

Statement of Patrick Merloe

Senior Associate and Director of Electoral Programs

NATIONAL DEMOCRATIC INSTITUTE (NDI)

before the

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U.S. ELECTION SUPPORT IN AFRICA

Mr. Chairman, Members of the Subcommittee, thank you for this opportunity to address the important topic of U.S. election support in Africa. The National Democratic Institute (NDI) has worked in 43 African countries since the late 1980s on a wide variety of programs to help strengthen democratic development, including achieving peaceful, credible elections. NDI has partnered with political parties, parliaments, civil society groups and democratic reformers in government in more than 100 African elections, and with the March 28 polls in Nigeria NDI will have engaged in international observation activities for 49 elections in 24 African nations. Presently the Institute is conducting programs in 20 African states, plus several regional programs. Many of these ongoing programs include an electoral focus.

The vast majority of these NDI programs were made possible by the support of the United States government through the United States Agency for International Development (USAID), the National Endowment for Democracy (NED) and the Department of State's Bureau of Democracy, Human Rights and Labor (DRL). NDI greatly appreciates the trust that those agencies have placed in the Institute to conduct programs that are consistent with the vital interests of the people of this country and that advance democratic aspirations of the people in those African nations – including for peaceful, credible elections. We also greatly appreciate the leadership that this Subcommittee provides and thank you for convening today's hearing.

More than 25 elections are scheduled in African countries in the 21 months between now and the end of 2016. Nigeria's polls are set for just 10 days from this hearing. Other countries also face volatile political environments, like the Central African Republic, or are on a sensitive path, recovering from widespread violence, like Cote d'Ivoire. Some countries face electoral credibility challenges posed by little or closing political space, like Ethiopia. Still others, such as Benin and Ghana, where elections are scheduled for

next year, are developing a history of credible elections. While the contexts differ for elections across the Continent, all of them are sensitive and merit attention. Kenya's 2007 elections demonstrated the horrific consequences of a lack of vigilance by citizens and the international community, while its 2013 elections demonstrated the positive consequences of concerted efforts to build democratic institutions and processes, along with a rejection of violence. If Kenya's 2017 elections are to demonstrate further progress, and avoid the risk of falling backward, continued robust engagement by citizens with focused international support will be required. This is a lesson that should be applied in electoral support across the Continent.

The need for sustained, long-term and multifaceted support for organizing peaceful, credible elections in Africa stands out in many examples beyond Kenya. The risks for failing to achieve them are extraordinarily high, while the benefits for governmental stability and inclusive, authentic development are essential to progress on the Continent. Yet, there appears to be a decrease in levels of support for democratic governance in Africa and a concentration on a small number of countries. This could have an unintended effect on holding peaceful, credible elections, which is a cause for concern.

Public confidence in the credibility of elections is vital to public trust in government. That trust is important for governmental stability, which elections should help secure. Governments in Africa, as elsewhere, are obliged by their constitutions and international obligations to hold genuine elections, which is a right of the people. The international community has keen interests in governmental stability, which relates to peace and security, and it has interests in promoting fundamental rights. This is particularly important today, when international security is facing critical challenges from extraordinarily violent forces that reject democracy and human rights.

NDI's work in Africa, as elsewhere, often engages in consensus building to allow elections to perform two essential roles: (1) to provide the vehicle through which the people express their will as to who is to have the authority to govern; and (2) to resolve peacefully the competition for control of governmental powers. NDI works with African partners on other aspects of elections that reinforce these roles, including: (a) helping to ensure that the population can make free and informed political choices based on issues that are central to improving peoples' lives; and (b) enhancing citizen participation in electoral processes to safeguard electoral integrity and build public trust in elections and the governments that result from them.

**Support for democratic elections in Africa should build longer-term democratic political dynamics** that result in responsive, accountable governance. A wide variety of processes and institutions must be engaged over a relatively long period of time to organize peaceful, credible elections, and a range of rights and responsibilities of citizenship must be exercised for elections to be genuine. In effect, the processes surrounding elections reflect how those in government and those competing for that power relate to each other and, more importantly, how they respect the citizenry. Support for peaceful, credible elections must take this into account, not separate elections from

the broader political dynamic in a country and should seek to build capacities and processes that reach beyond elections in a narrow sense.

An important element of support for peaceful, credible elections in Africa should be to encourage reform of winner-take-all governance structures and electoral systems. Divisions of powers among branches of government, including checks and balances and decentralizing governmental powers, as well as systems that provide significant roles for traditionally marginalized populations, are important for achieving peaceful, credible elections. This can contribute to effective democracy that roots out corruption, improves lives and is genuinely representative.

