

Overview of Open Society Engagement on Elections

Open Society's engagement with electoral processes began in **Central and Eastern Europe and the countries of the former Soviet Union**, where the Foundations nurtured a number of social movements that culminated in the ousting of authoritarian governments through elections. That support took several forms: developing a cadre of activists through long-standing backing of civil society organizations; providing money and expertise to emerging political movements; advocating on behalf of democratic activists with Western governments; and providing support to reformists who came to power after elections, usually in the form of capacity building grants.

Open Society was involved in many of the major transformations in this region, including Slovakia (1998-1999), Croatia (1999-2000), Serbia (2000), Georgia (2003-2004), Ukraine (2004) and Kyrgyzstan (2005). While it is not possible to gauge how decisive Open Society's role was, support from Western governments and organizations was a significant factor in empowering local actors to contest elections that were largely rigged against them. The social movements that carried the democratic agenda in this period have largely faded away.

Open Society also helped create a number of NGOs that have served as the primary domestic actors around elections in the region, such as GONG (Croatia), CESID (Serbia), MOST (Macedonia) and CEMI (Montenegro). These organizations have developed a palette of activities designed to activate citizens and to deter and detect manipulation. Their tools include reforming the electoral code; voter education, get out the vote and media monitoring in advance of elections; observation of polling stations and vote tabulation, exit polls and parallel vote tabulation on Election Day; and reporting and advocacy with international institutions after the fact, especially where controversy has arisen.

This approach tends to be more technical than "political," grounded in the integrity of the electoral process – with no interest in who wins – rather than being allied with a social movement whose tacit goal is the removal of an authoritarian government. NGOs working in this way have contributed to improved elections in some, but not all, the countries where they are present. Unlike the social movements built to challenge repressive governments, most of them have survived for many years.

There was also significant engagement in some countries in **Latin America** as they democratized. For example, the Guatemala foundation provided significant support from 1998 to 2008 to domestic and international observations of elections there, as well as to the electoral commission. Open Society also provided assistance to support domestic election observation groups in Peru and Mexico between 2000 and 2006. This assistance addressed a range of issues, from monitoring the electoral process to monitoring the use of state resources

in campaigns to parallel vote tabulations. In Venezuela, indirect support was provided to Ojo Electoral (OE), an independent, national electoral observation organization consisting of respected members of civil society, who sought to increase electoral participation by increasing trust in the electoral system. Its leadership structure was pluralistic, comprising two individuals associated with the government, two associated with the opposition and one neutral figure. From 2004 through 2007, it was able to achieve its dual goals of election monitoring and increasing citizen confidence in the system because the system had more integrity than the population perceived. After 2007, however, changes by the government decreased the integrity of the system, bringing OE's two goals into conflict with each other. Unable to resolve that conflict, OE dissolved in early 2011. More recently, the Latin America Program has had limited engagement with elections as electoral integrity generally has not been a problem in the region.

Elsewhere, recent engagement on elections and with electoral cycles has varied widely, highly dependent both on program strategy and contextual differences. **The Africa foundations** are the most systematically engaged and have developed a deep body of experience in how to approach elections, including in highly charged and otherwise difficult contexts.¹ Recent engagement has included elections in Nigeria, Senegal, Liberia and Kenya, as well as the upcoming election in Zimbabwe.

Activities have included support for domestic and regional election monitoring (e.g., South Africa, Sudan, Democratic Republic of Congo (DRC)); capacity building for election management bodies (e.g., DRC, Senegal, Benin, Niger, Nigeria); comparative research on election management bodies (West Africa); voter registration (Kenya); and development of regional electoral norms and standards (e.g., Economic Community of West African States (ECOWAS) and Southern African Development Community (SADC)). The Africa Governance Monitoring and Advocacy Project (AfriMAP), whose mandate is to monitor the compliance of African government with democracy and human rights commitments, routinely includes election related issues in its research, including all of its reports on democracy and political participation. In recent weeks, the foundations in Albania and Afghanistan have established contact with African colleagues to benefit from their experience in anticipation of elections in those countries.

The Open Society Initiative for West Africa (OSIWA) has been instrumental in creating an innovative approach to election monitoring by domestic civil society groups called the "Situation Room." The model was first developed during the April 2011 Nigerian general elections to address the challenge of coordinating a large number of independent civil society

¹ A more detailed review of OSF electoral assistance in Africa, drafted by AfriMAP Director Ozias Tungwarara, is attached as Appendix B.

organizations and has since been used in a number of other countries. A Situation Room complements traditional election observation and monitoring by creating a common platform on which groups can work together, undertake coordinated advocacy, respond rapidly to crises and provide objective, real-time election analysis. It also can provide a platform for regular and constructive civil society engagement with the official election management board and other government agencies, as well as the press and foreign embassies. In a twist designed to address local circumstances, civil society groups in Zimbabwe will be establishing both a general situation room and a separate one for women's groups, based on the feeling by local partners that the latter can be more visible and effective given the role of those groups in Zimbabwean society.²

The Africa foundations also have worked closely with Open Society Africa advocates, including colleagues in the Brussels and Washington advocacy offices, to develop a "mission-centered" approach to creating strategies for election-related advocacy in international capitals.³ These missions, usually carried out six months or more before the scheduled elections, allow the advocates, in close collaboration with foundation colleagues and other partners, to develop and execute complementary advocacy plans, ensuring that key international actors such as the U.S. and the EU, and African regional bodies like the African Union (AU) and SADC, are getting consistent messages about the unfolding electoral process and international engagement with it.

