

CHAPTER ONE

Monitoring
Elections

The Universal Declaration of Human Rights¹ (Universal Declaration) and various international treaties establish the right of citizens to participate in the governance of their country, directly or through freely chosen representatives. Article 21 of the Universal Declaration states in part that:

[T]he will of the people shall be the basis of the authority of a government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Other international instruments mirror and elaborate upon these rights. (See Appendix I.) The precise characteristics of the right to participate in government and electoral rights are fully delimited in international human rights instruments, and the role of election monitors in guaranteeing these rights is no longer seriously contested.²

Article 7 of the 1990 Copenhagen Document of the then-Conference on Security and Cooperation in Europe (CSCE) (now the Organization on Security and Cooperation in Europe (OSCE)), which calls on participating states to accept international and domestic election observers, affirms the proposition that election observers can play an important role in democratic elections. Observance of this policy is also routinely reflected in the practices of sovereign governments as well as the programs conducted by intergovernmental and nongovernmental organizations.

Why Monitor?

The primary purpose of an independent monitoring operation is to guarantee the integrity of an election process. This objective exists whether the election occurs in a longstanding or in a new or transition democracy. Several related goals also justify the time and cost associated with initiating and implementing monitoring efforts.

Particularly significant in the context of transition elections is the role monitors play in reassuring a skeptical public about the importance of the electoral process and the relevance of each voter's participation. Often in these environments, the public's only experience with politics concerns human rights abuses, fraudulent elections and military or autocratic rule. In these circumstances, basic notions of civic responsibility need reinforcement, and anxieties must be overcome.

Publicity surrounding the formation of a monitoring operation, coupled with the pre-election activities of monitors and their presence at voting stations on election day, enhances public confidence and encourages citizen involvement in the process. Public statements and reports issued by the monitoring group may lead to changes in policies that promote a more equitable election process. Through the use of mediating techniques, monitors may help resolve disputes that emerge during the campaign period. Their presence at polling sites deters fraud, irregularities and innocent administrative mistakes. Deployment of election monitors to troubled areas also serves to discourage intimidation during a campaign and on election day. In addition, when observers monitor the vote counting process through an independent vote tabulation or other means, they provide an unbiased source for verifying official results.

Finally, a post-election evaluation conducted by an independent monitoring group may also influence the positions of electoral contestants regarding the overall legitimacy of the process. A relatively positive assessment should encourage acceptance of the results by all parties. By contrast, a negative critique may lead to rejection of the results if the process is deemed illegitimate.

Who Monitors?

Four categories of domestic groups, each with different roles and responsibilities, are involved in monitoring elections. (See Definition 1.) International actors complement the efforts of these groups, but

¹ See Appendix I.

² See generally, United Nations Centre for Human Rights, *Professional Training Series #2: Human Rights and Elections* (U.N., 1994); Y. Beigbeder, *International Monitoring of Plebiscites, Referenda and National Elections: Self Determination and Transition to Democracy* (International Studies in Human Rights, Martinus Nijhoff Publishers, Dordrecht 1994); G. Goodwin-Gill, *Free and Fair Elections: International Law and Practice* (Inter-Parliamentary Union, Geneva 1994); G. Fox, "The Right of Political Participation in International Law," 17 Yale J. of Int'l Law 539 (1992); T. Franck, "The Emerging Right to Democratic Governance," 86 American J. Int'l Law 46 (1992); H. Steiner, "Political Participation as a Human Right," Harvard H.R. YB 77 (1988). See also Appendix I.

cannot substitute for them absent extraordinary circumstances.

ELECTION OFFICIALS Election officials include national election administrators, regional election officers as well as voting-site and counting officials. The existence of impartial and well-trained election officials at all administrative levels usually decreases the need for developing an elaborate monitoring operation. Although these officials principally oversee the processes of organizing and implementing elections, they also have a duty to guarantee that the election conforms with the country's election law and applicable international standards.

