

ELECTION OBSERVATION, DEMOCRACY AND STATE SOVEREIGNTY IN AFRICA

CASE STUDIES OF SELECTED COUNTRIES.



Editors

Paul Kariuki , Stanley Osezua Ehiane, & Bhekithemba R Mngomezulu



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Bhekithemba R. Mngomezulu



Democracy Development Program NPC

www.ddp.org.za

*Election Observation, Democracy and State Sovereignty in Africa:
Case Studies of Selected Countries*

Produced by UJ Press
University of Johannesburg
Library
Auckland Park Kingsway Campus
PO Box 524
Auckland Park
2006
<https://ujpress.uj.ac.za/>

Compilation © Paul Kariuki and Stanley Osezua Ehiane &
Bhekithemba R. Mngomezulu 2024

Chapters © Individual contributors 2024

Published Edition © Paul Kariuki and Stanley Osezua Ehiane &
Bhekithemba R. Mngomezulu 2024

First published in 2025 by the Democracy Development Program (DDP).
32 Dullah Omar Lane (Masonic Grove), DDP House, 2nd Floor, Durban, 4001
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The DDP is financially funded by the Konrad Adenauer Stiftung (KAS)

<https://doi.org/10.36615/9781997468028>

ISBN: 978-1-997468-01-1 (Paperback)

ISBN: 978-1-997468-02-8 (PDF)

ISBN: 978-1-997468-03-5 (EPUB)

Copy editor: Mike Leisegang
Typeset in 10/13pt Merriweather Light



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Election Observation, Democracy and State Sovereignty in Africa

Foreword

Undoubtedly, Africa has made strides in fostering electoral democracy ever since the Third Wave of Democracy, despite the challenges confronting democracy across the continent. However, what is quite evident is that the quality of democracy in Africa remains suspect. One way to foster democracy in emerging countries such as those in Africa was through election observation, which became an established practice internationally following World War I when political participation was recognised as a fundamental right to be enjoyed by all citizens. Therefore, election observation should be seen and understood as a part of conditionality by international development partners to promote democracy and good governance, especially in developing countries. This explains why election observation is practised in emerging countries – to foster a culture of democracy. Election observation assumes two forms: local and international observation. In short, election observation has become a stamp of approval as it seeks to foster accountability, transparency, and trust in the electoral process of a country, which is consistent with the good governance agenda.

Several studies have been generated on election observation and state sovereignty, but none have explored the contentious relationship between election observation, democracy, and state sovereignty in Africa, focusing on this category of countries, the way this edited volume does. Thus, the text closes a lacuna in the literature, making it a critical addition. The edited volume is indeed intriguing, timely, and relevant as it considers a critical relationship between election observation, democracy, and state sovereignty in Africa, in selected case studies, a highly contentious relationship as it presents a challenge to the survival of an African state. The book offers insights and seeks to stimulate debate and further research on the relationship between election observation, democracy, and state sovereignty in Africa. The authors present their work in a persuasive yet attractive way to the reader. This edited volume, entitled *Election Observation, Democracy, and State Sovereignty in Africa: Case Studies of Selected Countries*, is dissimilar in terms of its approach, focus, and orientation – thus making it distinct. This thought-provoking volume is a product of collaborative work various universities and Civil Society. I therefore wish to take this opportunity to thank the authors for requesting me to write a foreword for this volume. I

congratulate the authors for their success in bringing together this critical addition and thus presenting it to the reader.

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Nneka Akwu is a distinguished scientist whose expertise spans molecular biology, pharmacology, and ethnobotany. She is passionate about the intersection of science and public policy; she actively contributes to democratic discourse through her writing for the Democracy Development Program. Dr. Akwu exemplifies the power of research-driven leadership in shaping a more informed and just society. Her work highlights the critical role of scientific innovation in addressing global health challenges and promoting evidence-based decision-making. Through her research and public engagement, she advocates for policies that bridge the gap between scientific advancements and societal well-being. Dr. Akwu's dedication to mentorship and knowledge-sharing ensures that future generations of scientists and policymakers are equipped to drive meaningful change.

Abbreviations and Acronyms

ACDEG:	African Charter on Democracy, Elections and Governance
ANC:	African National Congress,
AU:	African Union
AUEOM:	The African Union Election Observation Mission
BDP:	Botswana Democratic Party
CA:	Central Africa
CAD:	Democratic Alliance Coalition
CAR:	Central African Republic
CCM:	Chama Cha Mapinduzi
CENI:	National Independent Electoral Commission
COG:	Commonwealth Observer Group
COMESA:	Common Market for Eastern and Southern Africa
COVID-19:	Corona Virus Disease of 2019
CSOs:	Civil Society Organizations
CSOS:	Civil society organisations
CW:	Cold War
DA:	Democratic Accountability
DA:	Democratic Alliance
DG:	Democratic Governance
DRC:	Direct Republic of Congo
DT:	Democratic Theory
EAC:	East African Community
ECCAS:	Economic Community of Central African States
ECD:	Early Childhood Education
ECK:	Electoral Commission of Kenya
ECOWAS:	Economic Community of West African States
EFF:	Economic Freedom Fighters

Election Observation, Democracy and State Sovereignty in Africa

ELISA:	Electoral Institute for Sustainable Democracy in Africa
ELOG:	Elections Observation Group
EMBs:	Electoral management bodies
EOMs:	Election Observer Missions
EU EOMs:	European Union Election Observation Missions
EU:	European Union
FRELIMO:	Mozambique Liberation Front
G20:	Group of Twenty
GEM:	Global Election Monitor
ICCPR:	International Covenant on Civil and Political Rights
ICISS:	International Commission on Intervention and State Sovereignty
IDEA:	Institute for Democracy and Electoral Assistance
IEBC:	Independent Electoral and Boundaries Commission
IEC:	Independent Electoral Commission
IED:	Institute for Education in Democracy
IFES:	International Foundation for Electoral Systems
IFM:	International Monetary Funds
IGAD:	Intergovernmental Authority on Development
IR:	International Relations
IRI:	International Republican Institute
ISIE:	Independent High Authority for Elections
KANU:	Kenya African National Union
MDC:	Movement for Democratic Change
MINUSCA:	Mission in the Central African Republic
MMD:	Movement for Multi-Party Democracy
MPLs:	Members of Provincial Legislatures
NARC:	National Rainbow Coalition
NCKK:	National Council of Churches of Kenya
NDI:	National Democratic Institute

Abbreviations and Acronyms

NGOs:	Non-Governmental Organisations
NPA:	National Prosecuting Authority,
NRM:	National Resistance Movement
OAU:	Organization of African Unity
OIF:	La Francophonie
OSCE:	Organization for Security and Co-operation in Europe
PDP:	People's Democratic Party
PIEO:	Principles for International Election Observation
PR:	Proportional Representation
R2P:	Responsibility to Protect
RECs:	Regional Economic Communities
SADC:	Southern African Development Community
SAF:	Social Accountability Framework
SAPS:	South African Police Service
SQ:	Semantic Question
SSA:	State Security Agency
TANU:	Tanganyika African National Union
UDC:	Umbrella for Democratic Change
UN:	United Nations
UNIP:	United National Independence Party
UNVs:	United Nations Volunteers
UPC:	Uganda People's Congress
VMD:	Voter Management Device
WTO:	World Trade Organisation
ZANU-PF:	Zimbabwe African National Union – Patriotic Front
ZASP:	Zanzibar Afro-Shiraz Party
ZEC:	Zimbabwe Electoral Commission

Contextual Background

*Bhekithemba R. Mngomezulu, Paul Kariuki &
Stanley Osezua Ehiane*

Election observation has received new currency in recent years. Its prevalence may differ from region to region, such as the Global North and the Global South, and from one country to another within a region or a continent. However, it is an irrefutable fact that election observation is embraced internationally. There is undoubtedly an unambiguous link between election observation and democratic consolidation. Election observers ensure that elections are conducted properly in a free political atmosphere, and that the rules governing elections are adhered to. Post-elections, election observers assess the extent to which the counting and the announcement of the results are honest and transparent. This impacts their conclusion on whether the elections were free, fair, and credible or not.

But the involvement of election observers in national elections invokes the question of political sovereignty (Tapoko, 2017). While some countries appreciate the reports produced by election observers, others detest them because they interfere with state or national sovereignty (Sieyes, 1789). This brings power dynamics into the equation. Apart from this power being discussed in the context of external observers and the country holding an election, there is another level at which these power relations present themselves. As external observers perceive themselves to have a louder voice than local observers, the latter claim more power by virtue of understanding the local context better than their counterparts who represent individual external countries, institutions, and regions. Within the country holding an election, the state claims more power and wants to have a final say on how the results should be labelled.

Historically, there is a distinction between the start of election observation globally and its beginning within Africa. Globally, the year 1948 marked the beginning of election observation when the UN led an election observation mission to observe the Constituent Assembly elections in South Korea. Dorn (2011) discusses early UN observation missions between 1946 and 1956. Among the countries he covers is the Greek Border, Indonesia, Kashmir, Korea, and Palestine. Since the late 1940s, the UN has been consistently involved in many election observation missions across the globe.

By contrast, election observation in Africa started late (Abdink & Hesselning, 2000). This was because African countries obtained their political independence between the 1960s and 1980s, with a few such as Namibia and South Africa obtaining theirs in the 1990s. In recent years, election observation missions have been organised by regional bodies and by the AU.

Within these contexts, the book addresses the theme of election observation – linking it to democracy and state sovereignty. The book comes against the backdrop of divergent views held by different individuals and institutions about the effectiveness of election observer missions in the consolidation of democracy. While some hail such election observation missions as the main contributors to the consolidation of democracy, others see them as interfering in the political sovereignty of the states holding an election at any given time.

Mindful of the fact that Africa is a vast continent with differences in terms of colonial experiences, languages, religious orientation, economic status, etc., the book unpacks its broader theme using specific cases from individual countries and religions. This approach was adopted to expound the various arguments and to be able to present practical examples that elucidate the theoretical arguments advanced in different chapters contained in the book.

Structurally, the book is divided into six chapters. Each tackles a specific sub-theme derived from the book's main theme on election observation.

Chapter One links election observation, public trust, and service delivery in Africa. It uses Kenya as a case study, focusing on the country's last six elections. Before zooming into Kenya, the chapter acknowledges that election observation has become a common feature in Africa, where the African Union deploys its observers. However, the chapter also highlights the fact that election observers from the Western world descend to Africa to observe elections. The chapter speaks to the power dynamics by lamenting the fact that Africa cannot send electoral observers to Europe and America, which is indicative of the power and leverage that Western powers continue to have over the African continent. The presence of these external election observers has become synonymous with fair, credible, verifiable, democratic, and quality elections that would then put in place a government that will provide public goods. Specifically, the chapter aims to determine the roles of the election observation

missions in shaping public trust. To achieve this goal, it draws from an empirical literature review and studies the reports from continental and global observer missions and other sources. The focus of the analysis is on the 2007, 2013, and 2017 election cycles.

Chapter Two discusses state sovereignty and the role played by election observers. The argument made in this chapter is that state sovereignty grants nations the authority to make laws, enforce policies, regulate, and govern their internal affairs without external interference. While this is the case, in the current era of globalisation and increasing international scrutiny, the concept of sovereignty intersects with democratic norms especially as it pertains to the conduct of elections. The chapter contends that the intersection between state sovereignty and election observers is always marred with tension on both sides. Against this backdrop, the chapter concretizes the state sovereignty and role of election observers. It then concludes that the escalating tension between the state and election observers underscores the need for a balanced approach that respects national jurisdiction while upholding democratic principles. It concludes by calling for a balanced co-existence of the state and election observers to ensure that democracy grows.

Chapter Three focuses on the mandate of domestic and international observers during elections. It begins by acknowledging the pivotal role played by election observers in ensuring the integrity and transparency of electoral processes. The chapter was triggered by instances of fraud and insufficient transparency, which have become a common occurrence in various elections. Methodologically, the chapter adopted a qualitative approach which included combing the literature, doing an analysis of various documents, and conducting interviews with various stakeholders on election-related matters. The paper presents two main findings. The first one is that international observers bolster the credibility of elections through their impartiality and expertise. The second finding is that domestic observers play a crucial role in advocating for electoral reforms, thereby enhancing the overall effectiveness of the electoral oversight process. It then concludes that policymakers should enhance the framework governing election observation and ensure that electoral processes are conducted fairly, transparently, and inclusively.

Chapter Four looks at elections and the deployment of observer missions using regional case studies. It emphasises the importance of election observation in democratic consolidation. The author laments the fact that observer missions are deployed, but many regions still

experience challenges related to transparency and fairness during elections. The chapter sets out to do a comprehensive analysis of election observer missions, considering the above concern. Through a qualitative approach, the chapter uses case studies from Eastern Africa, Southern Africa, Central Africa, Northern Africa, and Western Africa. The chapter's finding is that while observers' missions can deter electoral fraud and promote transparency, their effectiveness varies based on local political contexts, the level of cooperation from electoral authorities, and observers' mandate. It then proposes the strengthening of the frameworks and operational strategies to ensure improvement in the electoral integrity and fostering of democratic resilience.

Chapter Five is the penultimate chapter, which is an assessment of electoral reports and response by the state. It sees this as playing an integral part in upholding the integrity of democratic processes and in reinforcing public confidence in electoral systems. Using the qualitative approach, the chapter values the reports by domestic and international election observers, arguing that they serve as essential tools for ensuring electoral transparency, enhancing accountability, and fostering democratic resilience. The concern raised in this chapter is that the response by the state can influence public trust, political stability, and the effectiveness of democratic institutions. Negative responses mean that all the things listed above fall by the wayside. The chapter argues that these divergent reactions have far-reaching implications for governance and electoral credibility.

Chapter Six is the book's last chapter. It deals with electoral disputes by juxtaposing the right to intervene and political sovereignty. The chapter begins by arguing that election observers constitute an important mechanism that is used globally to strengthen democracy. However, the chapter identifies two concerning issues. The first one is that countries described as 'major powers' do not invest too much in inviting election observers whenever they hold elections. Secondly, there are power dynamics that exist between the country hosting an election and the election observer missions – especially international observers. To expand its argument, this chapter, which adopts the qualitative approach, is grounded on two International Relations (IR) theories: realism and institutionalism. While the first theory puts emphasis on the state, the second one emphasises the role of institutions in elections. At the centre of the argument in this chapter is that states and election observation missions should cooperate to address electoral disputes. The chapter submits that

power dynamics between the state and election observers (both domestic and international) should be treated carefully to ensure that the goal of democratic consolidation is achieved.

From this synopsis, our view is that the book achieves five goals. Firstly, it assists in underscoring the significance of election observation missions in the consolidation of democracy. Secondly, it highlights power dynamics between the state and election observers. Thirdly, it highlights the subtle power struggle between domestic and international observers. Fourthly, it draws a distinction between global and African experiences regarding election observation. Fifthly, it makes a compelling argument that the state and election observers should learn to coexist to ensure democratic consolidation.

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Chapter One

The Role of Election Observation Missions in Shaping Public Trust and the Delivery of Public Goods in Kenya: A Case Study of the Last Six Electoral Cycles

Wanja Douglas

Introduction

Globally, elections are viewed as pedestals of democratic governance, avenues for civic participation, and a yardstick for measuring government legitimacy. Millions of Africans every year brave long queues, harsh weather conditions, and sometimes are exposed to political intimidation and the likelihood of being victims of electoral violence, to cast a vote, elect a government, and hence honour their patriotic duty (Gathara, 2021). In Africa, the integrity of elections has been declining, with citizens in several countries preferring unconstitutional means of transitioning power (Gyimah-Boadi, 2015). This is because elections and democracy in Africa have not been translating into improved delivery of public goods (Fundisi, and Atanga, 2023). Most of the African countries have very many poor people who vote in democratic elections, vote in democratic institutions, become so attached to the rhetoric of the merits of democracies, but the trees of democracy that they sow barely have fruits that they can reap and show the world (Bratton, M., 2006). This then means that Africa must guard elections with all its might because it's only through elections that the African citizens answer their call to civic duty (Cheeseman, Lynch, and Willis, 2021). How then can the African continent safeguard elections to ensure that the citizens' voices are listened to? From whom should African countries safeguard their elections?

Africa, as a continent needs to reflect on what forms of independence we gained because colonialism continue to reincarnate and metamorphose in many subtle ways that we cannot decipher. That elections in Africa are meant to be internal affairs that allow

respective citizens to elect leaders and governments of their choice is no brainer. However, 50 years later, the majority of countries in Africa have failed to prove that they can run and observe their elections. Therefore, as fate would have it, African countries are subject to intense scrutiny in their electoral processes, while Western and European democracies rarely entertain external observations, so that no one can display their dirty linen. What does this imbalance reflect? Only one answer comes to mind: historically, the colonial masters will always dominate Africa as the continent continues to depend on them. The fact that no African country can observe elections outside of Africa, the sovereignty and mutual respect of the African nations will remain in question (Tapoko, 2017).

The observation of elections in Africa by international missions raises many questions about the motives for doing so. Africa has witnessed deep interferences of elections by the incumbent governments, and this has made it so tough for the regional economic communities (RECs), Africa Union (AU), international and regional election observation missions (EOMs), media, and civil societies to confidently report that an electoral process reflected the will and voices of the citizens.

Kenya is not mandated by any legal framework or treaty to invite the Commonwealth Observer Group (COG) during elections. However, Kenya, through the Ministry of Foreign Affairs or the electoral commission, has consistently invited COG in all the last six election cycles since 1997, and should the country fail to do so, then this would raise an international concern. Similarly, Kenya is not obligated to invite the EU Election Observation Missions (EU EOMs) or the Carter Center, but for political, diplomatic, or strategic reasons. Hence, EU EOMs observed elections in 2002, 2007, 2013, 2017, and 2022. The Carter Center observed elections in 2002, 2013, and 2017. Kenya ratified the AU Charter on Democracy, Elections and Governance (2007) in 2012. Article 17 of this charter commits Kenya to, “*allow and facilitate the deployment of election observers or monitors as appropriate.*” Since Kenya is a member of the AU, it has a political obligation to invite the African Union Election Observation Mission (AUEOM). Furthermore, Kenya is also a member of the Common Market for Eastern and Southern Africa (COMESA). COMESA has election observation missions that operate under Election Observation Guidelines (2014) that allow Kenya as a member state, to voluntarily invite COMESA EOM. Hence, Kenya’s decision to invite AUEOM, COMESA EOM, EU EOM, Carter Center, and other international and

domestic observers' groups is guided by its broader commitments to democratic norms of electoral transparency, the need to guarantee the legitimacy of an election, and gain diplomatic approval and goodwill (Makombe, 2019). However, this remains a sovereign and voluntary choice that Kenya must always make.

According to Afrobarometer's Round 10 Survey conducted in Kenya in 2024, Kenya's trust in the very institutions meant to provide leadership and deliver services has been declining. The survey asked Kenyans whether they trusted some of the most important institutions, and the Kenyans responded as shown in Figure 1.

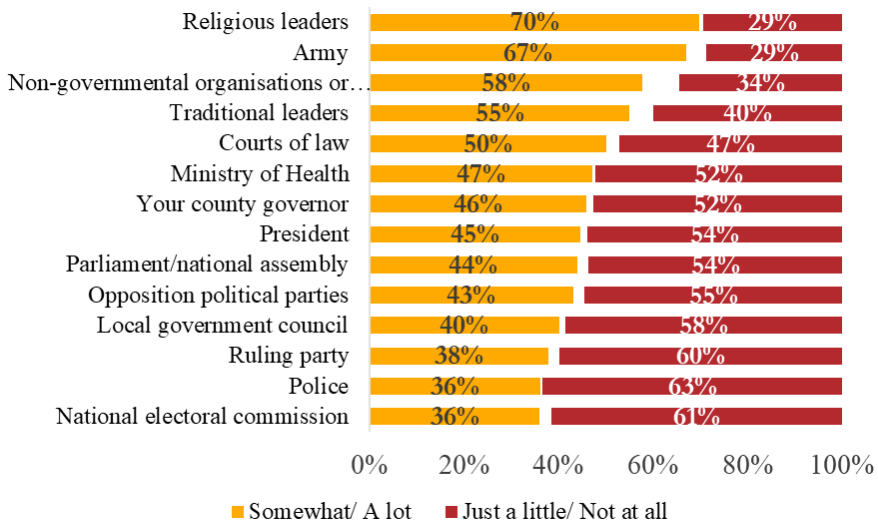


Figure 1: Trust in Governance Institutions| Kenya | 2024. Source: Afrobarometer, 2024

The results above are of concern because it is expected that the Independent Electoral and Boundaries Commission (IEBC) will play a vital role in delivering credible elections that determine the ruling party. The ruling party then has a big say on how the national assembly performs its legislative duties to ensure that counties have the resources to provide services to Kenyans. Therefore, when 61 percent Kenyans do not trust IEBC, 63 percent do not trust the police, 60 percent do not trust the Kenya Kwanza government, 58 percent do not trust county governments, 55 percent do not trust the official opposition and 54 percent do not trust the president and even their governor, then this becomes worrying because these

institutions play a vital role in enforcing law and order, managing elections, and formulating and implementing public policies that should deliver public goods to Kenyans. Waning public confidence in these institutions undermines their legitimacy and effectiveness in providing leadership, offering service delivery, and guaranteeing democratic transparency and accountability (Cheeseman, Kanyinga, Lynch, and Willis, 2024).

In Kenya, the last six cycles of elections have been marred with controversies and disputes, often leading to post-election violence (Mueller, 2011). This has lowered Kenyan’s trust in the management of the elections (Erich and Kerr, 2016). The Kenya’s Afrobarometer Round 10 survey conducted in 2024, asked Kenyans how much they trusted the IEBC, the national electoral body. The results are shown in Figure 1. Overall, the results indicated that 8 in every 10 Kenyans do not trust the IEBC. This would then mean that even if Kenya went to the polls, however accurate the elections outcomes would be, such elections would still lose credibility and leaders elected would be considered illegitimate. This in return would greatly undermine the social contract between the Kenyans and the political elites thereby weakening service delivery (Ogola, Kung’u, and Nassiuma, 2021).

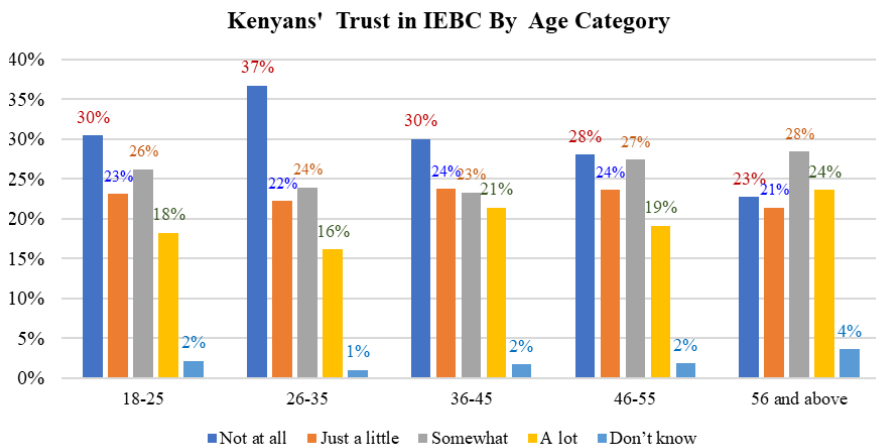


Figure 2: Trust in Kenya’s Electoral Commission (IEBC) | Kenya | 2024. Source: Afrobarometer, 2025

The results also showed that 67 percent of the youth (those aged between 18 and 35) do not trust IEBC at all. Furthermore, 83 percent of Kenyans aged 26–35 and 51 percent of those aged 46 and above do not trust IEBC. These trust deficits have gradually been eroding

Kenyans' trust in the elections, leading to low voter turnouts, increasing the possibilities of protests and violence, and weakening of democracy (Afrobarometer, 2025). In the long run would lead to uncertainties during elections, scaring away potential investors and foreign direct investments thereby slowing down the delivery of public goods and economic growth (Marx, Pons, and Suri, 2021).

With dwindling trust in IEBC and elections in general in Kenya, there is a need to need for the country to have another of defence that Kenya can use to legitimize the electoral processes and ensure that the Kenyan people participate with a hope of new governance system that improves the delivery of public goods. This line of defence is the use of election observation missions to legitimize the elections. These missions are independent and politically neutral umpires aimed at observing elections to guarantee free, fair, credible and verifiable elections that reflect the desires of the citizens to have better improved delivery of public goods. The EOMs have, in the past, shown declining public confidence in IEBC. In the 2017 and 2022 general cycles, EOMs were concerned with low stakeholder trust (Githigaro, 2023). What is worrying for Kenya is that most of these EOMs come from the Europe Union (EU), African Union, Common Market for Eastern and Southern Africa (COMESA), the United States of America (e.g. The Carter Center) and a few accredited domestic observers like Elections Observation Group (ELOG) that is based here in Kenya.

The growing demand for external validation of the elections in Kenya raises questions as to whether their presence enhances electoral integrity, improves public trust, or perpetuates impunity by legitimizing governments that do very little to deliver public goods to the Kenyan citizens. One thing that is for sure is that these EOMs may be prone to biases in their reporting (Kelly, 2010). The main objective of this chapter is to determine whether EOMs to Kenya in the last 5 general elections have shaped the trust that Kenyans have in the elected government and whether this can be linked directly or indirectly to the provision and delivery of public goods. The chapter aims also to determine the areas where the EOMs have failed and propose recommendations.

