

Project Report

Electoral Reform in Africa : Exploring Regional Responses

Goree Institute Roundtable: 17 – 19 January 2005

Background to Project

Improved electoral arrangements are critical to democratic governance and the establishment of an enabling environment for sustainable growth in Africa, as well as the achievement of agreed international objectives for development such as the Millennium Development Goals (MDGs). It is generally agreed that improved electoral processes, accepted by all contesting parties as well as the electorate, is a critical foundation of political stability for Africa and it is within this context that the *Electoral Reform in Africa : Exploring Regional Responses* Roundtable was conceptualised and implemented.

Africa has seen the entrenchment of electoral democracy over the past 15 - 20 years with at least one multiparty election being held in the majority of countries during the last decade. The official policy framework, echoed in NEPAD and the principles of the African Union, strongly endorses multiparty democracy. Although admirable in their intentions elections in Africa have to a great extent not delivered their anticipated outcomes. They have been sponsored by international donor agencies (government budgets for elections generally have to be supplemented by donor agencies) and even although they may have the support of national civil society- in the hope that elections will result in a change for the better- in the majority of instances electoral processes are used by the ruling elite to legitimize their continued rule and maintain the existing power relations.

The commitment to conducting elections on a regular basis, despite pre conditions which may in some instances not be conducive for the conduct of free and fair election, have fostered the creation of independent electoral commissions. In SADC alone, 12 states now have such Independent Electoral Commissions, but with varying legal powers, authority and actual independence.¹ Similar dynamics are observed in other parts of Africa. In the Great Lakes District electoral commissions have been established in Burundi, the Democratic Republic of the Congo as well as in Rwanda. In West Africa, a fledgling democratic culture is taking root as countries hold periodic multiparty elections, managed by electoral commissions, in varying conditions of political, economic and social instability. It could therefore be said that during this so-called *second wave* of democratization in Africa, election management and monitoring are becoming an integral part of the electoral landscape and are gaining a reasonable degree of efficiency and transparency. An example of this is the 'Zero Tolerance' position taken by ECOWAS to

¹ The growth of this model of electoral management is due in part to the effects of peer pressure within SADC, and prevailing international policies favouring democratisation.

unconstitutional change of government in its Protocols and the establishment of an Elections Unit to provide principles and guidelines for the conduct of credible elections.

However the formal conduct of elections does not itself guarantee that the values which underpin democracy are respected: Among the fundamental factors which determine the integrity of elections, expressed in the Constitution, law and regulations are inclusiveness, representativity, accountability and transparency, tolerance and respect for diversity. Africa and its 5 sub regions have a long way to go before these conditions are fully realized.

The independent electoral authorities across the continent have all faced big challenges in managing elections in societies that have experienced conflict, and are emerging and transitional democracies. These challenges are both:

- Technical and managerial – developing the right mix of financial resources, infrastructure and human skills for electoral management, and
- Political: establishing the mandate and confidence to manage in an impartial and authoritative manner the performance of all parties, including the governing party, in the run up to and during elections

It is often difficult to draw a hard fast line between these two areas, as electoral disputes often turn on, or are exacerbated by, the lack of both financial and technical skills.

However, virtually all the electoral authorities would agree that they face real problems in addressing both these areas. The most critical challenges to effective electoral processes, however, usually reflect problems in the political realm: the basic constitutional and electoral arrangements, and the need for electoral authorities to be truly independent.

The growth of democratic practice should be seen against the backdrop of greater emphasis on peer standards, peer review and peer learning globally generally, and in Africa in particular. The APRM has established the importance of peer review to the political process in the continent, and established the principle that electoral processes are subject to independent evaluation, and monitoring and review as part of the follow up. Within the APRM, one of the indicators for political governance is the independence and effectiveness of Electoral Management Bodies (EMBs) in ensuring free and fair elections. Participation in a governance monitoring and evaluation process not only provides an important opportunity for African institutions to give focus to work they are already engaged in, but it also allows them to legitimately capture the political space to make a substantial contribution to facilitating dialogue and debate about the performance (and the reasons for the lack thereof) of member countries in meeting the democratic standards (political, social and economic) that they have set themselves.

