




## Chapter 19

# The Role of the African Union in Elections

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### Introduction

In 2002, a new organisation, the African Union (AU), replaced the Organisation of African Union (OAU). One of the objectives of the OAU was to “promote democratic principles and institutions, popular participation and good governance” (AU 2000:5). This objective was based on the principles of “respect for democratic principles, human rights, the rule of law and good governance” (AU 2000:7) The objective and principles stated here as captured in the Constitutive Act of the organisation reveal its commitment to democratic principles which include regular, free, and fair elections. Before the AU was launched in 2002, the member states of the OAU had taken giant steps towards holding multiparty elections. For instance, from 1990 to 2001, about 175 presidential and parliamentary elections were held (see table below). Although most of its member states were already holding regular multiparty elections, there were fears that unconstitutional changes of governments would derail their efforts. In 2000, the OAU had to adopt the Lome Declaration on Combatting Unconstitutional Changes of Government (UCG) to guide against backtracking from the democratic path. Consequently, the new continental organisation had to carve a niche in terms of its role in promoting democratic elections.

This chapter examines the role that the new entity has played in achieving its objective of promoting multiparty elections



from 2002–2022, during the two decades of its existence. In doing this, the chapter examines the norm setting role of the AU, as well as the steps it took to promote credible, transparent, and peaceful elections. This chapter argues that, during the two decades of its existence, the AU took bold and commendable initiatives to establish the relevant norms and standards to guide democratic elections. However, what remains to be done is for the organisation to explore the enforcement of such norms and standards to ensure that elections conducted in its member states conform to agreed international, regional, and national standards.

## **Setting Norms: Towards Acceptable Standards for Democratic Elections**

### **Pre-2002 norms**

Before 2002, the OAU had developed some norms that related to constitutional democracy, human rights, and the rules of law, for the governance of the continent. These norms, however, did not make direct references to multiparty elections and democratic institutions. From 1963 to 2001, there were only two related norms: the African Charter on Human and Peoples' Rights (ACHPR) in 1981, and the Lome Declaration on Combatting Unconstitutional Changes of Government in 2000. The African Charter on Human and Peoples' Rights focused broadly on human rights with subtle references to political rights to the effect that, "Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with provisions of the law" (OAU 1981). The fact that most member states of the OAU were under military rule or one-party states prevented the exercise of such rights. On its part, the Lome Declaration on Combatting Unconstitutional Changes of Government was established at the time when most member states had started holding democratic elections. It sought to protect democratic institutions and guide against a return to the era of military coups and called for the "organisation of free and regular elections, in conformity with existing texts". The Lome Declaration was useful to the extent that it set the tone for the development of other norms from

2002 and thereafter ostensibly to promote democratic elections and institutions.

**Norm setting: From 2002**

The period from 2002 to 2022 can be characterised as an era of norm-setting during which the AU developed far more norms than its predecessor (OAU) did from 1963 to 2002. This reflected the urgency the AU attached to democratic principles and the desire of the organisation and its member states to build the needed foundation for democratic consolidation necessary for development. In direct relation to elections, three important documents were adopted. The first was the OAU/AU Declaration on Principles Governing Democratic Elections in Africa (2002), followed by the African Union Guidelines for Electoral Observation and Monitoring Missions (2002) and the African Charter on Democracy, Elections and Governance (2007). During this period, the AU also adopted other norms that this author considers relevant to the democratisation process as they are aimed at providing a conducive environment for a peaceful and developed Africa, including:

1. the Protocol Establishing the Peace and Security Council of the African Union (2002);
2. the African Union Convention on Prevention and Combatting Corruption (2003);
3. the Conference on Stability, Security and Development Co-operation in Africa (CSSDCA) Memorandum of Understanding (2003);
4. the African Peer Review Mechanism (2003);
5. the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003);
6. the African Youth Charter (2006);
7. the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009)'
8. the 50<sup>th</sup> Anniversary Solemn Declaration on Pan-Africanism and African Renaissance (2013);
9. Agenda 2063: The Africa We Want (2013);
10. the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons (2016);

11. the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (2018); and
12. the Protocol to the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (2018).

For this chapter, the three key norms – the OAU/AU Declaration on Principles Governing Democratic Elections in Africa (2002), the African Union Guidelines for Electoral Observation and Monitoring Missions (2002), and the African Charter on Democracy, Elections and Governance (2007) – are discussed.