Methodology and Approach

The democratic legitimacy, electoral integrity, and the social contract were the core theoretical frameworks of this study. The democratic

legitimacy theory posits that fair and transparent elections is vital for any regime to claim its political legitimacy. Hence EOMs suffices to offer impartial validation of elections as being credible and fair thereby averting electoral malpractices and irregularities. The theory also could help the public built trust in the electoral processes when elections are conducted in an open and transparent manner. Electoral integrity promotes social contract as well because EOMs do not deliver services but help ensure that those who win office are properly elected. When EOMs commend the integrity of the election, the ratified government enjoys greater legitimacy to govern and deliver and therefore provides public goods for the better good of the citizens. Guided by these frameworks, the study reviewed empirical literature on the rationale for EOMs to Africa and Kenya in particular. The study also reviewed findings of the reports of the EOMs for the last 6 election cycles in Kenya.

Theoretical and Conceptual Framing

The rationale for having EOMs is to legitimize democratic space, guarantee integrity of elections and ensure that the social contract between the citizens and the political elites is transparent and credible enough to deliver the public goods (Suksi, 2018). A democratic space requires that every government derives its legitimacy and mandate from the citizens via an electoral process. Hence, external EOMs must exist to ensure that the electoral process is of high quality to elicit the will of the citizens on how they should be governed. In this regard, this framework is apt and justified to account for the roles of the EOMs in shaping public trust in Kenya. According to the social contract theory, governments elected through a democratic process have a big role to play to deliver public goods in exchange of the authority given to them by the citizens. Hence EOMs have a big role to play to ensure that the elections are not flawed or manipulated as this jeopardizes the social contract and thereby eroding the legitimacy of the government. In the Kenyan context, this framework will suffice to explain if the social contract between Kenyans and the political class has yielded any fruits in the last 5 elections cycles. Hence, having trust in institutions (such as the IEBC and external EOMs) is vital for Kenyans if they must enjoy public goods.

Empirical Literature Review

According to Gerenge (2023) the African Union (AU) has big role to play in tackling the recession of democracy in Africa. One such conduit in which democracy has declined in Africa have been through the declining popularity of elections as a democratic process through which citizens civically express themselves. By looking at the AU as the yard stick norm-setting, the researcher noted that this institution has often found itself at the cross-road of ensuring the AUEOM just complies with the electoral guidelines to just secure temporary peaceful elections or thinking long-term and securing democracy in highly contested elections across the continent. The researcher notes the since the AU is viewed as the embodiment of norms of democratic governance and respectfully understands that the member states view respective elections as a sovereign process, then the AU sits on the fence and only ensures that the AUEOM only secures momentary peace. This explains why some of AU member states also question the legitimacy of the AU as the sole medium of securing peace in some of the member states who are embroiled in conflict post-elections or otherwise. It must be cited that democratic recession in Africa cannot be reversed through election observation missions alone, something that majority of AU member states have remained blind to (Soukolgué, B., 2023).

Ronceray (2017) conceptualized EOMs as dealers of legitimacy in foreign international markets. The researcher notes that EOMs have the power to condemn or endorse electoral processes thereby leaving a window of manipulation and compromises. The study highlights that EU EOM has two policy approaches for dealing with Africa on issues to do with democracy, good governance, and human rights. These approaches focus on economic integration and political cooperation and EOMs are used in both frameworks. The paper however questions the core incentives and motives of EU EOMs. True to their interests, EU EOMs could be disguised as development donors and democracy promoters, and it is up to Africa countries like Kenya to remain wise and get to know what they are getting themselves into anytime they invite these EOMs.

The Last Six Election Cycles and Election Observation Missions in Kenya

The Kenya government recognizes that election observation is a vital exercise that promotes transparency and accountability and goes a long way in building public trust in the electoral process. Article 38 of the 2010 constitution guarantees that every Kenyan citizen has a right to free, fair and regular elections that is grounded on the universal suffrage and the free expression of the will of the voters. To implement this, Kenya put in place legal frameworks that ensures that the EOMs participate in observing elections. For instance, through the Elections Act Number 24 of 2011, IEBC usually accredits election observers, formally invites them during elections, and has guidelines to lead this process. Moreover, Kenya has ratified charters and agreements like the African Charter on Democracy, Elections and Governance (ACDEG) and Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections, all of which encourage election observation.

Grounded on the rule of law and mandate to observe elections, the EOMs are meant to i) assess the entire electoral process and ensure that it meets all the set international standards ii) observe campaigns, media coverage, registration of voters, voting-day operations, voter counting and transmission of the results iii) produce election observation reports and make recommendations to improve future electoral processes iv) remain neutral in order diffuse political tensions and enhance election transparencies and v) build electoral legitimacies through their declarations on the credibility of elections. Whether all these functions have yielded any fruits in the context of Kenya remains questionable.

The 1997 General Elections and EOMs in Kenya

In Kenya, election observation missions have gradually found their footing during the 1997 general election that attempted to dislodge Kenya African National Union (KANU) from Power. KANU had ruled Kenya since 1978 making it seem like the democracy had been in a retreat since 1963 (Kagwanja and Southall, 2013). The election was a sensitive one as it would mark transition of power in Kenya. President Moi won the election after garnering 40.12 percent of the votes, having faced stiff competition from Mwai Kibaki who came second with 31.09 percent of the votes while Raila Odinga came third 10.92 percent of the votes. After 1997, key international and

regional observer groups, including the European Union Election Observation Mission (EU EOM), the Carter Center, the COG, the AU, and the East African Community (EAC), have monitored successive general elections. For instance, the EOMs reported that the 1997 elections held for the first time under multiparty democracy, were flawed and marred with violence, intimidations, irregularities, and Electoral Commission of Kenya (ECK) was highly criticized as lacking independence. The Inter-Parliamentary Union and domestic monitors from the Institute for Education in Democracy (IED) and the National Council of Churches of Kenya (NCCK) heavily criticized the elections citing lack of transparency from ECK, which only meant that the results were doctored (IED, 1998). The EOMs recommended electoral reforms that would strengthen the independence of ECK. The EOMs also recommended improvement handling voter registration processes and education as well as demilitarizing political competition (Steeves, 1999).

The 2002 General Elections and EOMs in Kenya

The EOMs deployed to observe the 2002 general elections reported that this was the most free and fair election in Kenya's history because ECK ensured a smooth transition of power from KANU to National Alliance of Rainbow Coalition (NARC). The EU, the Carter Center, and the AUEOMs, reported that the polls were free and fair and they highly applauded Kenyans for turning up in large numbers to vote turnout and praised ECK having improved the management of the elections (EU EOM, 2003). The missions also noted that the civil society had done incredible job in sensitizing Kenyans on their civic duty to vote. However, the EOMs still recommended further strengthening of the electoral law reforms, transparency in financing the campaigns, ensuring gender inclusivity, broadening of the civic space and education to ensure that subsequent elections were better and would ripper democratic fruits.

The 2007 General Elections and EOMs in Kenya

The 2007 elections in Kenya had so much promise and especially after the NARC government's performance in ensuring economic recovery. The pre-election observer missions' reports from the EU and the COG had cited peaceful campaigns and strong voter enthusiasm. However, one thing was clear. The incumbent faced stiff competition from a strong opposition led by Raila Odinga and this would have been a tight election to call. Then came the greatest

reversal of all the gains from the 2002 general elections. The ECK was deemed to have mismanaged the elections and hastily announced the incumbent as the winner even before the tallying of votes was complete (Cussac, 2007). The post-election assessments and EOMs cited massive riggings of the votes, and this led to the breakout the ethnic post-election violence that left over 1300 Kenyans dead and over 650,000 others internally displaced (Opondo, 2014). The EOMs had failed to predict the electoral outcomes let alone the loss of lives in Kenya. The Kriegler Commission (2008) and the Waki Commission (2008) attributed the violence to institutional failures, weak electoral laws, and a politicized ECK. The presence EOMs, neither managed to prevent fraud in the election nor avert the violence that left the country utterly hurt and scars deep. All the EOMs did was to write the reports and propose recommendations as it was always their norm. They recommended that the ECK needed an overhaul, strengthening of the judiciary, improving dispute resolution mechanisms, the establishment of truth and reconciliation structures, and setting up of mediation mechanisms that would ensure that Kenyans healed from the aftermath of the violence that left so many Kenyans homeless and the ethnic fault lines even wider. The only positive thing of the 2007 general elections was that it marked the beginning of serious dialogue on the need for Kenya to change the power dynamics and the way the country's centralized governance needed an overhaul through a constitutional change. Kenyans' voices on the need for a new constitution that would change power sharing in Kenya, reduce the stakes of political competition, and ensure better prospects for political stability (Cheeseman *et al.*, 2019). That is why, in 2010, Kenya promulgated a new constitution.

The 2013 General Elections and EOMs in Kenya

The 2013 general elections were special because they were conducted under the new constitution and under what is called now the devolved system. The elections were also under the new IEBC that had replaced the controversial and defunct ECK. The 2013 elections were conducted under new technological system that had a biometric voter register and the results were transmitted electrically for the first time in Kenya. The EU, AU, and EAC EOMs recognized progress in legal reforms, biometric voter registration, and improved electoral dispute resolution mechanisms in their pre- and post-election reports (AUEOM, 2013; EU EOM, 2013). However, they also reported serious technical failures especially in the maiden electronic transmission of

election results and the insufficient way in which the IEBC briefed Kenyans on the electoral outcomes. These challenges contributed to massive election contestations where many contestants headed to courts to seek legal redress. This included the presidential candidates who headed to the Supreme Court citing clear technical issues. The Supreme Court upheld the electoral outcomes. The reports of the EOMs observed that the IEBC had given a good account of itself, but it needed to invest in more robust electoral technology to guarantee transparency in voter registration process, ensure a cleaner voters' register and improve on the transmission of the election results. Trust in the electoral processes improved marginally but the provision of public service delivery continued to be perceived through an ethnic and partisan lens, limiting the transformative potential of elections (Cheeseman, Lynch, and Willis, 2014).

The 2017 General Elections and EOMs in Kenya

The 2017 general elections were the second election under the new constitution and under the mandate of IEBC. These elections further evaluated the ability of IEBC to manage general elections under the new devolved system of governance. The international and domestic election observers were satisfied with the peaceful voting process but were perturbed with how the election results were being tallied and transmitted. The EOMs noted that the process lacked transparency and created a lot of tension in the country (Carter Center, 2017; EU EOM, 2017)

The EOMs reports questioned the credibility of the IEBC following elections that were plagued with “illegalities and irregularities” that saw the Supreme Court of Kenya nullify the presidential elections and called for a repeat of the same. The opposition did not participate in the repeat elections and many Kenyans did not turn up to vote again something that lowered the credibility of the repeat presidential election. The EOMs again recommended reforming of the IEBC and especially in ensuring that the electoral management body improved technology to be able to guarantee transparent transmission of the electoral results. In the end, the EOMs lost credibility because of their inability to guarantee yet another free and fair elections in Kenya and led to public scepticism about the roles that the EOMs should play during an election (Kanyinga and Odote, 2019).

None of the EOMs highlighted the link between the 2017 election and service delivery yet the repeat election cost the government

around USD 120 million (Ksh. 15.54 billion using the current exchange rate). This made the 2017 general elections one of the most expensive elections in Africa because the Kenyan government ended up spending approximately USD 620 million (Ksh. 80.29 billion) (IEBC, 2018; Republic of Kenya, 2017). The government of Kenya was forced to seek a supplementary budget to fund the repeat elections and hence was forced to divert resources from vital sector such as health, education, and water (Council of Governors 2018). For instance, funds that had been earmarked and ring-fenced to cater for essential health services were reallocated (National Treasury, 2017). These in return delayed and stalled developmental projects across Kenya and devolved functions like healthcare and early childhood education (ECD) were affected. The citizens were equally not sure if their taxes were being used to improve their livelihoods or for the sake of government trying save its face (Afrobarometer 2018). Counties like Kisumu, Mombasa and Nairobi had so much civil unrest thereby creating uncertainty (Voigt, M., 2020). This affected business operations for so many days leading to loss of colossal number of incomes for most businesses (Mutahi, and Ruteere, 2019).

The 2022 General Elections and EOMs in Kenya

It was expected that by 2022 general elections, the EOMs that had consistently observed elections in Kenya had better grasp of the political landscape and had refined their methodologies to ensure that their presence had better electoral outcomes and improved service delivery. The EU EOM, AUEOM, and domestic groups like ELOG and Kura Yangu Sauti Yangu all reported improvements in election technology and transparency in results transmission, particularly with the public availability of Form 34As on the IEBC portal (EU EOM, 2022; ELOG, 2022). However, EOMs highlighted issues related to the opaque election results verification process at the national tallying centre.

The EOMs were also concerned with internal divisions that saw the 4 IEBC commissioners disown the final election results and this hurt the credibility of the election results, created tension across the country and almost plunged Kenya into chaos. The EOMs recommended that the judicial system in Kenya clarify the exact roles of IEBC to ring-fence its mandates and thereby reducing political interferences. The reports from the EOMs recommended that there was need for legal clarity on roles within the IEBC, safeguarding its autonomy and ensuring that IEBC would be held accountable in

future should they miscommunicate the electoral results to Kenyans. Although the 2022 elections were peaceable and recognized by the courts, trust in electoral outcomes and the link between elections and improved public service delivery remains fragile (Ong'era, and Musili, 2019). There is limited evidence that EOMs have led to significant, sustained changes in governance or equity in service provision (Cheeseman et al., 2023), but they have contributed to incremental reforms and awareness around electoral accountability.

Election Observation and Delivery of Public Goods in Kenya

Free and fair elections in Kenya are meant elect accountable governments and provide better service delivery for those who participated in such elections. When the international and domestic election observer missions participate in an election, they are meant to legitimize election outcomes through improving the public faith in elections and public belief that such governments will deliver better public goods. After every election cycle in Kenya, there has always been a wave of optimism that the healthcare sector will do better to guarantee accessibility and affordability of healthcare services. Kenyans have always hoped that when EOMs report that the elections were fair, they would be able to afford education for their children. Kenyans in the rural areas are always optimistic that they would get better roads to take their farm produce to the market in time and that when they arrive in such markets, they would get better value for their sweat. Since 2011, Afrobarometer has been asking Kenyans if they thought that Kenya was going in the wrong direction or going in the right direction despite them choosing their leaders in democratic elections. Figure 3 shows the results.

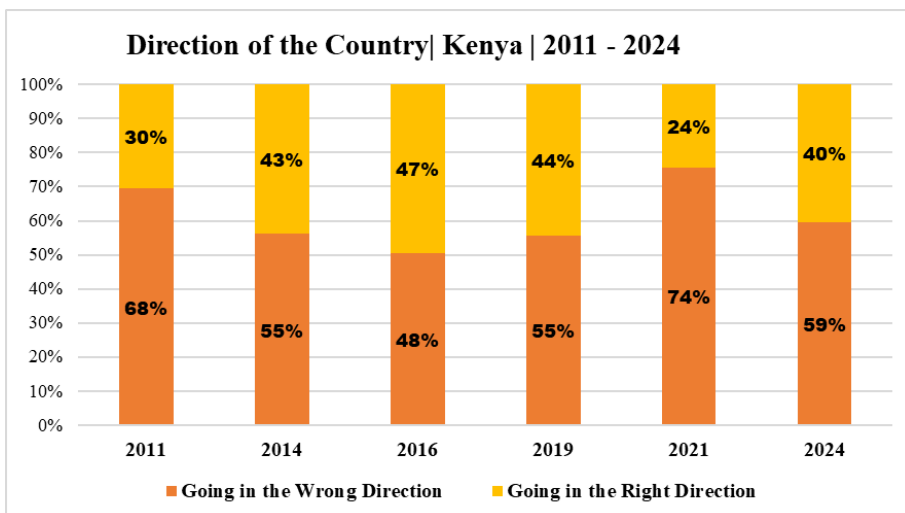


Figure 3: Kenyans views direction of the Country, 2011-2024.

Source: Afrobarometer, 2024

The results show that there have been substantial fluctuations in public views on the direction in which Kenya is going. The public optimism picked in 2016 when 47 percent of Kenyans felt that the country was moving in the right direction. This optimism could partly be attributed to the post-2013 election confidence that was validated by the EOMs that cited that the 2013 general elections were deemed peaceful. Furthermore, the post-2013 elections strengthened economic expansion, and the Jubilee government heavily invested in infrastructure. These investments saw the government borrow heavily and this contributed to swelling of the public debt, corruption scandals and especially those that showed how money meant to help the country recover from Covid-19 was stolen hit headlines in Kenya leaving the country in a disarray. This plunged the Kenya economy into strain and disillusionment and Kenya’s perception that the country was moving in the wrong direction rose from 55 percent in 2019 to 74 percent in 2021. The government did so much to redeem its image but still even post-2022 general elections and a new Kenya Kwanza government, 59 percent of Kenya still felt that the country was moving in the wrong direction by end of 2024.

These shifts in perceptions indicate and underlying public mistrust that persists despite recurrent ratifications of Kenya’s electoral integrity by international and regional EOMs since 1997. Whereas EOMs have repeatedly avowed Kenya’s elections as largely

peaceful and the electoral processes seamless, majority Kenyans remain incredulous that these elections have improved the governance systems and yielded any tangible fruits of improved public service delivery. The divide between electoral legitimacy and lived socio-economic realities gasses the mixed and often cynical opinions captured in the above data by Afrobarometer. The EOMs have thus failed to understand that sanitizing elections alone is not sufficient to restore public trust without improved governance systems post-elections that translate into improved delivery of public goods.

The Afrobarometer data shows that despite Kenya having peaceful elections since 2013, Kenyans still cannot access medicine and treatment in public hospitals. Between 2014 and 2024, Afrobarometer has consistently asked Kenyans, how often, if ever, have they or anyone in their family gone without medicines or medical treatment using a one-year recall period. Figure shows the percentage of those who say, “once or twice,” “several times,” “many times,” or “always”.

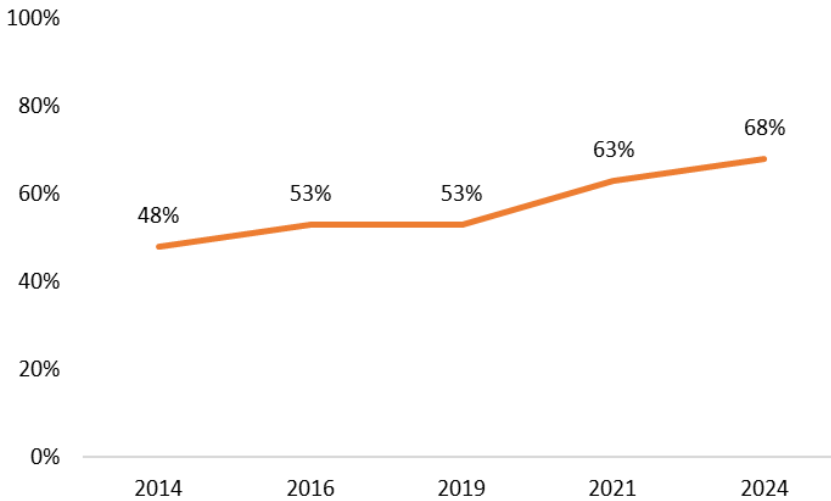


Figure 4: Went without medicine or medical treatment | Kenya | 2014–2024. Source: Afrobarometer Surveys

The data shows that despite Kenyans voting in the 2013, 2017 and 2022 elections, their access to medicine and medical has declined from 48 percent to 68 percent. In all these elections, the elected governments had promised to ensure Kenya attained universal healthcare coverage in their campaign manifestos in their quest to

helping the country achieve the Vision 2030. The Round 10 survey conducted in 2024 in Kenya shows that 6 in every 10 Kenyans do not have medical aid coverage with 59 percent of Kenyans saying that they cannot afford medical aid (Afrobarometer, 2024).

The fact that healthcare is a public good and Kenyans struggle to afford and access it raises so many questions as to what elections must deliver (Chuma, Maina, and Ataguba, 2012). There is need for election observers to consider different variables and benchmarks as to what constitute a credible election and link such variables to good governance whose fruits are evident through improved service delivery. Statistics on voter turnout, absence of violence and improved adherence to electoral laws are not adequate yard sticks to call elections as successful. Success lies in what these elections delivery post-electioneering periods.

Why is Africa Losing Trust Election Observation Missions?

Over the years, the African citizens have been very apprehensive about the EOMs (Wiman, 2020). Many African countries, Kenya include have raised concerns about their neutrality, impact, and long-term contribution to democratic development in Africa. The EOMs have been criticized for their tendencies to focus only on the electoral procedures and compliance modalities looking at very myopic issues such opening of polling stations, distribution and availability of election materials and the general conduct of the electoral personnel and forgetting the real issues such as the overall political environment, voter briberies, gagging of the media, spread of disinformation, and misuses of state resources especially by the incumbents to conduct electoral campaigns (Carothers, 2020). In Kenya, EOMs have failed to delve deep to understand the real causes of election mismanagement and deep ethnic and cultural issues that make Kenyans behave the way they do during elections. This then creates a major disconnect between the observers and the Kenyan voters. The EOMs have been using loose language in their reporting on the elections such as “credible” or “largely peaceful,” leaving so much to be desired of them. This then means that the EOMs end up risking legitimizing regimes that preside over electoral malpractices, undermining their own credibility and isolating the public who bear the blunt of poor governance and service delivery respectively (Moehler, 2019).

Likewise, EOMs lack the capacities and frameworks to be able to hold Kenya government accountable and follow up on the implementation of their recommendations after they have submitted their reports. Therefore, EOMs have not been very effective in influencing serious electoral reforms and their lack of proper coordination have thwarted any meaningful enforcement mechanisms. Regional EOMs, like those from the African Union (AU) and COMESA, have been criticized as being very politically compromised, sometimes prioritizing diplomatic ties over democratic integrity (Zeru, 2022). Whereas the EU EOM and the Carter Center have shown their ability to be effective from their more detailed election reports and post-election reviews and follow ups on the recommendations, they too have been found to be very soft in their languages and have failed in following up elections that involved powerful political elites. As such, Africans and Kenyans do not know which EOMs to trust. As such, countries like Kenya have been forced to look inward and rely on domestic observation groups like ELOG and civil societies. These have been found to understand the local political dynamics and may have more impact in future. The only challenge is that most of the local observers and civil societies have faced intimidations and scrutiny from powerful incumbents with some of their leaders compromised through uncalled legal suits and arrests, thereby compromising their mandates.

What would happen then, if Kenya did not invite the EOMs during the elections on grounds that they have not borne any fruits and translated to improved governance and service delivery? This would first send a noble signal that Kenya values her sovereignty and not anymore party to tokenistic democracy. This move would bring it varied consequences. This would encourage reforms that hoist domestic institutions and citizen-led accountability, fostering a deeper democratic culture rooted in local ownership. This would also lessen international scrutiny, escalate electoral malpractices, lead to highly contested and always violence-prone elections, erode donor confidence, especially in volatile political climates and these would have dire economic consequences on a nation like Kenya that heavily rely on resources from outside of Africa, most of which are tied in conditions. What solutions then exists to build trust on EOMs and always ensure they are part of Kenya?

To earn back trust in Kenya and across Africa, EOMs must change their traditional ways of doings things. They must observe elections bearing in mind the long-term impacts that elections have on the

welfare of the citizens. EOMs must invest their time and resources in understanding the political landscapes and environment to have a wider context in which they observe, assess and report on elections in Africa. Most of the EOMs send observers who are mostly stationed in the capitals and are only sent to the rural areas on the election day. This then means that they lack the civic engagement and touch with voters, who they only meet at the pooling stations. The EOMs must also ensure that they are transparent in their intentions to observe elections. They must also build robust methodologies using parameters and variables that reflect the 21st century's electoral dynamics. EOMs need to provide tangible evidence that their presence in an election contributes to the long-term improvement in governance and better provision of public goods.

Conclusion

The main objective of this study was to investigate the role of EOMs in shaping public trust and how this in return affects the delivery of public goods. Through a literature review approach study reviewed the reports of the EOMs on the last 6 general elections in Kenya. The study found that consistently, the EOMs have used a similar template in judging the credibility of all the elections. The EOMs have consistently condemned or endorsed an election if the due electoral processes were followed. This narrowness has failed to capture underlying realities on the ground, especially with the voters, and that is why the post-election witnessed post-2007 and 2017 elections were not captured in any of the EOMs pre-election reports, as this would significantly change the preparedness of the Kenyan government in averting such incidents. The Afrobarometer data and especially on the low trust IEBC and other government institutions, could partly justify why Kenya needs EOMs to oversee our elections. However, the study has also found that most of the EOMs have no follow-up mechanisms to ensure that their recommendations are implemented and a review of the same is done on a regular basis. As such, the EOMs have also failed in tracking their impact on service delivery.