In the SADC sub region the establishment of the Electoral Commissions Forum of SADC countries (ECF) is part of this trend. The Forum was established in 1997 with the objective of sharing electoral experiences and resources as part of developing cost effective and sustainable electoral management processes. Later as the African

Renaissance, NEPAD, the African Union and the NePAD African Peer Review Mechanism (APRM) were popularized the Electoral Commissions Forum of SADC countries (ECF) contextualized its programmes and activities within this broader continental framework. The Electoral Commissions Forum of SADC countries as well as the SADC Parliamentary Forum piloted peer evaluation reviews of several of the sub region's elections during the 1970's, 1980's, 1990's and 2000s. This processes offer a model of the type of sub-regional reviews which have been carried out with the participation of the electoral management bodies themselves. They have also been able to provide frank but sympathetic internal assessments of the critical challenges for each EMB and the main stakeholders. These reviews have emphasised how an analysis of electoral management can result in an understanding of what factors are most critical to ensure the deepening of democracy in each country. From these reports, a grid of areas for the development of effective management has been developed. These are included in Annexure A.

From these sub regional experiences as well as from those of various international observer missions it is clear that the African cultural context and the historical legacies of the region provide unique characteristics that militate against the wholesale importation of developed countries' electoral models and practices. It is therefore essential for African EMBs to seek uniquely African dimensions to electoral processes so that sub regional and regional needs can be properly accounted for. It is within this context that the notion of an All Africa Electoral Commission was conceptualized and presented to participants at the Goree Institute Roundtable in January 2005.

The underlying rationale of the Electoral Reform Programme was that :

- Electoral authorities have a critical role in developing national administrative and legal systems for the conduct of credible and legitimate electoral processes,
- Broad social participation is fundamental to developing robust, independent electoral systems that are truly democratic:
- Regional cooperation between EMBs enhances the extension of best practice and improves the cost effectiveness of electoral management systems;
- Regional Electoral Norms and Standards to be developed to ensure that the best continental and international practice in electoral processes is successfully synthesised with regional conditions, while at the same time respecting national sovereignty. This it is proposed will provide the best possible basis for the conduct of effective, free and fair elections.
- An African Electoral Commission will provide an opportunity for broader civil society to directly contribute to the democratic project that is envisaged by NEPAD/AU.²

² The conceptualization and implementation of the NEPAD /AU principles are based on a 'top-down' approach where the political leadership generally determine the agenda for democratic transition, democratic consolidation, governance and ultimately the mechanisms by which these processes are monitored ie the Peer Review. Little political space is provided within the continental framework for civil society to engage and contribute to these processes.

It was envisaged that the Electoral Reform Programme would build on the good working relationships fostered between the electoral management bodies within the Electoral Commissions Forum of SADC countries (ECF), the All Africa Electoral Association (AAEA), the SADC Parliamentary Forum (SADC PF) and the Electoral Management Bodies (EMBs) from different sub regions, as well as other African organisations and institutions that focus on democracy and election-related matters.³ With the support and co-operation of these initiatives and institutions it was anticipated that a continental body, similar to the Pan African Parliament, would be established with the prime objective of supporting and providing a framework for the conduct of credible, legitimate, free and fair elections on the African continent. With the support of several international donor agencies⁴ the Goree Institute on Goree Island initiated the Electoral Reform Programme by convening a consultation of African EMBs, political parties, civil society organisations, academics and representatives from the international partner organisations in mid January 2005 to discuss the feasibility of establishing an African Electoral Commission. tasked with setting standards and guidelines⁵ for the conduct credible and legitimate electoral processes within the framework of the African Union and the Nepad APRM.

Roundtable Meeting: Programme, Discussions and Resolutions

The meeting was initially arranged for late November 2005, but because many of the participants were unable to attend, the Roundtable was rescheduled to mid January 2005. It was initially expected that approximately 24 participants would be invited to attend – and the budget was structured accordingly- but because of a wide-spread interest in the initiative and the fact that it was being held at the Goree Institute, the invitation list was extended to 42 participants. The two major political parties in Zimbabwe ie ZANU PF and the MDC were also invited to share their perspectives on events taking place in that country at that time and to explore possible solutions to the crisis. Only ZANU PF attended the meeting, which in essence meant that an important opportunity for dialogue had been lost. Of the 42 invitations sent out 37 participants attended.⁶

The Roundtable programme⁷ was carefully structured to ensure as much debate and discussion about the agenda as possible. Even although the intended outcome of the

³ The newly established ECOWAS Election Desk will also form part of the discussions.