### **The OAU/AU Declaration on Principles Governing Democratic Elections in Africa**

Following the Lome Declaration on Combatting Unconstitutional Changes of Government in 2002, the AU, two years later, produced another declaration that focused primarily on principles of democratic elections. The declaration demonstrated the commitment of the AU to upholding the tenets of democracy and served as the foundation for the development of the African Guidelines for Electoral Observation and Monitoring Missions and the African Charter on Democracy, Elections, and Governance.

For the first time in the history of the OAU/AU, this declaration focuses on an important issue, which is the fact that elections should be the basis of electing leaders and should be held regularly under democratic constitutions, managed by a competent election management body (OAU 2002). The declaration further emphasises the importance of member states establishing institutions to address critical issues such as citizenship and the compilation of voter registration. It also highlights the need for impartial bodies to resolve electoral disputes, protect civil and human liberties – including freedom of movement, assembly, association, and expression – and promote civic education, voter awareness, and the active participation of women in electoral processes (OAU 2002). Another important highlight of this declaration was the need to address electoral fraud as part of an effort to guide peace and security, provide

funding for political parties to enable them to take part in electoral processes, and provide protection for parties taking part in an electoral process and transparency of the elections (OAU 2002). While providing citizens with a wide range of rights, the declaration calls on citizens to refrain from actions that could contribute to electoral violence and fraud, and actions that would undermine the elections management body. Voters and citizens should also be sensitised to accept the final outcome of legitimate elections (OAU 2002).

This chapter holds that the declaration was very helpful in setting standards for democratic elections and the yardsticks by which the performance and behaviour of member states would be measured. The declaration duly marked the foundation of AU's critical role in elections. The standard set by the declaration is adequate and, if followed by member states, it would have addressed most of the election-related problems that would arise.

### **The African Union Guidelines for Electoral Observation and Monitoring Missions**

The AU Guidelines for Electoral Observation and Monitoring Missions focuses on criteria for determining the nature and scope of AU election observation and monitoring missions, mandates, rights, and responsibilities of AU election observation and monitoring missions, and the code of conduct for AU observers and monitoring. On the criteria for determining the nature and scope of AU election observation and monitoring missions, the AUC is expected to assess countries preparing for elections, using the principles governing democratic elections as the basis or guide. In view of this, the assessment mission aims at determining if the right legal framework and independent institutions are in place for the conduct of credible elections. The level of freedom, the right of political parties to campaign freely, and the extent to which the general security environment allows for the conduct of polls are the other issues that need to be assessed (AU 2002).

With regard to mandates, rights, and responsibilities of the election observation and monitoring missions, the guidelines define election observation as “gathering information and

making an informed judgement”, and election monitoring as “the authority to observe an election process and to intervene in that process if relevant laws or standard procedures are being violated or ignored”, while technical assistance “takes the form of technical support and advice to Electoral Commission[s]” (AU 2002). The assessment team must determine the nature of the mission to be deployed. It needs to be emphasised that, in spite of the fact that the mandate allows for monitoring missions, the AU has never deployed them, because it could be considered as interfering in the electoral process of member states. The AU will need to explore the possibility of monitoring missions on case-by-case basis, in situations where there is a need for a more robust involvement in a member state’s electoral process beyond election observation. The practice has been that the AU has always deployed an election observation mission which only involves “gathering information and making an informed judgement” on the electoral process and advancing recommendations for improvement in future elections (AU 2002). Finally, the guidelines require that AU observers be guided by a code of conduct, which includes respecting the national laws of the host country, observing strict impartiality, being factual in reporting on the electoral process, and bringing irregularities to the attention of election officials (AU 2002).

