

# The EU as an Observer of Elections in Africa: Aims, Methods and Consequences (2000s)

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The European Union pays close attention to the monitoring of electoral campaigns and elections themselves in the African countries. The EU often sends its observers to monitor the African elections, by invitation from the respective African governments. The paper will aim to analyze the role of EU election observation missions (EU EOMs) working in African countries, their aims, methods, and consequences which that process may entail for the EU political relations with this or that African country.

This commitment of the EU is in line with its declared aim to promote democratic, liberal, Western values on the African continent. The aim is to introduce the good governance in all African countries, to which the democratic, fair, inclusive and transparent elections are seen as a first step and the necessary precondition. EU promotes election observation as a tool to support democracy and promote human rights around the world. According to the EU, it contributes to strengthening democratic institutions, building public confidence in electoral processes, helping to deter fraud, intimidation and violence, especially in fragile, post-conflict or developing regions.

European countries contributed to election observation in Africa even back to 1990s. For example, Danish researcher, Prof. Gorm Rye Olsen in his article “Europe and the Promotion of Democracy in Post Cold War Africa: How Serious is Europe and for What Reason?” mentioned that

*“long before democracy became a hallmark of European development aid, the European Community was engaged in attempts to transform the white minority regime in South Africa. <...> In anticipation of non-racial general elections, the EC supported a major programme of voter registering and voter education with the aim of ensuring that as many people as possible were in a position to participate in the democratic process. The support of free and independent news and media was also considered to be vital for the election campaign. <...> More than 300 EU observers were subsequently deployed for the country-wide coverage of the national and provincial elections scheduled for April 1994” (Olsen, 1998: 348-350).*

However, as German political scientist Christine Hackenesch argued,

*“the third wave of democratization that hit the African continent in the early 1990s has in many countries not resulted in long-term democratic development. By the early 2000s it had become clear that in many African countries political liberalization was not followed by democracy but by a new form of authoritarianism – dominant party*

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*systems. In these regimes a ruling party has strongly entrenched itself in power. These regimes establish formal democratic institutions (i.e., regular elections), but without introducing meaningful political competition” (Hackenesch, 2015: 85).*

Therefore, in the 2000s the EU has also become much more concerned on democracy promotion on the African continent, and interconnected this issue with the question of the development aid.

Since 2000, 147 EU EOMs have been deployed in Africa, the Middle East, Asia, Latin America and the Caribbean (*EU and Election Observation 2018/08/23*). In addition, EU organized Election Expert Missions (EU EEM) to various African countries. Such missions usually analyze all frameworks and phases of the electoral cycle, having regards to the relevant recognized international standard. They have technical nature and do not conduct direct observation. They are not headed by political figure and do not deliver public statements or press releases. They provide a technical document that reports on the country specific electoral situation to EU institutions and Member States (*EU Election Expert Mission 2009/11/20*).

The observation of African elections gives the EU first-hand information about the election process, the possibility to approve of the election results or to denounce them, to praise or criticize the organization of elections. The EU election observation missions review the whole election cycle, which starts long before the elections themselves, therefore the mission can last up to 6 months.

An observation mission assesses all aspects of the electoral process, including its legal framework, the delimitation of constituencies, the registration of voters and candidates, the training of election staff, voter education, media coverage, the campaign and the preparations for the vote, as well as the appeals process. On election day observers visit polling stations in order to assess the opening, voting, counting and aggregation of results. This is done according to the principles of independence, full coverage, impartiality, transparency, professionalism and non-interference in the process.

This helps to promote public confidence in the electoral process and may serve to promote electoral participation and mitigate the potential for election-related conflict.

The EU observers produce their report with the evaluation of the whole election cycle, which gives recommendations on how to improve the electoral system of the country. However, as EEAS comments,

*“EU EOM recommendations have a wider scope than electoral reform and touch on issues such as free media, active and engaged CSOs, an independent judiciary, human rights and democratic institutions. They can be used as the basis for informing electoral assistance projects supporting democratisation processes in partner countries” (EU and Election Observation 2018/08/23).*

This shows that the EU election missions collect and analyze information in the African countries that does not directly connect with the electoral process, which may not be approved by the African governments. The EU also monitors whether the government of the country eventually implemented the recommendations of this report, or not. Which gives them a degree of obligation. Some governments may see this as affecting their internal political affairs.