**The integrity of elections depends on diverse processes.** They include, for example, those individualized procedures needed to document a person's birth and residence, which are required to establish candidacy or rightful place on a voter registry, as well as data intensive processes needed to verify the accuracy of the voter registry, the fairness of ballot access, whether electoral districts ensure equality of the vote and whether the results were tabulated accurately.

Electoral integrity depends on the freedom of political expression and the ability to organize campaigns, as well as the political impartiality of government controlled media, the use of state resources and other issues of political finance, in addition to the impartiality and competence of those administering the country's elections.

The effective and impartial functioning of law enforcement agencies and security forces are critical to whether political contestants can freely compete and citizens can vote free of fear of violence or political retribution. Electoral integrity also depends on whether courts and administrative complaint mechanisms deliver timely and otherwise effective redress for infringements of election related rights and accountability for electoral abuses. This illustrates how equality before the law and equal protection of the law are related to holding genuine elections. Unless competitors feel they have a fair chance to win and to redress electoral grievances, they may turn to violent means to gain power.

Removing barriers to participation of marginalized populations and all citizens regardless of their political preferences is at the core of genuine elections. This highlights the importance of gender equality in electoral support as well as examining each country's political culture to identify other populations and attitudes towards youth participation. Enfranchisement requires inclusion without discrimination or unreasonable restriction. Inclusiveness is the essence of universal and equal suffrage and is a critical challenge in African countries as it is around the world.

While no election is perfect, positive developments across these processes move a country toward peaceful, credible elections and stable democratic governance. Just as robust support is needed to help ensure impartial and effective administration of all the complex, relatively costly and time sensitive elements of electoral management – for elections to be peaceful and credible in Africa and elsewhere, support is essential to build this broader democratic political dynamic.

**Political parties that understand the pressing needs of the population** and that engage with citizens on issues that concern improving living conditions – rather than conducting politics based on personalities, ethnicity, tribe or religion – are essential to developing peaceful, credible elections and democratic governance in Africa. Electoral support needs to help parties develop capacities, structures and communication mechanisms in this respect. This requires programs that begin years before and stretch well beyond elections.

Political party programming also needs to encompass dialogue among the competing camps to eschew engaging in violence, to train party activists to reject violence and to discipline supporters who violate the admonition. Facilitating public anti-violence agreements among parties and candidates should be part of that support, which should also help ensure that codes of electoral conduct are enforced by election authorities, prosecutors and the courts. Such rule of law support in the electoral context can promote accountability more broadly and enhance public confidence in African elections. Inter-party liaison committees with election authorities, party youth academies and inter-party women's leadership and youth alliances can contribute significantly to anti-violence efforts.

Political party support also should bolster parties' roles in ensuring electoral integrity. Parties' capacities to analyze and advocate for improvements in legal frameworks for elections, to analyze the fairness of electoral boundaries, to verify the accuracy of the voter registry and to gather in a timely manner required evidence of electoral violations and pursue effective legal redress also are needed elements of electoral support. Election-day activities of party and candidate poll watchers also need to meet the evidence-based and timely requirements of verifying polling procedures and the accuracy of official voting results.

Electoral support in Africa needs to adopt longer term work with political parties and needs to break down silos between developing issue-oriented ties with the population, violence prevention and defending electoral integrity through rule of law approaches.

**Citizen election monitoring is a crucial aspect of support for African elections.** People have a right to genuine elections, and they have a right to know that elections are genuine. Otherwise, the population must rely on blind faith or rumors – rather than public knowledge – in deciding whether to trust electoral results or whether to heed the calls of those who reject them. Across the Continent – where there is not a history of credible elections and public confidence is not well established in governmental institutions or political parties – civil society organizations are stepping forward to monitor electoral processes, present analysis about their quality and offer recommendations for improving elections. Monitoring and advocacy by these groups are making sustained contributions to developing governmental and political accountability in and beyond elections.

Election monitoring by citizen groups has occurred in at least 32 African countries. NDI facilitated the spread of citizen election monitoring on the Continent, using a peer-to-peer approach. That included aiding groups in developing expertise and bringing experts from

one country to help groups in other places to adopt election monitoring techniques and core organizational capacities. The Institute also encouraged these groups to form the West Africa Election Observer Network (WAEON) with members groups in 11 countries, SADC Election Support Network (SADC-ESN) with member groups in 14 countries and the East and Horn of Africa Elections Observers Network (E-HORN) with member groups in four countries. Groups in North Africa work in networks with Middle Eastern organizations, and all are united in the Global Network of Domestic Election Monitors (GNDEM), which has over 200 member organizations from 82 countries, plus their various regional networks. GNDEM members have mobilized well over 3 million citizen election observers, including hundreds of thousands across Africa.