⁴ The Konrad Adenauer Foundation (Jhb), The Royal Danish Embassy (Pta), The Royal Norwegian Embassy (Pta), The Open Society Initiative for Southern Africa (OSISA, Jhb) and OSI (NY)

⁵ It is anticipated that the standards set by the African Electoral Commission will incorporate various sets of principles agreed to by sub regional and continental bodies and initiatives, such as the SADC Norms and Standards for elections, the Nepad APRM, the AU Democratic Governance principles, international standards such as the OECD Principles and Guidelines, as well as those proposed by civil society institutions such as the SADC Electoral Norms and Standards developed by the SADC Parliamentary Forum.

⁶ The Attendance List is attached. Annexure B

⁷ The printed Roundtable programme changed during the course of the meeting as some of the confirmed presenters failed to attend. An original programme is attached to the Report as well as the final revised programme. Annexure C.

Programme was the establishment of an African electoral standards setting body it was necessary that some key issues pertinent to the current state of democracy in Africa was tabled, as well as the role of elections in promoting democratic transition and democratic consolidation . These issues were addressed by both the Special Representative for West Africa of the UN Secretary-General, Mr Ahmedou Ould Abdallah and Dr Frederick Van Zyl Slabbert, an Honourary member of the Goree Institute Board of Directors.

To ensure full participation by electoral networks and election and democracy related initiatives (as described above), a section of the programme was allocated to sharing experiences as well as presenting the kinds of programmatic activities that the various networks are engaged in. These discussions were particularly relevant to whether sufficient political space exists for the establishment of an All African Electoral Commission.

The Roundtable Programme further focused on the electoral challenges faced by African electoral commissions, as well as how to develop best practices at a continental level, given the experiences of SADC where three sets of principles exist: 1) the SADC Principles and Guidelines Governing Democratic Elections agreed to by the SADC Heads of State and Governments in Mauritius in August 2004; 2) the SADC Parliamentary Forum Norms and Standards established in 2001 and 3) the Principles for Election Management, Monitoring and Observation in SADC Region (PEMPO) adopted in 2003. There are also the draft African Union Electoral Principles and Guidelines. Issues related to peer review and the monitoring of best practices were discussed in relation to reformulating how Africans observe elections on the continent and the importance of not only confining election observation to those sub regions from which observers come, but to ensure that there is a generalisation of this practice across the continent. Concern was expressed about the lack of credibility of current African election observer missions and that instead of reporting faithfully about conditions in the countries holding elections, African observer missions tend to uncritically support practices that fall short of any of the best practice principles cited above.

Various presenters from southern Africa outlined that in the last decade countries in this sub region have made noteworthy progress in the advancement of democratic constitutions and elections. The sub region experienced an upsurge in democratic sentiment in the 1990s and by the end of the century all but two of the 14-member SADC countries had reformed their constitutions and held at least one, and for many countries at least two, competitive national elections. In addition, most countries extended the electoral processes to local governing bodies. The ending of apartheid in South Africa, the armed conflicts in Mozambique and Namibia, and the violent politically motivated turmoil in Zambia, Malawi and Tanzania created an aura of stability in the region conducive to building democratic institutions and stimulating economic development. It was a renaissance period, so characterized by the then Deputy President of South Africa, Thabo Mbeki.

Presenters from West Africa argued that the experience of the 90's was more about the liberalisation than democratisation of Africa. Furthermore they defined liberalisation as

the limited opening of political space for civil rights, including the writing of constitutions and legislative frameworks that recognize respect for human rights, freedom of association, freedom of expression, and the recognition of political pluralism -- and the embracing of free market economics. Reference was also made to the conceptualisation of various stages/categories of non-authoritarian regimes⁸. These broadly were outlined as follows: *pseudo- democracies*, *electoral democracies*, and *liberal democracies*. It was noted that all three categories have as their common thread - the regular conduct of elections – but what distinguishes them is the degree of competition and participation that each allows. It was noted that *Electoral democracy* – the focus of the roundtable discussions- requires minimal levels of civil freedoms to make competition and participation meaningful. The meeting debated the categorisation of an *electoral democracy* in relation to a *liberal democracy* and whether political rights and civil liberties are important for electoral contestation and participation, and whether these values are cherished between elections. *Pseudo-democracies*, it was suggested are less than minimally democratic but still distinct from purely authoritarian regimes. The *pseudo-democracies* have legal opposition parties and many other constitutional features of an electoral democracy, but fail to meet one of democracies' crucial requirements, i.e. a sufficiently fair arena of contestation to allow the ruling party to be turned out of power.