Sometimes the African governments express their disappointment with the work of the European election observers and with their conclusions (the example is Kenyan electoral process in 2017). A first election in August 2017 was nullified by the country’s Supreme Court. The Court’s decision came after the EOM by the European Union and others had released preliminary statements which, while raising a number of concerns, drew no

conclusions regarding the overall validity of the election. It gave the winning party the possibility to present EOMs as stamps of democratic legitimacy. The final report of the EU EOM, including the election redo, which took place last October, was released in January 2018, but both the incumbent Uhuru Kenyatta as well as the opposition leader Raila Odinga dismissed it<sup>1</sup>.

Unfortunately, often election observers are either ignored or misquoted or utilised to serve the individual agendas. Besides, election observing is imperfect. Observer missions are usually made up of small teams, constrained by logistics and time.

The fact is that EOM reports inevitably distort domestic processes in the countries where elections are observed. As researchers from ECDPM Ronceray and Aggad note, findings of EOMs “*inevitably influence the legitimacy of certain actors (incumbents, challengers, judiciary, media, etc.) and, hence, change the possible power configuration resulting from the electoral process. As such, it can go directly against the underlying rationale of democracy: self-determination*”<sup>2</sup>.

It is especially significant for the EU, because it is often suspected of serving the purposes of its former-colonialist member states. And even the decision to send or not an EOM is a political one, which tends to consolidate some positions while undermining others.

The EU is also involved in the mediation of the post-electoral conflicts in Africa, such as the one in Kenya (2007-2012). Mediation efforts are used as a tool for conflict prevention and peace-building. So, the election observation also reinforces other key EU foreign policy objectives, in particular peace-building in Africa.

The EU observation of elections may also be used as the instrument of “legitimization” of the incoming government in the eyes of the Western world, or “international community”. European researcher Martin Ronceray conceptualises EOMs as ‘*dealers of legitimacy*’ in a foreign political marketplace, due to their ability to endorse or condemn (parts of) electoral processes (Ronceray, 2017: 3).

This is well-illustrated by the case of Zimbabwe after the resignation of Robert Mugabe. The need for organizing “*peaceful, inclusive, transparent, democratic*” elections and carrying out political and economic reforms as a condition for expanding partnership with Zimbabwe was stated in the EU Council resolution adopted in light of ongoing political transition in the country on 22 January 2018.

It read:

*“The upcoming electoral process will be an essential step. The EU welcomes the commitment of the authorities to hold elections in line with the constitution, and underlines the importance that the conditions are in place to allow those elections to be peaceful, inclusive, credible and transparent. The EU would consider favourably electoral observation, provided that the required conditions are fulfilled and that an invitation from the Government of Zimbabwe is received”* (Zimbabwe: Council adopts 2018-01-22).

The EU planned to send its election observers to Zimbabwe for a preliminary assessment ahead of the country’s harmonised elections, they were invited by the President Mnangagwa in March 2018 (*EU election observers 2018-03-9*). Zimbabwe’s presidential and parliamentary elections in July 2018 were the first since 2002 that UN and EU observers have been able to attend. However, as the outcome of their work during the elections the EU observers listed several problems, including media bias, voter intimidation and mistrust in the electoral commission<sup>3</sup>. They also questioned delays in releasing the

<sup>1</sup> Muriuki B. Kenya responds 2018-01-10.

<sup>2</sup> Ronceray M., Aggad F. Do we expect too much 2018-02-26.

<sup>3</sup> Dzirutwe M., Brock J. EU observers 2019-08-01.

results. However, African observer groups also raised concerns about state media bias and the electoral commission. They also called for improvements in the counting procedure. Head of the EU EOM in Zimbabwe Elmar Brok stressed that the report his team prepared and its 23 recommendations also serve as important benchmarks for assessing the commitment of the Government of Zimbabwe to furthering democratic transition in the country (*EU Election Observation Mission 2018-10-II*). The EU's assessment is critical in determining whether Zimbabwe can exit painful sanctions imposed on the government and secure the donor funding and investment needed to stem chronic cash shortages and whether it could attract investors and trigger an economic revival.

