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High Level Conference on the **FUTURE OF INTERNATIONAL ELECTION OBSERVATION**

BACKGROUND PAPER

ENHANCING AFRICAN UNION - EUROPEAN UNION - UNITED NATIONS COOPERATION ON ELECTORAL PROCESSES AND ELECTORAL OBSERVATION, INCLUDING METHODOLOGY OF ELECTION OBSERVATION MISSIONS

The African Union (AU) and the European Union (EU) have been cooperating closely for several years on EU election observation methodology. The Joint Communication to the European Parliament and the Council for a renewed impetus of the Africa-EU Partnership of May 2017 aimed, among other things, at enhancing cooperation on Electoral Observation, in particular with the AU. This includes follow-up to electoral observation recommendations; strengthening dialogue and information exchange; drawing lessons and best practices from electoral observation missions deployed by both organisations as well as support to the African Governance Architecture.

The UN Under-Secretary-General for Political Affairs serves as the focal point for electoral matters. The Electoral Assistance Division (UN EAD) also maintains electoral partnerships with, and provides capacity development support to, other regional and intergovernmental organizations involved in elections. UN support to elections most commonly takes place through technical assistance (usually through UNDP) or as components of DPKO or DPA missions. The UN rarely deploys EOMs as this requires a mandate from the General Assembly or the Security Council.

The Declaration of Principles for International Observation (DoP) was launched at the United Nations Headquarter in 2005. The EU and the AU are founding signatories to the DoP and an annual Implementation Meeting is held which brings together the UN, the AU, the EU and around 50 other organisations working in the field of elections.

Election Observation Missions (EOMs) are a highly visible demonstration of the EU's commitment to supporting democratisation and promoting the respect for human rights. Since 2000, the EU has deployed 147 EU EOMs globally about half of which have been to Africa. To ensure a consistent approach to election observation, the EU applies the same methodology to assess an electoral

process in all countries where it observes elections. Because electoral processes are connected to broader issues of democracy, rule of law and human rights, EU EOMs must have a long-term presence in the host countries. A comprehensive and accurate assessment of electoral processes can only be made if the right blend of expertise is deployed and if observers have enough time on the ground. The use of international standards for elections, as established in universal (and regional) instruments, provides the necessary safeguards against subjective or partisan assessment of the election process.

The African Charter on Democracy, Elections and Governance (ACDEG) provides a solid normative basis for Africa to assess its elections and serves as a major reference point for human rights protection and building democratic and resilient societies on the continent. The African Union deploys EOMs to almost all elections in Africa, usually in close cooperation with the Regional Economic Communities (RECs).¹ On average, it deploys 15 missions per year, most of which are short-term i.e. are deployed to observe Election Day proceedings. However, the AU has since 2013 been deploying long-term missions to approximately 3-4 countries per year. The deployment of long-term AU EOMs has cemented the AU's reputation in the sector and better enables peer-to-peer experience sharing between EU and AU EOMs. The Democracy and Election Assistance Unit (DEAU), which is part of the AU's Department of Political Affairs (DPA), has a mandate to provide electoral assistance but faces resource constraints which affect the fulfilment of this mandate. The AU's approach to EOM follow-up is not yet formalised but the DEAU is keen to develop a coherent EOM follow-up methodology. The EU is also committed to follow-up on EU EOMs recommendations. It has been deploying Election Follow-up Missions (EFMs) since 2011 but is now stepping up its work using the full range of political and cooperation tools available at its disposal to ensure a systematic follow-up of EOM recommendations, from political and human rights' dialogues and electoral assistance to an increasing number of EFMs deployed and regular reporting on the state of play by EU Delegations in countries where EOMs have been deployed. There is much scope for cooperation between the UN, the AU and the EU in this area.

The European Parliament (EP) is a key actor in EU's support to democracy. All of its democracy support activities are conducted within the framework of the Democracy Support and Election Coordination Group (DEG), which gives political guidance on and supervises election-related matters, support to parliamentary democracy, including cooperation with the Pan African Parliament, human rights related action as well as mediation, facilitation and dialogue initiatives, including regular political dialogue with the EP's counterparts. Last but not least, all EU EOMs benefit from the political leadership of an MEP, who serves as Chief Observer of the Mission.