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Chapter One

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Chapter Two

State Sovereignty and the Role of Election Observers

Maria Lauda Joel Goyayi

Introduction

State sovereignty is regarded as a fundamental principle of international law that grants nations the power to govern themselves without external interference. It is the exclusive entitlement of the state authorities to govern and the recognition of the right by other stakeholders (Paris, 2020). State sovereignty, an intricate concept embraces several facets including agents and their roles interactions (states, communities, and individuals), realms, contexts (local, regional, or international) and modes of existence (Núñez, State Sovereignty: concept and conceptions, 2024). With globalisation on the rise and increasing international scrutiny, state sovereignty has gained prominence in democratic discourses, particularly as a democratic norm on the conduct of elections. At the cornerstone of any democratic systems, is desire for a 'free and fair elections,' a phrase favoured by international donors and election victors which espouse election observers as critical players in ensuring electoral integrity. The expression imbues not only the legitimacy of the electoral process from start to finish, but also a necessary legitimization to resume or start a normalized relation or the flow of aid with the donor community. A quest that led to a rapid proliferation of election observations entrusted with the task of legitimizing elections as 'free and fair'. Election observers, domestic or international, are meant to assess the credibility, transparency, and fairness of the electoral processes (Kaiser, 1999; Saputra & Setiadi, 2024). They overall adherence to legal frameworks including voting procedures, ballot counting and announcement of election results, proving impartial reports on the legitimacy of elections. Election observation manifests as an integral pillar for not only maintaining election integrity and enactment of legitimacy the government in power but also as symbol for democratization, and compliance to global norms (Mahammad, 2025; Saputra & Setiadi, 2024).

However, the interactions between state sovereignty and election observers are often marred with tension on both sides. While election observers are deemed necessary for the promotion and upholding of democratic values, they are often perceived to undermine state sovereignty. Election observers, especial foreigners from Western or international organisations are often perceived to impose external norms and judgements that may not align with local values or contexts (Bush & Prather, 2022; Peters, 2023; Ciorciari, 2021). Observers, by highlighting flaws or lack of independence are often accused to questioning and indirectly delegitimizing national electoral bodies thus undermining public confidence. In the presence of unequal power dynamics, observers' missions get viewed as tools of geopolitical influence used to scrutinize internal politics and processes infringing the right to self-determination and governance of sovereign states (Bush & Prather, 2022). Despite its importance in legitimizing election, often election observers have been condemned to meddle with state sovereignty and influence state affairs with far fetch implications not only on the election but also on the overall state policies and state foreign relations (Bush & Prather, *Monitors and Meddlers: How Foreign Actors Influence Local Trust in Elections*, 2022; Morrison, Donno, & Davutoglu, 2024). The clash between the state sovereignty and election observations, is undeniably on the rise. Consequently, this chapter seeks to state sovereignty and the role of election observers by ironing out the existing trends on the literature on the intersection between the two concepts and analyse different avenues for a balanced co-existence.

Methodology

This chapter adopted a desktop review approach of relevant literature, including journal articles, books, reports, and other materials to identify trends on the intersection between state sovereignty and the role of election observers and equally identify best practices for recommending a balanced co-existence of the two concepts. Desktop review is an evaluation of secondary existing information, including journal articles, government reports, and documents, to assess a situation without engaging a physical site visit (Creswell, 2014). It is a compilation of the empirical method for literature review and a theoretical method for processing previously collected empirical (Topolewski, Górniewicz, & Stawarz, 2023). Despite being strongly associated with literature review, desktop review is a separate method that draws on four independently functioning

methods, material review, analysis, comparison, and synthesis for use in their combinations to deduce original results. This chapter adopts a scoping review research method following Levac et al. (2010), and Peters et al. (2020) to map out the existing literature on the trend on the intersection between state sovereignty and election observation and identify and provide evidence any clashes between the two concepts. Unlike a systematic review, a scoping review synthesizes knowledge and maps concepts, evidence, and gaps in related research to provide a broad overview of the existing knowledge and its gaps (Colquhoun, et al., 2014).

Understanding State Sovereignty, Democratic Governance and Election Observation.

State sovereignty is a central concept in debates in many scholarly disciplines, featuring a widely contested and controversial concept with real case scenarios. Sovereignty is regarded as one of the many myths, indivisible or concentrated either at individuals' hands or transcendental and representational, dispersed throughout a social body (Núñez, 2024). Different disciplines define and characterise sovereignty under different justifications and assumptions, for instance, it may refer to the supreme authority or power a body, a person or an institution has, its inward or outward views and relations, and many other issues. In the political arena, sovereignty refers to the state's rule over its territory and population internally with external recognition of the rule internationally. Thus, the concept has important implications both at the domestic and at the international arena. Within a country, the concept guarantees the ultimate authority, freedom, and self-determination over state affairs to the reigning government (Kyrís, 2022). This authority applies not only to the body politics within the state but to everyone living within a country's borders. Internationally, sovereignty anchors international relations, indicating a certain level of equality among nations. The concept lays out basic rules on a country's interaction, control, and its protection from invasion and interference from others in its internal affairs.

Sovereignty, while traditionally understood as the absolute authority of a state over its territory and population, the concept has undergone significant transformation with globalization (Núñez, 2024; Kyrís, 2022). The transformation reflects the dynamic realities in the political, social, and economic arenas, accompanied

by the technological changes that both challenges and reshape traditional notions of state power. The traditional notion rooted within the Westphalia peace treaty emphasizes absolute authority, implying territorial integrity, non-interference in domestic affairs, and supreme legal authority within borders (Salawu & Ojo, 2021; Csicsmann & Rózsa, 2020). Early conceptualisations focused more on internal affairs with emphasis on full control of the state (Franklin, 1992), the relationship between people and their rulers, and absolute authority in the political community (Hinsley, 1966). However, this doctrine of national sovereignty was viewed as a great hindrance to the successful implementation of an inclusive international policy that promotes good governance and addresses physical, structural, and psychological forms of violence. States were powerful actors in the international arena, as they were regarded as universal standards of political legitimacy with no higher authority regulating their relations among states. The international system is viewed as a hostile arena, with security issues being prioritised and each state assuming an avenue for its own protection only at the expense of the neighbouring state (Salawu & Ojo, 2021). Permanent peace became impossible with attempts at achieving a balance of power becoming desirable.

Inadequacy of national sovereignty flourished over the years, a consequence that led to a tragic occurrence of two world wars, forcing discussions on the future of International Relations. State sovereignty has thus evolved and extended to include external affairs such as the ability to conduct foreign policy referred to as external independence (Fowler & Bunck, 1996) or the capacity, capability, and authority to forge diplomatic relations, conduct commercial relations, establish international laws, or wage war (Jackson, 2011). Globalization and the advancement in technology have constantly shaped the concept and context of state sovereignty. For instance, the economic interdependence has states are interlinked through trade, finance, and global markets. Institutions such as the International Monetary Fund (IFM), the World Bank, and the World Trade Organization (WTO) have a steady influence on domestic economic policy, sometimes with a constraining effect on state autonomy (Abiakam, 2025). Supernatural governance through memberships in bodies like the G20, the European Union, and bodies alike involves pooling sovereignty for collective influence on decision-making. States cede some autonomy in exchange for greater influence on economic or political stability (Pavel, 2022; Abegunde, 2021; Fisun & Vinnikova, 2021). With the rise of awareness on human rights

and international laws, sovereignty evolved and was conditioned to respect human rights and democratic norms. In instances of mass atrocities, doctrines such as the Responsibility to Protect (R2P) doctrine allow interventions against a sovereign state (Mégret, 2021; Shrinkhal, 2021). Equally, the digital realm transcending beyond borders challenges states' ability to control data, information, and surveillance. The sovereignty fever that is attributed to either political ambition, economic value, security concerns, and/or human rights gets redefined further with the advancement in technology. The digitalisation of economies and societies has gradually eroded the states' attempts to retain autonomy and control (Robles-Carrillo, 2023; Wu, 2021). Notions such as cyber sovereignty, Internet sovereignty, and their variations have significantly proliferated debates and shaped the context of state sovereignty. States like China assert cyber sovereignty to regulate and monitor the internet within their borders (Wu, 2021). Likewise, global challenges like climate change, pandemics, terrorism, and migrations require cooperation beyond border cooperations. This has given rise to non-state actors and transnational organisations having an influence on domestic and international affairs, diluting state-centric control. (Yeşiltaş, Kardaş, & Jacoby, 2022).

Over time, sovereignty is observed to be a dynamic concept with associated conditions, such as recognition fluctuating in quantity and quality. Often implicitly or explicitly, sovereignty is treated as a binary, present or absent, and not absolute, focusing on the variations across different units. In the new context, sovereignty is more flexible, shared, and conditional, evolving from absolute independence to responsible interdependence. The concept no longer just reflects control, but includes elements of effective governance, legitimacy, and responsiveness to both domestic and international expectations. While states remain central actors, their power is shaped by complex webs of global influence, mutual obligations, and collective governance. State sovereignty is thus the variable residue, composed of original legal freedoms that the state has not found occasion to part (Suganami, 2007; Kyris, 2022). State sovereignty can be understood as a condition of recognition of state authority and legitimacy with which it interacts with in the global arena. Consequently, states in shaping and defining their sovereignty often strive towards achieving domestic and international legitimacy and acceptance. While sovereignty grants autonomy to states to conduct internal affairs independently, democratic governance introduces expectations of transparency, accountability, and legitimacy,

particularly in the conduct of elections (Baser & Féron, 2022; Saputra & Setiadi, 2024). The globalization of democracy promotion in the post-Cold War era has intensified the role of international election observation (IEO).

With democracy increasingly becoming a global norm, states often find themselves balancing their sovereign right to self-determination with the need to comply with international standards of electoral integrity (Saputra & Setiadi, 2024). This dynamic is particularly evident in the growing practice of inviting international election observers. Organizations such as the United Nations, the European Union, the Organization for Security and Co-operation in Europe (OSCE), and other non-governmental bodies have engaged in electoral monitoring to assess the quality of elections. Election is universally accepted as an indicator of democracy, whereby holding free and fair elections is a cornerstone of a democratic system. To ensure free and fair elections, election observation has become a standard feature of the democratic processes (Weitzel, Gerring, Pemstein, & Skaaning, 2023). In Africa, election observation emerged following the democratic change in Sub-Saharan Africa after the 1990s, experienced through the organisation of elections reputed as democratic for countries that since independence, were governed by a single-party system. According to IDEA (1997), election observation involves collecting information and passing a judicious opinion based on the collected information regarding the legislative and regulatory instruments within the specific electoral framework. Among many things, observers are tasked at determining if any physical or psychological violence directed towards political candidates, election officials, or ordinary citizens have impacted the quality of the election (Garber, 2020). It is of invaluable importance to the election hosting country in several ways, including promotion of openness and transparency, secrecy of the vote, deterring inappropriate practices and fraud attempts while boosting not only public confidence in the electoral process but also increasing security and easing tensions and conflicts (Tapoko, 2017). Election observation increases legitimacy and political credibility not only of the electoral authority but also of the elected government through the diffusion of potential conflicts, thus it is an universally accepted practice. At the intersection, sovereignty and democratic governance, observers serve as both a test and a tool to either reinforce the legitimacy of the election process or raise questions on external interference in domestic affairs. Election observers thus exemplify how sovereignty is being redefined in a world where democratic norms transcend

national boundaries. The relationship between sovereignty and democratic governance can be both complementary and conflicting. Aspects such as popular sovereignty, self-determination, and legal and institutional independence are complementary to sovereignty. However, international norms that transcend commitment to international bodies, globalisation, and interventions in the name of democracy have emerged from time to time as conflicting aspects infringing the state sovereignty (Bush & Prather, *Monitors and Meddlers: How Foreign Actors Influence Local Trust in Elections*, 2022). The section below highlights areas of tension between state sovereignty and election observers.

Significance of State Sovereignty

State sovereignty remains a cornerstone of the modern international system, granting states authority to independently and freely govern themselves without interference from external actors. Its crucial role lies in the shaping of cultural identity, domestic autonomy, and self-determination while preserving territorial integrity while fostering peaceful international relations. Maintaining sovereignty not only prevents unwarranted meddling in independent state matters but also safeguards international relations and identity by maintaining order and limiting external authority (Saaida, 2024). One core aspect that signifies the importance of state sovereignty is its ability to preserve cultural and legal identity. Each state possesses unique traditions, customs, and values that shape its identity and legal mandate that establishes and protects the indigenous cultural rights in the international arena (Saaida, 2024). Similarly, another critical aspect of importance is the self-determination aspect, which empowers nations to exercise the right to self-govern, with citizens being enabled to forge their own political, social, and economic systems. State sovereignty warrant states the freedom to charter their own destiny, strive national goals and pursue politics reflective of its people's will and desires (Calo, Moloney, & Swart, 2023). Likewise, state sovereignty is critical in maintaining domestic control over internal affairs, which allows nations to implement policies that address nation specific challenges and citizens' needs. Domestic autonomy extends from political decision-making to economic, allowing states to protect their natural resources and safeguard their industries. Short of state sovereignty, nations run the risk of dependency on external powers, eroding their power to make decisions in the best interests of their people. Non-interference in internal

matters fundamentally ensures peaceful relations between nations. Respecting power boundaries between states promotes cooperation and reduces the likelihood of conflicts between states. Respecting state sovereignty encourages international diplomacy, negotiation, and establishment of mutually benefiting agreements (Williams & Haynes, 2023). Sovereignty serves not only as a key principle for state stability and non-interference, but also fundamentally enables transmission of cultural diversity and fostering of rich tapestry of civilization in the global community.

Election Observation and Sovereignty: Areas of Tension

Sovereignty and democratic governance while ideally are complementary when sovereignty is understood as popular (belonging to the people), tension is often observed where they intersect. Practicing the two concepts in a globalized and interconnected world, tensions can emerge, when international norms, foreign intervention, or supranational institutions are involved. Election observation, if conducted impartially and effectively, fends off electoral fraud and violence, leading to peaceful, free, and fair elections. While serving to enhance electoral credibility, transparency, and international legitimacy, election observation often collides with principles of state sovereignty. International observation often gets viewed as external interference, challenging state autonomy to self-governance and infringing on states' internal affairs (Bush & Prather, 2022). The observation exercise in some cases is perceived as an imposition of external norms and judgements which do not align with local values or contexts (Bush & Prather, 2022; Peters, 2023; Ciorciari, 2021). Additionally, there are concerns over selective criticism favouring certain political outcomes or actors, especially the opposition, leading to questions on neutrality. Through highlighting flaws or lack of independence, observers are often accused of indirectly delegitimizing national electoral bodies, thus undermining public confidence. On the contrary, some regimes have invited observers and used their presence to claim international endorsement and legitimize flawed elections that lacked genuine competitiveness. For instance, the Zimbabwe 2018 election invited a wide range of international observers with the aim of securing international legitimacy, ending the sanctions and regaining access to international financial institutions. Contrary to the appearance of transparency and reforms, the electoral process was marred with numerous irregularities, including allegations of voter intimidation,

lack of media freedom and access to opposition parties, and delayed and non-transparent results announcements (Masengwe, Makuvaza, & Bekithemba, 2021). The EU election observation mission final report notes, “The elections were competitive and overall orderly, but the electoral process did not meet all key democratic standards” (EU, 2018). In unequal power dynamics, observation missions have also been viewed as instruments for willing geopolitical pressure to scrutinize internal politics and processes, thus infringing the right to self-governance. Observation reports can significantly influence international relations and potentially lead to sanctions or diplomatic consequences (Bush & Prather, 2022).

Involvement of external actors in the domestic electoral process raises fundamental questions about state sovereignty, a core principle of international relations, granting supreme authority within borders. In some cases, election observation is misused to serve interests, thereby casting doubt on its credibility. In its Westphalian conception, state sovereignty is grounded within the notion of non-interference and exclusive competence of states over internal affairs, a legal right enshrined in article 2(7) of the UN Charter. However, its political dimensions emphasise practical control and legitimacy at both the national and international arenas. On the other hand, election observation, which operates within the emerging norms of international democracy promotion, posits that democratic elections are a matter of legitimate concerns internationally, and not a mere domestic matter. Additionally, the R2P emphasise on states upholding of human rights. This further reinforces the shift from a fully-fledged sovereignty to conditional sovereignty whereby internal legitimacy influences external recognition and support. Despite operating under host nations’ invitation, consent to having election observers is influenced by international community, often with conditional aid, investment, trade, and membership, being used as instruments to pressure states (Robinson, 2013; Borzyskowski, 2016; Bush, Cottiero, & Prather, 2024). For instance, membership to the African Union is based on shared values including democratic and constitutional change of power, for which among other things, election observation is mandated. Contrary to adherence, suspension of state membership to supranatural organisations and restrictions, among other things, have been imposed.

Nonetheless, the lack of international legal instruments governing the organisation of free and fair elections leaves room for observation to be conducted through negotiated national legislation.

Equally, the effectiveness of election observation is dependent upon complex power relations between the state and the mission. Consequently, the host country determines who is invited, the duration and geographic scope, and the rules for access, movement, and communication. In practice, this act limits observation powers and scope, as such complaints of limited proximity to observe any irregularities emerges in observers' reports (Partheymüller, Müller, Rabitsch, Lidauer, & Grohma, 2022). Election observation often involves scrutiny of not only legal frameworks but also media environments, voter registration, and dispute resolution mechanisms, instruments are traditionally within the sovereign domain of states. While election observers are to act as proxies of public interest, claims of intruding on state sovereignty are escalating. External evaluation is often perceived to be intrusive, especially when there is call for legal or institutional reforms (Pollak, 2025; Agostinis & Brumat, 2025). Hybrid regimes thus resort into manipulating observation by inviting friendly observers or providing conditional consent to election observation. Instances of conditional consent include Russia in 2021 election under claims of COVID-19 restrictions consented to only 60 OSCE observers against the 500 plus, which led to the OSCE declining to observe, citing inability to ensure a credible mission (Reuter & Szakonyi, 2021). Also, Uganda denied the US accreditation to access to the 2021 election, claiming interference in internal affairs (Abrahamsen & Gerald, 2021). Myanmar outright refused consent for international observers for the 2010 military-controlled election that was deemed non-transparent (Renshaw & Lidauer, 2021). Sovereign states may accept, restrict, or deny observers based on political considerations.

Additionally, host governments often view election observation missions as politically biased, and in some cases as instruments used to influence foreign policy by external actors (Eyebe, 2022; Bush & Prather, 2022; Henry, 2017). Holding credible elections is often used as a foreign assistance qualification (Henry, 2017). Moreover, escalating allegations of double standards bound by selective election criticisms undermine not only the credibility of the observation mission but may also aggravate nationalist or anti-Western rhetoric. While governments bear the responsibility to refrain from acts of violence and fraud, leadership is less clear on the opposition-sponsored violence (Henry, 2017). International observers are equally accused of influencing opposition boycotting of elections, consequently undermining state sovereignty by influencing internal affairs (Roussias & Ruiz-Rufino, 2013; Makulilo & Henry, 2017).

Observer condemnation contributes to post-election violence as they cast doubt on the credibility of the election, providing election losers legitimacy to challenge the election result and facilitates mobilization among the loser's supporters to act violently. While negative condemnation may have positive effects including creating moments of potential democratic revolutions and enforcement of democratic norms, it also increases chances of protests (Von Borzyskowski, 2019) with reports on fraud activities may draw violent reactions, such as protests, riots and even civil wars (Henry, 2017). Violence outbreaks following negative election observers' condemnation include Cameroon and Mauritania election in 1992, Ethiopia in 2005, Kenya in 2007, and Gabon in 2015. The opposition often receives more sympathy from observers, thus acts of violence from opposition often get neglected or simply justified as retaliation against the incumbent. Also, domestic and regional observers may be less neutral in their assessment as they are not disinterested and usually have strong predispositions and direct stake on the election outcome (Von Borzyskowski, 2019). Domestic observers can easily be intimidated and their statement dismissed as a pro-position of bias. Equally, dependence on funding from member states may deter regional organisations priorities, overriding the goal to promote democracy resulting in biased opinion and often rubber-stamping problematic elections (Von Borzyskowski, 2019). Most regimes accept election observers sometimes to just legitimize their elections even when they know that the elections are not going to be free of fraud and violence. A scrutiny, of semi-authoritarian states reveals that election observers have little to no influence in deterring election fraud and violence (Henry, 2017).

Likewise, election observation can create conflicting legitimacies between domestic, regional and international observers begging the question, monitoring is for who. fair to whom? Domestic electoral outcomes may be accepted by local populations but rejected by international observers, or vice versa. For instance, the Zimbabwe 2008 presidential election, while the ruling party ZANU-PF declared Robert Mugabe the victor, the international community, especially the EU and the US, condemned the election not free and fair, citing violence, intimidation, and fraud acts (Tendi, 2013). Domestically, Mugabe was sworn in but lacked broad international recognition. The Myanmar 2020 general election, whereby Aung Suu Kyi's party landslide win while widely accepted by the population, international community held concerns of Rohingya minorities disenfranchisement and 2021the state had military coup in 2021 (Kipgen, 2021). Also, the

United States 2020 Presidential Election, Joe Biden's victory had a near-universal acceptance and recognition, despite domestic claims of a stolen election by a significant portion of Republicans and many political figures (Luke, 2023; Wang & van Prooijen, 2023). This dichotomy places pressure on domestic institutions and can lead to contested mandates, civil unrest, or external intervention.

Reconciling Sovereignty and Election Observation: Power Balancing

The intersection between state sovereignty and the role of election observers presents a fundamental dilemma between self-governance and moral obligations. This calls for a nuanced approach to resolving the intricate complexities of sovereignty and election observation, while acknowledging the potential misuse of oppressive regimes and ongoing challenges of determining when and how interventions can and should be applied. Amidst potential abuse or compromise on human rights and popular sovereignty, election observation arises as a potential tool, posing the responsibility for both domestic and international observers to oversee and ensure a free and fair election. The quandary of when and how election observation should be conducted without undermining state sovereignty, necessitates meticulous evaluation of legality, proportionality, legitimacy, and spectre to strike a balance of power. There is a power balance to be struck between respecting a state's authority and right to self-determination, self-governance and upholding international norms while enforcing election observations.

Transparent cooperation between state organs and election observers is one way to leverage the power balance. For instance, the Ghana 2016 and 2020 election, the government exercised its sovereignty by managing the electoral process but invited a wide range of observers – The Economic Community of West African States (ECOWAS), the AU, EU, domestic civil society. Transparent cooperation through open invitation of international observers and inclusion of domestic observation networks, full accreditation and access to electoral processes and stakeholders, regular briefing and dialogues, and transparent communication of results facilitated mutual respect and clear rules for both parties (Van Gyampo & Graham, 2022; Asekere, 2021).

Collaboration with domestic bodies builds trust and avoids the perception of external impositions on the election processes.

International observers should coordinate their missions with the national electoral commission, security forces and civil society to ensure transparency of the mission. For election observation to maintain legitimacy, missions must uphold impartiality, methodological transparency, and professionalism. Observers must avoid political entanglements and clearly delineate technical assistance from political conditionality. Sovereign states are also encouraged to demonstrate openness to scrutiny by observers. For instance, the Indonesian 2014 and 2019 Presidential elections allowed observers broad access, including media and campaign events, demonstrating confidence and integrity of the national process (Noor & Marlina, 2023). Sovereignty should be exercised without limiting access, but by demonstrating confidence in the integrity of the electoral processes.

Observation mission should not only be limited to monitoring electoral processes but also should play an active role in strengthening domestic democratic infrastructure. Provision of support for domestic capacity building, either through practical recommendations, technical feedback, and training that empowers states to conduct credible elections independently, should be the primary focus of observation missions. This creates stronger self-governance and contributes to long-term sovereignty. Equipping Electoral commissions, civil society, and other legal institutions with relevant tools and knowledge minimizes resistance and increases confidence towards being observed. This approach can help align observation with the host country's development goals and reduce defensive reactions.

Regional organisations such as the East African Community (EAC), Southern African Development Community (SADC), AU, and the like, have a significant role in balancing power between observation and state sovereignty. Regional ownership of the process and peer observation can mitigate perceptions of external impositions while promoting electoral (Pollak, 2025). The geolocation nearness or cultural similarity may be viewed as less intrusive and more politically acceptable. Equally, the shared norms and contextual understanding, because of the familiarity with local political, cultural, and institutional realities, allow a more context-sensitive observer assessment. This type of observation is viewed as more supportive rather than punitive.

Election observations, rather than being judgemental, should encourage constructive dialogues. Observation missions should

avoid delegitimization of the election without prior dialogues with domestic actors (Saaida, 2024; Von Borzyskowski, 2019). Issuing damning reports without engagement may escalate tensions and seem hostile to state sovereignty. Implementing such an approach often backfires as it erodes trust and brews hostility, weakens the impact of any recommendations provided, and may reinforce denial for any future observer access. By prioritizing mediation, and dialogue facilitates understanding and resolution, thus preventing violence.

