

# European Union's Election Observation: The Case of ECOWAS Countries

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### **ECOWASs role in conflict resolution and its partnership with the European Union**

Established in 1975 through the Treaty of Lagos, the Economic Community of West African States (ECOWAS) represents a significant initiative by West African states to enhance economic, cultural and political cooperation among the over 300,000,000 people living within their boundaries. Originally conceived as a pre-eminently economic body, ECOWAS has over the years expanded the remit of its mandate by developing into a political forum increasingly responsible for the promotion of peace, the resolution of conflicts and the management of humanitarian crisis in the West African region. Within this context, ECOWAS has been increasingly engaged in contexts characterized by political instability, protracted violence and humanitarian emergencies (e.g. in Liberia between 1990 and 1998 and then again in 2003; in Sierra Leone between 1994 and 1999; in Guinea-Bissau in 1998 and then again in 2012, in Ivory Coast since 2002 and in Mali since early 2013).

In light of the continuous challenges facing the region, ECOWAS member states decided to enhance their response capabilities by establishing three regional schools tasked with training professionals that will be later on deployed in the midst of ongoing crisis situations. The Kofi Annan Peacekeeping Training Centre (KAIPTC) in Ghana, the National Defense College of Nigeria (NDC) and the Peacekeeping Training School of Zambrako in Ivory Coast (later on renamed and moved to Bamako as the Ecole de Maintien de la Paix du Mali) are three tangible results of these developments. These regional training schools have so far played a key role in forming qualified military and civilian actors able to deploy into crisis situations across the regions. However, the regional schools' training focus has been of a military and humanitarian nature rather than one with a long-term perspective dedicated to democracy promotion and state building.

As result of the state of affairs described above and while having intervened in a variety of conflicts to stabilize the countries concerned and to restore minimal standards of law and

order following emergency situations, ECOWAS has so far kept a relatively low profile in managing its member states' transitions from conflict areas to functioning democratic states. Instead, at the very delicate stage marking the passage from conflict situations to democratic life, ECOWAS countries have repeatedly called upon the European Union (EU) to provide its considerable expertise in the field of democratization. With this aim in mind and through the deployment of its Election Observation Missions (EOMs), the EU was tasked with observing and assessing the development of electoral process in the countries in question. What follows below is a brief review of the findings obtained by the European Union through its EOMs in a selection of ECOWAS countries.

### **European Union's Election Observation missions (EU EOMs) in the ECOWAS region**

For the presidential elections that were held in Guinea-Bissau in July 2009, the European Union deployed an Election Observation Mission (EU EOM) of 21 observers from 12 EU member states under the leadership of Mr. Johan Van Hecke (Chief Observer). On July 26<sup>th</sup>, observers visited 107 polling stations in 23 out of 27 of the country's electoral constituencies. The EU EOM gave an overall positive assessment of the electoral process. More specifically and to begin with, European observers gave praise to the National Electoral Commission (CNE) for having run the electoral process in a transparent, professional and impartial manner. Secondly, the EU EOM noted that, although a number of challenges remain in terms of its appropriate implementation, the legal framework of the country is now adequate to provide for the staging of free and fair elections. Furthermore, the EU mission observed that, despite some occasional inflammatory rhetoric on behalf of the candidates, the electoral campaign took place in a generally peaceful atmosphere that contributed to make freedom of movement and freedom of expression a reality on the ground. Within such a context, the role played by civil society groups and, in particular, the proactive role played by women throughout the electoral process, was particularly commended by international observers. Finally and despite some occasional significant exceptions, European observers noted that the media carried out a balanced reporting of all the main candidates' positions and positively contributed to inform voters of their rights and duties. As for what concerns key recommendations for future electoral consultations, the EU EOM suggested that the country's authorities take action in order to establish a legal framework to facilitate the vote

of the Guinean diaspora, that adequate provisions shall be put forward to allow for national non-partisan election observers to participate in the monitoring of the electoral process and that the National Electoral Commission (CNE) be entrusted with more robust powers for the management and the administration of both the electoral process itself and the resolution of eventual controversies arising from it.

