

## **Do Africans Still Need Safari Tourists Disguised as International Election Observers?**

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Since the ushering in of multi-party politics in African states, after the fall of the Berlin Wall, in the early 1990s, observation of elections by external organizations is one of the mechanisms employed to ensure free and fair elections in the respective African countries.

Election observation is also carried out by local groups. But there seems to be a general view that credibility or otherwise of elections are better established by external observers with no stake in national elections. This could be a naïve view though. Consequently, on the morrow of multi-party politics in African states, a number of international organizations such as the, EU, the Commonwealth, la Francophonie, and notable international NGOs like the Carter Centre, NDI and others.

This is so important that African states have negotiated a treaty regime on democracy which among other things makes provision for election observation. This treaty is the African Charter on Democracy, Elections and Governance, which entered into force in 2012. In Chapter 6 of this treaty State Parties are enjoined to notify the AU Commission to send Election Observers to observe the elections in an impartial manner and thereafter present a report to the AU Commission. The other mentioned international organizations also have their guidelines on elections.

A key kernel of this development has been the pressure towards periodic credible elections to choose Africa's leaders. This process has been the closest alternative for the expression of the popular will. To the credit of international Observers there have been instances when the rigged elections have been exposed or at least reports by observers have cast doubt. An example that comes readily to mind was Kenyan elections of 2007.

However, in this article, we are specifically concerned about the extent to which external electoral observers are still relevant in certifying elections in Africa. External Observers as shown above are not limited to those from Europe and America. They include African people and institutions from countries other than the one having elections who equally adopt the restrictive approaches of the West for electoral monitoring/observation and equally pretend that they are able to pronounce on an election.

Debate on the relevance of election monitoring/observation has been on for a while. Prior to now the focus has been the inadequacy of external observers rushing in on the day of elections and making a pronouncement as a result of 24+ hours of stay. Kenya's 2007 elections led to much rethink. Many lives were wantonly lost in spite of the presence of international observers who had been unable to learn from the incumbent government's decision overtime indicating that President Kibaki must remain in power at all costs. International election observers started justifying the need for a longer stay before and after an election.

However, has a longer stay in country helped in handling misgivings and reducing violent reactions to elections in Africa? Definitely, each case would need a detailed assessment. For some reason, however, a generalization can be made to the effect that where elections have gone well without much acrimony in Africa, it has been in spite of the presence of election monitors/observers. It seems the integrity of the leadership of the electoral bodies as in Tunisia, Tanzania, Nigeria, Ghana and Gambia has weighed more positively than electoral tourists paid for from funds from the West. In addition would be active civil society members in these countries that monitored their respective electoral processes.

The 2017 elections in Kenya falls in line with our thinking. Though electoral observer missions were many with credible leaders from Africa, Europe and America, they failed woefully in preventing deaths in the aftermath of the elections of August 8, 2017. With a lot of hubris, they wittingly or unwittingly and with fundamental errors of commission and/or omissions endorsed a well-orchestrated fraudulent electoral referee process that was structurally flawed. In spite of many of the commissions being in country for long, they failed to pay enough attention to many developments around them including the many opposition led court cases aimed at upholding the constitutional prescriptions for credible elections as well as the assassination of Chris Msando that should have allowed an assessment of the readiness of Kenya to use an electronic transmission of election results from polling stations as collated at the constituency level as indicated by the Kenyan Court of Appeal.

It is quite difficult to understand why most of what were likely to compromise the integrity of the elections were not picked up by the observers. This is for the simple reason for almost all of the international observers an advanced party was sent to the country sometime before the election day. The signs were all there visibly on the wall for all to see. Definitely, some observers, like the Carter Centre started a rethink earlier than others. But many held on to their false dogged position that the elections had been free, fair and credible till the Supreme Court of Kenya (SCoK) in a major lesson to Africa and the United States, if not the entire world taught that a bold and credible judiciary is needed for transparently seen free, fair and credible elections.

The SCoK's conclusion that there had been irregularities and illegalities teaches further that so many electoral tourists who refused to listen to the opposition and civil societies' shouts were a waste of funds. That the determination of the SCoK, has shown that the leadership of the Independent Elections and Boundaries Commission (IEBC) failed to adhere to the Constitution and Electoral Law is no longer in doubt. If the Electoral Tourists had not emboldened a so called IEBC with their hasty short-sighted statements, the IEBC would not have dared to make a declaration that President Uhuru had been duly elected for another term. Lives lost in reaction to the hasty declarations of the IEBC would otherwise have been saved. The crocodile tears from one of the missions to the effect that they could not have gotten to details on the truths being put in the open by the SCoK with so many companies involved in the electronically transformed result process, we must say is of no consequence.

This position is also disingenuous because the opposition candidate called a press conference at which he stated that the results streaming on TV are preprogrammed from hacked sources. He also held meetings with the different international observers pleading with them to be circumspect with their conclusions. He even dared them that if the servers were opened and they do not find any evidence of hacking he will be prepared to concede defeat. Observers like John Kerry, former Secretary of State of the US, would not have any of that. The electoral tourists should have shown integrity by telling the world that the complaints of the opposition, within hours of the polling, needed to be looked into first before they could make statements beyond the fact that voting was orderly. The Chairman of IEBC who had initially promised that there would be no pronouncement of results until all paper forms had been received would not have been rushed into a false declaration that had to fall since it was resting on nothing other than irregularities and illegalities.

The patronizing manner in which electoral observers intentionally or inadvertently have been bungling along on elections in Africa needs to be looked at squarely. Who and/or which organizations from Africa went to certify the election of President Trump in the United States of America? And if intervention by way of external electoral observation is not helping ordinary Africans in the respective countries in freely

choosing their own leaders as expressed through the results of the elections and also saving lives in Africa, why continue to have them?

Thanks to the boldness of the Kenyan Supreme Court for exposing the massive irregularities and illegalities lest another story will be told as an opposition leader who has just refused to concede defeat and it is all sour grapes. And in all this a leadership will be imposed on the Kenyan people knowingly or unknowingly by international observers. This would likely have been resisted with more deaths resulting from it.

Kenya presents several lessons for international election observation. Key among which is that there is need for a careful introspection by all international observers and how they pronounce on election outcomes. There is need for more caution and use of measured language and statement of concern of the opposition that it feels needs to be investigated and until the ruling party/government allows transparent access that international observers observe, there should be no determination. It means ones findings cannot be conclusive when all the needed evidence from all parties are not available to make a conclusion of the election outcome.

In sum the template has to change, and it has to be a radical change and now because Kenya has dented the reputation of international observation. The trend did not change even with respect to the preparation for the re-ordered presidential election by the SCoK. The Head of the EU Election Observation Mission was reported in the media as having concluded that the IEBC had met most of the positions its mission had articulated and all was set for the election that had been scheduled for October 26, 2017. Two and three days later, the resignation of one of the IEBC Commissioners and the press conference on this resignation by the Chairman of the IEBC indicated clearly that Kenya was not on the way to a free, fair and credible elections. Credible elections cannot be based on peace and stability that is devoid of justice and rule of law.

Donors should consider funding for national civil society organizations to boost their capacity to clamour for men and women of integrity to man electoral processes in Africa. Unless there is a radical change international election observation now looks to the average African as electoral tourism by Euro-American and even African leaders.

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