The **Southeast Asia Initiative** is actively addressing upcoming elections in Malaysia and Cambodia. In Malaysia, since 2010 the Initiative has supported research, electoral roll analysis, national public interest polls, voter registration campaigns, election related media monitoring, trainings for domestic election monitors, citizen run monitoring websites and election observation coalitions. An increase in support in early 2013 is moving along three tracks: citizen and youth mobilization, election monitoring, and post-election preparation. In Cambodia, the Initiative is supporting citizen monitoring of elections; training of journalists on how to cover elections and provide adequate and reliable information to the public; journalists' safety; and human rights organizations' documentation of election related violations and abuse in the run up and during elections. The Southeast Asia Initiative also is working with the East-East Beyond Borders Program to bring together civil society actors from Southeast Asia and Africa to share experiences on using information and communications technology and social media in election monitoring. In the same vein, the Initiative worked with Central European University's School of Public Policy (CEU-SPP) to organize election monitoring training for Malaysian civil society as

² AfriMAP and OSIWA collaborated in producing a "how to" manual on setting up a situation room, which available at http://www.afriMAP.org/english/images/report/OSIWA+AfriMAP_Election-Situation-Room-Guide.pdf.

³ A brief overview of Africa advocacy missions for elections work, drafted by Senior Policy Analyst Sarah Pray, is attached as Appendix C.

well as a broader regional roundtable in Chiang Mai on election integrity. The regional roundtable included participants from Cambodia, Malaysia, Indonesia, Mongolia and Nepal.

The **Middle East and North Africa Program (MENA)** has had little direct engagement with elections in Arab countries, but does have useful individual assets. For example, the former head of the Tunisian election management body is on the regional advisory board, while the chair of the Afghan board also heads the main citizen monitoring group and the director of the Afghan foundation previously served on the election management board. It is preparing for upcoming elections in Pakistan (May 2013), which would be the first transfer of power between civilian governments, and in Afghanistan (April 2014), which poses both the opportunity of democratic progress and a risk, as the political transition will be occurring before there is a security transition. As mentioned above, there has been some very recent cross-fertilization amongst Afghanistan, Africa and Malaysia.

In the United States, **U.S. Programs** have been actively engaged through both grant making and advocacy in a number of areas related to elections in the United States, including voting rights, elections systems reform and the problem of secret money in politics. In response to coordinated, partisan efforts to shrink the electorate and deter voters from the polls (sometimes referred to as a “war on voting”), U.S. Programs support a voter protection hotline and monitoring effort (not dissimilar to the Situation Room); efforts to deter suppressive voting policies, including public advocacy campaigns to reinforce the need for challenged voting rights laws; and public education and communications work to shape an affirmative public discourse on voting. To modernize this country’s relatively antiquated elections processes and systems, U.S. Programs support a nationwide effort to train election monitors and poll workers; efforts to ease the voter registration process for low-income individuals; and efforts to upgrade voter registration systems. Finally, to reduce the undue influence of moneyed interests in the political and policy making processes, they support journalism that exposes the illicit flows of money in political campaigns; efforts to change Constitutional standards in order to facilitate regulation of campaign spending; and campaigns to advance public financing of elections in key states.

The **East-East Beyond Borders Program** has supported a number of exchanges addressing elections and electoral processes in addition to those mentioned above involving Southeast Asia. These include exchanges amongst Albanian and Bosnian organizations to create a “truth-o-meter” to evaluate campaign promises; amongst Slovak and Kyrgyz groups to share Slovakian experiences in engaging youth in the electoral process; and between the Open Society Forum-Mongolia and a Filipino group to support stakeholder engagement in reforming election laws to accord with international best practices. Other thematic programs also have supported elections-related work connected to their mandates, including the **Human Rights Initiative**,

focusing on barriers to the political participation of persons with disabilities; the **Think Tank Program**, focusing on research relevant to the conduct of elections; and the **Information Program**, focusing on information and communications technology. The **International Women's Program** has supported efforts to improve the capacity of women to participate in elections as well as to run for and serve in office. In addition, a lot of support provided by foundations and programs in areas ranging from media freedom to civil society capacity building to legal reform has an indirect bearing on electoral processes.

At George Soros's request, **Central European University's School of Public Policy (CEU-SPP)** is exploring the possibility of establishing a focal point for elections to develop authority and expertise in this field as part of its broader interest in institution building and in the future of democracy. In addition to the Southeast Asia activities described above, the SPP has addressed observation issues in connection with elections in Albania, Azerbaijan and Armenia. This unit also is deeply engaged in the follow up to the report of the Global Commission on Elections, Democracy and Security, which was convened by the Kofi Annan Foundation and the International Institute for Democracy and Elections Assistance.



Electoral Assistance in Africa

Introduction

Electoral assistance in Africa has evolved from pre-occupation with election observation in the 80/90s to a wide range of interventions that involve a variety of actors. Forms of assistance now include technical support aimed at strengthening election management, electoral systems design, voter registration, security of the ballot, and a host of other attendant issues that make electoral processes credible. An important development has been an increase in domestic capacity, especially civil society actors, to monitor elections and advocate for electoral reforms. This has meant that elections are monitored over a longer period of time by people who are knowledgeable about the context within which elections are taking place. This is a positive development compared to previous practices when small groups of foreign observers arrived a few days before ballot day and were expected to pronounce whether elections had been free and fair. Innovations such as parallel voter tabulation (PVT), situation rooms, and use of new information technologies have been employed to generate credible data that has been used to objectively assess elections in Africa and provide the much needed oversight. Support has also been provided for the development of legal and normative frameworks in the form of electoral law reforms and development of regional and continental standards. Groups that focus on elections at national and regional levels have contributed to the generation of useful data and much learning and knowledge sharing. Regional institutions and the African Union appear to be taking the conduct of elections much more seriously than before by developing electoral standards, observing member states' elections, and facilitating the establishment regional networks such as for electoral commissions.

