
Guidelines for African Union Electoral Observation and Monitoring Missions (2004)

These Guidelines were contained in the Report of the Meeting of Experts on Elections, Democracy and Governance in Africa in Addis Ababa in May 2004 and approved by the Executive Council of the AU in July 2004. Full text available at www.au.int

Excerpts

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2.2 Electoral observation and monitoring have become an integral part of the democratic and electoral processes in Africa. International, regional and national observers have come to play important roles in enhancing the transparency and credibility of elections and democratic governance in Africa and the acceptance of election results throughout the continent. Electoral observation and monitoring missions can also play key roles in diminishing conflicts before, during and after elections.

2.3 The African continent has made significant progress in institutionalising electoral democracy over the course of the past decade. This is reflected in a number of successful multiparty elections in most member states. Notwithstanding these achievements, however, major challenges remain. These include the prevalence of conflict in some countries of the continent,

and violence and instability resulting from disputed elections. The major challenge is the need to improve the integrity of electoral processes. One way of improving the integrity of electoral processes is by involving local and international observers and monitors.

2.4 The following guidelines are proposed in the spirit of strengthening the democratisation and governance processes underway in Africa with a view to guiding the involvement of the AU in the observation and monitoring of elections in member states.

2.5 The following guidelines are proposed to cover all the three stages of the electoral process, namely: The pre-election, the election and the post-election phases.

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4. Criteria for determining the nature and scope of AU electoral observation and monitoring

4.1 In performing their obligations, the election observers or monitors shall be guided by detailed guidelines prepared by the Commission drawing inspiration from the essential thrust of the OAU Declaration of Principles Governing Democratic Elections ('the Principles'). The specific mandates and terms of reference shall be determined by the particular case in question as well as the wider legal framework of the country staging elections.

4.2 In preparing for its election observation and monitoring roles, the Commission must maintain an up-to-date calendar of all future elections on the continent.

4.3 Formal invitation to the AU, in terms of paragraphs V (1) and V (3) of the OAU Declaration on the Principles Governing Democratic Elections in Africa (2002), is to be made by the country organising the elections, either through the National Electoral Commission (NEC), or electoral authority, or the said government, in accordance with the democratic legal framework of the country, as necessary elements for mounting observations.

4.4 The AU, after receiving the invitation to observe an election, must ensure:

- Adequate lead-time for preparations;
- Availability of essential planning information;
- Availability of professional expertise; and
- Financial and other resources.

4.5 The AU should expeditiously dispatch an Election Assessment Team to the country planning for an election.

4.6 The existence of a 'level playing field', which determines the conditions for electoral competition, is an important aspect that needs evaluation when determining the likely character of the electoral process. In advance of the election date, the Head of the AU Election Mission should advise the AU Commission whether the necessary conditions and environment for a free and fair election as agreed in the AU principles governing democratic elections, have been satisfied. Whatever the advice received by the Commission should be confirmed in a public statement by the Chairperson of the Commission. The assessment team will establish whether or not conditions for organising credible, legitimate, free and fair elections in accordance with the Durban Declaration are in place in the country. The African Union should explore the possibility of observing elections outside the Continent. Issues to consider in the assessment will include the following:

4.6.1 Does the constitution and legal framework guarantee fundamental freedoms and human rights?

4.6.2 Is the electoral system premised on the right to freedom of association, and enables people to advance this right through the formation of political parties for the purposes of electoral competition?

4.6.3 Is the Electoral Commission independent and impartial, and exercise its powers and perform its functions without fear, favour or prejudice?

4.6.4 Are the rights of observers guaranteed?

4.6.5 Is it likely that the security forces will maintain a neutral role in the provision of election security?

4.6.6 Is the situation in the country generally peaceful or is there political violence? If so will the government's security measures provide an environment for a free election campaign or are there substantial restrictions on the freedom of expression, association and assembly?

4.6.7 Are there clearly articulated rules for political party funding to be respected by all parties and candidates?

4.6.8 Is the voter education that should be provided non-partisan, independent and co-ordinated throughout the country?

4.6.9 Will there be equitable use or access to public resources for election campaigning?

4.6.10 Is the registration of voters undertaken without prejudice or discrimination on the basis of gender, race, religion, region or ethnicity?

4.6.11 Does an Independent Media Authority responsible for monitoring and regulating the media to allow equitable access to the public media of all contesting parties and candidates function?

4.7 The decision about dispatching an observer and monitoring mission in a member country holding elections must be informed by a preliminary assessment of the country's social, economic, political and constitutional arrangements.

4.8 African states differ in terms of their organisational capacity, financial and human resources, infrastructural development – notably road, telecommunication and technological infrastructure – which have an impact on the way elections are organised across the continent. However, these factors should not compromise the conduct of free, fair and transparent elections.

4.9 The Electoral Assessment Team should advise the AU Electoral Assistance Unit on whether or not to undertake an AU mission. In both cases there are a number of options, which the AU could consider.

4.10 If the decision is to send an observation or monitoring mission, the Assessment Team must advise the AU on the nature of the mission – observation, technical assistance, monitoring or supervision – that should be undertaken. A combination of some of these options could also be envisaged. However the recommended mix of mandate should ensure there is no conflict of interest.

4.11 If the decision is not to send an observation or monitoring mission because of the prevailing unsatisfactory conditions in the country, two intermediate responses could be envisaged. First, if the host country is prepared to accept assistance from the AU to remedy the situation, a technical team or supervisory team could be considered to work with the Election Commission. Second, if the unsatisfactory conditions deteriorate, and the host country is not prepared to accept outside assistance, the AU could consider not sending a mission at all, and this could include referring the matter further within the organs of the Union.

4.12 The AU assessment team will not only assess the conditions prevailing in a particular country at a particular time, but also the direction in which events are developing: different responses may be appropriate to different situations.

4.13 There should be prior understanding between the AU and the country organising elections that the AU reserves the right not to send or to withdraw observers in certain circumstances when conditions in the country do not meet the AU guiding principles for organising free and fair elections.

4.14 Regional Economic Communities (RECs) should be involved actively in elections observation and monitoring. In this way, the RECs should thus compliment continental electoral assistance efforts of the African Union and ensure mutual sharing of experience and resources.

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