During the discussions it was proposed that these categorisations of governance take on many forms in different parts of Africa. It was however noted that in theory at least the common feature of these categorisations was that opposition parties are to a lesser or greater degree tolerated, but that the notion of tolerance is not necessarily extended to allowing fair electoral contestation, or the peaceful alternation of power.

In several of the presentations and during discussions it was emphasised that electoral processes are neither the sole, nor dominant imperative, in evaluating and determining the course of democratic development, even if an election results in the turnover of power. Although the regular conduct of legitimate and credible elections are a fundamental prerequisite for democracy, elections do not provide sufficient substantive criteria by which to determine whether a country is consolidating its democracy, or is in fact reverting to autocratic behaviour. In order to evaluate whether countries in the various sub regions in Africa are indeed consolidating their fragile democracies it is not enough to only look to the conduct and results of the last elections held. It is also crucial to define what democratic consolidation means in each of the sub regions and to identify the criteria required for this process to take place successfully. Elections it was suggested, would only be one of the necessary criteria.

During the discussions on the development of Norms and Standards for electoral practice at a continental level it was proposed that by applying indicators that measure the legitimisation and institutionalisation of democratic practices over time, and combining these measurements with the articulation and application of democratic values by political leadership, it is possible to create a basic formulation for examining democratic

⁸ These categories/stages reflect the theoretical categorisations of the American political scientist, Dr Larry Diamond.

good governance and to assess whether the necessary pre-conditions, such as the existence of human rights culture, the separation of powers between the executive and the legislature, an independent judiciary etc etc are in place. The guiding principle would then be the realization that the institutionalisation of democratic practices is complete only when the citizens and the political class accept democratic practices as the only way to resolve conflict, conduct the business of the state and is, in the final analysis, the only “game in town”.

It was further noted that despite the progress that countries have made in terms of holding *regular* elections, it was felt that across the continent the democratisation process remains a real challenge because the institutionalisation of the election machinery is not sufficient for democratic practices to take root. It was therefore proposed that it is important to build outwards from electoral management to understand what factors are most critical to ensure the deepening of democracy at national levels, sub regional levels and at a broader continental level. There was consensus that political parties and wider civil society are the key agents to ensuring that democracy is deepened and consolidated at these various levels.

Participants argued that overcoming the economic crisis experienced in most African countries, while at the same time achieving democratisation is a major challenge facing African countries. Democratic governments and governments in democratic transition, not only inherited a legacy of several decades of disastrous economic management, they also reached power after a period of political transition during which economic mismanagement and corruption had become institutionalized. The conditions of the economy, the effect of globalisation and the impact of macro-economic policies pose a daunting challenge for Africa’s fledgling democracies.

It was also noted that despite the various socio-economic and political challenges, more countries in Africa present themselves as formal democracies than ever before, despite the fact that many of the prerequisites for democracy are in scarce supply. Hence, it was argued that there is a tendency towards democratic stagnation in many countries, or in some, a notable reversal to autocratic rule. In these instances crucial social, economic and political pre-requisites are also lacking in civil society. In addition, the relationship between traditional authorities and modern democratic processes are fraught with tensions, particularly in those countries where democratic local government authorities and processes are being established. Dr Emmanuel O Akwetey⁹ argued that liberal democracies may in essence be seen as necessary for economic and social development in Africa, but it is yet to be determined whether they can respond to the needs of the poverty-stricken body politic. The end result may produce the opposite of what was intended when the political transitions were first initiated. Instead this course of events may produce political demagogues as leaders such as has been the case in several Latin America countries and is being experienced in parts of Africa today.