Challenges

Yet, the credibility and legitimacy of elections in most African countries remain highly problematic. There remain serious concerns about whether elections are delivering democratic outcomes – whether elections are turning out to be a genuine expression of popular will. While the continent has moved from the somewhat simplistic and euphoric wisdom that multi-partism and elections define democracy, the quality of elections remains very varied across Africa. They vary from countries like Botswana, Ghana, Mauritius, South Africa, etc., where credible elections have been held, to places like Angola, Cote d'Ivoire, Kenya, Zimbabwe, etc., where elections have been shambolic. In worst cases flawed elections have triggered violent conflicts. In other instances illegitimate elections have resulted in state capture by ruling elite that is not accountable to anyone. Very few elections have resulted in transfer of political power, raising concern whether elections in Africa represent meaningful contestation for political power. Needless to say credible and legitimate elections are necessary for democratic and open societies. This is why the OSF and others are thinking about, and re-thinking the most effective ways to provide electoral support.

It should be acknowledged that elections in Africa are taking place in a context where democratic consolidation remains fragile. Attention needs to be paid to the wider context that relates to democratization of society and politics if elections are to be meaningful. There is no doubt that since the late 80s/early 90s significant progress has been made with many countries transitioning from autocratic one party state regimes to plural systems of governance. However key precepts of democracy that include participatory competitive politics, protection of civil, political, socio-economic, and minority rights remain under threat. Appropriate forms of electoral support have to take into account other determinants of democratization that include: open and unbiased media; access to information; transparently financed organized and accountable political parties; credible dispute adjudication mechanisms; and civilian control of the military.

What has been supported?

Effective electoral support should be provided in the context of an electoral cycle⁴ approach that recognizes the cyclical nature of electoral challenges and the inter-relatedness of the pre-election, election, and post-election period challenges.

African Union (AU) member states have made serious commitments to ensure that elections in Africa produce democratic outcomes. One of the principles contained in the AU Declaration on the Principles Governing Democratic Elections in Africa⁵ is that “*Regular elections constitute a key element of the democratization process and therefore are essential ingredients for good governance, the rule of law, the maintenance and promotion of peace, security, stability and development*”. All these are areas that our programs in Africa contribute to in one form or another.

Electoral support in Africa can be clustered under the following broad categories:

- **Constitutional/legal reform:** support to carry out reforms especially for countries that are in transition and are setting up institutions and regulatory frameworks for the conduct of elections.
- **Capacity building:** through technical assistance to electoral institutions such as election management bodies, voter registries, institutions responsible for delimitation of constituencies and adjudication of electoral disputes, for electoral systems design, and to political parties
- **Advocacy:** including but not limited to, electoral reforms, adoption and implementation of electoral standards, funding and management of political parties, civic participation (and in particular gender issues), rights of assembly and information or around electoral outcomes
- **Standards setting:** substantial support has been provided for the development and adoption of electoral standards by sub-regional and continental bodies including through normative frameworks or exchange of practices. Such standards are used as benchmarks to assess elections and commit member states to put institutional arrangements in place that promote credible electoral contests

⁴ <http://aceproject.org/ace-en/focus/focus-on-effective-electoral-assistance/the-electoral-cycle-approach>

⁵ Declaration on the Principles Governing Democratic Elections in Africa, adopted in July 2002 in Durban, South Africa

- **Election monitoring and observation:** increasingly support is being given to networks of domestic monitors because they can achieve more coverage with lesser resources. Support is also being given to regional and continental bodies. International groups still have an important role to play particularly where the electorate doesn't have confidence in local institutions (i.e. in electoral contests where there is a break-down of trust)
- **Post-election adjudication and mediation:** due to the highly contentious nature of elections in Africa and large number of disputed election outcomes, it is important to support processes that adjudicate and mediate between contesting parties in order to avert or mitigate post-election violence
- **Contributing to a conducive environment:** these are interventions that may not be specifically in relation to elections and electoral processes but have a bearing on the quality of elections. Interventions that aim to promote independent and plural media, improve protection of human rights and basic freedoms, build awareness and train security forces charged with ensuring safe contests, and strengthen access to justice and respect for rule of law.

OSF Support

Working through the Africa foundations and other entities within the network such as AfriMAP, OSJI and the Africa Advocacy initiatives (DC, Brussels, Nairobi), OSF has supported interventions in several of these clusters. The following are recent forms of support that OSF work in Africa has involved:

OSF-SA: Supported the Election Monitoring Network (EMN), which comprised of numerous CSOs and CBOs, and particularly faith communities. The EMN's mandate is to track and monitor electoral violence and intimidation. Overall, the EMN has been quite successful in raising the profile and shining a light on areas where electoral violence has threatened the integrity of the elections themselves. Its strength was in the sizeable network that it established which enable it to cover a large part of the territory and and to respond rapidly to incidents as and when they occurred. This was especially the case during the 2009 general and 2011 local government elections, given the breakaway and challenge posed by COPE and the split within the IFP.