### **The African Charter on Democracy, Elections, and Governance**

Five years after the Declaration on the Principles Governing Democratic Elections in Africa and the Guidelines on Electoral Observation and Monitoring Missions, the AU decided to initiate a more binding norm to safeguard democracy, elections, and governance standards; thus, the draft of the African Charter on Democracy, Elections and Governance (ACDEG) was drafted. Like the previous document, the ACDEG is based on the same principles of the other declarations, including respect for human rights, democratic principles, national constitutions, and rules of law; promotion of representative government, popular participation, gender equality, political pluralism, regularity, and transparent elections; political pluralism; separation of powers; and condemnation and rejection of acts of corruption, related offenses

and impunity and total rejection of unconstitutional changes of government (AU 2007). The remaining chapters of the declaration are devoted to the role and responsibilities of state parties to democracy, the rule of law and human rights, the culture of democracy and peace, democratic institutions, democratic elections, sanctions in cases of unconstitutional changes of government, and political, economic, and social governance. For the purposes of this chapter, the section on democratic elections will be discussed further.

Under Chapter 7, Article 17 of the ACDEG, African political leaders reiterated their commitment to democratic elections as the only means of electing leaders and governments, and called for the need for national governments to put in place capable independent electoral bodies, effective and impartial measures for settling electoral disputes, and access to the state media by all contesting parties during elections. Article 18 then delineates the role of the Democracy and Electoral Assistance Unit, under the executive council decision in 2006, to facilitate the needed assistance to member states who may be required to strengthen their democratic institutions and processes. In doing this, the charter provides practical steps for the organisation of credible elections. Further, Article 18 makes provision for the observation of electoral processes of members states by the AU to ensure that they conform to the standards set in the charter and other decisions before it.

Since its adoption, the charter remains the most comprehensive document for the promotion and protection of democracy and elections on the continent. It is also one of the most signed and ratified treaties of the AU, with 46 signatures and ratifications as of September 2022 (AU 2023). The full application of the charter will ensure that common standards of democratic practices and institutions exist across the continent. The three norms discussed above attest to the centrality of elections and the democratisation processes for the advancement of peace and security and ultimately the attainment of inclusive socio-economic development in Africa.

## **Elections in Africa: 1990-2022**

This section focuses on the record of elections in Africa from 1990 to 2022. This is to understand and situate the role of the AU in elections since its inception. After the AU was formed in 2002, elections became more regular on the continent compared to the 1980s, when several countries were under military rules or one-party states. From 1990 to 2001, as many as 175 presidential and parliamentary elections were held across the continent, without any continental norms or standards guiding the efforts. The legal framework and the institutions charged to organise elections were often contested. At the same time, the environment within which elections were organised was not considered conducive by all electoral stakeholders. This chapter argues that although elections as a means of choosing political leadership have become increasingly acceptable in most countries, the standards leave much to be desired. This would explain why the principles governing democratic elections in Africa became the first document designed by the OAU/AU to guide how elections were held on the continent. Table 19.1 provides more insight into the numbers of elections held by OAU/AU member states between 1990 and 2022.

Table 19.1: Elections held in Africa 1990-2022<sup>1</sup>

Country	Presidential		Total	National Assembly/Parliamentary		Total
	1990-2001	2002-2022		1990-2001	2002-2022	
<b>Algeria</b>	1995, 1999	2004, 2009, 2014, 2019	6	1991, 1997	2002, 2007, 2012, 2017, 2021	7
<b>Angola</b>	1992	Indirect	1	-	2008, 2012, 2017, 2022	4
<b>Benin</b>	1991, 1996, 2001	2006, 2011, 2016, 2021	7	1991, 1995, 1999	2003, 2007, 2011, 2015, 2019, 2023	9
<b>Botswana</b>		Indirect		1994, 1999	2009, 2014, 2019	5
<b>Burkina Faso</b>	1991, 1998	2005, 2010, 2015, 2020	6	1992, 1997	2002, 2007, 2012, 2015, 2020	7
<b>Burundi</b>	1993, 2020	2015, 2010, 2005	5	1993, 2020	2015, 2010, 2005	5
<b>Cameroon</b>	1992, 1997	2004, 2011, 2018	5	1992, 1997, 2002	2007, 2013, 2020	6
<b>Cabo Verde</b>	1991, 1996, 2001	2006, 2011, 2016, 2021	7	1991, 1996, 2001	2006, 2011, 2016, 2021	7

1 For ease of knowing the number of elections held during the period, where presidential and parliamentary elections are held on the same day, they were counted as two different elections, given their outcomes are also different. Where presidential or parliamentary elections had a run-off within the same year or beyond, they were counted as one and the same elections.