In the *Second Session* the presenter noted that the end of the cold war provided a historic opportunity for the re-casting of opposition politics away from the East-West conflict in

⁹ The Executive Director, Institute for Democratic Governance (Ghana)

which they had historically been posed. Generally, while most countries in the region reformed their constitutions to recognize multi-party political formations, in many countries in Africa the winner takes all paradigm still dominates to this day, where opposition parties are marginalized, excluded from decision-making processes and are not held accountable for any form of socio-economic delivery. The new so-called democratic institutions are, for all practical purposes, void of debate, compromise and shared responsibility for governance. Many factors sustain this non-acceptance of opposition politics. These include ethnic cleavages, the disproportionate advantage in application of state resources by the majority party, the state control of most media organs, party loyalty in the appointment of the judiciary and corruption. Similar to *gender equity*, the principle of *citizen participation*, it was argued, has become increasingly prominent in the democratisation discourse across the continent. Liberally bandied about and used in policy documents, *citizen participation* and involvement of civil society are perceived as essential for democratic consolidation. However in real terms, opposition to government initiatives and advocacy on behalf of public policy alternatives by civil society are perceived to be a threat to the State, and characterized as unpatriotic. Civil society's disaffection with, and alienation from democratic politics and governance, it was argued by the Discussant of *Session Two*, will ultimately negate any form of accountability and transparency at national levels.

The Presenter of *Session Six* entitled: *Towards Best Electoral Practices in Africa*, agreed that it was in response to the various challenges noted above and the focus on the improvement and possibilities of an effective electoral process that the various sets of Electoral Norms and Standards have been put in place in the SADC sub region.¹⁰ The presenter of *Session Six* provided an overview of the substantive content and background to the sets of Electoral Principles and Guidelines that have been developed by primarily civil society organisation in SADC. He noted that the growth of democratic practice is to be viewed against the backdrop of greater emphasis on peer standards and peer review globally in general, and in Africa in particular. The Electoral Commissions Forum of SADC countries (ECF) was cited as an example of this trend, concretised as part of the establishment of the NEPAD African Peer Review Mechanism (APRM). Within the APRM, one of the indicators for political governance is the independence and effectiveness of Electoral Management Bodies (EMBs) in ensuring free and fair elections. The meeting debated that participation in governance monitoring not only provides an important opportunity for African institutions to give focus to work they are already engaged in, but it also allows for them to take legitimate space to make a substantial contribution to promoting discussion about the performance (and the reasons for the lack thereof) of member countries in meeting the standards that they have set themselves, and agreed to. It was agreed by participants that the 23 countries¹¹ that have already signed up to the APRM provides a critical mass of countries to make a case for an All Africa Electoral Commission to be established with suitable mechanisms to review

¹⁰ There is the EISA/ECF PEMMO – Principles for Election Management, Monitoring and Observation I the SADC Region; the SADC Parliamentary Forum Election Norms and Standards and the recently endorsed SADC Principles and Guidelines Governing Democratic Elections. There are also a set of AU Principles and Guidelines

¹¹ At the time of the Roundtable 23 countries had signed up to the APRM, the majority from the SADC.

and set performance targets for those countries holding elections over the next couple of years.

The presenter of *Session Seven* outlined some of the critical issues that determines whether the electoral process is credible and is sufficiently free and fair to make an impact on the democratisation process. The discussion highlighted the following determinants that contribute to a *credible* election:

- a legitimate representative government is put in power;
- at a minimum, all major players/stakeholders have had the opportunity to compete equally and therefore accept the outputs of the process;
- the basic social, political and human rights conditions are in place to ensure an environment in which an election can take place. These must be agreed to by all stakeholders participating in the elections and should be reflected in the constitutional and electoral legislative framework;
- the EMBs to be perceived as independent, impartial and free from pressure from any of the political parties, in particular the ruling party.
- the important role of NGO's to educate and inform civil society about the necessity for an independent electoral authority was further explored;
- the design and implementation of the electoral process to reflect best practice principles¹² which are accepted by all the relevant stakeholders engaged in the electoral process.
- the establishment of an independent body,
- good democratic practices for demarcating boundaries and constituencies – a highly charged political issues in societies where levels of conflict, violence and contestation are high,
- how the media covers the elections, as well as access to the media by all political parties contesting the elections,
- provision is made for political party funding to ensure a level playing field for fair contestation,
- that political and legislative censure exists preventing the ruling party from using the resources state resources for their own election campaign,
- extensive and intensive voter information programmes informing the electorate not only about the technicalities of voting but also about the entire electoral process, the political environment in which the process is being conducted and the necessity and importance of informed choices,
- the roles, functions and limitations of the electoral management body;
- a reasonable degree of consensus between the three critical stakeholders in the electoral process, namely, the Electoral Management Bodies (EMBs), political parties and key institutions of civil society should exist for the 'rules of the game' to be successfully implemented.