Despite the mixed results of the Zimbabwe elections, it can be said that the EU is intended to strengthen the political dialogue with the government of Emmerson Mnangagwa. There were even critics who said that the final report of the EU EOM should be much stricter. It is worth noting that since February 2015, Zimbabwe and the EU have resumed their bilateral development cooperation (*EU stands ready 2018-04-10*). Before that, EU cooperation with the government was suspended between 2002 and 2014. Despite this situation, direct assistance to the people of Zimbabwe continued to be provided through trusted partners and NGOs. The EU and its Member States have disbursed more than €2 billion for Zimbabwe over the past fifteen years. The European Commission alone continued to provide more than €700 million in direct support to the Zimbabwean population, notably in the field of humanitarian aid, education, health, agriculture and food security (*EU stands ready 2018-04-10*).

Development cooperation with Zimbabwe under the 11th EDF (2014-2020), worth €234 million, focuses on the focal sectors health, agriculture-based economic development, as well as governance and institution building. In addition to this, the EU helped respond to various natural disasters and the 2016/17 drought with over €25 million. In spring 2018, Commissioner for International Cooperation and Development Neven Mimica met President Emmerson Mnangagwa and said this was an indication that the European Union was ready to accelerate support for Zimbabwe to their transition towards democracy and prosperity (*EU stands ready 2018-04-10*). He also launched new EU support programmes for a total amount of €23 million in the area of health and job creation. Moreover, by April 2018 the EU has already provided €11 million to support the Zimbabwean Electoral Commission and civil society stakeholders in the preparation of the electoral process (*EU stands ready 2018-04-10*). Another rather different case when elections in an African country received high appreciation from the EU EOMS is provided by the positive case of Liberia. At the end of December 2017, presidential elections took place in Liberia, at which the EU launched an observation mission and recognized the electoral process as “exemplary” (*Election Day 2017-12-28*). The new president, Mr George Weah, in the past a famous football player, succeeded Ellen Johnson Sirleaf after 12 years in power.

Mrs. Sirleaf also received the Mo Ibrahim Prize amounting to \$ 5 million, which is awarded to the democratically elected leaders of African countries who voluntarily left their posts. Before, in 2011, President E.D. Sirleaf was awarded the Nobel Peace Prize. International donors – Sweden, the EU and the United Nations Development Program (UNDP) – have allotted the total of US\$42 million for support to the Liberian electoral cycle, 2015 to 2018<sup>4</sup>. The project will last till October 2019. Out of this sum, the EU alone provided \$11 million<sup>5</sup>. The funding is intended to enhance the democratization process in Liberia with emphasis on improving electoral institutions and processes.

<sup>4</sup> Johnson T. EU Clarifies 2017-02-14.

<sup>5</sup> Ibid.

Sometimes local activists who do election observation are not satisfied with the work of foreign election observers, including the EU. Some international observers are being described as 'tourists' who base their conclusions on the little they saw, and they usually work only in a capital of the country<sup>6</sup>. This was the case for the recent elections in Angola in August 2017. The EU sent only a small team of observers to Angola. However, the EU spokesperson before elections explained that the EU has scrapped plans to observe elections in Angola after Luanda failed to agree to a package of conditions, including access to all parts of the country during the poll. The EU finally sent a smaller team of experts to assess the elections, consisting of four people (*Angola agrees 2017-08-01*) and therefore not able to provide an in-depth account of the electoral process. *"Notwithstanding positive discussions with the Angolan side, the conditions for deployment in accordance with our methodology have not been met, therefore the EU will not deploy an Electoral Observation Mission,"* a spokesman for the EU's mission in Angola told<sup>7</sup>. The EU had looked set to send its first Electoral Observation Mission to Angola since a 27-year civil war ended in 2002. But a request from the EU that Angola sign a memorandum of understanding, which set out conditions for the observation mission, was rejected earlier this month. Angola's Foreign Minister Georges Chikoti said the EU was invited to observe the elections, just like a number of organizations, but that no specific memorandum would be signed with it. *"We do not expect anyone to impose on us their way of looking at the elections and give us some lesson, just as we don't hope to give lessons in terms of elections"*<sup>8</sup> Chikoti was quoted as saying on July 16 in the state-controlled newspaper, "Jornal de Angola". Sometimes local actors and groups in a given African country, struggling for the victory at the elections, view the European Union and its Delegation and its Election observation mission as a critical advantage on their own side or obstacle against them. For example, presidential elections in Nigeria in February 2019 were postponed by a week by the Independent National Electoral Commission (INEC). Two Nigerian civil society activists, whose article was published on the 'Euronews' website, expressed their opinion critical of Brussels neutral position towards the situation with the Nigerian elections. They wrote:

