RESEARCH IN BRIEF

How to increase the impact of election observers' recommendations

This research brief summarises three key pieces of research on the implementation and impact of the recommendations made by international election observation missions. It was prepared by Daniel Munday, PhD Candidate at the University of Birmingham's International Development Department.

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HIGHLIGHTS

— New research reveals how to increase the chances that election observers' recommendations are implemented – a way to improve the quality of elections and strengthen democracy.

— An open and engaged civil society, and independent Electoral Management Bodies (EMBs), play a vital role in driving the implementation of observers' recommendations.

— International actors can contribute to the uptake of recommendations through funding to facilitate reforms and diplomatic pressure at key points in the electoral cycle.

— Coordination between observers remains crucial, as cohesive recommendations increase the likelihood of their implementation.

— These findings are based on a new database to track the implementation of election observer recommendations in five countries in sub-Saharan Africa, combined with qualitative case studies.

— This new research builds on previous work to highlight how partnerships with local civil society groups and EMBs can empower observers to increase the impact of their recommendations.

COVER
The UN delivers ballot boxes to Goma, DRC, 2011.
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Voting in Nigeria's 2015 election, Abuja.
© U.S. Embassy / Idika Onyukwu
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An election official prepares ballots for counting in Tunisia.
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P.5
EU election observer in the DRC, 2011.
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RATIONALE AND OBJECTIVE

One core aspect of election observation is the provision of recommendations to improve the quality of elections, usually in the form of a 'to do' list of improvements at the end of election observation reports. A perennial frustration for many observers and pro-democracy groups, however, is that some recommendations are not acted upon, despite their repeated inclusion in observation reports. Yet there has been relatively little research to explore the factors that lead to the implementation (or shelving) of important recommendations.

The papers summarised in this research brief investigate different aspects of how election observer recommendations are implemented in practice. While the papers focus on countries in sub-Saharan Africa, their findings are relevant for election observers working across the world.

Susan Dodsworth, Eloïse Bertrand, and Jamie Hitchen explore whether and how election observer recommendations are implemented by recipient states to reveal a wide variation in implementation rates across sub-Saharan Africa. This is driven by several variables, including the level of civil society support for electoral reform in recipient countries, as well as the strength and independence of the relevant EMB. These are accompanied by more contextual factors, such as the level of official development assistance (ODA) that countries receive, and the international pressures that they face.

Avery Davis-Roberts and David Carroll find that observers can strengthen their recommendations by developing stronger links with domestic civil society groups to provide a more unified, coherent case for the implementation of election recommendations. Cyril Obi's case study of election observation missions during Nigeria's 2007 election highlights the need for consistent domestic and international pressure to induce countries to adopt observer recommendations.

METHOD

The report by Dodsworth et al. draws its findings from a novel database created by the authors. The coding strategy for this database was replicated from a prior paper by Ferran Martinez i Coma, Alessandro Nai and Pippa Norris, which investigated the role of regional organisations in strengthening the application of electoral recommendations made by the Organisation of American States.

The database developed by Dodsworth et al. covers 1,292 observer recommendations by international election observation missions from 2002-2018 across five sub-Saharan African countries; Ghana, Kenya, Liberia, Nigeria and Uganda.

Observer recommendations captured in the database are classified by their scope, their timing in the election cycle, and the actors that are targeted. Many recommendations are also classified by whether they have been implemented fully, partially, or not at all. The data are drawn from a range of qualitative sources, including consultations with observers and country experts, alongside searches through the reports of election observation mission briefings and the websites of EMBs.

Field visits to case-study countries were also conducted, which included interviews with election officials, politicians, and civil society activists. These interviews explored what the authors termed 'surprising cases'; instances where observer recommendations had been implemented, despite challenging domestic conditions.

Davis-Roberts and Carroll utilise a database of recommendations emerging from the Universal Periodic Reviews (UPRs) of the United Nations Human Rights Council to investigate the extent to which such recommendations align with broader concerns surrounding universal human rights. Obi utilises interviews with election observers, international experts and EMBs, and examines official documents to provide an in-depth case study of the 2007 election in Nigeria.