During both the 2000 and 2011 Local Government elections the foundation developed an election manual as a resource for journalists covering the elections. The manual/handbook included all relevant legislation, rules and institutions. As well as an extensive contacts list of relevant electoral and state officials, CSOs and political party officials. The handbook is geared towards journalists and designed as a comprehensive but easily accessible resource.

During the 2011 local government elections the programme gave a grant to Idasa to develop and disseminate information about private political funding and the forms of private support to parties during this period. However, this grant became somewhat problematic as tracking private funding, given South Africa's lack of legislation/regulation, is incredibly difficult. This project eventually focussed more on incidents of vote buying, where state resources such as food parcels/the promise of access to grants were used to reward potential voters to support the governing party.

OSIEA:*Kenya*

In 2006/7 the foundation supported a voter registration campaign targeting the youth. The *Vijana Tugutuke* (Youth Awake!) used popular culture such as music concerts to urge young voters to register. Voter apathy among the youth (18 – 35 years) was high. The youth comprised 60% of the population during the 2002 elections yet only 8.8% of those that voted were youth aged 18-25. Those attending concerts were required to bring identity cards or voter registration cards to enable entry. Those not registered as voters were required to register. Electoral Commission officials in attendance at the concerts would register those who were unregistered before they could enter the concert. An independent evaluation of the project by the Steadman Group concluded that 2.4 million of the 4 million newly registered voters could be attributable to the campaign.

One of the most successful collaborative efforts among OSF entities was in the aftermath of the 2007 Kenyan elections. A disputed electoral outcome led to unprecedented violence that resulted in the death of more than a thousand people. OSIEA supported efforts of the Kenyans for Peace through Truth and Justice (KPTJ) coalition, which brought together a number of civil society individuals and organizations calling for truth around the elections and justice for the ensuing post-election violence. The advocacy aimed to bring an end to the violence, to support dialogue between incumbent Mwai Kibaki and his opponent Raila Odinga, and to persuade both sides to commit to the creation of an interim electoral oversight body to audit the elections and propose a way forward. Additionally, the advocacy sought to ensure that all policy players fully supported the Kofi Annan led African mediation effort. Within OSF, the effort brought together OSIEA at the national level; AfriMAP, AU Advocacy, OSJI at the sub-regional and regional levels; and OSF offices in Brussels, London, New York and Washington for international advocacy. Different approaches and strategies were used that included grant making, advocacy at both national, regional and international levels, direct high level engagement by the OSF president with UN Secretary General, the South African government, and the UK Minister for Africa, facilitation of visits by Kenyan CSOs to access key policy makers in New York, Washington, Brussels, London, and Geneva. Although no independent evaluation of this initiative has been done, the efforts of OSIEA supported KPTJ and combined efforts of OSF advocacy contributed to the successful resolution of post-election violence in Kenya.

In the run-up to the March 2013 elections, OSIEA has supported a number of initiatives that include a new youth voter registration drive, exchange visits to learn from others, e.g. the Situation Room model of CSO election monitoring that OSIWA has been supporting in West Africa.

Uganda

In an attempt to pre-empt and prevent what post-election violence that engulfed neighbouring Kenya following the 2007 Presidential elections, OSIEA partnered with the Human Rights and Peace Centre (HURIPEC) of Makerere University to learn from Kenya's experience and identify steps needed to avert possible violence in 2011 through a series called "Is Uganda the Next Kenya".

With the support of OSF's Africa Advocacy office in Washington DC, International Advocacy in London and Brussels, OSIEA partnered with a Ugandan NGO, Advocates Coalition on Development and Environment (ACODE), to engage Uganda's partners in those European and US capitals to use their clout with the Uganda government to ensure respect for human rights and a free and fair and violence-free 2011 elections. OSIEA also used the opportunity to make initial links with EU, UK, US state agencies and NGOs in the US and Europe for future advocacy. Although most state officials in these capitals were not sympathetic to OSIEA's human rights arguments (because the situation was worse in Afghanistan, for example) they did take note of OSIEA's concerns.

In the context of closing political space in the lead-up to the 2011 Ugandan elections, OSIEA collaborated with AfriMAP to commission a review of Uganda's compliance with international and regional standards for the conduct of elections. The review covered issues such as preconditions for electoral participation, the electoral process and management, and electoral dispute resolution. The report made it possible for OSIEA to engage with Uganda's Electoral Commission directly on what could be done within the remaining time to avert the kind of electoral violence witnessed in Kenya in 2007. Rounds of in-country meetings took place between the OSIEA and the researcher on one hand and various diplomatic missions in Kampala on the other. The report was then brought to international attention through the efforts of the Africa advocacy team (see below).

Sudan

The foundation supported a project, known as Sudan Vote Monitor (SVM) that sought to enable domestic election monitors to "amplify their voices" i.e. to collate information which they gather and reflect it in live-time, thereby promoting transparency and contributing to assessments of the freeness and fairness of the elections. The grant was extended to cover monitoring and reporting on the 2011 South Sudan referendum.

