Commission for the Revision of Electoral Legislation was totally paralysed by the confrontation over the composition and functioning of the National Election Commission. Fortunately, at that time the deadlock was resolved before the 2003 local elections (see Mozambique Peace Process Bulletin, Issues 27 and 28).

Basically, one can distinguish between three different models for the composition of a national electoral commission: The first one is a *non-partisan composition*. In this case, the commission is composed of individuals without any party affiliation and connection. Alternatively, the national electoral commission could be made up of a balance of political party representatives. I would call this a *partisan balanced composition*. A third model would be a *mixed composition* of independent nominees and party representatives.

Composition of independent electoral commissions	
Non-partisan composition	Independent (well-respected, experienced etc.) persons
Partisan balanced composition	Balance of party representatives
Mixed composition	Independent nominees and party representatives

All of these models have pros and cons: The *non-partisan composition* corresponds best to the principle of independence. Ideally, the commission would be composed of well-respected, neutral, and experienced individuals who act independently respecting both

government and party interests. However, the strength of a non-partisan composition is entirely dependent on who exactly nominates and appoints the respective members of the commission and whether or not they actually hold the trust of the voters and the parties.

In principle there are a number of different potentially appropriate institutions: the president, the parliament, the judiciary, or other such "trusted" institutions or organisations. In many countries not all commission members are appointed by the same institution or organisation. Often, it is a mixture of several.[4] What needs to be borne in mind here?

Most important is that the number of commission members nominated and appointed by the executive government should, if indeed any at all, be very low. To retain independence vis-à-vis the executive government, it would appear to be inappropriate if, for example, the president of the republic or the ministry of the interior has substantial influence on the commission's composition. Alternatively the parliament or even the judicial organs may be given a crucial role to play in the appointment procedure of non-partisan commission members, which can be advantageous – certainly in the case of a truly independent parliament and judiciary.

Furthermore, it seems to be favourable if the appointment process includes the possibility for nominations from "trusted" institutions to foster confidence in and public acceptance of the national electoral commission. Although the "trust" level for institutions is country specific, the following may be considered as suitable for this task: the

---

[4] To give just one example: In Albania the President of the Republic appoints two members of the Central Election Commission (after consultation with institutions representing a broad spectrum of society). The parliament elects another two members (on the basis of proposals of a parliamentary commission). The High Council elects another three members (on the basis of the proposal from the National Judicial Conference and individual applications).

Constitutional Court or the Supreme Court, an Ombudsman institution, the Human Rights Commission, a National Reconciliation Commission, etc. This is exactly what international organisations like the OSCE (ODIHR) and the Council of Europe (Venice Commission) have recommended with regard to the recent electoral reform debate, for example, in the Republic of Armenia.

However, if there is substantive mistrust in any of the institutions and if no political consensus can be reached on a (preferably) non-partisan composition of the national election commission, a *partisan balanced model* may be chosen. Such a model is still consistent with international standards. "One of the purposes of a partisan EMB is to ensure that one party watches the other" (ACE-Project). Pro-government and opposition parties are represented in the electoral commission and can control each other.

Admittedly, there may be some problems with that solution: The most important is that there is always the danger of an over-politicisation of the commission's work. The commission's members may act in the interest of their parties rather than in the interest of the electorate. The consequences can be serious: In some countries the commission's work was made impossible by party conflicts.

Secondly, even with a partisan model, it might be difficult to find an adequate balance of party representation. The underlying problem is to find a politically acceptable formula for the distribution of commission members between the parties. Even if there is consensus that this decision should be based, as is often the case, on the voting results of the last parliamentary elections, there are several options: Should the parties be represented in the commission in proportion to their parliamentary strength, or should a defined number of political parties be entitled to nominate one commission member each? This might be all parties with parliamentary representation, or a certain

number of parties – for instance the first ten parties – with the highest electoral results[5], or even all political parties which have won more than a certain percentage of the vote[6]. And what happens in the case of a split or a break-down of parties or party coalitions after the elections?

Finally, with partisan bodies, careful consideration needs to be given to the selection of the chairperson, deputy-chairperson and secretary and the role of other members.

It could be argued that the third model, a *mixed composition* of independent nominees and party representatives combines the best of both worlds. Whilst it gives the political parties certain representation in the electoral commission, it also enables the nomination of some non-partisan individuals who may also act as chairpersons. However, this model faces the same problems as the other two, just in a combined way. Nevertheless, it has the advantage that it may serve as a result of a political compromise. If political parties do not trust each other and insist on nominating their own members to the electoral commission, they may still become convinced of the usefulness of additionally integrating well-respected, neutral and experienced individuals in the commission.

No matter what model is ultimately chosen, the composition of the national electoral commission must be regarded as legitimate by both the political contestants and the electorate. There will be little confidence in the electoral administration in general unless there is a significant level of confidence in the election management body. A transparent and consensus-oriented appointment procedure is of paramount importance. This ultimately applies also to the

---

[5] In that case, the number of political parties has to be decided on.
[6] In that case, the minimum threshold of the percentage required has to be decided on.

composition of election commissions at regional and local level, which due to a lack of time could not be looked at separately here.