Election officials face certain limitations related to monitoring elections, especially in transition elections. First, since election officials are typically responsible for administering the election process, it may be difficult for them to assess, objectively, their own work. Second, in many countries officials from the executive branch, the judiciary or the ranks of the ruling party are appointed to positions of authority in the election system. Their partisan affiliations may arouse suspicion of undue government influence and bias, thus diminishing their credibility as impartial monitors. Notwithstanding these limitations, election officials can serve an important role in election monitoring. (See *Illustration 1*)

POLITICAL PARTIES Even in countries with longstanding democratic traditions, political party representatives are assigned to virtually all polling sites on election day. In addition to discouraging electoral manipulation, the presence of party pollwatchers demonstrates a party's organizational strength to prospective voters, which may accrue psychological benefits for a party engaged in a closely contested election. Party pollwatchers also provide political parties with an important and timely source of information regarding voter turnout during election day and election results after the polls close.

Party pollwatchers, however, represent *partisan* electoral contestants. (See *Definition 2*.) In the event of a dispute or irregularity, these pollwatch-



Definition 1

do•mes•tic

The term *domestic* is used in this text to refer to all people or groups originating within the country or territory in which elections are being held. Terms such as "indigenous," "national," "local" and "domestic" are commonly used interchangeably in the election monitoring context.



Illustration 1

For South Africa's 1994 transition elections, the Independent Electoral Commission (IEC) was given broad responsibilities and powers. Obviously, most of the IEC's duties related to administering the elections. However, an independent directorate within the IEC was established for the sole purpose of monitoring and evaluating the election. Activities of the monitoring directorate included: investigating and enforcing alleged violations of the campaign Code of Conduct; overseeing compliance with prescribed procedures; and cooperating with domestic and international election observers.



Definition 2

par•ti•san

Partisan is used throughout this *Handbook* to refer to people or movements having a direct interest, stated or otherwise, in the specific outcome of the elections (e.g., political parties, candidates and political party activists). It may also describe activities that demonstrate a preference for certain election contestants. The term *partisan* is not intended to suggest any connection with particular historical movements or forces.

ers have a natural tendency to protect the interests of their party, candidate or issue. In a polarized political environment, the information collected and disseminated by political parties may be challenged as biased and untrustworthy.

LOCAL MEDIA The local media—television, radio, newspapers and magazines—also monitor elections. In addition to reporting on the election campaign and final results, the media investigate allegations of abuse, conduct pre-election polls, and establish mechanisms for quickly projecting and announcing election results. In the context of a first election, and particularly where the government owns or strictly controls major media outlets, the voters and opposition parties may perceive the media as biased. In other circumstances, the media refuse to dispense relevant information regarding the conduct of an election.

non•par•ti•san



Nonpartisan, as used in this *Handbook*, relates to actions and objectives that do not support or detract from any competitor in an election. Nonpartisan work is conducted in support of a democratic election process, without regard to who wins or loses. Domestic groups from Albania to Zambia have demonstrated that, notwithstanding the personal preferences or former affiliations of their members, they are capable of participating in political events, such as elections, while maintaining their credibility for nonpartisan conduct.



bo•na fides

Bona fides is Latin, meaning "in good faith," and may be used in reference to an organization's qualifications, reputation for genuineness or sincerity.

NONPARTISAN ORGANIZATIONS The perceived partisanship of election officials, political party pollwatchers and the media prompted the advent of monitoring by *nonpartisan* civic organizations. (See *Definition 3*.)

In most cases, nonpartisan civic organizations are more interested in the process than the outcome of an election. Consequently, if nonpartisan civic organizations develop an effective monitoring apparatus, their evaluation of an election process will be considered more reliable than one offered by a government-dominated election commission or by a party contesting the election. Moreover, domestic monitoring groups provide a neutral vehicle for organizing and engaging sectors of society that are otherwise unwilling or afraid to assume a partisan role in an electoral process.