OSISA: OSISA's objective is to promote transparency in elections and electoral systems. OSISA's work in human rights, including support for human rights defenders, civic education, access to justice, and media contributes to a conducive environment for credible elections. More specifically OSISA has provided support for election observation by domestic and regional groups. It has also supported development of electoral norms and standards by groups such as the SADC Parliamentary Forum (SADC-PF) and SADC Electoral Commissions Forum (SADC-ECF). OSISA supported the SADC-ECF to carry out capacity building for the DRC election management body and has been instrumental in filling donors' gaps and developing local capacities for civic education and civil society engagement in monitoring and observation (such as AETA in DRC). Support has been provided for advocacy around elections in DRC, Zimbabwe, and Angola in collaboration with the other OSF advocacy entities.

OSIWA: OSIWA supports efforts to strengthen the ECOWAS Electoral Assistance Unit (EAU) to enable the unit to deliver on its mandate to improve the electoral environment, bring about adherence to electoral standards and norms, and democratize the institutions and processes for conducting elections. ECOWAS/EAU has become a key part of the Department of Political Affairs and

the main vehicle through which ECOWAS intervenes in electoral matters. ECOWAS/EAU facilitated the establishment of ECONEC, a network of electoral commissions in West Africa. OSIWA has supported capacity building for EMBs in Senegal, Benin, Niger, and Nigeria.

OSIWA also supports advocacy and engagement aimed at encouraging West African states to adopt and implement the African Charter on Democracy, Elections and Good Governance (of the African Union) as well as the ECOWAS Protocol on Democracy and Good Governance (a supplement to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security). OSIWA collaborated with AfriMAP to produce a study of election management bodies in West Africa. Recommendations of the report have provided a basis for OSIWA's engagement with the Network of Electoral Commissions in West Africa (ECONEC) and for follow up by Africa advocates engagement in relation to specific countries situations (such as Senegal).

The foundation has supported an innovative approach to election monitoring by CSOs called the "Situation Room"⁶. The Situation Room is a composite model of election monitoring that makes effective use of ICTs and combines elements of early warning and parallel vote tabulation. This form of civil society election monitoring has been able to produce synergies with electoral officials, security actors, and external observers in a way that classical election observation would not. OSIWA has supported Situation Rooms in Ghana, Liberia, Nigeria, Senegal and Sierra Leone. CSOs and political parties in Guinea have requested assistance to set up a Situation Room for the upcoming legislative elections. CSOs in East and Southern Africa are engaging OSIWA to draw lessons from the Situation Room model.

Other forms of support have been to media for election reporting, for civic education, election campaign debates, and advocacy for policy reforms. Future support is planned in areas such as controlling the cost of elections, examining the role of security forces in elections, strengthening electoral dispute mechanisms, increased party campaign capacities, increasing transparency through use of ICTs, and CSO monitoring through the Situation Room.

AfriMAP: AfriMAP's main mandate has been to monitor the extent to which African governments comply with democracy, human rights and democracy commitments.

AfriMAP's research has included elections related work. The program has produced two election specific reports. The first is "*Election Management Bodies in West Africa*" published in 2011. It is an in-depth study of electoral management bodies in six West African countries that assesses their contribution to the credibility and legitimacy of elections and makes recommendations for reforms. Research for a similar report for East Africa is under way and should be finalized in the latter half of this year. The second is a review of election management in Uganda that evaluates the compliance of Ugandan electoral law and practice with international and regional standards governing the conduct of elections that was published in 2010.

⁶ See Making Elections Work: A Guide to Setting Up a Civil Society Election Situation Room <http://www.afriMAP.org/Report/Making+Elections+Count>

All the AfriMAP reports on democracy and political participation have a chapter on elections that discusses issues such as the legal and institutional framework, electoral management, electoral system design, election observation, electoral disputes, and makes recommendations for reforms. The published reports are distributed to policy makers and other actors in the respective countries and internationally. The reports are also available on the AfriMAP website.

Current activities include the completion of the East Africa EMB study and updating the West Africa study in light of recently held elections. AfriMAP will collaborate with foundations regarding follow-up advocacy regarding elaboration of standards related to EMBs both at sub-regional and continental levels. Depending on opportunities and requests for such information AfriMAP may commission studies similar to the one done for Uganda that assesses the state of election management in a specific country.

OSEPI: The Open Society European Policy Institute (OSEPI), formerly OSF's Brussels advocacy office has engaged with elections in a number of African countries in collaboration with and to complement work of the foundations.

Because of the strategic importance of the 2011 DRC elections for both OSF and the EU, OSEPI undertook a number of interventions that included: briefing the EU preparatory and fact-finding mission using the AfriMAP political participation report; in consultation with OSISA, regularly briefed the head of the EU Election Observation Mission using analyses and concerns raised by the OSISA DRC office; facilitating high level advocacy in coordination with OSISA and Mr. Guehenno with key EU policy makers including providing OSISA supported civil society monitors' reports to EU decision makers; facilitating contacts between OSISA-DRC office and EU election monitors and other observer missions such as the Carter Center ; as part of post-elections follow-up continued to work with the Brussels based civil society working group on DRC recommending reforms of the electoral commission and the urgent need to hold local and provincial elections. Through its engagement with elections in the DRC OSEPI has been able to provide objective information about elections and electoral processes in the DRC that has been factor in EU decision making. OSEPI is considered a relevant actor as evidenced by requests by the EU for OSEPI to advise on governance reforms that the EU should support in the aftermath of the elections in the DRC.