Conclusion

State sovereignty and election observation are not inherently incompatible but operate within a dynamic tension shaped by legal, political and normative features. While observation can promote transparency and democratic norms, it must be conducted in a manner that respects national ownership, fosters trust, and avoids instrumentalization. The delicate intersection of sovereignty and election observation reveals a multitude of areas of tension, each demanding careful consideration. The fundamental principle of state sovereignty as the cornerstone of self-determination, self-governance, and cultural identity, in its folds under the banner of absolute rule, can be misused against human rights. Similarly, election observation, under the banner of human rights protection, can be misused to discredit a sovereign state autonomy and even instigate violence. Perception of bias and instrumentation, conditional sovereignty and observer legitimacy are among the areas of tension. Striking a power balance between the two concepts while necessary requires a nuanced approach that navigates domestic, regional, and international efforts. Election observation should be conducted in a manner that respects state authority and ownership, avoids instrumentation, and fosters trust. A careful balancing of international norms with domestic legitimacy, while underscoring the evolving nature of sovereignty, is required. Transparent cooperation between state organs and election observers, collaboration with domestic bodies, support for domestic capacity, regional ownership, and constructive engagement and dialogues are suggestive efforts that may potentially minimize these tensions.

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Chapter Three

The Mandate of Election Observers – Domestic and International Elections.

Bongiwe Khumalo

Introduction

International and domestic election observations have evolved into a key instrument for promoting democratic governance and ensuring the integrity of electoral processes worldwide. This practice began in earnest after World War II and has been shaped by changing geopolitical realities, the proliferation of democratic norms, and a growing recognition of the importance of free and fair elections as essential components of stable governance. International and domestic election observation practices have evolved significantly over the past several decades, shaped by the global push for democracy and the desire to ensure free and fair electoral processes (Sule, 2025). The roots of international election observation can be traced back to the post-World War II era, marked by the establishment of international governance bodies dedicated to fostering peace and democratic ideals (Ploeg and Vesterland, 2025). Notably, the United Nations, formed in 1945, began promoting democratic practices, influencing the development of standardized observation protocols during the decolonization period of the 1960s and 70s (Nakamizo and Kano, 2024).

Simultaneously, domestic election observation emerged as a critical means for local civil society organizations to monitor elections, particularly in countries undergoing political transitions. The late 20th century witnessed a wave of democratisation, prompting the rise of grassroots movements that sought to ensure electoral integrity (Braun and Grande, 2021). Key milestones included the formation of national observers and organizations that began to develop their methodologies to evaluate the electoral process effectively (Duong, 2021). The historical evolution of both types of observation was influenced by several factors, including the need for credible assessments in emerging democracies, the

rise of civil society, and the increasing involvement of regional and international organizations in electoral matters (Li, 2025). Today, both international and domestic observers play vital roles in enhancing electoral integrity, promoting democratic accountability, and fostering public trust in government institutions around the world (Tiratelli, 2024). This section commences with a historical overview of both international and domestic observation, followed by a discussion on their growth and then their contemporary practices. It concludes with a discussion on challenges experienced by both types of observation.

International Observation: Historical Evolution, Growth, Contemporary Practices and Challenges

The post-World War II era marked a significant turning point for international relations and governance structures. The devastation of the war and the subsequent establishment of international bodies like the United Nations (UN) and regional organizations laid the groundwork for a more concerted approach to democracy promotion (Nakamizo and Kano, 2024). During this period, there was a growing acknowledgement that democracy and peace were intertwined, leading to calls for monitoring and observation of elections to ensure legitimacy in democratic processes. The first formal international election observation missions were initiated in the late 1980s and early 1990s as a response to the inaugural wave of democratic transitions globally, often referred to as the “third wave of democratization (Johansson and Raunio, 2024).” Observer missions, particularly from organizations such as the Organization for Security and Co-operation in Europe (OSCE), the Commonwealth, and the European Union (EU), began to take shape, marking a shift from isolated monitoring efforts to structured, systematic approaches aimed at assessing electoral processes.

Growth and Institutionalization

By the mid-1990s, international election observation had become more institutionalised, with defined methodologies and standards established to assess elections effectively. These standards typically include criteria for evaluating the electoral framework, the conduct of the electoral process, and the conduct of stakeholders such as political parties and media (Johais, 2024). International observers would

assess factors such as the independence of electoral management bodies, the fairness of the electoral campaign, and the treatment of voters and candidates. The deployment of election observers grew, reflecting the increasing importance placed on legitimate electoral processes as foundations for democracy. In this context, international observation was seen to legitimize elections and an invitation to engage with civil society and create a more informed electorate (Kerr, 2024). The presence of international observers also serves to deter potential malpractice, as the knowledge that external actors are monitoring the process encourages adherence to democratic norms.

Contemporary Practices: Challenges and Criticisms

In the contemporary context, international election observation has expanded to include a wide range of stakeholders. Civil society organisations (CSOS) play a significant role, often complementing the work of international observers by providing grassroots perspectives and community engagement (Adeleke et al, 2024). Furthermore, technology has enhanced the capacity of observers to monitor elections, from using social media to share real-time updates to employing data analytics for more robust assessments. International standards have also evolved, with the adoption of guidelines such as the Declaration of Principles for International Election Observation, endorsed by various international organisations, promoting best practices for fairness and transparency (Kerr, 2024). Thus, observer missions have become more sophisticated, utilising methodologies integrating qualitative and quantitative data to provide comprehensive analyses. While significant progress has been made, international election observation faces several challenges and criticisms. One notable concern is the perceived bias of observer missions, particularly when observers represent geopolitical interests (Sambo et al, 2024). Criticism arises when the outcomes of elections are invalidated based on inconsistent or subjective interpretations of the process. Moreover, the effectiveness of election observation can be diminished by host countries' reluctance to accept external scrutiny, leading to restrictions on observers' movements or access to critical electoral processes (Kitschelt, and Rehm, 2024). Additionally, the emergence of populist and authoritarian regimes poses substantial challenges to the credibility and safety of observers.

In conclusion, the international observation of elections has evolved significantly since its inception post-World War II, growing into a structured activity that plays a critical role in promoting democratic norms and practices. Although challenges persist, the engagement of diverse stakeholders, including civil society and technological innovation, continues to enhance the effectiveness of election observation efforts. As the global landscape shifts, the importance of independent and impartial election observation remains paramount in safeguarding democracy and upholding the principles of free and fair elections worldwide. By fostering a culture of transparency and accountability, election observation can contribute significantly to building resilient democracies that reflect the will of the people.

Domestic Observation: Historical Evolution, Growth, Contemporary Practices and Challenges

Historical Evolution

Domestic election evaluation has developed in response to the need to ensure electoral integrity and enhance democratic governance at the national level (Kerr, 2024). Historically, the practice emerged in the late 20th century during a wave of democratization across the globe, particularly in the aftermath of the Cold War (Morrison, et al, 2024). The transition of many countries from authoritarian regimes to democratic governance prompted a focus on electoral processes and the establishment of systems of accountability. Initially, domestic election observation was primarily undertaken by civil society organizations and local observers to supplement the work of international bodies, allowing communities to monitor their elections in a culturally relevant context (Agbor et al, 2025). As the practice evolved, it gained formal recognition in many democracies, with governments increasingly acknowledging the importance of local oversight. Countries began adopting policies that encouraged domestic monitoring efforts, recognizing that the involvement of citizens and local organizations leads to greater transparency and accountability.

Growth, Institutionalization, and Supporting Processes

The growth and institutionalization of domestic election observation have been pivotal in advancing democratic governance worldwide.

Beginning in the late 20th century, particularly during the wave of democratization in the 1990s, civil society organizations emerged as key players in monitoring electoral processes (Sule, 2025). This growth was fuelled by the recognition that local actors, grounded in their communities, could provide valuable insights into electoral integrity (Wellman, 2021). The process of institutionalization began as domestic observation efforts evolved from informal grassroots initiatives to structured frameworks guided by established methodologies. Many countries saw the formation of independent monitoring organizations, which crafted and standardized protocols for observing elections (Cheeseman et al, 2021). These organizations worked to strengthen their capacities, developing training programs for observers to ensure effective monitoring of voter registration, polling, and counting processes. Collaboration with international organizations further bolstered this institutionalization, as best practices were exchanged, and guidelines for domestic observers were formalized. Over time, legal frameworks emerged in several countries, recognizing the role of domestic observers and providing them access to polling stations and electoral data (Wellman et al, 2023). This formal acknowledgment has transformed domestic election observation into a respected and essential element of fair electoral processes.

Contemporary Practices: Challenges and Criticisms

Today, domestic election evaluation practices vary widely across countries, but some common methodologies include pre-election assessments, polling day observation, and post-election analysis (Hinfelaarr and Sawyer, 2022). Observers typically use structured methodologies that include qualitative and quantitative measures to assess electoral integrity. Reports generated from these evaluations are often utilized to inform electoral reforms and improve future processes (Matlosa, 2021). However, contemporary practices are not without challenges and criticisms. One significant issue is the political environment in which domestic observers operate. In many countries, observers may face intimidation, harassment, or restrictions imposed by government officials, which can hinder their ability to monitor elections effectively (Wellman, 2021). For example, in countries with authoritarian regimes, observers may find it difficult to gain access to polling stations or experience backlash when reporting irregularities (Matlosa, 2021). Moreover, concerns about bias within civil society organizations can undermine the credibility

of domestic observer bodies. Critics argue that some organizations may have political affiliations or biases that affect their objectivity in monitoring processes (Shayo, 2021). Consequently, ensuring the independence and impartiality of domestic observers is critical to maintaining public trust.

Funding is another challenge facing domestic election evaluation. Many observer organizations operate with limited resources, making it difficult to monitor comprehensively (Bush and Prather, 2022). Dependence on external funding can also create perceptions of bias, particularly if funders have vested interests in the electoral outcomes.

Despite these challenges, domestic election evaluation remains essential for promoting democratic accountability. Strengthening the capacity of civil society organizations, enhancing legal protections for observers, and ensuring resources are available for monitoring efforts can significantly improve the electoral landscape (Ferree et al, 2021). Moreover, fostering a culture of engagement among citizens, alongside robust advocacy for free and fair electoral practices, can empower communities to hold their governments accountable (Cheeseman et al, 2022).

In conclusion, domestic election evaluation has emerged as a vital component of democratic governance, providing insights into the electoral process and promoting accountability. While challenges exist, the evolution of this practice reflects a growing recognition of the importance of local oversight in ensuring free and fair elections. By addressing the issues facing domestic observers, governments and civil society can work together to create an environment where democracy thrives, enhancing public trust and participation in the electoral process.

Theoretical Framework

The study was guided by two theories, namely:

Democratic Theory

This theory states that at the core of the observer mandate is the principle of democratic legitimacy. Domestic and international observers advocate for free and fair electoral processes, ensuring that the populace's will is accurately represented (Isiksel and Pepinsky, 2025). This aligns with democratic theories that emphasize

participation, equality, and accountability (Groenendyk, Kimbrough, and Pickup, 2025). Moreover, theory underscores further that the presence of domestic and international observers helps to validate the electoral process, providing citizens and stakeholders with confidence in the outcomes (Rostbøll, 2025). This validation aids in deepening the practice of democracy in any country.

Additionally, the theory holds that the legitimacy of elected officials stems from the consent of the governed, which can only be obtained through genuine, unencumbered electoral processes (Pinder, 2025). Thus, effective election observation is essential for immediate electoral integrity and the long-term health and stability of democratic governance.

Social Accountability theory

This theory states that observers act as agents of social accountability, holding governmental and institutional powers answerable to their citizens and the international community (Gupta et al, 2025). This framework posits that transparency in governance leads to improved civic engagement and governance (Amosh, 2024). Moreover, it also posits that citizens and organizations have the right and responsibility to demand transparency and accountability from their government, particularly during electoral processes (Akwei, 2028). In relation to election observations, domestic and international observers act as key agents of this accountability by monitoring the electoral process and verifying that it adheres to established norms and standards (Kao et al, 2022). They assess the conduct of electoral officials, the accessibility of polling places, the treatment of voters, and the overall integrity of the election (Narayan and Oru, 2024). By documenting their findings, observers help to highlight both successes and irregularities, providing a foundation for public discourse on electoral legitimacy (Brummel, 2021).

Additionally, the social accountability framework encourages civic engagement, as the presence of observers can motivate citizens to participate more actively in the electoral process (Amosh, 2024). When citizens see their votes being monitored and protected, they may be more inclined to voice concerns and advocate for electoral reforms (Akwei, 2028). Effective election observation contributes to a culture of accountability, where government actions are open to scrutiny, and citizens feel empowered to demand fairness and transparency (Pinder, 2025). This sense of accountability reinforces

democratic principles, ensuring that electoral outcomes reflect the genuine will of the people, fostering trust in both the electoral process and the institutions that govern them (Kelecha, 2025).

Together, these two frameworks, the democratic theory and social accountability framework, provide a comprehensive analytical basis for this study. They facilitate an exploration of both the transformative potentials of domestic and international election observation and the normative dilemmas associated with election observation processes. This dual-theoretical approach enables a more nuanced understanding of how domestic and international observation interfaces with democratic processes in different countries, allowing researchers and practitioners to situate empirical findings within broader debates about democracy, election observation and civic participation in a highly globalizing society. The following section presents the methodology followed by the study.

Methodology

This qualitative study explored the mandate of election observers in both domestic and international elections through a qualitative approach. Data was collected using in-depth semi-structured interviews with key stakeholders, including election observers, representatives from electoral commissions, and civil society organisations involved in election monitoring. The interviews aimed to capture diverse perspectives on the roles, challenges, and effectiveness of election observation.

Documents explicitly detailed the roles, best practices, and findings related to election observation and were published between 2015 and 2025, addressing the role and impact of election observers were included in the study. However, those documents published before 2015 were not selected for review, including those articles that did not focus on democratic governance and lacked empirical evidence, and a clear connection to election observer mandates were excluded. The reviewed documents included academic journals that published peer-reviewed articles on election observation and democracy, policy documents that published information about guidelines, and frameworks from electoral commissions and international bodies regarding election observation mandates. Participants were selected using purposive sampling to ensure a representative cross-section of experiences across different contexts and regions. The inclusion criteria were that participants had to

possess at least five years' experience in election observation, either domestically or internationally, and be at least 25 years old. A total of 15 participants met the selection criteria and participated in the interviews. The participant's profiles included youth (25–35 years old), women, and men of varying ages and educational experiences, and were conducted to achieve a depth of understanding. Data was analyzed thematically, identifying key themes and patterns within the transcripts to draw insights into the effectiveness of observation mandates and their impact on electoral integrity. The study also reviewed relevant policy documents, election reports, and literature to contextualize findings within the broader discourse on governance and democratic processes. Ethical considerations were followed, with informed consent obtained from all participants and confidentiality maintained throughout the research process. Pseudonyms were used to conceal the participants' names. The study was limited to the experiences of the 15 interviewees due to time and financial constraints. Therefore, the findings reported cannot be generalized to the entire continent of Africa and other parts of the world.

Presentation of Findings

Election observers play a crucial role in the democratic process, ensuring that elections are conducted fairly, transparently, and in accordance with established standards. This study examines the mandate of election observers in both international and domestic elections, highlighting ten main findings that illustrate their effectiveness and the challenges they face. These findings shed light on the complexities of election observation and its implications for governance, accountability, and citizen engagement. The section presents the findings from the study. It presents the themes identified from the analysed data.

1. Increased Credibility of Election Results

The presence of election observers, both domestic and international, significantly enhances the credibility of election results. Observers provide independent verification of the electoral process, ensuring transparency and fairness.

“Observers are an important aspect of an election as they ensure it is transparently conducted and fair to all voters, regardless of their socioeconomic and political backgrounds”. Respondent QR 3.

Their reports can bolster public confidence in the legitimacy of the outcomes, as stakeholders recognize that independent assessments have been conducted, diminishing allegations of fraud or manipulation.

“Observers provide an independent report about an election, which adds to the credibility of an election and its outcomes”. Respondent QR 5.

2. *Enhanced Voter Confidence and Participation*

The involvement of observers often encourages higher voter turnout. Knowledge that independent entities monitor the process can reassure citizens and motivate them to participate in elections.

“The presence of observers at an election always boosts the confidence of voters, knowing that the elections are under the watchful eye of observers who won’t let anyone manipulate any aspect of the activity”. Respondent QR 1.

This finding highlights the role of observers in fostering public trust in democratic institutions, which is crucial for the overall health of the electoral process.

“Observers provide an independent report about an election, which adds to the credibility of an election and public trust in the Independent Electoral Commission (IEC) and other state institutions tasked with the responsibility of ensuring that elections are conducted in a free and fair manner as spelt out in the Constitution”. Respondent QR 11.

3. *Challenges of Access and Safety*

Observers frequently face challenges in accessing polling stations, especially in politically charged environments or countries with tendencies toward repressive governance.

“Observers sometimes face challenges in accessing voting [polling stations], especially if there are any tensions among political parties and their supporters”. Respondent QR 11.

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“Sometimes observers are caught in between existing political tensions, especially in countries where there is a domination by one particular political party over the others”. Respondent QR 14.

This finding underscores the need for legal protection and support for observers to ensure they can operate effectively without fear of intimidation or harassment during their monitoring activities.

“Observers [domestic must be offered protection by their hosts to ensure our safety”. Respondent QR 13.

4. *Diverse Roles and Responsibilities*

The study reveals that the roles of domestic and international observers can differ significantly. Domestic observers often focus on grassroots engagement and community involvement, while international observers may prioritize assessing broader compliance with international standards and promoting electoral integrity. Understanding these differences can help better collaboration between various observer groups, reinforcing their collective impact.

“Observers complement each other in their respective roles. We all want to ensure that elections are transparent, free and fair”. Respondent QR 15.

5. *Impact on Policy Reform*

Views from the respondents indicate that comprehensive reports generated by observers can lead to significant policy reforms and improvements in electoral laws and practices.

“Our [Observers] reports are powerful to the extent that they can be used to influence improvements in some electoral practices, I’ve seen such instances over the years in some countries that I’ve been privileged to observe elections”. Respondent QR 14.

When observers document irregularities or highlight transparency issues, these insights can prompt lawmakers and electoral commissions to introduce reforms to enhance the electoral process, reflecting the potential for observers to influence lasting change within governance systems.

“Our [Observers] reports in many cases can influence electoral-related policies once approved by relevant authorities, and in such cases, electoral processes and laws may be revised to accommodate any key issues recommended by the reports”. Respondent QR 2.

6. *Need for Training and Capacity Building*

Effective election observation is contingent upon the training and capacity of observers. The study indicates that many domestic observer organizations lack adequate training programs, which can hinder the quality and consistency of monitoring efforts.

“Sometimes we [meaning domestic observers] lack adequate training on election observation and related aspects compared to our international counterparts who often are deployed by international organisations, who equip them with the most vital information about elections and observation, hence they come already equipped”. Respondent QR 6.

Investing in building capacity through training and resources is essential for improving the effectiveness of domestic observation missions and should be prioritized by civil society and governmental agencies.

“The quality of an election observation is directly proportionate to the competency of an observer. Therefore, it is important to ensure that domestic observers are properly trained and equipped with the right information [electoral-related information] to do their job properly”. Respondent QR 1.

7. *Synergy between Observers and Stakeholders*

The effectiveness of election observation is enhanced through collaboration among various stakeholders, including civil society, governmental bodies, and political parties.

“Effective election observation hinges on collaboration among relevant stakeholders; this [collaboration] is key to better outcomes of an election observation”. Respondent QR 11.

Chapter Three

The study highlights that when observers work closely with local community organizations and engage in dialogue with political entities, they can foster a more inclusive and cooperative electoral environment.

“Community-based organizations are very critical partners in an election because of their intimate understanding of local dynamics that can influence an electoral outcome. Working together with observers, they provide an”. Respondent QR 8.

This synergy increases the credibility of the observation process and strengthens democratic practices across the board.

“Partnerships among various electoral stakeholders are critical role players in ensuring credibility of electoral processes, thereby strengthening democratic processes for supporting election observations”. Respondent QR 11.

8. Importance of Public Awareness Campaigns

The study found that public awareness campaigns about the role and importance of election observers can enhance the legitimacy of the electoral process.

“Effective election messaging goes a long way in supporting election observations as voters are aware of their responsibilities, and most of them are cooperative”. Respondent QR 4.

By educating the electorate about their rights and the monitoring process, civil society organizations can promote greater participation and transparency in elections.

“An informed citizenry can exercise their civil right through voting with confidence and understand their role as a voter”. Respondent QR 2.

9. Perceived Bias Among Observers

Instances of perceived bias can undermine the credibility of election observers. The study suggests that both domestic and international

observers can face accusations of partiality, particularly if they have affiliations with specific political interests.

“Election observation is a subjective process and largely depends on individuals’ perception of circumstances on hand, and then they decide. So, one cannot rule out some degree of bias. Respondent QR 8.

Ensuring neutrality and independence is essential for maintaining the trust of the electorate and stakeholders.

“Observers [both domestic and international] must always endeavour to remain factual in their reporting to enhance public confidence in the electoral process”. Respondent QR 4.

10. Long-Term Impact on Democratic Governance

Finally, the findings suggest that the presence of election observers contributes to the long-term health of democratic governance.

“Election observation is one of the critical indicators of a democratic society and therefore, when managed correctly as a process, over time it strengthens democratic governance of a nation, an extremely valuable contribution towards deepening the practice of democracy”. Respondent QR 10.

Continuous monitoring helps to build a culture of accountability, encouraging political leaders to uphold democratic principles and engage meaningfully with their constituents. This sustained presence is vital for fostering democratic resilience in facing challenges.

“Observers [both domestic and international] play a vital role in reinforcing the notion of accountability, which governments seek to embrace and practice in each of their leadership terms”. Respondent QR 9.

The findings illustrate election observers’ vital role in domestic and international contexts. Enhancing the effectiveness of these observers requires addressing barriers to access, investing in training, and fostering collaboration among key stakeholders to promote transparency, accountability, and public trust in electoral

processes. By prioritizing these areas, governments can strengthen the democratic fabric of their societies and ensure that elections are conducted with integrity and fairness. The following section elaborates on several insights emanating from the findings.

Discussion of findings

The findings reveal two critical insights: firstly, that international and domestic observers bolster the credibility of elections through their impartiality and expertise, often influencing the conduct of domestic observer missions. Secondly, they also play a crucial role in advocating for the independence of electoral observers, thereby enhancing the overall effectiveness of the electoral oversight process.

Strengthening the capabilities of international and domestic election observers is vital for ensuring the integrity of electoral processes and for deepening democratic practices across countries (Cheeseman et al, 2021). Enhanced training, resources, and strategic support for observers empower them to effectively monitor elections, ensuring that they can assess the fairness, transparency, and credibility of the electoral process regardless of the political context in which they operate (Leininger and Nowark, 2022).

The presence of well-trained observers helps to build public trust in elections. By providing impartial assessments, observers can influence perceptions of electoral legitimacy, which is crucial for fostering a culture of accountability and democratic engagement (Wellman et al, 2023). Their insights can help identify irregularities, enabling corrective measures that reinforce the rule of law and adherence to democratic norms.

Moreover, election observation promotes active citizenship by engaging communities in the democratic process (Shayo, 2021). When citizens see their peers involved in observing elections, it inspires them to participate actively, whether by voting, advocating for their rights, or holding leaders accountable (Horowirz, 2022). Observers can serve as catalysts for civic engagement, disseminating information on the electoral process and educating communities about their rights and responsibilities, thus fostering a more informed electorate (Beyene et al, 2025).

Furthermore, international and domestic election observers are needed to strengthen the integrity and effectiveness of electoral processes globally in an increasingly interdependent world. The

involvement enhances the credibility of elections and enriches the capacity for comprehensive election management across diverse political contexts (Beyene et al, 2025). This involvement enhances the credibility of electoral processes, as observers pool their resources, knowledge, and expertise, leading to a more robust election observation process (Karamalla-Gaiballa, 2025). Domestic observers often possess a nuanced understanding of local political landscapes, cultural contexts, and community dynamics, while international observers bring global best practices and standards (Matlosa, 2021). This synergy enhances the overall monitoring framework, ensuring that assessments are thorough, impartial, and reflective of the specific electoral environment (Phakhathi et al, 2025).

Additionally, collaboration allows for a more comprehensive approach to election management, as observers can share insights across various electoral processes, including voter registration, campaign conduct, polling, and post-election assessments (Ihembe et al, 2025). By exchanging information on effective monitoring strategies and identifying common challenges, observers can develop tailored solutions that address country-specific needs while adhering to international standards (Madueke and Enyiazu, 2025). This not only aids in the immediate electoral context but also helps refine long-term electoral frameworks (Kelecha,2025).

Furthermore, the partnership between international and domestic observers also promotes capacity building and knowledge transfer. (Usharani, 2025) Through joint training initiatives, domestic observers can enhance their electoral monitoring, reporting methodologies, and advocacy skills (Matlosa, 2021). International observers can provide mentorship and guidance, helping to empower local organisations and civil society to take an active role in the democratic process (Yeboah-Assiamah and Oduro, 2025). This knowledge transfer is vital for sustaining democratic engagement and fostering a culture of accountability within nations (Sambo et al, 2024).

Conclusion

The study has demonstrated that both domestic and international observers play a critical and complementary role in ensuring elections are transparent, free, and fair. Governments and all stakeholders involved in election management need this partnership because it reinforces the efficacy and integrity of electoral processes

worldwide. By enhancing credibility, facilitating comprehensive electoral management, promoting capacity building, and advocating for good governance, both groups of observers are essential to consolidating democracy across the nations globally. As countries navigate the complexities of governance in a rapidly changing world, observers must unite to support democracy and empower citizens to participate actively in shaping their futures.

