



NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

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AREAF PROJECT FINAL REPORT NIGER: COORDINATION OF ELECTION OBSERVERS

I. BACKGROUND

The National Democratic Institute for International Affairs (NDI) first conducted a program in support of Niger's democratic transition in March 1992 when it sponsored an election observer training seminar in Niamey. In October 1992 NDI organized political party campaign training programs in Niamey and Zinder. During these seminars political party representatives were trained on how to conduct grassroots organizing, candidate selection and constituency mobilization with the objective of improving their capacity to compete in legislative and presidential elections. For Niger's legislative and presidential elections in the spring of 1993, NDI conducted a pre-election assessment and assisted the United Nations in coordinating international and national observer missions.

Given the growth in the number of international election observation delegations and the demands that have been placed upon NDI to conduct observation-related programming, NDI used Niger as a model for an innovative approach in ensuring the quality of international observation efforts. NDI provided staff expertise, prepared briefing material in collaboration with the United Nations, designed a joint observer deployment plan and organized a common de-briefing session for all observers immediately after the elections.

II. PROGRAM OBJECTIVES

The underlying objectives of the program were:

- to provide a well-informed, credible assessment of the Niger elections;
- to benefit from the efficiencies of an equitable division of labor among international and national observer delegations;
- to minimize duplication of efforts;
- to limit the prospect of widely inconsistent assessments based on a lack of information by observer groups;



- to use limited resources effectively;
- to follow and comprehensively report on the election process from pre-election preparations to the resolution of post-election investigations or disputes;
- to assure that information was gathered based on a solid understanding of the political context and the electoral laws;
- to maximize the number of polling sites observed and the amount of information that could be collected on election day; and
- to respect the institutional autonomy of each delegation, including each delegation's independence regarding the issuing of post-election assessments of the process.

III. PROGRAM ACTIVITIES

NDI in conjunction with the United Nations developed and implemented an election monitoring operation. NDI's election monitoring plan contained four major components: establishing a secretariat in Niger to coordinate activities and monitor the pre-election period; conducting full-day, election observer training seminars; developing and implementing election-day deployment plans for observers; and sharing information at post-election debriefings.

A. Secretariat

In January 1993 a full-time secretariat, staffed principally by representatives of NDI and the United Nations, was established in Niamey, Niger. The secretariat staff completed a pre-election assessment report on the election system and campaign environment that focused on such matters as access to the media, security concerns, political party programs and preparedness of election officials. The report, together with information summarizing the historical, social and cultural context of the elections, was distributed in English and French to all Nigerien and international observer delegations.

In addition the secretariat initiated preparations for implementing the coordinated election observer program. The preparations included planning the organizational and logistical aspects of the coordinated mission and establishing guidelines for its implementation. The guidelines adopted consisted of four major components: first, participants in the coordinated mission were bound by common terms of reference and a common code of conduct only to the extent they freely consented; second, all major decisions that affected the coordinated mission were made by consensus; third, the secretariat informed participating delegations of all developments and sought advice regarding all major decisions; fourth, no statement made in the course of sharing information during the post-election debriefing session could be attributed by others to the delegation responsible for the statement.

The secretariat was the liaison between individual observer delegations and Nigerien election officials for securing accreditation and advising the authorities of election-related concerns. It also determined the composition of the coordinated mission. During the composition process NDI initiated efforts to expand and broaden participation. Specifically, NDI sought to include in the coordinated mission representatives from three Nigerien human rights groups, from the African-based Group on Democracy and Economic and Social Development and from most of the diplomatic missions in Niamey.

B. Election Observer Training

Two days before the presidential and legislative elections, NDI and the United Nations briefed and trained all accredited election observers. The agenda for the training focused on Niger's political history; it included discussions on the role of election observers and on the process of election monitoring and an analysis of the electoral system and code.

C. Strategic Deployment

Election observers were deployed to regionally and politically diverse locations to achieve a broad range of sites observed. On election day the teams observed the opening of the polls, voting, ballot counting and the transmission of results. At each polling place observers also noted on their checklists the location, the identification, the names of presiding officials, the number of registered voters and the nature and time of the observations.

D. De-briefing

On the second day after the presidential and legislative elections, most of the observers reassembled in Niamey for a de-briefing session. A spokesperson for each delegation offered a general assessment of the election and a synopsis of the delegation's observations. After each report, other delegates were afforded an opportunity to ask questions. In several instances, delegations were called upon to clarify specific points made in the synopsis or to recount a relevant illustration.