Another important aspect in that context is the question concerning the conditions under which commission members can be removed. There are international recommendations that those bodies or organisations that appoint members to electoral commissions should not be free to remove them, as it casts doubt on their independence. This point is the subject of heated debates. In any case, it seems important that the reasons for removal are clearly specified in the law.

Closing Remarks

With regard to the election management bodies there are many other aspects which must be expanded on specifically and which are the subject of intensive discussions, both nationally and internationally. These include, for example the modus operandi and the decision-making process of electoral commissions, the transparency of the commission's work, the relationship between different levels of electoral commissions, the training of the electoral staff (which is of paramount importance), the financial budget for the electoral administration process, and so on. It is unfortunately not possible for me to go into these and other aspects due to lack of time, but perhaps we can take the opportunity to talk about these in the discussion which follows.

Thank you for your kind attention.

Further reading

ACE-Project: Electoral Management (www.aceproject.org).

Ayee, Joseph R.A. (ed.): The 1996 General Elections and Democratic Consolidation in Ghana. Legon: Department of Political Science, University of Ghana, 1998.

Badu, Kwasi Afriyie/ *Larvie,* John: Elections in Ghana 1996, Part 1, Accra: Electoral Commission of Ghana/Friedrich Ebert Foundation, Ghana Office, 1996.

Council of Europe, European Commission for Democracy through Law (Venice Commission): Code of Good Practice in Electoral Matters, Strasbourg, 2003.

EISA, Electoral Institute of South Africa: Roundtable on Electoral Commissions in Southern Africa, Harare 4-5 December 1996.

Elklit, Jørgen/ *Reynolds,* Andrew: The Impact of Election Administration on the Legitimacy of Emerging Democracies: A New Research Agenda. Working Paper #281, September 2000.

Hartmann, Christof 2003: The Politics of Electoral Reform in Africa, Bochum: Ruhr-University, 2003 (unpublished paper).

Jaramillo, Juan: Wahlbehörden in Lateinamerika, Opladen: Leske & Budrich, 1994.

Jaramillo, Juan: Los organos electorales supremos, in: Nohlen, Dieter et al. (eds.): Tratado de derecho electoral comparado de América Latina, Mexico: IIDH et al., 1998, 205-249

Mozaffar, Shaheen: Patterns of Electoral Governance in Africa's Emerging Democracies, in: International Political Science Review, 2002, Vol. 23, No. 1, 85-101.

Mozaffar, Shaheen/ *Schedler*, Andreas: The Comparative Study of Electoral Governance – Introduction, in International Political Science Review, 2002, Vol. 32, No. 1, 5-27.

Murphy, John: An independent electoral commission, in: Steytler, Nico et al. (eds.): Free and Fair Elections, Kenwyn: Juta & Co, 1994, 25-56.

Nohlen, Dieter/ *Krennerich*, Michael/ *Thibaut*, Bernhard (eds.) 1999: Elections in Africa. A Data Handbook, Oxford: Oxford University Press.

Pottie, David/ *Lodge*, Tom: Electoral Management in Southern Africa <www.idea.int/ideas_work/22_s_africa/elections_1_electoral_mgmt. htm>

Rose, Richard (ed.): International Encyclopedia of Elections, Washington D.C., Congressional Quarterly, 2000.

Smith, Daniel A. 2002: Consolidating democracy? The structural underpinnings of Ghana's 2000 elections, in: Journal of Modern African Studies, 30, 4, 621-650.

Tekle, Amare 1997: Elections and Electoral System in Africa. Purposes, Problems, and Prospects, in: Elklit, Jørgen (ed.): Electoral Systems for Emerging Democracies. Experiences and Suggestions, Copenhagen: Ministry of Foreign Affairs/ Danida, 111-121.

Agenda

Saturday 12th & Sunday 13th June 2004

Arrival and Check-in of Participants at Hotel "La Palm Royal Beach", Accra

Sunday, 13th June 2004

07.30 p.m.   Informal Welcome and Cocktail at Hotel "La Palm Royal Beach"

Monday, 14th of June 2004

09:30 a.m.   **Official Opening**

H.E. Nana Akufo-Addo, Foreign Minister of Ghana

H.E. Mohamed Ibn Chambas, Executive Secretary, ECOWAS

H.E. Peter Linder, Ambassador of the Federal Republic of Germany

Dr. Winrich Kühne, Director, Center for International Peace Operations (ZIF)

Mr. Jörg Bergstermann, Resident Director, FES-Ghana

10:15   Tea and Coffee Break

10:45 **Introduction: Role and Mandate of ECOWAS regarding Good Governance, Democratisation, and Election Observation in West Africa**

Chair: Dr. Winrich Kühne, ZIF

Speaker: Gen. Cheick Oumar Diarra, Deputy Executive Secretary, ECOWAS

11:15 *Discussion*

12:30 Lunch

02.00 p.m. **Past Experiences and Lessons Learned of ECOWAS Election Observation**