Moreover, the study has also shown a symbiotic transfer of skills and exchange of ideas when observer missions are composed of domestic and international observers. Each group brings experiences and expertise that reinforce each other's capabilities and deepen the practice of election monitoring and observation across the globe. Additionally, multiple election management bodies gain insights on the latest trends in election observation as observers share best practices from their different experiences while observing elections in various socio-economic, political, and cultural contexts, enriching their collaboration and strengthening partnerships across nations and continents.

Additionally, there is a need to pull resources (financial and human resources) on a broader scale to support election observation efforts sustainably. Election observation is costly and requires host governments and other stakeholders involved in election management to invest in upskilling observers in different aspects of election observation. The study indicated that the skill levels vary across observer teams, dependent on various factors, one of them being financial costs, which limit effective capacity building. Governments and various global partners must re-examine allocating sufficient resources to meet this need.

Lastly, the study has shown partnerships and collaborations are the currency of modern-day election observation. Given the socio-economic, political, and election management complexities prevailing around the world, a multi-agency approach to election management is critical. This implies increased vigilance techniques by a highly observer mission, comprised of experienced and highly skill observers, collaborating to ensure elections are conducted in a free and fair manner. This collaboration strengthens elections management across countries globally and deepens citizens confidence in elections as one of the pillars of thriving democratic societies.

In the end, the responsibility of election observers at both domestic and international levels is crucial as it serves to strengthen

belief in democracy and safeguard it from constant threats aimed at weakening citizens' belief in electoral processes. Observers are citizens' last line of defence, and their vigilance ensures that democracy is preserved for present and future generations.

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Chapter Four

Elections And the Deployment of Observer Missions: Regional Case Studies

Nneka Akwu

Introduction

Elections are the foundation of democratic governance, which gives citizens the opportunity to choose their leaders and influence policy direction (NneHorsfall 2023). In Africa, electoral processes have been instrumental not only in affirming democratic transitions but also in revealing the continent's political, institutional, and socio-economic challenges (Chari & Dzimir 2023). As elections increasingly became pivotal moments for national stability or crisis, the role of election observation missions (EOMs) has grown substantially. These missions, deployed by regional, continental, and international organizations, seek to bolster electoral integrity, promote transparency, deter fraud, and enhance the legitimacy of electoral outcomes.

The history of election observation in Africa traces back to the early 1990s, coinciding with the continent's "third wave" of democratization (Bleck & Van de Walle 2019). Institutions such as the East African Community (EAC), African Union (AU), Southern African Development Community (SADC), and Economic Community of West African States (ECOWAS) have all established protocols and mechanisms for observing elections (Egbara et al 2024). These regional observer missions work alongside global bodies like the United Nations (UN), the European Union (EU), and non-governmental organizations (NGO) like the Carter Center and Electoral Institute for Sustainable Democracy in Africa (EISA) (Egbara et al 2024).

Regional observer missions are distinct in that they often operate within frameworks tailored to the African political landscape, reflecting a sensitivity to local contexts, regional stability concerns, and norms such as "non-indifference" (particularly emphasized by the AU). Their deployment typically follows a structured methodology: pre-election assessments, election-day monitoring,

and post-election reporting. These missions focus on key electoral benchmarks, including the legal framework, voter registration, media access, political campaigning, voting, counting, and the handling of complaints and appeals (Norris 2013).

Case studies from across Africa illustrate the varying impact and challenges faced by observer missions

West Africa: ECOWAS has played a critical role in countries like Nigeria, Ghana, and Sierra Leone. The region's history of coups and political instability has made ECOWAS vigilant in monitoring elections, with its observer missions sometimes acting as mediators in post-election disputes.

Southern Africa: In countries such as Zimbabwe, Malawi, and South Africa, SADC missions have grappled with balancing political sensitivities and the need for impartial reporting, leading at times to criticism about their effectiveness and independence (Onuoha & Akogwu 2022).

East Africa: EAC and AU missions in Kenya, Uganda, and Tanzania have navigated complex electoral environments marked by allegations of violence, fraud, and authoritarian practices. The reports of Booth et al (2014) often highlight systemic issues like electoral commission independence and judiciary integrity.

Observer missions face challenges such as bias accusations, limited access, logistical issues, and resistance from incumbent governments (Vasciannie & Vasciannie 2018). Moreover, the efficacy of observer missions often hinges on the broader political will to adhere to democratic norms, both among domestic actors and within the regional bodies themselves.

Deployment of election observer missions' highlights Africa's commitment to democracy, even as new threats, like disinformation and voter suppression, emerge. Their presence underscores a continental commitment to upholding democratic principles, even as the practice itself continues to evolve amid new threats like digital disinformation, voter suppression, and electoral violence (Diamond and Plattner 2010). As African states move forward, strengthening the credibility, independence, and responsiveness of observer missions will be essential to building resilient democratic institutions across the continent.

Through a qualitative design and literature review, this chapter provides an overview of the meaning and roles of Election Observer Missions. Secondly, the framework used by Election Observer Missions, and thirdly, regional cases of deployment of Observer Missions in Western, Southern, Eastern, Central, and Northern Africa.

Election Observer Missions (EOMs)

Elections play a crucial role in shaping democratic governance across Africa. They provide a mechanism for political participation, leadership selection, and government accountability. However, the credibility and integrity of elections are often challenged by electoral malpractices, political tensions, and institutional weaknesses. To ensure transparency and fairness, EOMs are deployed by regional and international organizations, including the AU, the SADC, the ECOWAS, and the UN (Lifong 2022; Mbanje, 2020).

Election observers (EO) assess key stages such as voter registration, campaigning, polling, vote counting, and result announcements. The presence of election observers during elections prevent electoral fraud, promotes public confidence, and strengthens democratic institutions (Kelley 2010).

Roles of EOMs

EO missions assist in maintaining integrity and public confidence in Africa by ensuring transparency, fairness, and adherence to democratic principles (Matatu 2023; Norris 2017). This is conducted by assessing the conduct of elections, including voter registration, campaign activities, polling, vote counting, and result declaration (Norris 2017). They also identify irregularities and recommend improvements to strengthen the electoral system. Through their assessment, they decide whether elections are free, fair, and credible, and assist in preventing electoral fraud, intimidation, and violence by ensuring accountability (Matatu 2023).

The presence of unbiased observers brings about public confidence and reassurance to voters that the election process is being scrutinized objectively.

Providing recommendations for electoral reforms is also one of their roles. Voter education, election logistics, and legal frameworks need improvement. Abdullahi (2015) emphasized that this contributes

to the long-term strengthening of electoral institutions. In some cases, they work with stakeholders, including political parties, civil society, and security forces, to promote peaceful election conduct and discourage post-election violence by providing objective assessments of the electoral process.

Enhancing international credibility is achieved through international and regional observer missions, such as the AU, EOCWAS, the UNs and SADC. These organizations can help validate the democratic process and their endorsements can enhance the country's reputation as a stable democracy (Singo 2023). Observers detect and document instances of vote-buying, voter suppression, and other forms of electoral misconduct. Their reports help the electoral commissions and government bodies to address concerns and improve future elections. By fulfilling these roles, a free and fair election will be conducted which will in turn, foster public trust in the democratic system of African countries (Singo 2023).

Framework Used by Election Observers (EO) Mission in South Africa

EO missions in South Africa operate within a structured framework that ensures credibility, transparency, and adherence to international democratic standards (Dibeela 2018). This framework includes legal, procedural, and methodological guidelines that observers follow during the electoral process (Van Aaken 2009; Hofmeyr 2000).

Components of the EOMs Framework Include:

Legal and Institutional Framework

Observers operate under the legal framework established by South Africa's Constitution, electoral laws, and international guidelines (Hofmeyr 2000). These frameworks are listed below:

The Constitution of South Africa (1996) guarantees democratic elections. The Electoral Act (1998), governs the conduct of elections and defines observer roles, The Independent Electoral Commission (IEC) Regulations, which provide guidelines on election monitoring and accreditation and International and Regional Standards, in which Observers adhere to guidelines set by organizations Such as, AU, Declaration on Principles Governing Democratic Elections, SADC Principles and Guidelines Governing Democratic Elections, UN and EU electoral observation methodologies (Dibeela 2018).

Accreditation and Deployment Process

Observers must obtain accreditation from the Independent Electoral Commission before engaging in monitoring activities (Sekamogeng & Egbude 2024). They are deployed across the country, covering urban and rural areas, to ensure a broad-based assessment. Deployment is based on a strategic plan to monitor key phases of the election, such as voter registration, campaigning, polling day, and post-election processes (Van Aaken 2009).

Method for Observation

EOs adopt a structured methodology to ensure a free, fair, and credible election. Some of the methods adopted are as follows:

- **Pre-election Assessment method:** This involves legal framework analyses, voter registration processes, media coverage, and political party activities.
- **Election Day Monitoring:** Observation of polling station setup, voter turnout, ballot secrecy, adherence to procedures, and overall election management are assessed.
- **Vote Counting and Results Tabulation:** Monitoring transparency in vote counting and the transmission of results to prevent fraud is carried out.
- **Post-election Evaluation:** Assessing the announcement of results, the handling of disputes, and overall acceptance of the election outcome are evaluated. (Van Aaken 2009).

Ethical Guidelines and Code of Conduct

Observers adhere to ethical standards like, neutrality and impartiality, non-interference, and confidentiality. Neutrality and impartiality ensure political bias is avoided during elections, non-interference involves observation without influencing the process, while confidentiality, involves keeping sensitive election information private until official reports are published (Mtui 2022).

Reporting and Recommendations

Observers compile reports detailing their findings, highlighting strengths and weaknesses in the electoral process. They also provide recommendations for improving future elections, which

are shared with the government, electoral bodies, and international organizations. This framework ensures that EOs in South Africa contribute to free, fair, and credible elections while strengthening democracy and public trust in the electoral system (Mtui 2022).

Framework adopted by EOM in Central Africa

EO missions in central Africa typically use standardized international frameworks and regional frameworks to guide their work. These frameworks ensure transparency, impartiality, and consistency in evaluating electoral processes. These frameworks and principles are highlighted as follows.

International Frameworks in Central Africa

Declaration of Principles for International Election Observation (2005)

This framework is endorsed by the UN and many regional organizations, such as, AU, EU, to name a few. It emphasizes impartiality, professionalism, and respect for national sovereignty and sets standards for observation methodologies and conduct of observers (Chigudu 2015).

International Covenant on Civil and Political Rights (ICCPR)

This form the human rights basis for evaluating whether elections are free and fair. It also guarantees key rights such as universal suffrage, freedom of expression, and political participation (Chigudu 2015).

Regional Frameworks adopted in Central Africa

African Charter on Democracy, Elections and Governance (2007)

This framework was adopted by the AU and promotes democratic principles, transparency, and credible elections. It also provides for the deployment of AU Election Observation Missions (AUEOMs) (Mbanje 2020).

ECCAS Framework (Economic Community of Central African States)

ECCAS has its own Electoral Observation Mission (MOE-ECCAS). Their framework supports democratic practices and electoral integrity in member states and works closely with national electoral commissions (Mbanje 2020).

Methodological Tools Used

Election observation employs long-term and short-term methods. Long-term teams monitor all phases before election day, while short-term teams focus on voting and counting. Most missions follow strict codes emphasizing neutrality and non-interference. They use checklists to assess fairness, media access, voter registration, and transparency. Engagement with stakeholders, political parties, civil society, and electoral bodies, is also crucial (Mbanje, 2020).

Table 1: Key Observation Bodies Active in Central Africa

Organization	Role
African Union (AU)	Deploys AU Election Observation Missions (AUEOMs).
ECCAS	Sends MOE-ECCAS teams; works with electoral commissions and sometimes AU/ UN.
European Union (EU)	Sends EU Election Observation Missions (EU EOMs).
The Carter Center	Uses rigorous human rights-based methodology; often involved in conflict-affected states.
International Republican Institute (IRI) & National Democratic Institute (NDI)	Focuses on civic engagement, parallel vote tabulation (PVT), and observer training.
La Francophonie (OIF)	Observes elections in French-speaking countries like Gabon, Chad, CAR.

(Fall et al 2011).

Coordination and Challenges

EO missions often coordinate with one another to share findings, avoid duplication, and amplify legitimacy. In volatile countries such as, Central African Republic, missions may collaborate with UN

peacekeeping missions. There are challenges encountered by EOMs in Central Africa, these challenges include weak state institutions and lack of independence in electoral commissions; Security concerns in conflict-affected areas such as, Central African Republic (CAR) and Eastern Direct Republic of Congo (DRC); Limited access to rural or insecure regions for observers; Internet shutdowns, media restrictions, and disinformation (Mbanje 2020).

Elections and the Deployment of Observer Missions: Regional Case Studies in Southern Africa

The history of electoral observation in Southern Africa presents a multifaceted evolution. Since 1989, the AU has supported more than 400 electoral processes, using different strategies that have included diplomatic approaches to technical assessment (Magliveras & Naldi 2024). Elections exert a critical influence on moulding a nation's political environment. Missions for observation are frequently deployed within Southern Africa at the time of elections (Small 2024). Such assignments endeavour to foster lucidity and legitimacy for the electoral procedure, a presently conventional undertaking. To ensure elections are conducted fairly in order that the voices of the citizens are heard, these missions function as watchdogs, often organized via various international organizations along with neighbouring countries (Chand 1997). These observers not only serve to monitor the voting process but also neutrally and unbiasedly report upon the overall conduct of elections, which can influence how domestic and international entities perceive the democratic legitimacy of the resulting government (Mullaney 2025). The effectiveness of observer missions depends upon their skill to monitor, evaluate, and communicate the rectitude of the electoral process (Chapman 2024). Monitors that fulfil their designated purpose effectively may discourage electoral malfeasance and disruption because their involvement frequently protects both voters and election administrators.

Elections and the Deployment of Observer Missions: Regional Case Studies South Africa

South Africa's democratic elections in 1994 were put under extensive scrutiny due to concerns over political violence and the importance of the liberation movement (Anglin 1995). The methods used to

observe elections have remained unchanged since the Zimbabwean elections after its independence in 1980, raising questions about their continued effectiveness in detecting electoral malpractices (Chan 2019).

Elections and the Deployment of Observer Missions: Regional Case Studies Zambia

The neutrality of observer missions has been questioned, as seen in the 2001 Zambian elections, where the EU Observer Mission's consensus on the flaws in the elections was found to be a socially constructed account instead of an objective report (Simuziya 2024). These analyses point to the changing role and challenge of election observation in the region, highlighting the necessity for critical assessment of observer missions' effectiveness and neutrality.

Elections and the Deployment of Observer Missions: Regional Case Studies Zimbabwe

One prominent case study in Southern Africa is Zimbabwe's elections, gaining some large global recognition over the years. The polls, notably during the early 2000s, faced episodes of violence, coercion, as well as improprieties, for which spurred the dispatching of many monitoring detachments (Sasa 2022). Observers for monitoring elections were dispatched by organizations such as the AU and the SADC (Sasa 2022). They intended to guarantee the procedure conformed to local benchmarks regarding fair voting events. These missions reported various malpractices, such as voters intimidating people together with someone manipulating the electoral process; so, condemnation spread both domestically and internationally. A relative assessment of differing nations within the region exposes consequences that diverge concerning observer missions and their efficacy. For instance, both national and global observers keenly scrutinized the initial post-apartheid elections within South Africa, and their endeavours helped the creation of a valid and believable democratic system. However, within nations such as Angola and the DRC, claims regarding electoral impropriety continued, even with international observers on site.

Elections and the Deployment of Observer Missions: Regional Case Studies in Eastern Africa

Observer missions are increasingly vital in Eastern Africa, where landscapes are unstable, coupled with political intricacy (Kumafan et al 2024). These missions guarantee equitable, open elections and provide perceptions regarding native electoral procedures. The subtleties regarding election observation in Eastern Africa can be comprehended (Ombara 2021).

Kenya: 2017 Election

Regional case studies, most notably those originating from Kenya, furnish perceptive observations toward this comprehension. It is additionally vital to probe into international organizations' role, missions' effectiveness, local perspectives, and lessons from past missions (Rwigema 2022). The case regarding Kenya's elections furnishes an outstanding illustration concerning election observation's triumphs and predicaments. Kenya has undergone many electoral competitions throughout the years, some exhibiting both violence and disruption, others defined via zeal (Rwigema 2022). Oversight delegations used throughout these polls differ in consequence and magnitude. During the 2017 general elections, many international observers monitored the process (Sharma, 2017). Their role was to enhance electoral credibility, though accusations of manipulation and bias were made against them. Reports indicated improvements compared to previous years but also highlighted ongoing issues like intimidation and logistical challenges. Thus, observer missions can provide valuable insights, as seen in Kenya, while also revealing the realities of electoral management in volatile environments

Burundi: 2020 Elections

Burundi's recent elections depict the imperative necessity to monitor elections. During the 2020 elections, trepidation pervaded the atmosphere, political opposition faced curtailment, and such occurrences prompted investigations into the electoral system's validity (Ayandele et al 2021; Jones & Wittig 2016). Local and global monitors cited many infractions, including voter coercion and the opposition's denied access to equitable campaign prospects

(Peace 2019). Due to the participation of the governing party, democracy suffered, and common trust diminished without a powerful monitoring endeavor (Peace 2019). Thus, deployment of observer missions in Burundi will foster transparency as it holds the government accountable. It would additionally ensure that citizens might exercise their voting rights without fear.

Tanzania: 2015 Elections

Tanzania possesses a distinct background concerning electoral monitoring, underscoring the consequence that continued scrutiny affects electoral probity (Henry 2023; Chikohomero & Mjenga 2020). Overseeing delegations augmented the impartiality of diverse ballots that the nation has witnessed, notwithstanding their disputes (Henry 2023). For example, large internal monitors took part in the 2015 general elections (Shayo & Kersting 2017). This participation curtailed attempts at electoral fraud while it encouraged the electorate to engage politically. Furthermore, area monitors hailing from the East African Community were present, thus encouraging assurance toward the electoral process and permitting a more collaborative climate. This instance stresses that, across eras, people who exist continually may formulate a climate where people stay accountable and adhere to egalitarian doctrines.

Uganda: 2021 Elections

The electoral observation framework in Uganda also showed the necessity for scrutinizing externally challenging political climates (Henry 2023). The opposition parties frequently alleged election rigging, together with additional inequitable practices (Nabukeera 2018). Consequently, the nation underwent protracted electoral disagreements. The government constrained admittance for many observers during the 2021 elections, provoking additional concerns regarding election validity. Stressing the requirement for transparency and accountability within Uganda's electoral process renders the function of both international and local observers vital because of hindrances impeding equitable observation (Oosterveer & Van Vliet 2010). Monitors on a strong and autonomous assignment could oversee and modulate to secure voter entitlements and guarantee elections to mirror the populace's desires.

Elections and the Deployment of Observer Missions: Regional Case Studies in West Africa

The political atmosphere within areas such as West Africa has customarily been typified by volatility. Accordingly, election accountability turns into a matter of importance. Observer missions are deploying within various countries to improve electoral processes' integrity as well as ensure elections happen fairly, transparently, and legally. Analysing instances from Ghana and Nigeria, this composition investigates the utilization and consequences of election observation delegations in West Africa while contemplating indigenous customs, effects of global institutions, obstacles encountered by oversight detachments, and the thorough implications for democratic administration.

Ghana :1990s Elections

Ghana has set a high benchmark regarding electoral processes in West Africa, being often regarded within the region as an example for democracy (Crawford 2005). Ghana has conducted several tranquil elections creditably since its reversion to democratic governance in the early 1990s attracting the awareness of diverse global and domestic monitoring delegations. These missions were present throughout the electoral process, plus this presence has fulfilled a needed role. The populace's assurance in the believability of the conclusions has been fortified. Inspectors oversee the complete voting procedure spanning voter enrolment to vote tabulation, promptly communicating anomalies. This surveillance averted potential conflicts but further assisted Ghana's political equilibrium, implying efficacious observer missions may ease smooth democratic transitions (Crawford 2005).

Nigeria: 2019 Elections

In contrast, to Ghana, Nigeria's electoral history has been replete with adversities including accusations of deceit, voter coercion, and brutality (Omojowo 2024). An abundance of monitoring missions has been compelled to participate within balloting protocols on account of these predicaments. These endeavours have exhibited differential levels of fruition. Notably, the Nigerian elections during 2019 featured wide-ranging international observation, and the EU

plus the Commonwealth Observer Group observed (Omojowo 2024). Logistical issues, limited funding, and political interference hampered the effectiveness of these missions, leading many Nigerians to doubt electoral integrity despite international monitoring. In West Africa, outcomes vary regionally, Ghana and Senegal often hold stable elections with minimal external influence, while Liberia's post-conflict context demands more detailed monitoring. Effectiveness depends heavily on local political and social conditions. Countries like Ghana, with strong electoral commissions and active civil society, facilitate better observer impact, unlike Nigeria, where political tensions challenge transparency. Overall, the success of observer missions' hinges on the strength of domestic institutions and the political environment.

Elections and the Deployment of Observer Missions: Regional Case Studies in Central Africa

EO missions play a pivotal role in assessing and promoting the integrity of electoral processes in Central Africa. These missions, often organized by regional and international bodies, aim to ensure that elections are conducted fairly, transparently, and in accordance with democratic principles. Below are case studies from the Democratic Republic of the Congo (DRC), Gabon, Chad, Benin, and the Central African Republic (CAR) that highlight the deployment and impact of such observer missions (Osée 2018).

In December 2018, the AU deployed an Election Observation Mission (AUEOM) to monitor the DRC's general elections. Led by former Malian President Prof. Dioncounda Traoré, the mission comprised 80 observers from various African nations. They assessed the electoral process based on the African Charter on Democracy, Elections and Governance, among other instruments. The mission engaged with stakeholders, including government officials, the National Independent Electoral Commission (CENI), candidates, and civil society organizations, to evaluate the pre-election context and election day proceedings (Abdullahi 2015). A comprehensive final report was scheduled for publication following the initial assessment (Osée 2018).

Gabon: 2016 Presidential Elections

In August 2016, a joint AU–Economic Community of Central African States (ECCAS) Election Observation Mission was deployed to Gabon for the presidential elections (Monkoti 2019; Isbell and Bhoojedhur 2018).

The mission consisted of 75 observers from 32 member states, including representatives from the Pan–African Parliament, Election Management Bodies, and Civil Society Organizations. Observers underwent a two–day briefing to familiarize themselves with continental and international legal instruments and observation standards. They engaged with key national stakeholders to discuss electoral guidelines, best practices, and concerns related to the electoral process. The mission aimed to provide an independent, objective, and impartial assessment of the elections (Isbell & Bhoojedhur 2018).

Chad and Benin: 2021 Presidential Elections

In April 2021, both Chad and Benin held presidential elections that were scrutinized by regional observer missions (Idris 2022). Despite reports of pre–election irregularities, such as the disqualification of opposition candidates and suppression of dissent, observer missions from the AU and respective regional organizations described the elections as peaceful and calm. Critics argue that these assessments overlooked significant issues, highlighting a potential reluctance among regional organizations to condemn incumbents who undermine democratic processes through legal manipulations and intimidation tactics (Idris 2022).

Central African Republic (CAR): 2020–2021 Elections

During the 2020–2021 electoral cycle in CAR, United Nations Volunteers (UNVs) played a crucial role in supporting transparent and inclusive elections (Okyere 2021). While serving with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), UN volunteers such as Angeline Ambogo Kidiga and Ahmed Abdillah contributed to the electoral process by distributing electoral materials, recruiting, and training voter registration enumerators, and conducting voter awareness campaigns (Esmenjaud and Rutenbar 2025). Their efforts

were instrumental in overcoming logistical and security challenges, ensuring broader participation, including among marginalized groups such as women and ethnic minorities (Okyere 2021).

United Nations Volunteers

These case studies underscore the varied approaches and challenges faced by EO missions in CA. While such missions are essential for promoting democratic practices, their effectiveness can be influenced by political dynamics, the impartiality of observers, and the broader context within which elections occur. The United Nations Volunteers (UNV) programme is a global initiative administered by the United Nations Development Programme (UNDP) that mobilizes skilled individuals to contribute to peace and development efforts around the world. Established in 1970, UNV serves as a vital platform for volunteerism within the United Nations system, promoting civic engagement, solidarity, and inclusive development (Kelley 2012). UN Volunteers are deployed in a wide range of fields from humanitarian response and public health to governance and electoral assistance. They support UN agencies, national governments, and civil society organizations by bringing expertise, local knowledge, and community-level engagement to complex development and peacebuilding challenges (Kelley 2012). With thousands of volunteers serving each year, both internationally and within their own countries, UNV plays a crucial role in strengthening the capacity of the UN to deliver on its mandate, especially in fragile, post-conflict, or underserved regions, including much of Central Africa. Their work helps ensure that development is people-centred, participatory, and inclusive of all segments of society (Kelley 2012).

Elections and the Deployment of Observer Missions: Regional Case Studies in Northern Africa

EO missions are integral to promoting transparent and credible electoral processes in Northern Africa. These missions, conducted by international and regional organizations, assess the conduct of elections and provide recommendations for improvement. Below are case studies from Tunisia, Egypt, and Sudan that illustrate the deployment and impact of such observer missions.