IV. ASSESSMENT

The coordination of election observers in Niger led to significant improvements in the efficiency, the quality and the credibility of the overall monitoring effort. The following significant factors made this possible:

- A relatively non-polarized political atmosphere and the high level of cooperation among individual observer delegations provided an ideal environment in which to coordinate activities.

- Close coordination -- including using common recording forms, conducting joint briefing and training sessions and sharing information throughout -- improved the quality and uniformity of assessments by observers.
- The inclusion of Nigeriens in the coordinated mission helped break language and cultural barriers and enriched the coordinated mission's overall understanding of Nigerien society and politics.
- The participation of resident foreign nationals in observer delegations enabled the mission to expand across the country and include remote regions; in the process, the mission benefitted from a higher level of knowledge about local issues and conditions.
- Through the coordinated deployment of personnel on election day, observer groups minimized the duplication of effort and maximized the number of polling sites observed.



**AREAF PROJECT FINAL REPORT
TOGO: MONITORING PRESIDENTIAL AND LEGISLATIVE ELECTIONS**

I. SUMMARY

With the signing of the Ouagadougou Accord on July 11, 1993, the National Democratic Institute for International Affairs (NDI) moved to renew its programming in support of presidential elections and subsequent parliamentary elections in Togo. NDI's planned observation program included the following elements:

- maintaining an international assessment mission in Togo in the period leading up to the presidential elections to collect information on the pre-election environment and to recommend solutions for problems in the electoral process;
- providing financial and technical support for a large-scale domestic monitoring mission; and
- deploying international observer delegations for the presidential elections and the legislative elections.

Recognizing that previous agreements had not succeeded in establishing the necessary political climate for meaningful elections, NDI made full implementation of its program contingent on the establishment of minimum conditions for legitimate elections.

NDI undertook the first element of the Togo project but was unable to implement the second element of the program -- the support of domestic monitors -- because the government of Togo refused to accredit national observers. NDI did not observe parliamentary elections held in February and March 1994. In addition, the government of Togo refused to give permission to NDI's domestic partner, the Study and Research Group on Democracy and Social and Economic Development (GERDDES-Togo) to monitor the parliamentary polls.

Less than a week before the presidential election, NDI decided against deploying an international observation mission, which was to have been co-led by former presidents Jimmy Carter of the United States and Amadou Toumani Touré of Mali. This decision was based



on the findings of the pre-election assessment mission, which indicated that it was impossible for free and fair elections to take place without significant revisions to the electoral system. A related factor was the withdrawal of all significant opposition candidates, which meant that the elections no longer offered a meaningful choice to the electorate. NDI subsequently issued a statement, which is attached, regarding the aborted mission.

II. PROGRAM OBJECTIVES

The objectives of this program were:

- to demonstrate the support of the international community for legitimate elections in Togo;
- to promote public confidence in the process;
- to report to the international community on the conduct of the elections;
- to recommend to the Togolese government and the Election Commission possible solutions to electoral problems; and
- to facilitate domestic monitoring of the elections by Togolese civic organizations.

III. NDI PROGRAMS IN TOGO BEFORE THE PRESIDENTIAL ELECTION

Since 1991, NDI has received funding from the National Endowment for Democracy and from the United States Agency for International Development (USAID) to develop a series of comprehensive programs designed to help promote a democratic transition in Togo. These programs have included:

- participation of Togolese civic leaders in regional election observation seminars;
- support for an observation training seminar in Lomé;
- a series of five civic education seminars conducted throughout Togo; and
- technical support to a leading Togolese civic organization in its efforts to monitor the elections.

In 1991 NDI began a policy of inviting Togolese political and civic leaders to NDI programs in the region. A multipartisan Togolese delegation participated in a seminar on monitoring elections organized in Cotonou, Benin, in November 1991. Togolese were also

invited to a follow-up election monitoring program held in Abidjan, Côte d'Ivoire, in March 1992. In addition, NDI invited prominent Togolese to be election observers and trainers in Angola, South Africa and Senegal.