Chair: Dr. Winrich Kühne

Speaker: Mrs. Sira Diop, Member of the Council of Elders, Mali

02:30 *Discussion*

03:00 Tea and Coffee Break

03:30 **Types and Development of Electoral Systems outside and inside West Africa**

Speakers: Dr. Michael Krennerich, Election Expert, Germany

Dr. Kwadwo Afari-Gyan, Chairman of the Electoral Commission of Ghana

04:30 *Discussion*

05:30 *Conclusion*

07:00   Reception by Peter Linder, Ambassador of the Federal Republic of Germany to the Republic of Ghana

<u>Tuesday, 15th of June 2004</u>

09:00 a.m.   **Role of other Regional and International Actors in Election Observation (AU, UN, EU, Commonwealth)**

Speakers: Mr. Mark Stevens, ERIS (Electoral Reform International Services), UK

General Abdulsalami Abubakar, Member of the Council of Elders, Nigeria

Dr. Kwadwo Afari-Gyan, Chairman of the Electoral Commission of Ghana

10:00   Tea and Coffee Break

10:30   *Discussion*

11:15   **Developments in International Election Observation – Basic Issues and Key Problems**

Speaker: Mr. Mark Stevens, ERIS (Electoral Reform International Services), UK

12.00   *Discussion*

12:45   Lunch

02:30 p.m. **Types of Electoral Management Bodies in West Africa and their Role in Organising Elections**

Speakers: Dr. Kwadwo Afari-Gyan, Chairman of the Electoral Commission of Ghana

Dr. Michael Krennerich, Election Expert, Germany

03:30 Tea and Coffee Break

04:00 *Discussion*

05:00 *Conclusion*

07:30 Dinner

Wednesday, 16th of June 2004

09:30 a.m. **Forthcoming Elections in the ECOWAS Region and Potential ECOWAS EOM**

Speaker: Dr. Kwadwo Afari-Gyan, Chairman of the Electoral Commission of Ghana

Discussion

10:15 Tea and Coffee Break

10:45 **Role of CoE-Members as Leaders of Exploratory Missions and as Head of Missions** (Tasks, typical Problems, Relationship with ECOWAS Secretariat; Preliminary Statement and its Political Implications)

Speaker: General Cheick Oumar Diarra

Comments: *H.E. B. Dorego, Benin; H.E. E.M. Debrah,*
             Ghana; H.E. Sira Diop, Mali

Discussion

12:00   Conclusion

12:30   Lunch

02:30 p.m. Guided city tour for interested participants

07:30   Informal Farewell Dinner

Thursday, 17th of June 2004

        Departure of Participants

Guiding Issues:

- Role and Mandate of ECOWAS regarding Good Governance, Democratisation and Election Observation in West Africa

- Past Experiences and Lessons learned of ECOWAS in Election Observation

- The Role of other Regional and International Actors in Election Observation in West Africa (AU, UN, EU, Commonwealth etc.)

- Which types of Electoral Systems are applied in West Africa? Developments and recent Regional and International Trends in Designing Electoral Legislation

- Developments in International Election Observation – Basic Issues, Key Problems and Lessons learned

- Types of Electoral Management Bodies in West Africa; characteristics and performance

- Role of CoE-Members as Leaders of Exploratory Missions (Lessons learned from past missions; defining tasks and methods, typical problems and how to solve them, how to report, relationship with the ECOWAS Secretariat)

- Role of CoE-Members as Head of Observation Missions (Lessons learned from past missions; tasks, typical problems; relationship with the ECOWAS Secretariat etc.

List of Participants

COUNTRY/INSTITUTION	NAME
Council of Elders:	
BENIN	AMB. BERNARDINE DO REGO
BURKINA FASO	DR. DOUAMBA OUIDI NABA
COTE D'IVOIRE	AMB. DIEUDONNE ESSIENNE
GAMBIA	H.E. ALHADJI BURANG JOHN
GHANA	DR. E.M. DEBRAH
GUINEA	AMB. ABDOURAHAMANE SOW
LIBERIA	AMB. EUGENIA A.W. STEVENSON
MALI	MME SIRA DIOP
NIGER	SIDIKOU AMIROU GARBA
NIGERIA	GEN. ABDULSALAMI ABUBAKAR
SENEGAL	AMB. MBAYE MBENGUE
SIERRA LEONE	H.E. HON. JUSTICE DESMOND LUKE
TOGO	BITOKOTIPOU YAGNINIM

Organisers:

ECOWAS	DR. MOHAMED IBN CHAMBAS
	GEN. CHEICK OUMAR DIARRA
	OLU AROWOBUSOYE
	FRANCK AFANYIAKOSSOU
	JUSTINE DETIEN
ZIF	DR. WINRICH KÜHNE
	IRENE-MARIA EICH
	JULIA HETT
FES-GHANA	JOERG BERGSTERMANN
	ETHEL D. AKO-NAI
EXPERTS	MARK STEVENS
	DR. KWADWO AFARI-GYAN
	DR. MICHAEL KRENNERICH