Tunisia: 2019 Presidential and Legislative Elections

In 2019, Tunisia held presidential and legislative elections that were pivotal for its democratic transition. The National Democratic Institute (NDI) and the International Republican Institute (IRI) jointly organized an international election observation mission to monitor these elections (Mtui 2022). Accredited by Tunisia's Independent High Authority for Elections (ISIE), the mission deployed long-term observers and analysts, and organized Election Day delegations for all three election days: the presidential election on September 15, the legislative elections on October 6, and the presidential run-off on October 13 (Mission 2019). The mission's final report provided a comprehensive analysis of the electoral process and offered recommendations to enhance the credibility of future elections in Tunisia. Key recommendations included the establishment of an independent constitutional court, sustained investment in election administration, and improved coordination among electoral authorities (Mission 2019).

Egypt: 2023 Presidential Elections

In December 2023, Egypt conducted presidential elections observed by a joint mission from the AU and the Common Market for Eastern and Southern Africa (COMESA). The mission comprised 70 short-term observers from 36 African countries, including election management officials, civil society members, and human rights specialists. Deployed across 16 of Egypt's 25 regions, the observers assessed the electoral process against Egypt's legal framework and international standards such as the African Charter on Democracy, Elections, and Governance. The mission planned to release a preliminary statement on December 14, 2023, followed by a comprehensive report within a month of the final election results (Ziegenhain & Enkhtaiwan 2024).

Sudan: 2015 General Elections

Sudan's 2015 general elections were monitored by multiple international observer missions, including those from the AU, the Arab League, COMESA, the Intergovernmental Authority on Development (IGAD), and the Organisation of Islamic Cooperation (OIC). The AU mission, led by former Nigerian President Olusegun Obasanjo, reported that voting proceeded peacefully and concluded that the results would reflect the will of Sudanese voters. However,

the mission also acknowledged significant challenges to democracy-building and national reconciliation in Sudan. Similarly, the COMESA mission commended the peaceful environment but expressed concern over the boycott by several opposition parties (Ziegenhain & Enkhtaivan 2024).

Challenges Encountered by Election Observer Mission

In as much as election observer missions have made significant contributions to election credibility, they also face challenges such as restricted access, political interference, and security risks. One of the most common challenges encountered by EOs is restricted access to polling stations, especially in remote or conflict-prone areas. Authorities may deny observers access under the guise of security concerns or logistical difficulties. In regions experiencing political violence, the personal safety of observers is at risk, leading to limited coverage and incomplete assessments (Aniekwe & Atuobi 2016).

Interference by the government and Lack of Independence by the EOs is another major challenge. Some governments interfere with the work of observer missions through bureaucratic delays in issuing visas or accreditations. In extreme cases, governments attempt to influence observer findings or prevent the release of critical reports. This undermines the independence of EOMs and erodes public trust in their conclusions (Aniekwe & Atuobi 2016).

EOMs frequently encounter limitations such as poor infrastructure, inadequate transportation, and limited financial resources. As a result of this, the number of observers deployed will be limited, and the ability to cover a wide geographic area will be reduced. Additionally, short deployment periods, often only during the voting day, limit their ability to assess the full electoral cycle, including pre-election preparations and post-election dispute resolution (Aniekwe & Atuobi 2016).

Lack of cooperation from electoral management bodies, political parties, and security forces with observer missions hinders the collection of vital information. This suspicious act and mistrust from local political actors can create a hostile environment for observers, who may be viewed as biased or foreign agents. Moreover, when observer missions successfully identify irregularities and make concrete recommendations, these suggestions are often ignored by host governments or electoral commissions. The lack of mechanisms

to enforce follow-up actions reduces the long-term impact of observer missions (Aniekwe & Atuobi 2016).

Electoral violence and intimidation pose risks to observers and voters, often hindering free operation and accurate reporting. The rise of electronic voting presents cyber challenges, with limited technical skills affecting monitoring. Disinformation and hate speech on social media further complicate efforts for fair elections (Aniekwe & Atuobi, 2016). Language barriers and unfamiliarity with local customs can also cause miscommunication and flawed assessments (Schaffer, 2000).

Strategies adopted to overcome challenges encountered by Election Observer Missions

Overcoming the challenges faced by EOMs in Africa requires a comprehensive and collaborative approach involving multiple stakeholders, including international organizations, African governments, civil society, and electoral management bodies. Strengthening collaboration and coordination between observers and electoral bodies can ensure smoother access to polling stations, including in remote areas (Abdullahi 2015).

By establishing legal provisions defining observers' roles and access rights, frameworks can be strengthened. Improving the independence and transparency of electoral commissions creates a more observer-friendly environment. Early accreditation and deployment of observers before election day, are crucial to assess all phases of the process, including voter registration, campaigning, and dispute resolution. Post-election monitoring of results, legal challenges, and the political climate is also essential (Kelley, 2012). Enhancing security measures, especially in high-risk areas, and collaborating with local forces can ensure observer safety without compromising neutrality (Vincent, Alihodzic & Gale, 2021). Capacity building, tailored training in cybersecurity, digital forensics, and disinformation, alongside digital tools like GPS mapping and real-time reporting, can improve coverage and accuracy (Van der Staak & Wolf, 2019). Implementing mechanisms to track recommendations will promote ongoing electoral reform. Partnerships with civil society and community engagement enhance credibility and local insights (Abdullahi, 2015). The international community should use diplomatic channels to encourage government cooperation and reform implementation (Kelley, 2012). Educating voters on the role

of observers and publishing unbiased, verifiable reports will foster trust and accountability.

Enhancing funding and logistical support for observer missions will help ensure wide coverage and operational efficiency of EOMs (Kelley 2009). Observer mission can partner with international organizations such as the AU, UN, EU to mention but few, to secure sufficient resources. In addition, coordination among different observer groups such as AU, EU, and local missions reduce duplication and improve coverage (Kelley 2009). By implementing these strategies, election observer missions can overcome challenges and contribute more effectively to free, fair, and credible elections in Africa.

Conclusion

EOMs play an essential role in promoting transparency, accountability, and public confidence in electoral processes across Africa. However, they face a wide array of challenges that limit their ability to function effectively. Political interference, security threats, logistical constraints, and technological complexities all contribute to a challenging operating environment. Addressing these issues requires stronger international support, better cooperation from host nations, and reforms to improve the capacity, independence, and reach of observer missions. Only then can election observation truly fulfil its purpose in strengthening democracy across the continent.

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Chapter Five

Electoral Reports Assessment: State Response

Lizzy Ofusori

Introduction

Electoral reports assessment in South Africa is important and essential in ensuring free, fair, and credible elections. This process involves a system that evaluates how well the electoral system and its mechanisms are functioning, as well as assessing the state's response to electoral challenges (Chigudu, 2016). The response by the state actors to electoral reports involves ensuring that fraudulent practices during elections are reported and investigated. Part of their responsibilities also includes ensuring compliance with legislative and constitutional obligations (Norris, 2013).

During elections, residents can perform their political duties by voting and ensuring accountability of governance. Elections that are free, credible, and fair are characteristics of political legitimacy and democratic maturity. To this end, reports from independent observers speak a lot about the integrity of the electoral processes. Reports from the local monitoring groups, civil society organizations, electoral body, and international observers are very critical and necessary in ensuring transparency, fairness, and efficiency of any election (Dibeela, 2018). Such reports assess so many factors, such as processes involved in voter registration, campaign conduct, freedom of media organizations, procedures adopted for election, electoral irregularities, among others. Beyond the reports, recommendations are also offered to improve future elections. A positive response of states to these reports, either on a short- or long-term basis, is very germane in assessing the democratic colouration adopted by the government. Therefore, the state's reaction to electoral assessments can either strengthen democratic norms through reform and accountability, or expose institutional weaknesses through denial, inaction, or resistance.

In South Africa, for instance, there has been restoration of democratic governance since the dawn of democracy in 1994, there has been a democratic approach to electoral processes (Kearsey, 2007). There have been peaceful elections under the supervision of a constitutionally constituted Independent Electoral Commission (IEC). This commission has been overseeing South African's electoral processes with a view to sustaining the democratic framework in the country. Sometimes, the electoral systems are characterized by flaws, as no electoral system is completely devoid of such. This has led to the generation of reports either by local or international observers with a detailed assessment of the electoral processes. These reports encapsulate administrative preparedness, legal and institutional guidelines, campaign financing, administrative preparedness among many other key features. South Africa's electoral reports are usually bipolar in nature, including stating the positive aspect of the events, such as commending the transparent and institutional maturity of the government, and at the same time, emphasizing the negative part of the events. The negative part of the event, which includes issues such as political violence, mismanagement of funds by political parties, media bias, and administrative inconsistencies, are often documented (Viljoen, 2020). The disposition of the South African government to these reports through legislative amendments and institutional reforms gives an insight into the institutional maturity and democratic resilience within its political framework. Often, the South African government demonstrated honesty to reform, such as the recent enactment of the Political Party Funding Act, which is a long-standing reform aimed at ensuring transparency in party financing. On the other hand, some recommendations, such as the inclusion of independent candidates among others, have been neglected or, in some cases, partially implemented. This has made it difficult for the government to earn public trust among the populace as well as observers (Pretorius, 2022).

This chapter critically explores how South Africa's state responds to electoral reports, focusing on patterns of engagement, the implementation of recommendations, and the broader political and institutional context that shapes such responses. It seeks to understand whether these responses lead to meaningful reform, symbolic gestures, or outright dismissal, and what that implies for democratic consolidation and governance.

Patterns in State Action

Electoral assessments of South Africa's electoral processes reveal a complex interplay between state actions and democratic integrity. While the country boasts strong electoral management and a commitment to democratic principles, challenges persist in addressing political violence, ensuring impartiality of state institutions, and implementing meaningful electoral reforms. There are several patterns in state actions that influence the country's democratic processes. These patterns encompass electoral integrity, public participation, political violence, and the role of state institutions (Fundisi and Atanga, 2023).

Since the advent of democracy in 1994, there have been commendable efforts by the state to conduct credible elections under the IEC. However, as with all democracies in any part of the world, South Africa's electoral processes are subject to analysis leading to periodic recommendations from domestic and international observers (Kotzé, 2023). The nature of the South African state's response to these electoral reports is dependent on the patterns that reflect both a maturing democracy and the challenges that are associated with institutional reform, especially in a complex political environment. Some of the patterns in state action include:

Commitment to Institutional Reform and Procedural Improvements

One of the most consistent patterns in South Africa's response to electoral reports is a strong institutional emphasis on procedural improvements and technical compliance. The IEC, widely respected for its independence and competence, often engages proactively with observer missions and civil society organizations (Kabemba, 2015). Following each electoral cycle, it issues its own report and frequently incorporates international best practices and recommendations into its planning for future elections.

For instance, after the 2014 and 2016 elections, various observer reports recommended improvements in voter registration accuracy and the documentation of addresses on the voters' roll. In response, the IEC launched a national campaign to update the roll and collaborated with the Department of Home Affairs to enhance registration processes. This led to a major legal ruling (*Electoral Commission vs Mhlope* (2016)) where the Constitutional Court

mandated the IEC to ensure that all voters had valid addresses on record (Ndletyana, 2016). The state's swift compliance with this ruling and subsequent administrative adjustments demonstrated its responsiveness to both judicial and observer-led feedback.

Selective Implementation of Politically Sensitive Recommendations

Despite progress on technical fronts, South Africa's response to politically sensitive issues has often been partial or selective. A notable example involves the regulation of political party funding (Maphunye and Motubatse, 2019). For years, electoral observers and civil society actors such as My Vote Counts and Corruption Watch called for greater transparency in party donations, citing concerns about the influence of private money on democratic integrity. Though the need for reform was repeatedly emphasized in observer reports, successive governments hesitated to act due to the potential political ramifications.

Eventually, sustained pressure and legal advocacy led to the passing of the Political Party Funding Act in 2018, which came into effect in 2021. The act introduced public disclosure requirements for donations above a certain threshold and prohibited donations from foreign sources (Pretorius, 2022). While this marked a significant victory for transparency, it also highlighted the lengthy and contested process required for implementation, suggesting that political will plays a major role in whether and when recommendations are adopted.

Incremental Reform through Stakeholder Engagement

South Africa also exhibits a pattern of consultative and incremental reform, with a strong tradition of stakeholder engagement through parliamentary committees, public participation mechanisms, and civil society forums (Odeyemi, Olorunshola, and Ajibola, 2023). After the 2019 general elections, many observer missions, including the EU and the SADC Electoral Observation Mission, recommended reviewing aspects of the electoral system, particularly the use of a closed party list for national and provincial elections. This system was criticized for limiting voter choice and reducing accountability between elected officials and constituents (Dibeela, 2018).

In response, the government began a process to reform the electoral framework, guided in part by the New Nation Movement Constitutional Court ruling (2020), which required provisions for independent candidates to contest national and provincial elections (Mhlongo, 2020). The state engaged in extensive public consultation before enacting the Electoral Amendment Act in 2023, which, though controversial in some respects, reflects a willingness to adapt the electoral system in line with constitutional and observer-led recommendations.

Symbolic Compliance and Delayed Action

Another recurring trend in South Africa's state response is symbolic or delayed compliance, where reforms are acknowledged in principle but deferred in practice. This is often seen in issues related to media bias, state resource usage during campaigns, and gender representation. For example, while several reports have raised concerns about the imbalance in media coverage, with the ruling African National Congress (ANC) receiving disproportionate visibility on state-owned platforms, the state response has typically been limited to reaffirming commitments to media freedom rather than introducing concrete regulatory frameworks.

Similarly, recommendations urging quotas or incentives for women's representation in electoral lists have not yet resulted in binding legal reforms, despite rhetorical support. These areas reflect the tension between progressive constitutional ideals and the slower pace of political transformation, particularly when reforms challenge entrenched interests or require broader societal shifts.

Transparency, but with Limitations

South Africa demonstrates a mixed pattern in terms of transparency and follow-through. While observer missions are granted access to electoral processes and their reports are made public, the tracking of implemented recommendations is inconsistent (Pitcher, 2012). There is no formal mechanism for reporting on the status of adopted or ignored recommendations, which limits public accountability. However, bodies like the Parliamentary Portfolio Committee on Home Affairs often provide forums where electoral reforms and IEC updates are debated, offering some oversight even in the absence of a codified response mechanism.

Overall, South Africa exhibits a hybrid pattern: one that blends institutional strength and democratic commitment with selective engagement and pragmatic politics. Understanding these patterns is essential not only for evaluating South Africa's democratic health but also for informing future electoral reforms and observer engagements.

Electoral Integrity and Management

South Africa is recognized for its robust electoral integrity. The Electoral Integrity Global Report (2019–2021) ranked South Africa as having the second-highest electoral integrity in Africa (Roberts *et al.*, 2021). This achievement is largely attributed to the effective management by the Electoral Commission of South Africa (formally called Independent Electoral Commission, which has implemented comprehensive measures to ensure free and fair elections (Kotzé, 2023). According to Kotzé (2023) Electoral management bodies (EMBs), like the IEC, are a relatively recent development in the electoral process, yet they have become quite common in African countries. Their appeal lies in their ability to function as independent institutions, playing a crucial role in preventing electoral manipulation or mismanagement by incumbent governments.

The IEC, an institution whose independence is guaranteed by the South African Constitution, plays a central role in ensuring electoral integrity. It is tasked with responsibilities, such as voter registration, management of election logistics, the certification of results, and the enforcement of electoral laws (Kotzé, 2023). The IEC's mandate has enabled South Africa to hold regular elections that meet international standards of fairness, transparency, and accessibility. The 1994 election was a groundbreaking event, as it marked the end of decades of apartheid rule. The election was managed by a newly established Independent Electoral Commission (IEC) with assistance from the United Nations and other international organizations. Despite logistical challenges, the election was widely regarded as free, fair, and peaceful. The successful management of the election is considered a triumph of electoral integrity and sets a high standard for future elections (Kotzé, 2023).

Following the 1994 elections, South Africa held regular national and provincial elections, and the IEC has consistently improved its capacity to manage increasingly complex electoral processes. The IEC has made significant strides in modernizing voter registration systems, enhancing public access to electoral information, and

implementing electoral technologies to streamline voting and result tabulation. The 2004, 2009, 2014, and 2019 elections saw continuous improvements in voter education, transparency, and the integrity of electoral processes (Sitto-Kaunda, 2021).

However, it should be noted that the challenges in managing such complex processes, ranging from political manipulation to logistical bottlenecks, have evolved with each election cycle.

The integrity of elections depends heavily on the efficiency and independence of electoral management bodies. In South Africa, the IEC is the institution primarily responsible for conducting free, fair, and transparent elections. Key aspects of electoral management include voter registration, election logistics, voter education, and the management of electoral disputes. Voter registration is a cornerstone of electoral integrity in any democracy. South Africa's IEC has established a comprehensive voter registration system to ensure that eligible residents are registered and can perform their civic responsibilities. Regular registration drives, voter education campaigns, and the introduction of online registration in recent years have facilitated the process, ensuring that millions of South Africans have been able to participate in the democratic process (Kotzé, 2023).

However, challenges such as voter roll accuracy, accessibility for marginalized communities, and the inclusion of new voters have periodically hindered the full realization of universal suffrage. Managing election logistics is an intricate task that involves ensuring the timely delivery of ballots, training election officials, and establishing polling stations across diverse and often challenging geographic regions. The IEC's independence is crucial in ensuring that electoral disputes are managed fairly and impartially. South Africa has a robust legal framework for electoral disputes, and the Constitutional Court performs its responsibilities in adjudicating on electoral challenges during elections. This ensures that the result of any election reflects electorate's will. (Asamoah, 2019).

However, political parties and candidates have at times raised concerns about the IEC's handling of specific disputes, particularly regarding the legitimacy of party registration or the impact of election malpractices. Disputes over vote counting, media bias, and allegations of electoral fraud also pose challenges, requiring ongoing vigilance and impartial adjudication. Despite the IEC's strong oversight, electoral fraud and malpractices are a persistent concern.

These issues can include incidents of vote-buying, intimidation at polling stations, and even illegal campaigning practices. While the IEC works hard to monitor and deter such activities, the increasing sophistication of electoral malpractice presents a significant challenge (Schulz-Herzenberg, 2014). The effectiveness of the IEC in responding to these issues is critical for ensuring that elections maintain public trust and credibility.

Voter turnout in South Africa, though historically high, has shown signs of decline in recent elections. Particularly in urban areas, there has been a reduction among young voters. Many voters feel that the system has not delivered sufficient improvement in their lives, leading to apathy and a lack of confidence in the electoral process (Mahlangu and Schulz-Herzenberg, 2022). The challenge for South Africa's electoral management system is not only to address the technical aspects of elections but also to engage the public in meaningful ways that reaffirm the value of democratic participation. The future of electoral integrity in South Africa will depend on the continued strengthening of institutions like the IEC, the adaptation of election management to innovative technologies, and the active engagement of citizens in the democratic process. As the country moves toward its next elections, the focus should be on addressing the remaining gaps, ensuring that every citizen's vote is counted fairly and that the process remains one of authentic democratic participation.

Public Participation and Electoral Reform

Public engagement is very important in South Africa's electoral landscape (Ouwencamp, 2023). Historically, there have been calls for electoral reforms to enhance accountability and representation (Zimbalist, 2022). Notably, the Van Zyl Slabbert Electoral Task Team in 2003 proposed changes to the electoral system, advocating for a mixed system to replace the existing proportional representation model (van Zyl Slabbert, 2003). Despite these recommendations, significant reforms have yet to be implemented, underscoring the need for sustained public participation to drive change (Ouwencamp, 2023).

South Africa's transition to democracy in 1994 marked a pivotal moment not only for the country but also for the African continent. As the country emerged from decades of apartheid rule, it established a system grounded in democratic principles, including regular,

free, and fair elections. Public participation in electoral reform is a vital process that enables citizens to have a voice in how elections are managed and how the democratic system functions. In South Africa, public participation has become an essential component of the electoral reform process, with various stakeholders, government bodies, political parties, civil society organizations, and the electorate engaging in ongoing dialogues to address the evolving needs of the electoral system (Sebola, 2016). However, challenges persist in ensuring that this participation is meaningful, accessible, and fully inclusive.

One of the key objectives of public participation in electoral reform is to bolster the legitimacy of the electoral system and the broader political structure. When the public is actively engaged in the reform process, it enhances the sense of ownership and confidence in the system. In turn, this fosters a deeper commitment to democratic practices and strengthens public trust in electoral outcomes. Public participation ensures that electoral reforms align with the needs of the people, especially marginalized groups. It creates a sense of inclusivity that is critical in a society as diverse as South Africa, where historical divisions have created significant social, economic, and political inequalities.

Political polarization remains a significant barrier to meaningful public participation. In some cases, electoral reforms can become highly politicized, with opposing parties using reform debates as platforms for advancing their political agendas rather than engaging in substantive discussion about improving the system. This can result in a lack of consensus and slow down the reform process. Despite institutional mechanisms for participation, there is often low engagement from certain segments of the population, particularly young people, and marginalized communities (Chauke, 2020). This apathy can be attributed to a lack of trust in the political system, disillusionment with party politics, and the perception that reforms will not lead to tangible change. The following recommendations are expected to enhance public participation in electoral reform:

Strengthening Public Education and Outreach

The government and civil society organizations should work together to enhance voter education and public awareness of electoral reforms. This can be done through outreach campaigns, social media

platforms, and community workshops that centre on the significance of partaking in the electoral process.

Encourage Youth and Marginalized Group Involvement

Special attention should be given to youth and marginalized communities to ensure their voices are heard in electoral reform debates. This can be achieved by creating platforms for youth representation, such as youth forums or advisory councils, and offering incentives for participation.

Enhance the Accessibility of Public Consultation Processes

Public consultation processes should be more inclusive and accessible, with increased efforts to reach rural and remote areas. This may include mobile consultations, virtual town halls, and partnerships with local community organizations to disseminate information effectively.

Build Trust in Electoral Institutions

Efforts to combat political polarization and increase transparency in electoral processes should be prioritized to rebuild trust in South Africa's democratic institutions. This includes improving the independence and accountability of the Electoral Commission and enhancing its engagement with the public.

Patterns Of Political Violence

Research indicates a correlation between political violence and electoral participation in South Africa (Martin, 2022). Studies show that political violence, often rooted in socio-economic factors such as poverty, unemployment, and inequality, can severely impact the willingness of citizens to participate in elections (Shenga and Pereira, 2019; Graham, 2020). Violence can take many forms, including intimidation, protests, and clashes between political groups or with law enforcement (Martin, 2022). Such events foster a climate of uncertainty, where potential voters may feel unsafe or powerless, leading them to abstain from voting altogether. These conditions can exacerbate existing tensions between political parties, leading to increased political violence in certain regions. This suggests that

political violence can deter electoral participation, undermining the democratic process.

Political violence in South Africa remains a pervasive issue that continues to challenge the country's democratic institutions and social cohesion. Political violence in South Africa is not a new phenomenon; its roots extend back to the violent struggles of the apartheid era, but its forms, intensity, and underlying causes have evolved in the post-apartheid period. Under apartheid, the South African state engaged in systematic violence against anti-apartheid activists and the Black majority. The state used the security forces to suppress political opposition, often engaging in brutal tactics such as torture, killings, and mass arrests (Seidman, 2015). These actions were not only aimed at quelling resistance but also at instilling fear and maintaining the political power of the apartheid government. While apartheid-era violence was state-directed, political violence in post-apartheid South Africa has taken on more diverse forms. These include inter-party violence, community protests, and political assassinations, all of which are deeply intertwined with socio-economic inequalities, political competition, and historical grievances.

The African National Congress (ANC), the Democratic Alliance (DA), and the Economic Freedom Fighters (EFF) are the major political parties in South Africa (Yende, 2021). Historically, the ANC has been the dominant party, but political competition has become fiercer in recent years, especially at the local level. Inter-party violence often arises during election periods, particularly in municipalities where control of local government resources becomes a high-stakes contest. Violence may include assaults, intimidation, and murders of political opponents, particularly in areas with diverse political support bases. The violence can be a result of party rivalry, where political actors use force to eliminate rivals or secure political dominance. Political violence undermines the integrity of South Africa's democratic institutions. The Electoral Commission of South Africa (IEC), responsible for overseeing elections, faces significant challenges in ensuring free and fair elections when political violence is prevalent (Balkaran, 2016). Violence leads to disenfranchisement of voters, particularly those who are intimidated or physically unable to vote due to the risks associated with participating in the process.

State Institutions and Electoral Influence

State institutions, which are meant to function impartially and uphold democratic principles, have occasionally been exploited as tools for political gain (Sisk, 2017). Reports have shown that state institutions have sometimes been used to influence electoral outcomes (Mawande, 2021). A prominent example of this is the findings of The Zondo Commission uncovered that the State Security Agency (SSA) was used to bolster the electoral fortunes of the ruling African National Congress (ANC) during former President Jacob Zuma's tenure (Mawande, 2021). These revelations raise significant concerns about the integrity of electoral processes and the potential erosion of democratic governance when state mechanisms are repurposed for partisan advantage. The misuse of state apparatus in this manner not only threatens political pluralism but also undermines public trust in democratic institutions (Kamga, 2021).

The key state institutions that influence the electoral process include:

The Electoral Commission of South Africa (IEC)

The IEC is the independent body responsible for overseeing the organization and management of elections in the country. The IEC's mandate includes the administration of national, provincial, and local elections, voter registration, and the regulation of political parties and election campaigns.