Country	Presidential		Total	National Assembly/Parliamentary		Total
	1990-2001	2002-2022		1990-2001	2002-2022	
Central African Republic	1992, 1993, 1999	2005, 2011, 2015/16, 2020/21	7	1992, 1993, 1998	2005, 2011, 2015/16, 2020/21	7
Chad	1996, 2001	2006, 2011, 2016, 2021	6	990, 1997, 2002	2011	4
Comoros	1990, 1996	2002, 2006, 2010, 2016, 2019	7	1992/93, 1996,	2004, 2009, 2015, 2020	6
Côte d'Ivoire	1990, 1995	2010, 2015, 2020	5	1990, 1995	2001, 2016, 2021	5
DRC (Democratic Republic of the Congo)		2006, 2011, 2018	3		2006, 2011, 2018	3
Djibouti	1993, 1999	2005, 2011, 2016, 2021	6	1992, 1997	2003, 2008, 2013, 2018	6
Egypt	1993, 1999	2005, 2012, 2014, 2018	6	-	2005, 2010, 2011/12, 2015, 2020	5
Equatorial Guinea	1996	2002, 2009, 2016, 2022	5	-	2004, 2008, 2013, 2017, 2022	5
Eritrea	-	-	-	-	-	-
Eswatini	Monarch			-	2003, 2008, 2013, 2018	4

Country	Presidential		Total	National Assembly/Parliamentary		Total
	1990-2001	2002-2022		1990-2001	2002-2022	
<b>Ethiopia</b>		<b>Indirect</b>				
<b>Gabon</b>	1993, 1998 1992, 1996, 2001	2005, 2009, 2016 2006, 2011, 2016, 2021	5	1990, 1996 2001, 2006, 2011, 2018	2005, 2010, 2015, 2021	5
<b>The Gambia</b>			7	1992, 1997	2002, 2007, 2012, 2017, 2022	7
<b>Ghana</b>	1992, 1996	2002, 2004, 2008, 2012, 2016, 2020	8	1992, 1996	2002, 2004, 2008, 2012, 2016, 2020	8
<b>Guinea</b>	1993, 1998	2003, 2010, 2015, 2020	6	1995	2013, 2020	3
<b>Guinea-Bissau</b>	1994, 1999/2000	2005, 2009, 2012, 2014, 2019	7	1994, 1999	2004, 2008, 2014, 2019	6
<b>Kenya</b>	1992, 1997	2002, 2007, 2013, 2017, 2022	7	1992, 1997	2002, 2007, 2013, 2017, 2022	7
<b>Lesotho</b>		<b>Monarch</b>		1993, 1998	2002, 2007, 2012, 2015, 2017, 2022	8
<b>Liberia</b>	1997	2005, 2011, 2017	4	1997	2005, 2011, 2017	4
<b>Libya</b>	-	-	-	-	2012	1
<b>Madagascar</b>	1992/93, 1996, 2001	2006, 2013, 2018	6	1993, 1998	2002, 2007, 2013, 2019	6

Country	Presidential		Total	National Assembly/Parliamentary		Total
	1990-2001	2002-2022		1990-2001	2002-2022	
Malawi	1994, 1999	2004, 2009, 2014, 2019, 2020	7	1994, 1999	2004, 2009, 2014, 2019	6
Mali	1992, 1997	2002, 2007, 2013, 2018	6	1992, 1997	2002, 2007, 2013, 2020	6
Mauritania	-	2003, 2007, 2009, 2014, 2019	5	-	2006, 2013, 2018	3
Mauritius		<b>Indirect</b>		1991, 1995, 2000	2005, 2010, 2014, 2019	7
Morocco		<b>Monarchy</b>		1993, 1997	2002, 2007, 2011, 2016, 2021	7
Mozambique	1994, 1999	2004, 2009, 2014, 2019	6	1994, 1999	2004, 2009, 2014, 2019	6
Namibia	1994, 1999	2004, 2009, 2014, 2019	6	1994, 1999	2004, 2009, 2014, 2019	6
Niger	1993, 1996, 1999	2004, 2011, 2016, 2020/21	7	1993, 1995, 1996, 1999	2004, 2009, 2011, 2016, 2020	9
Nigeria	1993, 1999	2003, 2007, 2011, 2015, 2019	7	1992, 1998, 1999	2003, 2007, 2011, 2015, 2019	8
Republic of Congo	1992	2002, 2009, 2016, 2021	5	1992/93	2002, 2007, 2012, 2017, 2022	6