¹² Practices will differ from country to country

One of the issues that the Discussant identified that needed further clarification is the characterisation of a successful election being deemed to be 'free and fair'. He suggested that the term needs to be assessed for its relevance to the African continent. Furthermore, he argued that terms such as 'credible, legitimate, successful' should also be interrogated as to their meaning and application and whether they provide a more extensive appreciation of the pre and post election periods, as well as the environment in which the elections take place than the 'free and fair' terminology.

Session Four provided an overview of some of the criteria and methodology that can be used to evaluate and assess the quality of the freeness and fairness of elections. Although the presentation was not constructed to inform the APRM process it nevertheless had great relevance for this continental initiative. In the presentation it was noted that because of the historical lack of appropriate and relevant tools and methodology to evaluate and assess, in a consistent way, whether elections have been fairly and freely conducted, a framework for this kind of evaluation was being proposed in a draft paper. In the words of the presenter, and one of the co-authors of the article, Dr Jorgen Elklit¹³ he noted that "We believe our framework will make it possible to identify patterns of success and failure in the fairness of elections and enable all kinds of observers – academics, election administrators and election observers – to spotlight the weak areas of election administration that a government might focus its subsequent election quality improvements efforts on." Instead of these criteria being a tool used by international observers merely to make a *judgement* of the electoral process, they have been designed in such a manner to assess and evaluate the quality of the process as well as the administrative capacity needs of the EMB. The assessment tools and methodology was found useful and interesting by the participants, except for the performance indicator scores for the six pilot studies. These were found to be problematic, especially by the Zimbabwean delegation who questioned the methodology used by the authors and what they felt was an unfair assessment of the way in which the 2000 and 2002 elections had been conducted.. The participants generally found that the ratings were not a useful way to assess the conduct of elections – particularly in the African context – and suggested that instead of comparing countries it would be more helpful to identify where countries can improve their electoral practices. Performance setting was seen to be preferable to rating, similarly as peer 'learning' has been shown to be preferable to peer 'review' (interpreted as peer 'judgement').

The discussion of *Session Five* focused on how electoral administration and electoral arrangements can be improved upon by applying good electoral governance practices. The presenter from the South African IEC outlined various comparative election management processes and provided critical insights and suggestions for improvement. Various electoral system options were discussed and proposals made about how to enhance the effectiveness of the process in order to deliver acceptable election results. Detailed discussion on the impact of the choice of electoral system, mechanisms by which demarcation and delimitation processes are undertaken as well as the implementation of a transparent and inclusive voter registration process on the democratization process was presented and discussed during this part of the Programme.

¹³ A Framework for the Systematic Study of Election Quality, J Elklit & A Reynolds (2004)

Important experiences were shared and debated about how elections can become more procedurally efficient and responsive to the needs of the voting electorate. It was also useful to have the Discussant from Zambia outline the electoral reform process currently taking place in that country - in preparation for the 2006 Presidential and Parliamentary elections. The presentation by the Discussant reflected to some extent the difficulty of applying some of the principles discussed by the Presenter because of the different socio-economic and political conditions in Zambia as compared to South Africa. Despite these differences it was clear that there are also many similar experiences and challenges and that through discussion and dialogue common solutions can be found to enhance and strengthen electoral management bodies to deliver free and fair elections.

In *Session Eight* the Presenter identified the proposed Pan African Electoral Commission as one of the regional responses to electoral reform in Africa. She noted that the proposal does not intend in any way to duplicate what is already taking place at a sub regional level ie through the various electoral support networks and institutions or through SADC and ECOWAS, nor what the Elections Desk of the African Union is currently undertaking as part of its mandate. The objectives of the Pan African Electoral Commission, according to the Presenter, would be:

- to create a continental forum of and for African electoral authorities to share information about how to improve electoral policies and practices, help each other build capacity and electoral capabilities, share and provide logistical and administrative support including how to prepare budgets for the conduct of cost effective elections;
- to build sustainable EMBs that are able to conduct free and fair elections with well trained staff and duly elected non-partisan, independent electoral commissioners;
- to be a standards-setting body for African elections;
- to review and evaluate elections conducted at national level through election observer/peer review missions with reports being handed to national governments shared at sub regional level and presented at continental level in order to ensure that performance objectives are achieved in the period between elections. These observer missions will be the vehicle for peer review processes in those countries holding elections. Unlike current observer missions the Pan African Electoral Commission missions will be in-country for longer periods to ensure that they have a full understanding and appreciation of the pre and post election conditions.
- The Pan African Electoral Commission observer/peer review missions will not in any way duplicate the observer missions of the AU or the sub regional election observer missions – they function is to evaluate critically the EMBs, whether the continental Norms and Standards are adhered to and where the ‘gaps’ lie as well as the pre and post conditions of the electoral process;
- To be inclusive and transparent in all its activities and to ensure that civil society organizations are involved in securing the integrity of the Africa electoral process.