At the request of OSIEA and the Uganda country office and in view of the EU EOM to Uganda an advocacy visit was organized with EU representatives from the office of the (then) EU Special Representative for the Great Lakes; the EU Commission election monitoring services and the External Action Service Uganda desks. Recommendations were delivered based on the above-mentioned AfriMAP report and a summary brief. The impact of this activity is not clear: whilst the information shared has been highly appreciated by EU decision makers, EU initiatives in Uganda seem subject to the interests of Anglophone member states and the EU issued a congratulatory statement to Ugandan authorities for holding peaceful and orderly elections. Uganda is a typical case where the EU seems to have traded stability for democracy.

Senegal was identified as a country of concern for OSF advocacy due to attempts by President Wade to manipulate the constitution in order to stand for a third presidential term and appoint his son as vice-president. These developments were considered serious threats to the country's and the region's stability. For a long time Senegal had been an oasis of stability and democracy in a volatile region. The advocacy group organized extensive fact finding. Contacts with European partners highlighted synergy of views between the European Union and OSIWA's concerns. OSEPI facilitated discussions between OSIWA and the EU delegation in Dakar: this has led to improved donor-to-donor coordination in election support initiatives (notably in relation to media funding). EU decision-makers at HQ in Brussels have been regularly briefed based on information from OSIWA. Awareness-building has consisted discussions with the head of the Africa directorate at the EU External Action Service and publication/dissemination of an opinion piece. Post-elections concerns may be the focus of increased and specific advocacy efforts.

As part of OSIEA's engagement with the Kenyan election process, advocates were invited to conduct a fact-finding mission to evaluate the degree of progress in institutional reforms in view of the upcoming elections; assess the political environment and provide advice for an advocacy strategy to OSIEA. Findings from the mission identified support for the Chief Justice and the US as a key entry-point for immediate advocacy. Mid-term advocacy efforts have focused on voters' registration and shortcomings in the Electoral Commission preparedness. Currently advocacy efforts are focusing on possible post-election scenarios and the consequences of a possible ICC inductee win. Upon announcement of the deployment of an EU Election Observation mission to Kenya, OSEPI has begun briefing the EU parliamentary services in charge of heading the EOM.

OSF-DC: Advocacy on African elections includes targeting U.S. government (USG) officials on their policy and programming. Interventions include: calling for specific messages and policies from the State Department and White House; advocating for Congressional resolutions and/or Congressional letters to USG and other government officials; working with other NGOs in Washington D.C., such as NDI, IRI, and IFES that work on electoral issues to issue recommendations for USG-sanctioned electoral observation missions, etc. Past interventions have included elections in Uganda, Nigeria, Senegal, DRC, and are currently focus is on Kenya and Zimbabwe. OSF attends roundtables with the Assistant Secretary of State for Africa ahead of most major elections, using the opportunity to communicate recommendations of OSF foundations. Ahead of the Sierra Leone elections, OSF DC together with OSIWA communicated what the USG should be doing ahead of election day. OSF's voice becomes critical being one of the few organizations based in DC with direct links to locally based civil society organizations.

The work around the Senegal elections is a good example of collaboration between OSF-DC, the foundations and with the USG. During the last Senegalese election there was a very open and broad level of communication between OSIWA and OSF-DC, in part due to an Advocates visit to the country that enabled distilling information relevant for briefings for US policymakers. Ahead of the elections, there was engagement with the State Department as they pressed then President Wade on the hot issue of his eligibility to run for office. The good work and credible information coming out of the of the election situation room (that had also been done so in Nigeria) feed information to

policymakers, who were hungry for that crucial real-time information. That helped shape what was ultimately a very strong and consistent message from the USG to the Presidential candidates and electoral commission in Senegal that the US expected a credible, free and fair election and that Wade must step aside should the results dictate. Ultimately, this message was successful as were the elections.

Engagement with the DRC elections did not produce successful outcomes when contrasted with the outcomes in Senegal. The messages from Washington and the embassy were weak, ineffectual and ultimately, undermined US's credibility to urge governance reforms in DRC. Although there was a good working relationship with the local foundation and a strong network of civil society activists funneling information and ideas, the advocacy was less successful. The demand from the USG both for information and policy propositions was lower, because of the decision by the USG that the status quo was acceptable, and a sense of hopelessness about the elections and Congo fatigue.

In 2013, OSF-DC will continue to work closely with OSIEA on the Kenyan elections and have been part of many policy discussions debating what USG policy should be in the different scenarios with the different outcomes, depending on how Election Day goes, who runs and who wins, and if there is violence, there are a host of different opportunities for USG policy. Work is being done with policymakers on defining USG expectations, communicating messages for consequences publicly and privately and relaying Kenyan partner's concerns. In 2013, plans are underway to undertake a coordinated advocacy effort in partnership with OSISA on the Zimbabwe constitution and elections.

Common problems

In 2013 elections will be held in 21 African countries⁷ with the bulk of them likely to be contentious and to face common challenges.

Using African and international standards, AfriMAP assesses the extent to which electoral practice and institutions comply with requirements of democratic elections⁸. While each country faces peculiar challenges regarding elections, there are some issues that are common to most countries.

Electoral systems design: Invariably the research finds that there is need to reform the electoral system. Most electoral systems contribute to electoral disputes with voters feeling that their votes did not count. This is often the case with the First Past the Post (FPTP) winner takes all system used in many countries. The Proportional Representation (PR) system that uses closed party lists attracts the criticism that voters do not actually exercise meaningful choice in terms of the candidate they vote for resulting in elected officials being more accountable to the party than to the electorate. Even in countries where elections are well run such as Ghana and South Africa, the issue of electoral system reform keeps coming up. Electoral systems design has also been commonly reported in the Africa Peer Review Mechanism (APRM) reports.