For the Guinean presidential elections of the 27<sup>th</sup> of June 2010, the European Union deployed an Election Observation Mission (EOM) lead by Mr. Alexander Graf Lambsdorff MEP. The mission comprised a total of 73 observers from 24 EU member states as well as from Canada, Norway and Switzerland. On polling day, the EOM visited 322 voting stations out of a total of 8429 across the country's 32 prefectures. Although it recorded a variety of organizational and logistical challenges, the EU EOM gave an overall positive assessment of the way in which the electoral process had been managed. To begin with, European observers commended the work done by the newly established Independent National Electoral Commission (CENI): in light of the radical changes that had recently took place to adapt the country's legal system to its transitional phase towards democratic rule, the fact that the CENI managed to successfully handle the complexities of a country-wide ballot was seen itself as a success. Furthermore, candidates as well as voters were commended for an electoral campaign that saw virtually no violent episodes in an overwhelmingly peaceful atmosphere. Such a positive environment was fostered to a significant extent by the country's media: these ensured a free and fair coverage of all key contestant and constituencies while refraining from any dangerous inflammatory rhetoric. Within such a positive context, freedom of expression and freedom of movement were also respected by all parties concerned. Despite the encouraging results presented above, the EOM recommended that, for future consultations, specific attention should be given to addressing a number of issues. These would include, among others, a more organized distribution process of the electoral cards to all citizens entitled to vote, better and more intensive training of all electoral officials for what concerns the management of polling stations and the clearer indication and advertisement of the actual location of all polling stations so as to facilitate voters' orientation on the day of the elections.

On the occasion of the October and November 2010 presidential elections in Ivory Coast, the European Union deployed an Election Observation Mission (EU EOM) made up of 120 observers from 24 of its member states as well as from Norway and Switzerland. Led by Mr. Cristian Preda MEP, European observers visited 943 polling stations out of the country's 20,073. The EU EOM provided an overwhelmingly negative assessment of the electoral process that took place in the country. To begin with, the run up to the election as well as voting day itself were marred by significant violence, by a sustained climate of fear and tension as well as a curfew that came into force just two days before polling day. Indeed, such a curfew made it almost impossible for polling stations to respect their officially agreed-upon opening hours: only 17% of visited polling stations remained open as originally planned. When voting took place, European observers were able to qualify as well managed the voting procedures of only 73% of the visited polling stations. Within this context, the European Union noted that the country's media were consistently biased in favor of outgoing President Gbagbo, that numerous instances of voters' harassment were reported and that the absence of an appropriate law made it impossible to investigate the financing sources of the two presidential candidates' electoral campaigns. Last but not least, the EU EOM was sorry to report that no significant improvements were recorded between the first and the second round of voting in terms of the overall management of the electoral process.

The European Union Election Observation Mission (EU EOM) deployed to Niger on the occasion of the 31<sup>st</sup> of January 2011 elections was led by Mr. Santiago Fisas Ayxela' MEP. This comprised forty observers from fifteen member states of the European Union as well as observers from Canada and Switzerland that, on polling day, visited 426 polling stations out of a total of 20,899. The electoral process was considered to have been overall properly managed by the Independent National electoral Commission (CENI) while a variety of challenges still remained to be addressed. To begin with, EU observers assessed positively the electoral process carried out in 97% of the visited polling stations. Secondly, it was noted that the electoral registry was revised successfully adding 660,000 new registered voters. Thirdly, the elections took place in a calm environment that was not marred by any significant violence and that allowed for the free movement of all candidates across the country and for their freedom of expression. Fourthly, the presence of both international and national observers as well as of delegates of the competing parties at most polling stations was seen as having significantly contributed to the transparent conduct of the electoral

process. However, having said all this, some significant challenges still remain to be addressed. Priorities in this respect should be the training of election officials, the publication of electoral results at each polling station, the management of delays due to electoral complaints and the setting up of a website where all electoral result could be brought together and published for the benefit of the wider public.