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KEY FINDINGS

The three papers reveal several key factors that shape the way in which the implementation of election observer recommendations takes place. For one, the implementation of observer recommendations – either partially or in full – is seen more frequently in countries where prior free, fair, and democratic elections have been held, and where the democratic space is more open.

The implementation of 'technical' recommendations, such as the reform of voter registration and electoral procedures, has been more common than the implementation of recommendations that are seen as more 'political', such as the reform of campaign financing laws and support for the greater political inclusion of women and minority groups. This technical versus political divide appears to be driven by a number of factors. Technical recommendations, for example, are often seen as less intrusive: they are less likely to affect the political status quo and, therefore, present less of a threat to incumbent leaders. There may also be a desire among donor countries for 'easy wins' in the implementation of observer recommendations – with technical recommendations more easy to enact.

Several findings emerge from this collection of research on how best to improve the implementation rate of observers' recommendations. These findings relate to the roles of the EMBs, of civil society and of international actors.

The independence of the relevant EMB in each case-study country has a major impact on the extent to which recommendations can be implemented. In some cases, as seen in relation to Ghana's Electoral Commission, a history of political independence led to a greater capacity for the uptake of observer recommendations. Equally, EMBs with a history of political interference, division amongst their leaderships, or issues of corruption are less likely to be effective (or indeed willing) to implement observer recommendations.

Domestic civil society activism is also crucial in increasing the likelihood that observer recommendations will gain traction. Connecting to this level of activism not only ensures a greater groundswell of support to encourage the implementation of election-based recommendations, but can also mobilise these recommendations as a catalyst for further, longer-lasting campaigns for technical and political changes in the electoral quality of countries across sub-Saharan Africa.

International pressure can also lead to greater implementation. Countries that receive more foreign aid and that experience stronger external pressure for reform – such as Kenya following its 2007 election violence – are more likely to implement election-based recommendations.

IMPLICATIONS FOR OBSERVERS

This research presents several findings that have five key implications for election observers. First, the overall quality of democracy and elections in recipient countries shapes the way in which observer recommendations are likely to be received and implemented. In particularly authoritarian contexts, observers face significant challenges and may wish to consider whether it is feasible to promote reform by issuing recommendations – and, therefore, whether the deployment of observation missions runs the risk of legitimising poor-quality elections without the benefit of any long-term incremental improvement. However, wider contextual factors, alongside the operating nature of the recipient EMB and the quality of domestic civil society activism, also have a strong influence over how well recommendations will be received and implemented – and progress is possible, even in less promising environments.

Second, international observers – and pro-democracy members of the international community more broadly – should invest more time and energy in supporting domestic civil society groups to push for change while building and strengthening their relationships with EMBs. While many observer recommendations face resistance from governments in recipient countries, recommendations can still be

implemented in countries where civil society groups are more effective at lobbying and where EMBs are more independent, even in relation to challenging areas such as support for greater political participation for women and minorities.

Third, election observers should consider the longer-term implications of many of their recommendations, and be more proactive in demonstrating their benefits for EMBs and governments. For example, improving electoral administration and quality can induce greater levels of civil society support for electoral outcomes. It can promote better standards of

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implementation for more 'challenging' political recommendations that can, in turn, drive more widespread democratic reform. This is a desirable goal for EMBs and governments, which are often concerned about their own legitimacy in the wake of problematic polls.

Fourth, observers should have one clear and unified set of expectations at the national and international level when presenting their technical and political recommendations, as this builds a much more powerful case for reform. Unified approaches that encourage political leaders to implement change, catalysed by criticism of poor electoral processes, can be powerful tools to induce the implementation of observer recommendations.

Finally, although recommendations are not always implemented, this does not mean that they are not important. Observers should continue to present them both clearly and robustly. Despite the frequent frustrations, the repeated sharing of recommendations can help to keep key issues 'on the agenda' for future elections, and provides civil society groups with a solid evidence base on which to campaign.

Looking ahead, however, observer missions may wish to consider whether election observation reports should give greater weight and prominence to the question of whether past recommendations have been implemented or not. Some observation groups have already begun to do this, systematically setting out the recommendations that have been implemented and those that have not. A greater emphasis on this issue in public statements and overall evaluations would further incentivise EMBs to respond appropriately.

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CITATIONS

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