⁷ Electoral Institute for the Sustainability of Democracy in Africa (EISA), African election calendar 2013, <http://www.eisa.org.za/WEP/calendar.htm>

⁸ Six reports have been published (Benin, DRC, Ghana, Mozambique, Senegal, and South Africa), five reports are about to be published (Kenya, Lesotho, Malawi, Swaziland, and Zambia)

Election management bodies: Election management bodies are also a common concern especially regarding their independence, impartiality and professionalism. In many instances it is due to poor management of the process by EMBs that the entire process ends up discredited.

Violence: Election related violence is another common issue that characterizes African elections in part because elections are mostly a zero sum game. Winning an election also means access to national resources by individuals and communities. The political transitions that ushered in political pluralism and regular multi-party elections did not address issues of contestation over state power, struggle for distribution of resources, social stratification and diversity premised on identity, gender and ideology. All these factors have combined to breed violence during election campaign and post-election periods.

Election dispute adjudication: In most of the countries there are inadequate mechanisms to adjudicate and mediate election disputes. Often the judiciary and the police are partisan because they are part of the ruling elite.

Voter registration: Yet another common issue is voter registers and registration processes whose data accuracy is often very questionable leaving the whole process vulnerable to manipulation.

Political parties: The state of political parties does have a bearing on elections. A major and common concern is funding of political parties. Usually the incumbent party has an unfair advantage by having access to state resources such as state media, vehicles, and other state infrastructure. This makes the political playing field grossly uneven and reduces the chances of other contestants to win state power. Lack of internal party democracy means that voters end up electing candidates that are imposed upon them. On the other hand potential candidates are excluded from participating in organised politics. This renders meaningless the notion that elections are an exercise of choice by voters about who governs them.

Election observation and monitoring: by domestic and foreign groups has become a generally accepted electoral norm. Rarely are election observer missions' recommendations addressed in between elections. The same problems that affected the last election are likely to recur during the next election.

African elections discourse in OSF

OSF foundations in Africa as well as other OSF programs working in Africa have been engaged in discussions to explore options for effective electoral support⁹.

2005 Goree Institute meeting

In January 2005 OSF together with other donors supported the Goree Institute to bring together a wide range of organizations and individuals working on elections in Africa to discuss electoral

⁹ Discussions have taken place mainly in the context of the Africa Advisory Board (AAB), its successor- the Africa Coordination Group (ACG), and the Africa Advocacy Group (AAG). An Africa-Elections KARL community was set up in 2008 to enable information sharing on African elections.

reforms. One of the ideas that came from that meeting was the need for a pan-African specialist resource platform that could evolve into an Africa Elections Centre. The Centre could provide leadership in areas such as elections learning and resource sharing, electoral reform capacity building, standards and norms development, networking among electoral stakeholders. A concept paper was developed by OSISA and OSIWA, start-up resources were earmarked by the two foundations, and candidates for the director of the Centre were short-listed and interviewed. The Centre never got off the ground however, probably due to the changing context since the concept was first proposed. Subsequent discussions within the AAB raised uncertainty about the value such a center would add to already existing (?) responses to electoral challenges in Africa.

2009 Donors' meeting

In February 2009 OSF convened a donors' meeting in Dakar attended by Ford Foundation, Atlantic Philanthropies, MacArthur Foundation, and Trust Africa. One of the topics for discussion was the promotion of electoral democracy. Recent elections in Kenya, Nigeria and Zimbabwe were singled out as inspiring little confidence in elections in Africa. Noting that the conduct and quality of elections in most African countries was a major area of deficiency, scepticism was expressed on whether the substantial amount of electoral assistance provided to the Continent has been effective in effectively delivering on democratic expectations. A consensus emerged that it was critical for those involved in democracy building to have a clearer understanding of what has or has not worked in order to prioritize and design effective electoral assistance programs.

Learning from Ghana's 2008 elections

In May 2009, OSIWA co-convened together with the West Africa Civil Society Institute (WACSI) a workshop on elections in Africa drawing from the 2008 Ghana elections. Issues such as the role of external actors and compliance with regional norms and standards were discussed. The discussions included: long term electoral support and as opposed to support aimed at the balloting process; need to rethink our strategy and policy on engaging political parties; support for harmonization, rationalization, and implementation of electoral standards; supporting capacity building to manage political transitions; and supporting advocacy for the ratification of the African Charter on Democracy, Elections and Governance (ACDEG).

Re-visiting OSF's support for elections

In November 2010 a substantive part of the Africa Coordination Group (ACG) meeting in London, was devoted to elections and electoral support. The first part of the discussion was a panel of electoral experts from Ghana, Nigeria, and Kenya. The discussion identified major threats and gaps to elections in Africa. In particular it emerged that: elections have slowly replaced coup d'états as primary methods of regime change; There are on-going problems such as reliability of voter registers, difficulties with verification and updating registration, voter fraud, and seasonal staffing of election management bodies. There are also complex problems regarding inconsistent election funding, lack of campaign finance regulation, independence of EMBs, entrenched patterns of ethno regional voting, depressed economies that created opportunities for youth militias, and weak

election dispute adjudication mechanisms. The panel also examined the legal and regulatory frameworks within which elections are being held. The discussion noted the serious systemic issues that were characterized by progressive centralization of power in the executive branch that have turned elections into a zero sum game. The neoliberal approach to elections fails to address design problems where ethnicity, exclusion, poverty, and other factors are central to elections.