The 16<sup>th</sup> of April 2011 Nigerian presidential elections were followed by a European Union Election Observation Mission (EU EOM) led by Mr. Alojz Peterle MEP. The mission itself comprised a Core Team of 9 experts based in Abuja, 54 Long-Term Observers (LTOs), 60 Short-Term Observers (STOs) and 15 Locally-Recruited Short-Term Observers (LSTOs) from the diplomatic missions of EU member states as well as from those of Switzerland and Norway. The EU EOM was joined by a four-people delegation from the European Parliament led by Ms. Mariya Nedelcheva MEP and qualified the electoral process as reasonably free and fair but still characterized by a variety of challenges. Chief among these challenges was the sporadic violence recorded on the day of the elections as well as the more significant disorders observed in the run up to polling day itself. While commended for the overall management of the electoral process, the Independent National Electoral Commission (INEC) displayed some serious shortcomings between its stated objective to set up smaller and more manageable polling stations and its actual capacity to implement such a decision. Last but not least, although operating reasonably free from undue political interference, the country's legal system appeared to have been overwhelmed by the substantial amount of legal challenges mounted by all political parties throughout the run up to the day of the elections. On the other hand and on a positive note, the EU EOM observed that the overall quality of the electoral process had markedly improved since the previous National Assembly elections of the 9<sup>th</sup> of April 2011 and that both civil society in general and the media in particular played a key proactive role in promoting a vibrant but respectful political dialogue. Within this context, while a reasonably appropriate legal framework appears to be in place, Nigeria faces the ongoing challenge of implementing all relevant provisions needed for the smooth conduct of the electoral process.

The Senegalese presidential elections of the 26<sup>th</sup> of February 2012 were followed by a European Union Election Observation Mission (EU EOM) comprising more than 90

observers from 26 EU member states as well as Switzerland, Norway and Canada. Counting on the political support provided by a delegation of six members of the European Parliament (EP) led by Mr. Cristian Dan Preda MEP, the election observers visited more than 700 polling stations in 39 of 45 of Senegal's electoral districts. Despite significant administrative and organizational shortcomings within a tense political context, the electoral process was qualified as adequate by international observers. Indeed, two new and positive features of these elections were constituted by the role played by national election observers throughout the country and by the very substantial freedom of expression enjoyed by all media outlets. Having said that, a number of challenges were recorded nevertheless. To begin with and despite constitutional provisions to the contrary, a number of electoral rallies of the opposition party were repeatedly banned by the Interior Ministry from taking place. Furthermore, while the Autonomous National Electoral Commission (CENA) was commended for the overall management of the electoral process, questions were raised concerning the transparency of the process through which electoral cards were distributed to citizens. Finally, European observers regretted that, despite a revision of the electoral lists that increased to 5,307,962 the number of citizens entitled to vote, an internal audit revealed that a significant proportion of the population between 18 and 23 years of age had been disenfranchised from the vote due to administrative shortcomings pertaining to the voters' registration's process.

The 17<sup>th</sup> of November 2012 Sierra Leonean presidential, legislative, regional and local elections were followed by 100 observers from 26 EU member states and Norway. Launched on the 27<sup>th</sup> of September and headed by Richard Howitt MEP as its Chief Observer, the EOM was also joined by a delegation of Members of the European Parliament (MEPs) led by Mariya Gabriel, MEP. Despite a number of logistical and administrative shortcomings, the elections were judged by the EU EOM to have been reasonably well-conducted and overall free and fair. More specifically, a number of observations were made that both highlighted the country's positive efforts while at the same time stressing some ongoing challenges. On a positive note, the EU praised the National Electoral Commission (NEC) for having managed to successfully organize and run four simultaneous votes. Indeed, voting operations were assessed as appropriate in 95% of the 404 polling stations visited by the EOM. However, while the elections were seen as overall having been free and fair, the EOM noted some outstanding challenges. To begin with, the EU EOM observed that, throughout

the electoral campaign, the ruling party of the All People's Congress (APC) was able to draw on institutional and state assets that were never made available to the main opposition party of the Sierra Leone People's Party (SLPP). Furthermore, the EOM was sorry to observe that logistical and administrative challenges pertaining to the delivery of electoral material across the country still hampered the effective development of voting procedures. Last but not least, while freedom of expression was respected and promoted by the country's media, the Sierra Leonean Broadcasting Corporation (SLBC) showed a persistent bias in favor of the ruling party.