As elections in Togo approached in the summer of 1992, NDI designed a comprehensive support program. With funding from USAID and the National Endowment for Democracy, NDI designed projects focusing on civic education, support for domestic election monitors, election-related consultations and election observation. NDI also sent a field representative to Togo to assist in the implementation of these programs.

In July 1992 an NDI senior program officer participated as a trainer in an election observer training project in Lomé organized by the Study and Research Group on Democracy and Social and Economic Development (GERDDES-Togo), a non-partisan civic group dedicated to democratic development. GERDDES-Togo is a chapter of GERDDES-Africa, a regional network of non-partisan democratic development organizations. NDI has worked closely with GERDDES and other civic organizations in many countries in Africa in programs aimed at strengthening democratic civic society and developing a network of trained African election observers.

In October 1992 NDI began what it expected to be a continuing series of programs in support of elections, then scheduled for late 1992. The programs began with civic education seminars in Lomé, Atakpamé, Sokodé, Kara and Dapaong. NDI's objective in these first series of seminars was to focus on regional-level public leaders such as village chiefs, religious leaders and representatives of civic organizations and political parties, given the level of influence that these elites exert on the rest of Togolese civil society in their various regions. The meetings provided a forum for discussions on principles of democracy and elections in Togo. At the same time participants were trained in specific activities, such as voter education and poll watching, that could be conducted to strengthen the electoral process.

After these seminars NDI's field representative remained in Togo to work with GERDDES on developing a domestic, election monitoring capacity. This segment of the program was interrupted, however, by the October 1992 military intimidation of the transitional parliament and an ensuing, widespread strike. The field representative returned to Washington in November; and in January, the shooting of civilians in Lomé and the further disruption of the democratic process obliged NDI to indefinitely suspend its programs.

IV. PROGRAM ACTIVITIES

With the signing of the July 1993 Ouagadougou Accord, NDI moved quickly but cautiously to reopen its programs in support of the elections. NDI's proposed election related activities included the following elements:

- maintaining an international assessment mission in Togo before the presidential election to develop information on the pre-election environment and to recommend solutions for problems with the electoral process;
- providing financial and technical support for a large-scale, domestic monitoring mission; and
- deploying international observer delegations for the presidential elections and for the legislative elections.

A team initially composed of two NDI staff members and two international experts arrived in Togo in early August 1993 to conduct a pre-election assessment. The team was supplemented by additional staff as the election date approached. In addition to NDI staff members, the team included Thérance Sinunguruza, former president of the National Election Commission of Burundi (who had played an instrumental role in organizing that nation's successful elections in June 1993); and Maxime Faille, legislative assistant to the Canadian House of Commons. The team focused on election administration; material preparations; electoral lists; access to media; political party concerns and preparations; the role of domestic monitors; and security and refugee issues. The team's assessment was to form the basis of NDI's decision on whether or not to observe the election.

As the August 25 election date approached, however, the possibilities for meaningful elections in Togo began to diminish. Concerned about administrative preparations, the principal opposition candidates withdrew from the race, demanding a postponement. The president of the National Election Commission (NEC) raised similar concerns in a letter to the prime minister.

On August 23 and 24 President Carter, who had arrived in Togo, attempted to persuade President Eyadéma to postpone the election for a sufficient amount of time to resolve at least the most pressing election-related problems. Despite Carter's urging in an 11th-hour diplomatic effort, Eyadéma refused to delay the vote. On August 24, when it became clear that the election would proceed as scheduled, Carter made a public announcement in Lomé of NDI's decision not to deploy international observers for the election. Carter and the NDI team immediately left Togo.

The mission findings that led to NDI's decision not to deploy international observers include the following:

- Voter registration lists contained 300,000 to 600,000 more names than suggested by demographic indicators. In addition, the lists were not posted in a timely manner to allow for verification by voters, political parties and civic groups. Also, analysis of voter registration data detected a concentration of surplus names in remote border areas, raising concerns about the possibility of voting by citizens of neighboring countries.