In the final sessions – *Sessions Nine* – there was a candid presentation by the Chairperson of the Electoral Commission of Ghana about how important it is for

African electoral networks to collaborate and face the challenges of the continent. He outlined some of these challenges viz:

- the way in which contesting political parties behave and participate in elections, especially during the campaign period, as well as their ability to accept the outcome of the election;
- a level playing field not only during elections but between elections as well;
- the role of the international donor community in providing funding, technical assistance as well as facilitating the use of African expertise to work collaboratively with African EMBs to strengthen their capacity and capabilities to deliver free and fair elections
- the sustainability of elections in Africa, and the need to urgently address the issue of how to design processes that are cost effective to ensure their sustainability as well as to reflect some of the fundamental propositions of the African Union principles, namely the ability of African institutions to become more self-reliant, especially in lieu of possible ‘donor fatigue’ by the international donor community.

In summing up the Executive Director of OSISA noted that from the lively and interesting debates and discussions of the three day Roundtable it was evident that there is a need to co-ordinate election-related activities at sub regional and continental levels and to provide a platform for election-related associations, institutions and organisations to meet and share experiences, expertise and capacity on a more consistent and regular basis. He noted that the discussions had provided an important opportunity for participants to share their views about how electoral processes can be improved to be more responsive and relevant to the African people, as well as promote the process of democratisation that is unfolding at different levels in the various countries in Africa. Throughout the Roundtable discussions participants demonstrated their unfailing commitment to finding suitable and appropriate solutions for the many faceted challenges confronting the EMBs, political parties and civil society organisations in conducting elections that reflect the will of the people, have an impact on the electorate’s lives and do not compromise the hard-won gains that have been made in terms of securing freedoms and rights.

The Presenter in his summation outlined the political and economic context that informed the conceptualisation of the proposed Pan African Electoral Commission. He also noted that one of the primary objectives of the Project is to provide a supportive platform for those EMBs experiencing problems in delivering an election that is acceptable to the majority of the people. It is anticipated that in these circumstances assistance would be provided by other national states through the request and support of the Pan African electoral body. Furthermore it was proposed that a body of this nature would be appropriately positioned to popularise the Africa Union and sub regional electoral norms and standards across the continent, as well as provide an informed and useful framework for reviewing current national electoral legislation.

It was further reported that one of the major tasks of the proposed electoral body would be to train, co-ordinate and deploy African election observer missions – not merely for

the sake of having them - but as dedicated processes to evaluate the extent to which the Electoral Standards are being implemented at a national and sub regional levels and to either reinforce or amend the African Union standards, depending on the findings of the missions. Where electoral deficits exist, EMBs will be assisted to put in place appropriate remedies. Civil society organisations will have a critical role to play in terms of facilitating the dialogue as well as supporting the capacity enhancement and skill transference processes between national states and between the continental body and the sub regional entities. The Presenter endorsed the general view that the Roundtable had been a great success and that the initiative needs to be taken further in order to concretise programmatic strategies and institutional capacities for the concept to become a necessary reality. He thanked the presenters and participants for participating in the discussions, the donor partners for providing the necessary support for the Roundtable to be such a success, and finally the Goree Institute for taking the initiative to facilitate this timeous and important conversation.