The nonpartisan *bona fides* of domestic monitoring groups face constant challenge. (See *Definition 4*.) Many such groups are formed by individuals who have a long history of fighting against the incumbent regime for democratic change and respect for human rights. Still, as discussed in the next section, these groups can take affirmative steps to demonstrate their objective character and to ensure that their members remain nonpartisan.³

What is Monitored?

The increased attention directed toward fair election processes has also affected the scope of monitoring operations. No longer is the focus limited to observing activities on election day or during the tabulation process. Rather, effective election monitoring embraces a broader mandate that begins with writing the statutes that establish the election framework and concludes with resolving electoral complaints. Chapter Three, below, presents a detailed approach to monitoring an election process.

Creating the legal framework for an election provides the initial entry point for influencing the components of a fair election process. Political parties and independent monitoring groups often

³ See also Section E, *Credibility*.

attempt to affect the content of the law. The election law debate also affords the media an excellent opportunity to begin informing the public about the significance of an upcoming election.

The election law generally establishes who should be permitted to serve as election monitors and what rights or restrictions apply to the monitors' work. This subject has been the source of considerable controversy in many countries. Before the 1992 national election in Romania, for example, the accreditation of independent domestic monitoring groups dominated the debate concerning the adoption of a new election law, as the ruling party sought to limit access to polling sites only to individuals designated by political parties. Through concerted efforts, domestic monitors eventually secured legal status in Romania's 1992 local and national elections.

Monitoring operations—whether undertaken by political parties, the media or independent groups—should be active during the entire pre-election period. Once the legal framework is in place, monitoring groups should examine the procedures: to appoint election officials; to register parties and voters; to designate candidates; to enforce election campaign regulations; to conduct the voting and counting; to review complaints; and to install the election winner(s). The incumbent government, the security forces and government-controlled media may deserve special scrutiny given their potential for improperly using their status to influence large numbers of voters.

The balloting and counting processes usually form the focal points of a monitoring operation. A plan of action for deploying monitors on election day must be developed, taking into account available personnel, transport and other resources. Training personnel and preparing effective mechanisms for data collection are also essential to organizing a credible monitoring effort.

A monitoring operation does not end when polls close or even when the preliminary results are released. In the period following elections, monitors should investigate alleged election-day irregularities and complaints filed with the relevant election officials and the courts.

How Nonpartisan Organizations Monitor

Chapter Three details the myriad activities that domestic election monitors should consider pursuing. This section summarizes several guiding principles that may help nonpartisan civic organizations and their members conduct a successful monitoring effort.

Developing and preserving a reputation as a credible investigator and reporter of election events constitutes a goal of utmost importance. Generally, monitors must remain objective and impartial in all of their activities; they should be advised to refrain from expressing publicly any preference for a political party or candidate.

Monitors should also perform their work with diligence and thoroughness, researching and recording their findings in an objective manner. Personal observations and other credible sources of information may form the basis for conclusions about the elections. Monitoring efforts should avoid relying on untrustworthy sources of information, conducting incomplete, unbalanced or inaccurate research, or reaching and publicizing judgments prematurely, as each of these activities will damage the credibility of the operation. Monitors should document their observations so that they are verifiable and, in all instances, attempt to distinguish objective from subjective evidence.

How a monitoring organization decides to use its findings will affect the credibility with which resulting evaluations are received. It is generally advisable, therefore, to choose a path of moderation and discretion by avoiding unwarranted extremes and portraying findings in their proper context. Moreover, findings are likely to achieve greater influence if they are presented in a constructive, rather than purely critical, manner.

Monitors will further enhance their credibility to the extent that they publicize the objectives, methodology and findings of their efforts. Informing the public, the media, the government and political parties of the group's intentions and operating procedures diminishes suspicion and misunderstanding.

REMEMBER

- remain objective and impartial;
- conduct research and observations diligently and thoroughly;
- exercise moderation and discretion; and
- demonstrate the monitoring group's credibility by documenting and publicizing relevant objectives, methodologies and findings.