- The president of the bipartisan National Election Commission (NEC) wrote a letter to the prime minister on August 20 requesting a delay in the election because of insufficient time to finish election preparations. This request was refused.
- There were about 430,000 more voting cards in-country than there were registered voters. Additionally, a large percentage of voter cards had not been picked up by voters.
- Basic information regarding the quantity of and location of polling stations had not been made public two days before the elections, despite a 30-day advance notice requirement in the electoral code.
- The government violated a number of clauses of the electoral code relating to: the distribution of electoral cards (Article 18, paragraph 2); the time frame required for revising the electoral lists (Articles 22 and 23); the declaration of the opening of the campaign (Article 36); the use of public institutions for the campaign (Article 41); and the public dissemination of the list of polling stations (Article 46, paragraph 2).
- Election administration officials failed to complete training of polling place officials before the August 25 election date thus creating confusion in the electoral process.
- Ink intended to prevent multiple voting was tested and found not to be indelible.
- In some areas of the country, the recent history of violence and intimidation inhibited opposition candidates from campaigning.

In addition, during the period between the signing of the Ouagadougou Accord on July 11 and the August 25 elections, several serious problems increased doubts about the government's commitment to free and fair elections. These problems included:

- The government's refusal to allow participation by national, nonpartisan observers despite earlier statements that they would be accredited.
- The government's attempt to limit the number of observers that international organizations could send to the election. NDI, for example, was initially asked to send only two observers.
- Despite repeated urging from the international community, the posting of the electoral lists was not completed until a few days before the election and thus severely limited the possibility of correcting problems on the list.
- The government showed little interest in allowing the National Electoral Commission (NEC), the only national administrative organ with multipartisan participation to fully

play its assigned role. NEC requests for copies of the voter list, for example, were met with inordinate and unjustified delays.

- There was a lack of government-organized voter education programs to help voters collect electoral cards or to encourage the return of refugees to vote or to make provisions for refugees to vote abroad.
- The government refused to investigate and correct inaccuracies in the voter registration lists.
- Government leaders refused to account for or investigate the existence of additional electoral cards.

Legislative elections were subsequently held on February 20, with run-off polls on March 6, 1994. Less than a week before the legislative elections the government of Togo requested that NDI send two observers to monitor those elections. NDI declined to observe the elections because of the limited number of observers requested and because without a presence in Togo before the elections NDI could not assess the conditions under which they would be held. Although NDI provided funding for GERDDES-Togo to observe the elections, the government despite earlier promises refused to grant observer status to any domestic organizations. Despite the government position and the negative response to GERDDES' efforts to deploy domestic observers, this civic organization gained valuable experience organizing on a nationwide basis and expanding its membership.

V. ASSESSMENT

The elections

Successful elections depend on the contributions of a variety of people and institutions. The government of Togo, as the body responsible for organizing elections, had a paramount duty to organize elections worthy of the trust and confidence of the Togolese people. This standard of credibility was heightened by the divisive environment in which national reconciliation was being undertaken. In the days before the election, leaders of Togo's major opposition parties did little to mobilize their supporters for the election. Eventually, the major opposition parties suspended their participation in the election because they did not trust the system. Whether abstention was the wisest course of action is debatable, but withdrawal of the opposition was one of the factors weighed by the international community.

Clearly the ultimate responsibility for the failed election fell to the Togolese government. Instead of delaying the elections in order to build the trust necessary for an event of constitutional magnitude, the government persisted in holding elections that offered no choice to the people and no possibility for resolution of the political crisis in the country.

The result of the elections was a new, five-year term for a president who had won neither the trust of his fellow Togolese nor that of the international community.

NDI's role

NDI's participation in Togo was not an easy or simple project. Difficult decisions for which there were no precedents had to be made quickly and in a hot-house political environment. However, the decision to terminate the project was neither complicated nor controversial given the overwhelming weight of evidence that had developed concerning the direction in which the elections were headed.

It is always difficult to establish a single yardstick by which a project of this nature with many different facets could be measured. Certainly, it is not realistic under the circumstances described earlier to expect a legitimate presidential election to have been the outcome of this project. To expect as much, however, is to probably have unattainable expectations about how much NDI could have achieved given the circumstances. The project did accomplish a number of more modest, but important, objectives. The project facilitated a clear understanding on the part of the international community of the lack of legitimacy of the presidential elections and contributed to the development of internationally accepted norms regarding legitimate elections.

The project accomplishments arguably influenced the outcome of the legislative elections by demonstrating to the Togolese government that illegitimate elections would not go unnoticed by the international community.

In addition, although GERDDES-Togo was not granted permission to observe the elections, NDI's support to the group as it prepared to monitor the polls enabled GERDDES to gain valuable organizational experience and to expand its membership.