*"Although the EU has deployed an election observation mission to the country, its political leadership has kept its distance. With the success of Africa's biggest democracy at risk, the EU can do more. At a minimum, it should send a firm diplomatic message of zero tolerance for political interference in the INEC... <...> The EU's political leadership does not consider the success of Africa's biggest democracy a priority – a critical error. It has not used its leverage to ensure Nigerian authorities deliver safe and fair elections. This contrasts sharply with the UK and US, who have warned those who undermine the democratic process that actions will have consequences, such as visa restrictions. The fact that the EU is negotiating a sensitive agreement with Nigeria on returns and readmission of migrants begs the question where the EU is willing to put its political weight"*<sup>9</sup>.

Interestingly, those activists praised the conduct of the EU Delegation in Nigeria, saying that it supported the civil society organizations – including domestic observer groups. They also regarded highly the EU election observation mission – mentioning that it had "stabilizing effect on the conduct of elections"<sup>10</sup>.

<sup>6</sup> Louw-Vaudran L. Local election 2017-09-21.

<sup>7</sup> Eisenhammer S. EU says 2017-07-28.

<sup>8</sup> Ibid.

<sup>9</sup> Ilo U.J., Dijkstra B. The success of Africa's 2019-02-22.

<sup>10</sup> Ibid.

In March 2019, the European Union observer mission presented its report on Nigeria's elections of president and governors. Maria Arena, chief of the EU mission, told a news conference in the capital Abuja that Nigerian elections need serious reform after being marred by violence, systemic failings and low turnout (*EU: Nigerian Elections 2019-03-II*). Around 600 people died in election-related violence from the start of campaigning to the end of the presidential election.

EU observers have been present at every general election held in Nigeria from 1999 to 2019, since democracy established in the country in 1998 – this year for the sixth consecutive time<sup>11</sup>. In 2017, the EU established a specific programme 'Support to Democratic Governance in Nigeria' for a five year period. The programme's budget is €26.5 million. It was launched at the beginning of 2018, and its work was based on the recommendations of the 2015 EU EOM.

*"It provides funding to ten organisations that implement various activities (trainings, seminars, capacity development, awareness raising etc.) in support of the Independent National Electoral Commission (€13 million), Nigeria's National Assembly (€3 million), political parties (€2.7 million), media (€2.6 million) and civil society organizations (€3 million)"<sup>12</sup>.*

The European Parliament is also making its contribution to reinforcing electoral processes in Nigeria. The Parliament's Democracy Support and Election Coordination Group (DEG) oversees a comprehensive programme of capacity-building activities developed and implemented with the National Assembly of Nigeria. In the framework of this programme several joint seminars between Nigerian parliamentarians and EP Members, a fact-finding mission to Abuja, as well as training for the staff of the Nigerian parliament were held<sup>13</sup>.

Trying to keep diplomatic relations safe, the EU Missions have to be very careful in their statements which sometimes disappoint opposing sides and communities in the observed countries. Election observers' main audience has often been the international community, rather than the population whose election they were monitoring. Across the continent, there were examples of observers describing elections as broadly free and fair, when there was a perception domestically that rigging occurred<sup>14</sup>.

International monitors generally approved of Kenya's 1997 and 2013 presidential elections, even though the opposition raised issues about the integrity of both elections. Similar contradictions were accompanied with the EU election observation and its results during the elections in Rwanda in August 2017<sup>15</sup>, and in Uganda in 2016, where the EU mission neither endorsed nor condemned the election. Instead, it urged the public to read its report and "draw their own conclusions"<sup>16</sup>. Critical voices were heard also on EU election observation results in the Democratic Republic of Congo elections in 2019<sup>17</sup>.