These networks provide mechanisms for sharing best practices within Africa's sub-regions and across the Continent, to adopt innovations from other parts of the world while offering knowledge gained in African experiences and building solidarity for this type of specialized human rights defense. Support from USAID has been instrumental for citizen election monitoring efforts in specific countries, while the NED has provided support for developing regional networks and GNDEM, and DRL provided a recent grant that allowed GNDEM and NDI to bring together key activists from Africa's three sub-regional networks for skills building on: verifying the quality of election-day processes and accuracy of official results through use of representative statistical samples ("parallel vote tabulations" or PVTs); monitoring biometric voter registration; and advocating for timely citizen access to key electoral data (an open government/open electoral data initiative).

PVTs by nonpartisan citizen election monitors play a key role in decreasing political volatility about election results and building public confidence in election-day processes, thus mitigating potentials for violence. NDI has assisted the successful implementation of 38 PVTs in 11 African countries, including Zambia's recent presidential election and prior elections, Malawi's recent elections and prior elections, Kenya's 2013 elections and 2010 constitutional referendum as well as elections in Ghana, Sierra Leone, Senegal and Uganda. A PVT was conducted for Nigeria's 2011 elections, and one is being organized for the upcoming presidential election. The PVT for Zimbabwe's 2008 first round election played the extraordinary role of demonstrating that President Mugabe came in second and that a run-off was required.

The precision of PVTs in (a) assessing the quality of election-day voting processes (gauging whether they support an honest result) and (b) projecting with narrow margins of error and high degrees of confidence what accurate official results should be, provides a crucial contribution to achieving peaceful, credible elections in Africa and elsewhere. The use of rapid information communications technologies (ICTs), including social media, in informing the public of findings also contributes to public knowledge and confidence in African elections. Plus, like other aspects of citizen election monitoring, PVTs provide an organizational structure, critical skills and credibility for citizen groups to conduct other types of evidence-based governmental accountability functions.

Like other areas of electoral support, work with citizen election monitors, including building skills and networks for systematic techniques, requires longer term engagement and sharing the experiences of emerging experts with activists in other countries. NDI's experience on the Continent demonstrates that organizational development and skills consolidation is difficult to sustain when support is limited to short periods immediately preceding an election.

Support for African elections should prioritize assistance to nonpartisan citizen election monitoring, particularly efforts that employ systematic assessment methods (such as PVTs and voter register verifications), and that engage in political violence monitoring and mitigation, political finance monitoring and other activities that address the integrity of key electoral processes. Support should also focus on aiding the professional development of sub-regional networks of citizen election monitors and other civil society organizations that dedicate themselves to peaceful, credible elections. GNDEM developed the *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations* to provide the ethical basis and methodological guide for credible citizen election monitoring, and African citizen election monitoring organizations and their networks should be supported in the implementation process and capacity building efforts around the declaration.

**Open government and open government data, including open electoral data**, are central to fighting corruption and achieving peaceful, credible elections. United States support for African elections should assist efforts at furthering these principles of electoral transparency. If political party agents, citizen election monitors and the media are not allowed to witness the various election processes and are not provided timely and effective access to electoral data, it is impossible to determine whether elections are trustworthy. The Electoral Commission of South Africa (the IEC) and other electoral related governmental bodies are global leaders on these subjects, and other positive examples exist on the Continent. International support should provide incentives for African election commissions (election management bodies, EMBs), citizen election monitors, political parties and other stakeholders to advance these principles in practical ways.

**International election observation can play an important role** in achieving peaceful, credible elections in Africa. The leading intergovernmental and international nongovernmental organizations that conduct election observation are increasingly coordinating their efforts and harmonizing their findings. These developments are the result of an ongoing implementation process built around *the Declaration of Principles for International Election Observation*, launched at the UN Secretariat in 2005, now endorsed by 49 organizations and recognized with appreciation in three UN General Assembly (UNGA) resolutions for its contributions to improving the field. The United States led the efforts around those UNGA resolutions.

The African Union, ECOWAS and the International Organization of La Francophonie (OIF) endorse the Declaration, which brings them into contact with the implementation process convening members, including among others the EU, OSCE's Office for

Democratic Institutions and Human Rights (ODIHR), UN Electoral Assistance Division, Carter Center and NDI. Each organization pays its way for participating in the process. International support for African elections should provide assistance for key organizations to engage fully in the process as well as to urge African organizations to implement the methodologies provided in the declaration. This could significantly increase their capacities and reduce the potential of well-known international election observation organizations from issuing differing findings about specific African elections.