### **Conclusion and perspectives for EU-ECOWAS cooperation in election observation**

The findings collected by the European Union through its Election Observation Missions (EU EOMs) provide a picture characterized by great variation in terms of the quality of the electoral processes taking place in different countries across the region. While all ECOWAS member states face significant challenges in implementing free, fair and well administered elections, a number of specific observations can be made. To begin with, there exists a broad spectrum in terms of the quality of the electoral process carried out by countries in the region. On the one end of the spectrum, the presidential elections that were held in Ivory Coast in October and November 2010 stand out as the archetype of a flawed electoral process. The damning report issued by the EU EOM after the elections and *the facto* civil war that followed the electoral consultation, both mark Ivory Coast as a particular area for concern in the region. At the opposite end of the spectrum, both Senegal and Guinea-Bissau were reported as having managed, despite a number of persistent challenges, to carry out reasonably well managed electoral processes that met internationally-agreed minimum standards that went towards ensuring free and fair elections. Furthermore, it shall be noted that, across the region, there continue to exist a significant gap between theory and practice in terms of electoral practice. Indeed, in most countries, the legal framework is already adequate to ensure the good conduct of the electoral process. However, the countries in question lack the administrative, logistical, financial and human resources to implement relevant legal provisions. Last but not least and all other things being equal, it is fundamental to observe that the quality of the electoral processes observed changed significantly depending on whether or not the EU EOM had been deployed into the country following a party's call for supervision of the electoral process and the international community's interest in it or

whether the European Union's involvement was the direct result of a multi-partisan will to see the EOM engaged in the country to contribute to the improvement of the general electoral process itself.

The European Union could support ECOWAS countries in improving the quality of their electoral processes through a combination of both medium to long-term interventions. To begin with, the European Union could assist ECOWAS countries to broaden the scope of the activities of training schools across the region. EU trainers and election observers could join the Kofi Annan Peacekeeping Training Centre (KAIPTC) in Ghana, the National Defense College of Nigeria (NDC) and the Ecole de Maintien de la Paix du Mali in Bamako as well as all relevant national electoral commissions to provide long-term training to local officials in the field of election observation and administration. Secondly and closely related to the first point, training in the field of election observation and administration should undergo a shift of focus from theory to practice. Indeed, whenever a basic legal framework needed for carrying out elections respecting internationally-agreed election standards has been established, resources should be allocated to addressing outstanding logistical and administrative challenges as opposed to require further legal refinements that would unlikely be implemented at a later stage. As a third step, the European Union might consider focusing its efforts to strengthen administrative and training capacities in the field of election observation and administration in those countries of the region that already show promising developments. Although relatively small ECOWAS member states, Senegal and Guinea-Bissau have, according to EU EOMs reports, performed relatively well in steadily improving the quality of their electoral process: the Union could therefore aim to support these countries in turning into "regional countries of excellence" in the field. Furthermore and within the broader context of the European Union regional Common Foreign and Security policy (CFSP), stronger political and economic conditionality could be enforced in relation to democracy and human rights. Within this perspective, EU member states could make more effective use of a "stick and carrot" approach that would aim to punish countries guilty of gross human right violations while at the same time providing political and economic rewards to those ECOWAS member states ready to enact democratic reforms and to enhance the quality of their electoral processes. Last but not least and in a complementary manner to the other steps presented above, the European Union should aim to engage the Federal Republic of Nigeria in a long-term and intense dialogue on the subjects of democracy promotion, human rights, and electoral administration. Indeed, given the sheer size of the country vis-à-

vis its ECOWAS partners, any initiative aiming at strengthening the quality of the electoral processes across the region cannot be sustained in the long-term without Nigeria's deepest political and economic commitment.

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