To conclude with, the EU EOMS play an important role as 'dealers of legitimacy' approving (or not) of results of elections which often bring new governments in Africa to power. As Martin Ronceray and Faten Aggad point out, the ability of the EOMs to distort the domestic political arena is particularly problematic if observers are not fully neutral. They state:

<sup>11</sup> Zamfir I. General elections 2019-02-15.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Kuo L., Dahir A.L. Foreign election 2017-09-06.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ilo U.J., Dijkstra B. Op. cit.

*“Observers such as the EU are known to keep watch over the findings of their missions before they are released, which opens up the possibility to amend them to serve other purposes, such as preserving peace, protecting allies or defending other interests. In such cases, EOMs can be the vehicle of deliberate international interference and undermine a country’s self-determination”* (Ronceray M., Aggad F. Op. Cit.).

EU EOMs results and reports have certain connections to the amounts of aid and other types of political and economic support the incoming government will receive from the EU. Monitors are more likely to endorse elections in the countries that are major foreign aid recipients. Endorsed countries also tend to receive more aid.

This highlights the important question of EU EOMs’ independence: can they be subjected to interferences, why and through which processes? Martin Ronceray underlines: *“While standardization ensures a high level of neutrality throughout the span of EOMs, significant glitches make them prone to episodic interest-driven interference”* (Ronceray, 2017: 3). Therefore, the EU’s role as an observer of African elections is multilateral, may be evaluated differently and is worth further exploration.

There is a qualitative shift between the EU’s policies on supporting democratic reforms in Africa in the 1990s and in the 2000s. German researcher C. Hackenesch underlined, that

*“during the 1990s, the EU mainly relied on democracy aid and negative conditionality in the form of sanctions (Article 96 of the Cotonou Agreement), but sanctions represented a reactive instrument to respond to serious violations of human rights and democratic principles. Also, during 1990s the volume of democracy aid was still comparatively small in both absolute and relative terms. However, since the early 2000s the EU instruments evolved allowing it not only to respond to imminent political crises but to support slight political openings or prevent degradations in political liberalization. In particular, reforms in the international aid system have allowed the EU to considerably develop and expand its instruments to support political reforms”* (Hackenesch, 2015: 86).

Among these instruments C. Hackenesch mentions, among others:

- aid negotiations with recipient governments to gain support for political reforms;
- political dialogue with the African governments, setting financial incentives for reforms (for example, the governance incentive tranche that the EU introduced in 2006) and pushing for the justice-sector reform in the African countries and highlighting the role of democratic oversight institutions;
- considerable increase of the volume of democracy aid in absolute and relative terms.

Researcher Elizabeth Magnes considers that both the EU and African governments see election monitoring as an instrumentalised tool, and this instrumentalization hinders the EU norm diffusion in Africa through EU-EOMs (Magnes, 2019: 1). She implies that EU-EOMs are also influenced by the EU’s dichotomous character and inherent tensions between its normative and strategic commitments.

Although the research on elections in Africa has significantly advanced in the past fifteen years, there has been limited scholarly work on EU-EOMs. For advancing the studies of the EU election observation in various African countries, careful contextualization of all the related phenomena is needed. It is critically important that many factors of the political culture of African countries are taken into consideration as well. As specialists from the African Studies Centre of the University of Leiden put this,

*“specific traits in local political traditions impact on the success and durability of elections: cultural notions of authority and accountability, levels of economic development, the extent of ‘neopatrimonial’ networks, civil liberties, gender relations, and religious values regarding the political process and community representation. The role of the judicial system in shaping and regulating the democratic and institutional context of elections is also highly relevant”* (Elections in Africa 2018-01-04).

So, the EU as an observer of elections in Africa might have various aims (democracy promotion, diffusion of its norms and normative power, strengthening political dialogue with African counterparts, endorsing – or not – the new governments and others). And despite claiming the usage of neutral and unified methods in all cases, the realities of EU EOMs’ Work on the ground vary, and in some cases may lead to unforeseen consequences.

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