The Way Forward : Working Group Meeting

Finally it was agreed that a Working Group would be constituted after the Roundtable to discuss how to go about establishing a forum/entity of this nature, to define its activities and programmes and to incorporate the sub regional principles and guidelines, as well as the AU principles into an operational strategy. Peer review/election observation mechanisms to be evaluated and, where necessary and appropriate, to strengthen them so that a more significant contribution can be made to the process of democratisation at national, regional and continental levels. This would be one of the priority programmes of the Pan African Electoral Commission. Other priorities would be:

- to seek collaboration with all sub regional Fora and individual electoral management bodies on the continent in order to share expertise, skill and capacity and to extend existing networks;
- to work with the appropriate structures within the AU to strengthen pan-African cooperation among EMBs and to ensure that electoral issues and the independence of EMBs is given high priority within the national states (as per the sub regional and AU Principles and Guidelines);
- to foster relationships and partnerships with continental and international institutions to ensure that engagement in the sub regions and on the continent is based on a thorough understanding of the conditions of the various nation-states, providing a sound basis for assessments and evaluations to be undertaken through the observer.peer review missions;
- to establish an electronic resource centre housing election and democracy related information to be accessed by EMBs and others interested in African elections. Appropriate ICTs installed to link sub regional electoral bodies with the continental structure;
- to review the modalities of how a Pan African Electoral Commission can provide support and capacity where it is required at sub regional and national levels;
- to assist in promoting good electoral governance and administrative competency targets at national level by providing support to sub regional Forum of EMBs;

- to consider the role that sub regional Electoral Commissioners Fora can play in ensuring firstly, that sub regional EMBs are strengthened and secondly that they have the capacity to participate in a continental electoral body;
- to set up consultative forum where information about the programmes and activities of the Pan African Electoral Commission is shared and discussed with critical stakeholders such as broader civil society ie NGOs, trade unions, political parties – including opposition parties etc;
- to consider the establishment of a training centre for electoral management bodies, including electoral staff in polling, counting, monitoring, conflict management, budgeting and financial management systems, voter information programmes etc etc;
- to ensure that there is gender representation at all levels of the election management process – from the electoral commissioners to polling and counting staff;
- to encourage political parties to include women candidates on their candidature lists as part of the conditions for political party registration;
- to promote intra-party democracy principles as a condition for party registration;
- to lobby and advocate for sub regional Electoral Principles and Guidelines to be developed in all the sub regions of Africa and to be incorporated into a continental set of standards to be monitored by the Pan African Electoral Commission. These Principles and Guidelines to be endorsed as regional protocols and not just principled guidelines on how to achieve good electoral practice.

It is anticipated that the meeting of the Working Group be held in July /August 2005 in order to build on the positive momentum created at the Goree Institute meeting. Once these deliberations have taken place meetings with the various sub regional structures such as SADC, ECOWAS etc will be convened, as well as with the African Union and the NEPAD Secretariat to discuss the outcome of the meetings and to seek their support and endorsement.

In preparation for the meeting of the Working Group, consultative meetings have been held with the South African Foreign Affairs Department, NEPAD Secretariat, the Senegalese Embassy in Pretoria as well as the SADC Desk at the South Africa Department of Foreign Affairs about the feasibility of establishing such a entity as well as its anticipated programmatic objectives. Once the modalities of the Electoral Commission has been agreed upon by the Working Group and a broader consultative process has been undertaken at continental level, international donor support will be sought to establish an institutional base for the implementation of at least two of the programmatic priority areas. The location of the Electoral Commission will also need to be resolved.

Budget

The Goree Institute, the participants and the presenters of the Roundtable are most grateful to the following donors for their generous support and co-operation: The Open Society Initiative for Southern Africa (OSISA), OSI Development Foundation, the Royal Danish Embassy in Pretoria, the Royal Norwegian Embassy in Pretoria and the Konrad Adenauer Foundation in Johannesburg.

As noted above the initial Project document and budget catered for 24 participants to attend a Roundtable at the Goree Institute, Goree Island, Dakar, Senegal. However because of an overwhelming interest in the Programme and the fact that the meeting was being held at the Goree Institute additional invitations had to be sent out. The Goree Institute was identified as an appropriate venue for the Roundtable because of its historical legacy, its recent engagement in facilitating various negotiations and discussions around the rules of the electoral game with key stakeholders in West Africa as well as the current popular perception amongst French speaking Africans that Franco-phone Africa is not being included in continental discussions and debates.

The Goree Institute is grateful to their international donor partners for their generous contribution to the Roundtable. The Institute will endeavour to ensure that the Programme is taken forward and that its objectives are realized in the form of a continental electoral body responsible for ensuring that free, fair and legitimate elections take place. The electoral entity will be based on principles of transparency, inclusivity, accountability and fairness and will provide a much-needed continental platform for debate, discussion, review and the empowerment of the people to choose leadership that will represent their interests, concerns and development.

Attached are the financial reports.

GI
3/05