Key responsibilities of the IEC are:

- **Voter Registration:** Ensuring the accuracy of voter rolls and providing an accessible registration process for all eligible citizens.
- **Election Management:** Organizing the logistics of Election Day, including the placement of polling stations and ensuring the secrecy and fairness of the voting process.
- **Results Tabulation and Declaration:** Monitoring and announcing the results of elections in a transparent and timely manner.
- **Regulation of Campaign Finance:** Ensuring compliance with regulations on campaign spending and political party financing.

The IEC is constitutionally mandated to be independent and impartial. However, challenges exist regarding the extent to which the commission can function without political interference, especially in situations where political parties seek to influence its operations.

The Judiciary

The South African judiciary plays a critical role in ensuring the fairness and legality of the electoral process. Courts can adjudicate on electoral disputes, including challenges to the outcome of elections, disputes over the validity of voter registration, or issues surrounding the implementation of election laws (Ndjwili–Potele, 2017). The Constitutional Court is the highest in electoral matters. It has played a significant role in electoral reforms, including landmark rulings on the electoral system itself, such as the 2020 ruling on the constitutionality of the closed-list proportional representation system.

The judiciary's role is to interpret and enforce the rule of law in the electoral process, ensuring that elections are conducted fairly and that all parties and voters have access to justice. The Electoral Court, a specialized court created to handle electoral disputes, ensures that grievances related to the election process are addressed.

Political Parties

Political parties are vital state institutions that participate in elections, offering candidates for office and campaigning for votes. Political parties play a significant role in the functioning of the electoral system, particularly regarding campaigning, the formation of coalitions, and influencing election laws. Political parties in South Africa operate within a competitive multi-party system. However, the influence of political parties on the electoral process can sometimes lead to concerns about their impact on the independence of state institutions. The ANC, DA, and EFF are the dominant political parties, but smaller parties also play a significant role, particularly in local and municipal elections.

Law Enforcement Agencies

The South African Police Service (SAPS) and the National Prosecuting Authority (NPA), being one of the Law enforcement agencies, play a critical role in maintaining order during elections. Their duties include ensuring the safety of voters, preventing electoral fraud or violence, and responding to any incidents of political violence or intimidation during the election period. While the law enforcement agencies are expected to be neutral and impartial, concerns over

the politicization of police actions, particularly in volatile political environments, remain a challenge. Ensuring the independence of law enforcement from political pressure is crucial for maintaining the integrity of the electoral process.

The following recommendations are expected to Strengthen Electoral Institutions in South Africa:

- Strengthening the IEC's independence through reforms that protect it from political influence.
- Increasing transparency and accountability in political party funding and election campaign financing.
- Investing in technology and training to improve voter registration, election-day processes, and results tabulation.
- Reforming electoral laws to ensure stronger penalties for electoral fraud and to make the system more equitable.
- Enhancing the resources and capacity of law enforcement agencies to ensure the safety and security of voters during elections.
- Encouraging public awareness campaigns to foster greater understanding of the electoral process and the importance of voter participation.

While these institutions, particularly the IEC, judiciary, and law enforcement agencies, have a crucial role in ensuring free, fair, and transparent elections, challenges related to political interference, resource constraints, and voter manipulation persist. Strengthening the independence, capacity, and accountability of these institutions is essential to safeguarding the integrity of the democratic process and building public trust in the country's electoral system.

Effectiveness of Electoral Reforms

South Africa's electoral system has undergone significant changes since the end of apartheid, with a commitment to fostering a democratic, transparent, and inclusive electoral process. The country's journey from a racially segregated and oppressive system to a fully representative democracy has involved comprehensive electoral reforms, particularly since 1994. These reforms aim to ensure the legitimacy, transparency, fairness, and accessibility of elections.

However, as South Africa continues to evolve politically, questions arise regarding the effectiveness of these electoral reforms. Challenges such as political party dominance, voter apathy,

electoral fraud, and the balancing of power between the central government and smaller parties require ongoing attention. Some of these reforms are:

The introduction of the proportional representation (PR) system

In 1994, there was a significant electoral reform aimed at creating a more inclusive and representative government. The PR system has been effective in ensuring broad political representation. However, it has also led to a fragmented political landscape, where smaller parties often hold sway in coalition governments. This has led to concerns about instability and compromises in governance.

The Electoral Commission of South Africa (IEC)

The commission was established as an independent body to oversee the fairness and transparency of elections. The IEC has been successful in administering free and fair elections, with a solid reputation for impartiality. However, the IEC faces challenges related to resource limitations, political pressure, and ensuring the inclusivity of marginalized groups in the electoral process (e.g., people with disabilities or those in rural areas).

South Africa established the Electoral Court

The establishment was to resolve electoral disputes and uphold electoral integrity. This court plays a critical role in maintaining legal standards for elections, ensuring that all election laws are adhered to, and providing an avenue for aggrieved parties to contest election results. The Electoral Court has been pivotal in ensuring the legality of election outcomes and played a significant role in resolving disputes and correcting electoral irregularities.

Reforms to political party funding

This has been introduced to curb corruption and ensure transparency in campaign financing. The Political Party Funding Act (2018) requires parties to disclose donations and funding sources. The reforms have enhanced transparency in party financing, though there are concerns that the implementation of the law could be more

stringent. Challenges include the difficulty in fully regulating private donations and the influence of big business on party politics.

Voter education and awareness programs

This has been central to electoral reforms. The IEC, in collaboration with civil society groups, conducts voter education campaigns to make sure all citizens understand the importance of voting and how the electoral system works. Voter education has been crucial in increasing voter turnout and promoting civic engagement. However, the effectiveness of these campaigns is undermined by the lack of adequate resources in rural areas and among disenfranchised groups.

Proportional Representation System

South Africa employs a proportional representation (PR) electoral system, ensuring that political parties receive seats in proportion to their share of votes (Mazibuko, 2017). This system has enhanced political inclusivity by allowing smaller parties to gain representation in Parliament. According to Mazibuko (2017). This system was designed to ensure that all segments of society, including racial, ethnic, and political minorities, are represented in the country's democratic structures. It was intended to prevent the political exclusion and marginalization of non-dominant groups, which were characteristic of the apartheid era. The PR system, implemented after South Africa's first democratic elections in 1994, has since become a defining feature of the country's political landscape. South Africa uses a closed-list proportional representation system for national and provincial elections, which has the following features:

- **Voter's Ballot:** Voters cast their vote for a political party rather than individual candidates.
- **Seats Allocation:** Seats in Parliament are allocated based on the percentage of votes each party receives. The more votes a party gets, the more seats it secures.
- **National and Provincial Elections:** The system applies to both national elections (for the National Assembly) and provincial elections (for provincial legislatures).
- **Closed-List System:** Parties provide a list of candidates ranked in order of preference. The number of candidates selected from the party's list corresponds to the number of seats the party wins.

Structure of the PR System in South Africa

South Africa's National Assembly, the primary legislative body, consists of 400 seats, which are filled through proportional representation. The election of members of provincial legislatures (MPLs) is similarly determined via PR. National Assembly: 200 seats are allocated through a regional list system, and 200 seats through a nationwide list, using the PR system. Provincial Legislatures: Similar systems are used in each province, with proportional representation determining the number of seats allocated to each political party.

Historical Context and Motivation for PR System

The introduction of the PR system in South Africa was a major part of the country's transition from apartheid to democracy. Under the apartheid regime, elections were discriminatory and racially segregated. Only a small segment of the population (the white minority) could vote, and their interests dominated political power. The post-apartheid government sought to avoid replicating this exclusionary model, ensuring that all racial, ethnic, and political groups would have a voice in the democratic process. The PR system was thus chosen because:

- **It promotes inclusivity:** No party would be able to dominate the political scene to the exclusion of others.
- **It accommodates diverse interests:** Smaller parties and minorities could still be represented fairly, even if they did not command a majority.
- **It enhances fairness:** The allocation of seats based on the proportion of votes a party receives ensures that every vote counts toward electing a representative.

Mechanism of the Proportional Representation System

South Africa's closed-list proportional representation system functions as follows:

- **Voter Participation and Party Lists:** Voters cast ballots for political parties: In the National Assembly, voters have the option to vote for a party of their choice (rather than individual candidates). Each political party submits a list of candidates, ranked according to their preference. For example, the first candidate on the list

- would be the highest-ranked and would be the first to take a seat if the party wins sufficient votes.
- **Allocation of Seats:** After votes are counted, seats in the legislature are allocated to each party based on the proportion of the total vote they received. The electoral threshold is 0% for national elections, which means that any party receiving even a small percentage of votes can secure seats, albeit limited.
 - **Calculation of Proportionality:** The system uses the Hare Quota method, a mathematical formula to allocate seats. In simple terms, the formula divides the total number of votes by the number of seats available.
 - **Threshold and the Role of Smaller Parties:** Because the PR system ensures that smaller parties also gain representation, no party can easily monopolize the legislature.
 - **Coalition Governments:** This feature has led to coalition governments, as it is rare for any one party to win an outright majority of the seats in Parliament.

Effectiveness of the Proportional Representation System

The PR system in South Africa has several strengths that have contributed to its effectiveness. Also, it ensures that all political groups, including minorities, have a say in governance. No single party can dominate without support from other groups. The system gives smaller parties a fair chance to gain seats in the legislature, which promotes inclusivity and prevents political monopolies. By guaranteeing that parties represent broad sections of the population, the PR system enhances the legitimacy of elected representatives.

The Proportional Representation system in South Africa has played a critical role in fostering a representative and inclusive democracy. It ensures that no political group is excluded from the democratic process, providing broad representation for all racial, ethnic, and political groups. However, challenges such as the dominance of larger parties, a fragmented political landscape, and issues of accountability need to be addressed. As South Africa continues to mature as a democracy, reforms may be necessary to enhance the PR system's effectiveness in terms of governance and representation. Balancing inclusivity, stability, and accountability will be crucial for strengthening South Africa's democratic future.

Electoral Act Amendments and Party Funding Transparency

The Political Party Funding Act (2021) introduced greater transparency in party financing by requiring parties to disclose private donations. This has been a step forward in curbing undue influence from private donors, though enforcement remains a challenge. Over the years, South Africa has seen amendments to its Electoral Act (No. 73 of 1998), aimed at improving the transparency and accountability of political party funding, curbing corruption, and preventing undue influence from vested interests. This report provides an in-depth examination of the Electoral Act amendments, with a particular focus on the issue of party funding transparency, the political and legal context in which these reforms have taken place, the impact on the political landscape, and the challenges still faced in achieving full accountability.

One of the key issues that arose in South Africa's democratic process was the lack of transparency regarding political party funding. Political parties rely heavily on funding for campaigning, outreach, and election activities. However, the sources of these funds were often shrouded in secrecy, leading to concerns about corruption and undue influence from powerful interests.

In response to these concerns, the South African government, in collaboration with various stakeholders, began pushing for amendments to the Electoral Act and the introduction of laws focused on party funding transparency. In 2003, the Public Funding of Represented Political Parties Act (No. 103 of 1997) was introduced to ensure that political parties receive government funding based on their share of the vote in national and provincial elections. This law, however, did not address private party funding, which remained an opaque process.

The Electoral Amendment Bill introduced in 2020 included several significant reforms aimed at enhancing party funding transparency and improving the administration of elections. These reforms addressed some of the core concerns around the influence of money in politics. The Electoral Amendment Bill (2020) marked a significant milestone in the pursuit of transparency regarding political party funding. The amendment introduced measures that require political parties to:

- **Declare Sources of Donations:** All political parties must disclose donations of more than R100,000 in a financial year, both from individuals and corporate entities.

- **Public Disclosure of Donor Information:** The amendment requires that details of donations be made publicly available. This includes the names of the donors, the amounts donated, and the dates of the donations.
- **Prohibition of Foreign Donations:** The amendment also includes a provision prohibiting foreign entities or governments from donating to South African political parties, a measure aimed at curbing foreign influence in domestic politics.
- **Limitation on Donations:** The amendments impose a cap on the amount of money that any individual or entity can contribute to political parties, thus limiting the scope for excessive corporate influence or “big money” politics.
- **Regulation and Monitoring by the IEC:** The Independent Electoral Commission (IEC) is tasked with monitoring compliance with these funding transparency regulations, ensuring that political parties adhere to the laws regarding the disclosure and limitations of funding.

The introduction of amendments to the Electoral Act and the accompanying reforms in political party funding have had several notable impacts, such as:

- **Increased Transparency:** The most immediate effect of the reforms has been increased transparency in the sources of political party funding. By making donations over R100,000 subject to public disclosure, the amendments have helped to shed light on the previously opaque world of party finances. This transparency ensures that the public is informed about the financial backing of political parties, which helps to prevent conflicts of interest and reduce the likelihood of undue influence.
- **Accountability and Public Trust:** The requirement for political parties to disclose their donors helps build accountability and fosters trust in the electoral system. Citizens are now more informed about who funds their political parties and may be more likely to trust that election outcomes are not being manipulated by hidden financial forces.
- **Reduced Risk of Corruption:** By limiting donations and regulating the sources of funding, the amendments have significantly reduced the risk of political corruption. Limiting corporate and individual donations prevents any single party from becoming beholden to powerful financial interests, thus ensuring that policy decisions are made in the public interest rather than in the interest of a few wealthy donors.

- **Strengthening Democracy:** By enforcing rules that promote transparency, the amendments strengthen South Africa's democratic integrity. Transparency in party funding helps to ensure that elections are free and fair, with all political parties competing on a level playing field. Additionally, it reinforces the principle that political decisions should be made in the public's best interest rather than in service to donors.

Independent Candidate Participation

The participation of independent candidates, those running for office without party affiliation, has remained an essential yet underrepresented aspect of South African democracy. While the country's electoral system heavily favours political parties, the question of how independent candidates are treated in the Electoral Act and whether the framework allows for a truly inclusive political process has sparked considerable debate.

The Electoral Act (No. 73 of 1998) initially limited the participation of independent candidates at national and provincial levels by requiring that all candidates for national and provincial elections be members of political parties. Amendments to the Act have made some provisions for independent candidates, but these changes have often been seen as insufficient.

Amendments to the Act (2020): In the Electoral Amendment Bill presented to Parliament in 2020, an attempt was made to make provisions for independent candidates at national and provincial levels. This reform, if passed, would have allowed independent candidates to stand for election in the National Assembly and Provincial Legislatures for the first time, permitting direct elections for individual candidates in a mixed-member proportional system. However, these reforms were delayed, and the debate continues over the best way to integrate independent candidates into the political system.

While the Constitution of South Africa guarantees the right to vote and to stand for election, it does not directly address the participation of independent candidates at the national level. The limitation of this right to party-affiliated candidates is often debated of considering the Bill of Rights, which protects the political participation of all citizens. The lack of provision for independent candidates at the national and provincial levels could be seen as a

form of disenfranchisement of voters who wish to vote for candidates unaffiliated with political parties.

One of the most significant reforms that could facilitate the participation of independent candidates would be the implementation of a mixed-member proportional system at the national and provincial levels. This system would allow voters to vote for both political parties and individual candidates, thereby providing more room for independent candidates to stand for election. A mixed-member proportional system ensures that the overall balance of power in the legislature remains proportional to the popular vote, while also allowing individuals to stand for election. Independent candidates represent a vital aspect of South Africa's democracy, yet they continue to face significant barriers to effective participation in national and provincial elections. While the Electoral Act and Constitutional framework have made provisions for independent candidates at the local level, more work needs to be done to facilitate their participation at higher levels of government. Reforms such as mixed-member proportional representation, media access, and electoral finance reforms could ensure that independent candidates can compete on a level playing field, thus fostering a more diverse and inclusive political environment. Moving forward, South Africa must consider these reforms to strengthen its democratic process and provide greater political choices for its citizens.

Challenges and Limitations

- **State Capture and Electoral Integrity:** Cases such as the Zondo Commission findings on the misuse of state resources highlight vulnerabilities in the electoral system.
- **Voter Apathy:** Declining voter turnout suggests a growing disillusionment with the effectiveness of reforms.
- **Electoral System Review:** There are ongoing discussions about shifting toward a mixed electoral system to improve accountability by allowing direct constituency representation.

Conclusion

In conclusion, the assessment of electoral reports in South Africa reveals a complex interplay between democratic institutions, state agencies, and civil society. While the country maintains a robust electoral framework underpinned by the Constitution and overseen

by the Independent Electoral Commission (IEC), state responses to electoral processes vary significantly in consistency and effectiveness. Moreover, while state institutions often act within their mandates, their capacity to respond swiftly and impartially to electoral-related incidents remains inconsistent. There is also a noted gap in the state's engagement with marginalized communities during electoral periods, raising concerns about inclusivity and equitable participation. South Africa's electoral process benefits from a strong legal framework and institutional support; the state's response mechanisms require ongoing reform, enhanced transparency, and greater accountability. Strengthening these areas will be crucial to deepening democratic consolidation and ensuring the legitimacy of future elections.

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Chapter Five

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Chapter Six

Dealing with electoral disputes: The right to intervene versus state sovereignty

Bhekithemba R.

Mngomezulu **Introduction and Background**

Democracy is globally accepted as the preferred form of government. It is juxtaposed with autocracy and dictatorship. Countries that have not yet embraced it are despised, frowned upon, and ostracised. Regular elections rank highest in the list of the characteristic features of democracy. Thus, Ake (1993) avers that elections constitute a vital aspect of a democratic process. It is accepted that periodic and competitive elections play a critical role democratic governance. They are a vital part of enduring people's empowerment. Conventional practice dictates that whenever a country holds elections, independent observers are invited to observe and compile reports which either confirm or denounce the elections as free, fair, and credible. The term 'election observation' means how different political parties, individual candidates, ordinary citizens and independent organizations post observers to witness the electoral process (A Guide to Election Observer Policies in the United States, nd.).

Two things are worth highlighting. Firstly, there are glaring differences between the global south and the global north. While the latter is expected to comply with the general practice of inviting election observers, the same cannot be said for the global north. This points to the continued trust deficit between the north and the south. The second point is that there are power dynamics between national and foreign observer missions. The former group does not seem to have more weight compared to the latter. Credibility is largely accorded to foreign or international observation. This invokes notions such as Western domination and neocolonialism. Intriguingly, many Global South countries accept observation reports compiled by international observer missions compared to the locally produced reports. This unwittingly sustains the level of inequality between Global South and Global North countries, albeit in different magnitudes.

It is common practice for many countries, both those located in the Global South and the Global North, to have post-election disputes. These electoral disputes are sometimes resolved internally by the countries where the elections were held. In other instances, foreign intervention is sought to resolve post-election conflicts. One recent example is America, where Donald Trump refused to accept defeat by Joe Biden. The saturation point was the invasion of the White House and the destruction of infrastructure, documents, and furniture. Intriguingly, foreign assistance was not sought to address the impasse. By contrast, when countries in the global south experience post-election conflicts, external intervention is sought. A recent example includes post-election violence in Mozambique where other political parties dismissed the victory of Mozambique Liberation Front (FRELIMO's) Daniel Chapo. Foreign intervention became necessary when local mechanisms failed to produce positive results.

A question arises: What is the nexus between state sovereignty and the right to intervene? Alternatively, should foreign intervention take precedent over state sovereignty? A related question becomes: to what extent should multilateral institutions take centre stage when dealing with post-election disputes?

In answering the questions above, it is important to bring into the equation monitoring and observation of elections. Electoral Monitoring and observing elections are geared towards boosting confidence in the fairness of the electoral process. This is done to assist in deterring fraud in the balloting and counting procedures, and, importantly, "to report to the country's citizens and the international community on the overall integrity of the elections" (Bjornland, et al, 1992: 406).

The way of defining election observation which is universally accepted of is that it is the gathering of information about the processes, laws, as well as institutions related to how elections are conducted, which is done in an accurate, systematic, and comprehensive manner. It focuses on analysing information in a professional and impartial manner and draws conclusions regarding the elections using "the highest standards for accuracy of information and impartiality of analysis (National Democratic Institute 2005: 2).

The process of observing an election entails purposeful information gathering about the electoral process so that one can make a sound judgement regarding the fairness of the process that

was followed (IDEA 1997; Bjornlund 2004). It is done to scrutinize and evaluate an election to determine how impartial it was (Chipfunde 2002). Therefore, it is safe to argue that monitoring an election is irrefutably an impartial activity which is carried out by a third-party so that there can be certainty about the freeness and fairness of the elections. If a need arises, and if the political leadership of the country holding an election agrees, election observers are sometimes invited to mediate disputes between competing political parties (and independent candidates where applicable) to ensure the reduction of tensions which are common during elections. If the host country interprets such intervention as interfering with political sovereignty, election observer missions cannot be allowed to determine the country's political future. The election observation process involves the deployment of independent missions, officials or individuals who represent local or international organizations. They spend a specified time in the country that is organizing an election to closely observe all developments before, during, and after the election. They eventually make pronouncements regarding the whole process, and outcome for the host country and the global community to know what transpired.

Their reports are used by host governments to authenticate the results. Opposition political parties also use these observer mission reports to build their cases if they want to challenge the election outcomes. Human rights groups also use such reports to craft their positions and what should happen post-election or what should be avoided in subsequent elections.

It is here where power dynamics are at play. Observer missions want their reports to be taken seriously. The local political leadership argues that state sovereignty should be respected by foreign governments and election observation missions. Where post-election disputes occur, a question arises as to whose voice should prevail? Is it the voice of the election observers or that of the host state? These questions are at the centre of the present chapter. Implicit in them is the view that election observation has both advantages and disadvantages. Therefore, observer missions are accepted by some and questioned by others for various reasons.

Against this background, the chapter juxtaposes two international relations theories which expound the arguments discussed below. These theories are realism and institutionalism.

Theoretical Framework

When talking and/or writing about theory, the semantic question (SQ) becomes ‘what does theory mean’? One definition of ‘theory’ is that it is something that explains “a particular social phenomenon” (Abend 2008: 178). The value of theory in research has been appreciated by many scholars across academic disciplines. Sociologists ask three critical questions – each of which falls under a different category. Their *ontological* question is ‘What is theory’? Their *evaluative* question is ‘What is a good theory’? Lastly, their *teleological* question is ‘What is theory for’? (Abend 2008: 174). Similarly, Nixon (2004) poses the question “what is theory”? He argues that to understand ‘theory’ one must juxtapose theory and practice since the two are inextricably intertwined. By answering these questions, scholars come closer to understanding the value of theory in research. Expounding the points articulated above, other authors address the most pertinent question ‘why does theory matter’? (Thiel, Seiberth & Mayer 2018). Among other things, theory is credited for simplifying what would have been complicated matters. Theory locates any study in its broader context. Within this context, the present chapter is anchored on two theories, institutionalism and realism.

Institutionalism

In conceptualising institutionalism as an International Relations (IR) theory it is important to note that a political institution comprises contextual features in a collective choice setting which assists in the definition of constraints on, and opportunities for, individual behaviour in each setting (Diermeier & Krehbiel 2003: 125). This theory argues that institutions matter more than individual states. Institutions are assumed to induce stability in chaotic situations. They achieve this goal by setting boundaries and providing common guidelines which create uniformity in the behaviour of individual states that are governed by those institutions. Thus, members of regional and multilateral institutions show common behaviour. They are guided by the same principles. Other authors perceive institutionalism as being more of a methodology than a theory (Diermeier & Krehbiel 2003). But, even in this context, institutionalism guides individual states on how they should behave in a collective manner to achieve a collective goal. Therefore, authors like Keohane and Martin (1995) concede that institutions matter. Regarding the present chapter, institutionalism highlights the value of institutions

related to elections. These include electoral bodies as well as election observation institutions – local, regional, continental, and international. Some of these electoral bodies are guided by regional institutions like the Southern African Development Community (SADC), the East African Community (EAC), Economic Community of West African States (ECOWAS), etc. Others are regulated by continental bodies like the African Union (AU) or the European Union (EU).

Realism

Realism is different from institutionalism in that while institutionalism values institutions, realism puts individual states at the centre. Realism respects individual state sovereignty. It does not respect international law or international institutions if no benefits will accrue for the state from such international activities. Without delving much into the different types of realism, such as classical, structural, and neorealism (Rynning 2000; Slaughter 2011), it is indisputable that this theory has some characteristic features that distinguish it from institutionalism already discussed above.

Realism is state-centric. This means that everything revolves around the state. Waltz (1979) argues that realism moves from the premise that the world or international system is characterised by anarchy, which means that there is no order or central authority. Thus, all states are sovereign and autonomous of each other. The only way states can agree to a common agenda is through *coercion* or *consent*.

Another characteristic feature of realism is the assumption that each individual state has the power to defend itself and to determine its fate. This power stems from military strength, economic viability, or diplomatic capability. Survival is the primary motivating factor which guides states to act in a particular manner.

According to Mearsheimer (1994), the primary objective of each state is its survival. This is what shapes individual states' domestic and foreign policies. States use these policies to amass wealth or increase their influence. All states aspire to be great and influential. To achieve this goal, they don't mind engaging in activities that would suppress or undermine other states.