A closed session of the meeting considered whether OSF's engagements should be context specific or generic; short, medium or long term; and technical or political. The group also discussed the level of focus noting that the most useful interventions have been on specific counties and contexts. It was obvious that foundations would lead on country specific interventions but priority thematic interventions would need to be determined. The meeting agreed to set up a steering committee whose goal was to coordinate existing work in order to become more effective.

Way forward

It is clear that OSF Africa foundations and programs have been providing electoral assistance as well as searching for effective ways to provide support aimed at improving the quality of elections in Africa. There is no doubt that some of the interventions have had a positive effect on elections. It is important however that in an effort to increase the impact of its investments in this area, OSF looks at how support for elections can be better systematised and coordinated. What is required is a clear sense of what OSF means by electoral support (in particular reflect on the link between elections as time-bound events and democratisation processes); where the gaps are and added value identified and who is doing what in the area of elections. Elections are a crowded stage. For some actors the entire focus is on elections and elections themselves are the bulk of their specialization. While for others electoral support is one of several objectives. Given that there are a number of actors in this field whose specialization and expertise is more than that of OSF, it is critical that OSF clearly articulates the value that its investments bring to this field. For reasons discussed earlier, strong grounds can be advanced that justify OSF's support for credible elections in Africa. In order to decide the best form of electoral support that OSF should provide the following should be undertaken:

- Mapping of electoral support currently provided, by who and for what purpose
- Analysis of challenges that African elections face
- Identification of gaps in the current forms of support
- An articulation and documentation of OSF interventions that have/not been successful
- Definition of outcomes that OSF interventions could contribute towards particularly in relation to the wider objective of encouraging the development of democratic environments
- Design of strategies that respond to elections as a cycle and not an event
- Engendering better collaboration and coordination between the different parts of OSF as well as with other non-OSF entities working on elections in Africa.

Africa Advocacy Missions for Elections Work

In Africa, we have found that elections represent a key opportunity for coordinated and sustained advocacy as they often result in heightened repression towards civil society, the media and the shrinking of political space. They are periods where threats to open societies become particularly evident. This is why, in the run up to elections, Open Society steps up its advocacy: to safeguard and protect that open space and earn the support of both local and international actors for free and fair political contests.

The international Africa advocates of OSF have created a "mission" centered approach to election work. In three cases - Nigeria, Senegal and Kenya - the Africa advocates team (which includes AU, UN, UK, EU and US advocates) travel to the country of focus for a week-long mission. We do so usually at the request of the foundation and are always closely coordinated with our local offices. This trip forms the basis of an extended period of sustained and coordinated advocacy. In each of the three cases, the advocates will meet with a wide-ranging group of experts on the ground, including NGOs, government officials where appropriate, academics, journalists and others. Gathering these diverse perspectives, the advocates then collectively come up with a strategy, which usually spans 6 months of work, and then simultaneously execute said strategy in the different international capitals.

A few key lessons learned from these three trips:

-Divide and conquer. When determining who attends such a trip, we focus on where the advocacy targets will be and who can influence these targets. For example, we usually will have advocates from the US, UK, EU, UN and AU as they are the main points of influence and leverage with many African governments. As the number of advocates traveling to the country can sometimes be large, anywhere from 5-8 people, we would often split into two teams so as to maximize our time spent on the ground without overwhelming the meetings. We then share knowledge.

-Leave the big city. It is very important to meet the high level figures in government, the judiciary, police, etc. in the capital as it gives credibility in our engagements with officials in our respective policy communities. However, to get the full perspective, we have found it imperative to get outside of the capital on our missions. This in turn also adds credibility because embassy officials do not always have the time/option to go to the places that we can. We have found that these outside trips are often where the most significant learning happens. For example, in Nigeria, one half of the team went to Jos, a hot spot for violence (this also fed into our longer-term advocacy campaign beyond the elections). In Senegal, we went to Touba and Tivaouane, to meet with the leaders of the two main religious groups and were able to better understand their significant influence on the political process there. In Kenya, half the advocates went to the Rift Valley, the epicenter of the 2007-8 post-electoral violence and half went to Mombasa, where current ethnic and religious tensions pose significant challenges.

-Under-the-radar missions possible. When a large delegation is not possible, for example, in a hostile environment, it is still possible to undertake such a mission, albeit in a much lower-key manner. For

example, this was our approach in Zimbabwe. In 2013, Zimbabwe will hold a constitutional referendum and a general election. As the Zimbabwean government is very hostile to civil society and particularly hostile toward OSF, there was no way an "official" mission would be possible. However, two advocates went on a much smaller scale trip in February 2013 and will feed back their acquired knowledge and suggestions for advocacy initiatives to the broader group.

- **Very specific and targeted goals work best.** The missions have proved critical in helping shape a common vision for joint advocacy across the different OSF offices. For example, after the 2012 trip to Kenya, the advocates determined, after meeting with many in civil society and government, that the most significant impact we could have would be to help raise the profile of the Supreme Court Chief Justice, a reformer named Willy Mutunga, whose judicial transformation work was key to the success of the Kenyan elections, but also put him at risk for politically motivated attacks. Following our trip, OSF advocates discussed with policymakers from the UK, UN, EU, AU and US about Chief Justice Mutunga's work and his vulnerability. We also arranged a series of high-profile meetings in Washington, D.C. and although it is impossible to prove a negative, so far, Chief Justice Mutunga has stayed safe and is constantly applauded by the international community.