The EU provides financial support to the AU Commission for the deployment of AU EOMs. Between 2015 and 2018, this was complemented by a technical assistance programme which, among other things, supported the training of AU observers and experts, helped consolidate AU's long-term election observation methodology and developed ITC tools to manage election missions.

Cooperation between AU EOMs and EU EOMs is generally very good and in recent years the degree of information exchange and the number of cooperative actions have increased. The deployment of long-term AU EOMs has facilitated AU-EU EOM information exchange and the development of cooperative relations at technical and political levels.

¹ SADC, ECOWAS, EAC, ECCAS, COMESA, CEN-SAD, IGAD and UMA

A meeting of Heads of EOMs is usually organised close to Election Day to share views and ensure, for instance, that there are no clashes in the timings of media conferences. Where both organisations deploy long-term EOMs, meetings are also organised at expert and observer levels, and on occasions invitations have been extended to attend and/or present at the other organisations' observer briefings. Post-election meetings to discuss possible respective EOM recommendations have also taken place.

Where the situation on the ground is such that joint messaging is necessary, the EU, the AU and other organisations' EOM have issued joint press communiqués at important moments of the electoral processes. For example in 2017 in Kenya where, on the eve of the general elections, nine election observer missions² (including the AU and the EU), issued a public call for “the political leaders and their supporters to ensure peaceful elections and respect for the rule of law”. Less public informal contacts are also important to maintain common positions. This can constitute “real conflict prevention” work.

Other good practices which have developed on an *ad hoc* basis include: joint media appearances of EOM Heads of Missions / Chief Observers (where appropriate), attendance at each other's observer (LTO and STO) briefings, leader-leader, expert-expert and observer-observer contacts and discussion of preliminary recommendations prior to finalisation of reports.

In addition to being an important actor in the field of election observation, the EU is also one of the main providers of electoral assistance through technical and material support to election processes. Election observation and electoral assistance are complementary in the support of democracy. Between 2014 and 2017, the EU has implemented election assistance projects for more than EUR 180 million in 39 countries, the majority of which is for African countries. Additional assistance is provided for the development of representative and transparent democratic institutions.

In 2006, the EU and UNDP strengthened and formalised the cooperation in the field of electoral assistance and established the Joint Task Force (JTF) on electoral assistance. The Electoral Assistance Guidelines, which regulate the work of the JTF, were renewed in 2016. These allow for joint EC-UNDP formulation missions whenever the EU intends to fund UNDP electoral assistance projects. This approach enables EOM recommendations to be considered at the very start of the design of projects. The cooperation between the EU and the UN is also facilitated by the Financial and Administrative Agreement that dates from 2003 and was updated in 2014.

Enhanced cooperation between the UN, AU and EU on electoral matters could take different forms, from increased coordination and exchanges of information before, during and after pre-election and election missions, discussion of recommendations of missions at field level, cooperation during return visits and in the follow-up of recommendations, among others. Trilateral coordination in the margins of DoP meetings could also be envisaged.

² African Union (AU), Common Market for Eastern and Southern Africa (COMESA), the Commonwealth, East African Community (EAC), European Union (EU), International Conference of the Great Lakes Region (ICGLR), Intergovernmental Authority on Development (IGAD), National Democratic Institute (NDI) and The Carter Center (TCC)

Issues at stake - discussion points:

-) What are the strengths and weaknesses of the current forms of EU-AU-UN cooperation, dialogue and information exchange on election observation and electoral processes (e.g. assistance and political dialogue)?
-) Are the current methodologies for election observation (EU/AU) the right ones to meet the needs of the host country and the institution deploying the observer mission?
-) How can the EU, UN, and AU ensure that messages during election processes and actions after they have been concluded are coherent?
-) Are EU and AU EOM's recommendations (as well as those from other organisations) given proper consideration by the host country and those working with the host country to enhance/consolidate electoral process and democracy? If not, should the EU, AU and UN be working more closely to advance post-election reforms/improvements? If yes, in what concrete ways should this cooperation be taken forward?
-) What EU-AU-UN institutional tools can be harnessed to keep EOM recommendations on the agenda?
-) Are the existing forums for dialogue and modes of information exchange sufficient to meet our shared objectives?