In the context of this chapter, each state wants to run its affairs and determine its fate. This means that when election observers

descend in a country during an election, their presence should not temper with state sovereignty. It is for this reason that these election observers are invited and accredited by the state holding an election. States do not want to outsource their power and give it to election observers. Instead, they are prepared to consider the reports but still make the final decision. It is for this reason that states frown upon election observation reports that are prescriptive. They believe that as sovereign states, they have the right to decide what to do with the reports compiled by election observers. In other words, they do not want election observers to undermine their political sovereignty.

History of Election Observation in Africa

Globally, observing elections is not a new phenomenon. Its history dates to 1948, when the United Nations (UN) led an election observation mission to the Constituent Assembly election in South Korea. This set the stage for global election observation missions.

Unlike in the global context, election observation in Africa is a relatively new phenomenon. Some authors argue that from the time many African states adopted democracy in the 1960s and 1970s, the global community has observed elections (and shared electoral experience) across Africa (Abbink and Hesselting 2000). During this time, the scale and magnitude differed markedly. Gradually, the practice picked up. In 1980, the independence elections in Zimbabwe attracted more election observer missions. Since then, the process has picked up to the extent that election observation and monitoring have become a norm across Africa. General observation is that various groups such as the Organization of African Unity (OAU), the Southern African Development Community (SADC), and the Economic Community of West African States (ECOWAS)—have embraced the use of election observers and placed them at the centre of their mandates of democratic consolidation, good governance and prevention of conflict in their member states (African Union 2001).

While this is a good move, sometimes African observers sanction flawed elections. This was the case in 2005 when a report representing over 150 election observers who had been deployed in Togo to monitor presidential elections sanctioned an evidently flawed election (Parker 2005). This tarnished the image of ECOWAS and raised questions about the possibility of African regional and continental institutions' ability and political will to present objective reports after observing and monitoring elections in Africa. However,

this has not dampened the spirit of the African people about the value of election observation and monitoring. This view has been confirmed by a recent study conducted by the Centre for Research Policy (2023). Using Kenya, The Gambia, and Zimbabwe, the study concluded that support for election observation is exceptionally strong among these countries. It concluded that “There is no doubt that those who reside in these countries have a belief that “it is important that elections in their country are observed by dedicated election observers” (Centre for Research Policy 2023: 2).

It was not until the 1990s that the visibility of election observers and monitors across Africa became more common. The main reason was that until the 1990s, democratic elections were a very rare phenomenon in many African countries. One-party states and dictatorships or authoritarian regimes were common phenomena. It is for this reason that Aniekwe and Atuobi (2016: 26–27) appreciate the impressiveness of the 1990s because during this time, many authoritarian regimes embraced constitutional law and witnessed “the spread of democracy and popular participation” across Africa. It was during this time that the world witnessed the fall of leaders such as Samuel Doe in Liberia and Mathieu Kerekou in Benin (Fayemi 2009). There are many other examples to amplify this point.

However, while this was a promising period, which was characterised by the prevalence of democratic governments, it was also during the same time that some African countries deviated from the norm and produced dictators. This was the case with countries like Nigeria, The Gambia, and Sierra Leone. In other words, some African countries were comfortable with retaining the status quo and refused to embrace the winds of change. But, eventually, even these countries that preferred dictatorial regimes gave in when they realised that the African continent was moving towards a different direction. This explains why many African countries have adopted multiparty elections and have allowed successive transitions from one government to another. Surely, some parties have retained power under dubious circumstances. In those cases, the extent to which democracy has been embraced remains unclear. It should be reiterated that some countries that obtained independence in the 1960s did not have democratic elections. One-party rule dominance was a characteristic feature in many African countries. Tanzania obtained political independence in 1961 under the Tanganyika African National Union (TANU). In January 1977, TANU merged with Zanzibar’s ruling party, Zanzibar Afro–Shiraz Party (ZASP) to form

the current Chama Cha Mapinduzi (CCM). It was not until 1995 that multiparty politics descended in Tanzania.

Zambia obtained independence in 1964. The country was led by Kenneth Kaunda's United National Independence Party (UNIP) from 1964 until 1991 under the principle 'One Zambia, One Party'. UNIP was only ousted by Frederick Chiluba's Movement for Multi-Party Democracy (MMD) during the 31 October 1991 general election. Some of the African countries were led by military rulers. This was the case with Nigeria until the transition to civilian rule in 1999, which saw Olusegun Obasanjo being elected as the civilian President until 2007 under the People's Democratic Party (PDP).

Namibia and South Africa moved to the democratic dispensation only in 1990 and 1994, respectively. Kenya obtained political independence on 12 December 1963 under the Kenya African National Union (KANU). Following President Jomo Kenyatta's passing, Daniel arap Moi led KANU from 1978 until 2002, when KANU was defeated by the National Rainbow Coalition (NARC). This followed the adoption of the new 1999 Kenyan Constitution which reintroduced multiparty democracy (Constitution of Kenya 1999). Countries like Angola, Mozambique, and Zimbabwe have kept their independence political parties at the political helm. However, multiparty politics have also been embraced by these countries. Accordingly, election observation missions have been invited to monitor African elections. This chapter focuses on the history of these election observation missions.

In Uganda, during the mid-1980s (in 1986 to be exact), President Yoweri Museveni's National Resistance Movement (NRM) came up with what it called 'no party democracy' (Carbone, 2003). It was also known as 'individual merit' or 'a movement'. This followed a five-year civil war, which removed President Milton Obote from power after the latter had returned to the presidency in 1980, recovering from a coup d'état which was carried out by Idi Amin Dada in 1971. Obote had used the one-party system, whereby the Uganda People's Congress (UPC) was the only allowed political party in Uganda.

Responding to the winds of change which engulfed the African continent in the 1990s, NRM or President Museveni permitted a 'de facto' form of party competition in his country (Kasfir 1998). This was done to avoid a situation whereby Uganda would be frowned upon and ostracised by other African countries. The reality is that political freedom was very limited. This has led to the view that although there have been some government-sanctioned limitations

on the organisation of political parties, Uganda has continued to operate “as a three-party system” in which the NRM takes on most of the characteristics of the other political parties (Ssenkumba 1998: 179). Reflecting on this, Oloka-Onyango (2000: 55) views this arrangement as “a single-party” in all aspects except for name.

Surely, election observation is not solely an African affair. But it is equally true that election observer missions sanctioned by both international bodies and the African Union (AU) have been hard at work in Africa. For 14 years, between 1989 and 2013, no less than 423 election observation missions were dispatched by the AU (Aniekwe and Atuobi 2016). Noticeably, there were inconsistencies in them in terms of their approaches to the task at hand, the methodologies and approaches they used, as well as their operating framework and status. These differences were occasioned by the fact that some of the observer missions were sanctioned by the United Nations (UN), which invited the AU. Others were initiated and carried out by the AU in its own capacity. Other dynamics are that some observation missions are deployed either to be diplomatic or mediation missions. Others play the dual role of being diplomats and being “independent technical missions” (Aniekwe & Atuobi 2016: 25). Given these dynamics, it should not come as a surprise that historically, observation missions in Africa have taken different formats and have differed in terms of their magnitude, stature, and efficacy.

The African Union Election Observation Missions (AUEOMs) have gone through various phases. The process can be traced to 1989 when the predecessor to the AU, the Organisation of African Union (OAU), established in 1963, participated for the first time in the UN-led mission tasked to monitor the referendum in Namibia during that year. The outcome of this referendum was Namibia’s independence on 21 March 1990. From this date, the new democratic wave engulfed the African continent. As more countries moved towards multiparty politics, more elections were held across Africa. Inevitably, more observation missions were dispatched. Apart from ensuring democratic fairness, credibility, and transparency, election observation in Africa is necessitated by electoral violence. This is evidenced through intimidation of voters and manipulation and rigging of election results (Maundeni, Musekiwa & Seabo 2017). Mainly, physical assaults, the tendency to disrupt political rallies of other contenders, the circulation of threatening messages via different platforms, and the rigging of votes are among the main concerns during elections in Africa, which necessitate election observation.

State sovereignty and the role of Election Observers

State sovereignty refers to any state's legal authority and responsibility to govern itself without any external interference. The state has the right to determine its national affairs. Those who write about state sovereignty reflect on national sovereignty (Sieyes 1789). They argue that each nation has the right to manage its internal affairs uninterrupted by external stakeholders, including election observer missions. While it has become an acceptable practice to send election observer missions to countries holding elections, their roles, impact, and efficacy are constantly being questioned. Historically, following the signing of the Treaty of Westphalia in 1648 in northwestern Germany, the state assumed an independent status from the church – thereby claiming its political sovereignty and enjoying the right to decide the fate of its citizens.

Against this backdrop, a few questions arise that resonate with the subtitle of this chapter. Whose power matters most between the state where the elections are held and election observers – both internal and external? To what extent does election observation undermine state sovereignty? Within the context of these questions, various scholars have been asking themselves whether international election observers assist in strengthening or weakening state sovereignty in African states (Pikinini 2017; Tapoko 2017; Anderson 2024). In the context of realism, states want to protect their sovereignty. Even when there are post-election disputes, states carefully allow election observer missions and mediators to play their different roles, but within certain parameters. Under institutionalism, however, institutions want to intervene. Here, too, states give such institutions certain powers, not absolute power to determine the state's fate.

Noticeably, international observers have shifted their focus from elections that have been happening in a decolonialisation context, to elections which happen within postcolonial independent states. These independent states have “accepted the presence of international observers with some reservation, citing the contention that observation amounted to an infringement on national sovereignty” (Hofmeyr 2000: 1). Another observation is that, regarding the international election observation process observation rules of engagement are negotiated in terms of how the host country depends on the external role-player. They are also driven by how the donor country or community is willing to exploit its relations with

the host country. The power which local opposition parties wield ensures that the incumbent government supports an international observer presence. It is the same power that is used to ensure the honest commitment to “free and fair” elections by the incumbent government (Kaiser 1999: 29).

Therefore, power relations between the donor and host states determine how the two parties will work together. Where power resides or is assumed to reside determines the nature of the relations. Therefore, states holding elections will always be suspicious of election observer missions. This suspicion derives from trust deficit between the two. While observer missions see their role as being that of ensuring free and fair elections, states sometimes feel that their political sovereignty is under threat and thus bar or expel some election observers.

The mandate of Election Observers: Whose voice matters between domestic and international observers?

Election observation is now common in many countries, especially in the Global South. Therefore, the monitoring and observation of elections constitute a very important and “inevitable part of an electoral process”, especially among Third World countries” (Kamata 2002: 37). Juxtaposing domestic against international observer missions invokes power dynamics. Having dealt with power dynamics between election observers and states, the next area of the struggle is on who wields more power between domestic and international observers? Generally, there is no consensus about the need for international observers in Africa. Some feel that local, regional, and continental (African) observers should monitor African elections (Kelley 2012). Nationally, there are Non-Governmental Organisations (NGOs) that usually deploy observer missions during an election. Other observer missions come from outside. Here, institutionalism becomes relevant. Generally, international observer missions are deployed by institutions under the realm of institutionalism. In the African context, these may include regional bodies such as SADC, EAC, and ECOWAS. The continental body (AU) can also deploy its own observer mission. Moreover, international organisations such as the Commonwealth, EU Election Observer Missions (EUEOMs), Global Election Monitor (GEM), and International Foundation for Electoral Systems (IFES) deploy their missions. At times, country-

based institutions such as the Carter Institute also deploy their election observers.

At the conclusion of each election, these observer missions conventionally present their reports. During this time, power dynamics become evident on both fronts. Some of the election observers from outside consider themselves to be objective. Thus, they expect their reports to carry more weight. Ironically, it is sometimes the same international observer missions that push their own national or regional interests. They do this by either accepting a clearly flawed election if the outcome suits their needs or deliberately painting a dark picture about an evidently fair and transparent election. That is why there is a view that international observers undermine host countries or states by *inter alia*, giving unwarranted legitimacy to fraudulent elections. They sometimes extend their foreign policy by using election observation in developing nations as their entry point (Kelley 2012; Simpser and Donno 2012). One of the critics of international observers is Geisler (1993), who avers that international observers are nothing but a bunch of tourists who simply visit polling stations, drink wine and eat, write a report about what they observed, and make a false claim that they promote democracy.

Conversely, domestic election observers expect their reports to be taken seriously on the grounds that they capture national interests and draw from vast experience and knowledge about the country's political dynamics.

The state also wants to exercise its power uninterrupted. To achieve this goal, it decides which reports to accept, reject, or simply ignore and not even comment on them. This happens more in cases where there are post-election disputes. Depending on the party that is leading the outgoing government, some reports could be accepted, rejected, or ignored. Where there is a stalemate, the judiciary steps in to make a ruling. Judges should consider all the reports as evidence and make an informed decision, which is usually final. This was the case in the recent elections in Mozambique, where FRELIMO's Daniel Chapo was declared the winner.

Elections and the deployment of Observer Missions: Regional Case Studies.

Southern Africa

Examples from Southern Africa demonstrate the role of election observer missions and the dynamics thereof, especially when there are post-electoral disputes.

Kenya hosted elections in 1920 under the British colonial rule. But these elections were different from what happened in the 1960s, which resulted in Kenya's political independence on 12 December 1963. Following the adoption of Kenya's 1999 Constitution, the country held national elections in 2007 and 2013. Various observer missions descended to Kenya to observe these elections. Sadly, post-election disputes have been common in Kenya. The two main causal factors have been irregularities and violence (Ruteere 2011). Mainly, this violence has been triggered more by ethnicity more than political intolerance. When international observer missions arrived in Kenya in 2007 and spread throughout the country, they were guided by the standards set out in the International Declaration of Principles. The expectation was that they would act independently and impartially. The EU EOM made five recommendations to the Kenyan government (European Union Election Observer Mission 2008). The main challenge was that for these recommendations to bear fruits, the Kenyan government had to implement them, which did not happen. With no enforcement mechanisms in place, this was not possible. It is here where power dynamics between the observers' right to interfere and the Kenyan state's sovereignty played themselves out. The result was a bloodbath which saw over 1, 200 people losing their lives.

In Zimbabwe, President Robert Mugabe barred international observers when the international community criticised him on various allegations. Among African leaders, Mugabe received support from former Nigerian President Olusegun Obasanjo (Kelley 2012). In 2008, Morgan Tsvangirai's Movement for Democratic Change (MDC) obtained 47.9% of the votes in the first round while Mugabe's ZANU-PF obtained 43.2%. Election observers had identified many irregularities. When the run-off election was planned between Mugabe and Tsvangirai, MDC strongholds were persecuted. Even Tsvangirai was severely beaten up by state officials. He eventually pulled out to save his supporters and his own life. Election observers

identified many irregularities in this election. However, both the state and Zimbabwe Electoral Commission (ZEC) claimed that the elections were free and fair, as they did during the 2023 general election. Observer Missions raised concerns about the elections which were won by President Emmerson Mnangagwa. The EU Mission recommended that the ZEC staff should operate without political influence at all levels (EU Mission Report 2023). In its response, the Zimbabwean state argued that ZEC and the country's judiciary were capable of delivering on their mandate. It stated that these institutions handled the election well. Therefore, there was nothing to be worried about. So, the deployment of election observers was simply to tick boxes.

Electoral Reports assessment: State response

Conventionally, once the elections have been concluded, observer missions table their reports. The onus is on the host state to respond to them – either immediately or through action in subsequent elections. It is here where the role of the state in the realist frame comes into play. Some states accept these reports, dismiss, or simply ignore them.

On 29 May 2024, South Africa held its seventh general election. A few things stood out. Firstly, the voter turnout was only 58.64% compared to the 86.87% recorded when the country held its first democratic election in 1994. Secondly, for the first time the ANC obtained below 50% of the national tally of votes – only managing 40.18%.

The AU Election Observer Mission (AUEOM) was generally satisfied with how the election was conducted. It cited excitement, competition, electoral laws amendments and other issues as being positive moves. The Mission was also happy with the work of the IEC. Among other things, it recommended that the South African government should strive to incorporate some gender equity legislation that would bolster female representation “and ensure compliance with constitutional and international gender equality commitments” (AUEOM Preliminary Report, 2024). It further recommended that the IEC should improve the reliability of the Voter Management Device (VMD). This would prevent delays and ensure smoother voter verification. No major issues were raised. This was although 26 political parties registered their grievances about possible rigging of the election during the counting phase.

Since various reports by election observers were positive, the state noted the recommendations for future reference but did not have any issues to respond to immediately. The ANC accepted the results and constituted a coalition government after failing to obtain the required fifty-plus-one threshold. Mozambique held general elections on 9 October 2024. The contenders included Daniel Chapo from FRELIMO, Ossufo Momade from Renamo, Venancio Mondlane from Democratic Alliance Coalition (CAD), and Lutero Simango from Mozambique Democratic Movement (MDM). There were various observer Missions. These included *inter alia* the AU, SADC, and the EU. Presenting its report on 14 October 2024, the SADC mission gave Mozambique's election a thumbs up. The EU Mission noted that Mozambique's legal framework complied with the regional and international principles. It further noted that some laws were hastily amended before the election thus lacking harmonisation. Thus, it recommended that the country should "review and harmonise electoral laws to grant legal certainty and remove contradictions" (EU Election Observation Mission Final Report, 2024: 54). Given the post-election violence which ravaged the country, it could be expected that Mozambique will heed all the recommendations provided by the election observer missions. As protests erupted, the Mozambican state claimed that nothing had gone wrong during the elections. It believed that Chapo had won the election. This was later confirmed by the country's judiciary. Therefore, very little will change in the country's future elections.

On 30 October 2024, Botswana held its historic election which saw Botswana Democratic Party (BDP) losing power to Duma Boko's newly formed Umbrella for Democratic Change (UDC) after governing the country for 58 years. In its report, the SADC Mission reported that it found the political and security environment generally calm and peaceful throughout the election process (SADC Preliminary Statement 2024). The Mission noted the concerns raised by various stakeholders that Botswana's IEC did not provide them the electronic copy of the voters' roll but only the hard copy. While this concern was genuine, it was not a major issue. Consequently, the government of Botswana accepted this and other reports. The BDP conceded defeat and handed power to the UDC. This smooth transition consolidated Botswana's democracy. The minor concerns raised by various election observer Missions were noted for future reference. Overall, the results of this election were generally accepted as a true reflection of how the Botswana voted. The state, opposition

parties, observer Missions, and the electorate embraced the election outcome. Consequently, there was no post-election violence.

In Zimbabwe, the situation was different. Presenting its final report, the EUEOM concluded that the harmonised elections which took place on 23 August 2023 in Zimbabwe were characterised by a curtailment of rights and freedoms and the lack of a level playing field, which limited voters' ability to make their choices in a genuinely free and pluralistic environment (EU Final Report, 2023: 4). Among other things the report noted that the electoral process was characterised by the constant fear of violence. It further noted that there was a climate of retribution which characterised the post-election period. Moreover, the EU Mission complained that it was difficult for it to meet official bodies – including the ZEC. Even on the side of the citizens, the report stated that local observers were subjected to severe restrictions. This was due to a clearly shrinking space for civic activities, administrative barriers, pressure, consistent intimidation by government units, and mass arrests which were recorded on the day of the election (EU Final Report 2023). Other concerns were raised in this report. Interestingly, the Zimbabwean government hailed this election as having been free and fair. It commended ZEC for conducting the election in a transparent manner. The fact that there were concerns raised by opposition political parties did not bother President Mnangagwa's government.

Lastly, in 2007 and in 2013, Kenya held general elections. Here, too, there were election observer Missions. On its 2007 election report, the EU EOM reported that according to its observation, the elections “did not represent the general will of the people” (Pikinini 2017: 26). Among other things, the EU Mission recommended that there should be an introduction of provisions that would enable independent candidates to contest elections. Furthermore, it proposed that a specialised electoral tribunal should be established to rule on complaints and petitions “within the limited period of time frame of elections” (EU EOM 2008: 38). Surely, not all the recommendations could be actioned before the 2013 election – but some were. Consequently, the violence which characterised the 2007 election was averted in 2013.

Dealing with electoral disputes: The right to intervene versus state sovereignty.

This heading can best be unpacked using the responsibility to protect (R2P). This principle of international law was introduced in 2001 through the International Commission on Intervention and State Sovereignty (ICISS). Various countries signed up to it in 2005. In a nutshell, R2P argues that each state is expected to protect its citizens from any form of atrocity. However, should the state fail, the international community should take that responsibility. Some states accept external intervention while others invoke their sovereignty (Wheeler 2008; Anam 2005).

Electoral disputes are a common phenomenon globally. What differs is how individual countries deal with them. Where systems are in place and effective, the process runs smoothly. Ideally, each country should be able to deal with its electoral disputes internally. However, when this fails, regional, continental and global actors are forced to come in. Whenever this happens, realism and institutionalism are pitted against each other. As external actors intervene using institutionalism, states invoke realism which guarantees their political sovereignty. To avert this conundrum, it is advisable for regional, continental and multilateral institutions to agree on a clear framework to guide the process of addressing electoral disputes. The cases of Kenya, Mozambique and Zimbabwe demonstrate that it is internal failures which force external intervention. Another way to deal with electoral disputes is through political education which covers political parties (and independent candidates) and the electorate. Some disputes are triggered by ignorance about electoral processes.

Lastly, individual states should take the reports of election observers seriously. This would assist them in the next elections so that they do not fall into the same trap.

Conclusion

In conclusion, since 1648, states are determined to protect their sovereignty. But should they fail to protect their citizens, or to resolve electoral disputes, external actors are forced to intervene. Within this context, the role of electoral observers is a contested affair. Some hail them for consolidating democracy while others blame them for wasting resources and imposing their views on national states.

Examples from Southern Africa illuminate the theoretical arguments advanced in this chapter. Both realism and institutionalism assist in making sense of why states act in a particular manner. Certain steps should be taken to reduce electoral disputes, which can be disastrous, as evidenced in the post-election violence in countries like Kenya, Mozambique, and Zimbabwe.

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Conclusion

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Every book aims to achieve a specific objective. Some books are descriptive, some are historical accounts of events, and others are analytic in nature. Each book has a theme on which all the chapters are anchored. There are also instances where authors address sub-themes in their explication of the issues under discussion. Methodologies used in various books also differ. Some books are empirically grounded. Some draw from archival research. Some are grounded in theory, while others focus on the analysis of qualitative data. Whatever the approach is, the overarching aim is to find ways to address the chosen theme of the book so that individual chapters assist in unpacking that theme.

The theme of this book is election observation. This theme is unpacked in the context of democracy and state sovereignty. Various regions and countries are used to expound the arguments advanced by different authors.

Election observation is undoubtedly a global phenomenon. From an international perspective, election observation dates to the 1940s when it initially happened under the auspices of the UN. Since then, various individual states, regional, continental, and multilateral institutions have been deploying election observation teams to monitor elections in various countries. As such, this practice is now generally assumed to be one of the critical factors with the potential to contribute to democratic consolidation.

In the African context, election observation can be said to be a relatively new phenomenon. This should not come as a surprise since many African countries obtained their political independence between the 1960s and 1980s. Some countries like Namibia and South Africa only joined the fray in the 1990s. This period witnessed a move towards the democratic phase.

Among the issues highlighted in this book is that not all election observers do what is expected of them, which is to act objectively. There are instances where some of them endorse flawed elections or criticise an election which was carried out in a transparent manner. This is what has triggered a debate among scholars. researchers,

political analysts, members of civil society and electoral bodies about the role of election observers in strengthening democracy. It is this debate which necessitated the present book. Our aim was to solicit the views of different authors to unpack the different layers which are associated with the broader theme of the book.

We therefore view this book as a significant contribution to the ongoing debate about election observation on many fronts, especially in the African context. In a nutshell, the significance of this book has five threads.

Firstly, this book clearly emphasizes the pivotal role played by election observers in a bid to consolidate democracy. It achieves this goal by ensuring that the election process is devoid of issues like intimidation and vote rigging. Secondly, the book lays bare the evident power struggle between election observer missions and the states hosting elections. Thirdly, it addresses the subtle but real power struggle between domestic and international observers where they each fight for supremacy. Fourthly, the book tackles the issue of the mandate given to the election observation teams by those who deploy them – this includes the possibility of advancing national interests through election observers. Lastly, the book underscores the point that while election observation has several challenges, it is still something that should be encouraged. To achieve this goal, the state and election observers must learn to coexist and refrain from fighting turf wars.

The authors featured in this book were drawn from different academic fields. Individually and collectively, they successfully unpacked the broader theme of this book. They used regional and country case studies to explicate various sub-themes to contribute to the bigger project. The detailed and clear analysis presented in this book has captured the nuances of the theme. What was also critical in the various chapters was the comparison between the African experiences and those of the global community. This approach assisted in locating the book's theme in the global context. In the process, the approach assisted in dispelling any potential insinuation that electoral observation is solely an African affair and that the challenges associated with it only affect African countries.

Lastly, in the context of the call for the decolonisation of knowledges, and the African Union's call for "African solutions to African problems," the editors of this book took a conscious decision to invite African and Africanist scholars to unpack the theme on

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election observation. Given the myriads of challenges associated with election observation in Africa, it was necessary to let African scholars engage and propose practical solutions to these challenges. As the editors of this book, we are satisfied that our goal has been achieved. The scholars and researchers we invited did not disappoint. The book will appeal to different audiences, especially given the various arguments that have been advanced in it. Since election observers are here to stay, and since the state is not going anywhere, the common view shared by the various authors in this book calling for the coexistence of the two stakeholders is a major contribution which this book has made.



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