Country	Presidential		Total	National Assembly/Parliamentary		Total
	1990-2001	2002-2022		1990-2001	2002-2022	
<b>Rwanda</b>	-	2003, 2010, 2017	3	-	2003, 2008, 2013, 2018	4
<b>Saharawi Republic</b>	-	-	-	-	2008, 2012, 2016, 2020	4
<b>São Tomé and Príncipe</b>	1991, 1996, 2001	2006, 2011, 2016, 2021	7	-	2002, 2006, 2010, 2014, 2018, 2022	6
<b>Senegal</b>	1993, 2000	2007, 2012, 2019	5	1993, 1998, 2001	2007, 2012, 2017, 2022	7
<b>Seychelles</b>	1993, 1998, 2001	2006, 2011, 2015, 2020	7		2002, 2007, 2011, 2016, 2020	5
<b>Sierra Leone</b>	1996	2002, 2007, 2012, 2018	5	1996	2002, 2007, 2012, 2018	5
<b>Somalia</b>		<b>Indirect</b>			2016, 2021/22	2
South Africa		Indirect			1994, 1999, 2004, 2009, 2014, 2019	6
<b>South Sudan</b>	-	-	-	-	-	-
<b>Sudan</b>	1996, 2000	2010, 2015	4	1996, 2000	2010, 2015	4
<b>Tanzania</b>	1990, 1995, 2000	2005, 2010, 2015, 2020	7	1990, 1995, 2000	2005, 2010, 2015, 2020	7
<b>Togo</b>	1993, 1998	2003, 2005, 2010, 2015, 2020	7	1990, 1994, 1999	2002, 2007, 2013, 2018	7

Country	Presidential		Total	National Assembly/Parliamentary		Total	Total
	1990-2001	2002-2022		1990-2001	2002-2022		
<b>Tunisia</b>	1994, 1999	2004, 2009, 2014, 2019, 2022/23	7	2004, 2009, 2011, 2014, 2019	7	<b>14</b>	
<b>Uganda</b>	1996, 2001	2006, 2011, 2016, 2021	6	2006, 2011, 2016, 2021	6	<b>12</b>	
<b>Zambia</b>	1991, 1996, 2001	2006, 2008, 2011, 2015, 2016, 2021	9	2006, 2011, 2016, 2021	7	<b>16</b>	
<b>Zimbabwe</b>	1990, 1996	2002, 2008, 2013, 2018	6	2005, 2008, 2013, 2018	7	<b>13</b>	
<b>Total</b>	<b>85</b>	<b>169</b>	<b>254</b>	<b>90</b>	<b>215</b>	<b>305</b>	<b>559</b>

Sources: AU Elections Calendar/African Elections Database/IFES Elections Guide

## **The Role of the AU in Elections in Africa**

As clearly stated in the discussion above, the role of the AU in elections should thus be discussed from three interlinked thematic areas: (a) democracy promotion; (b) observation of election and monitoring; and (c) electoral assistance.

### **Democracy Promotion**

The democracy promotion role of the AU should be seen from its norm setting or policy framing roles, which are ostensibly to guide national policymaking towards democratisation. With the norms in place, the organisation has succeeded in encouraging member states to establish multiparty democracies and the regular holding of elections as the new order of electing leaders. As the above table shows, a total of 559 presidential and parliamentary/national assembly elections were held across the continent from 1990 to 2001, 474 of which were held from 2002 to 2022.

The elections held from 2002 to 2022 took inspiration from the AU policy framework, which was meant to promote democratic elections. During the period, new models of independent elections management institutions/bodies were set up to manage elections. National laws that allow for freedom of the media and association were also enacted. The period also saw the growth and formation of new political parties/movements and vibrant media houses. Necessary to the democracy promotion efforts of the AU was the growth of civil society organisations (CSOs), such as the Centre for Democratic Development and the Institute for Democratic Governance in Ghana, as well as the Centre for Democracy and Development in Nigeria, which took advantage of the new political dispensations within member states thrive.

What the norms also emphasised was the creation of independent democratic institutions as the backbone of the democratisation process (AU 2007). Among the key institutions that emerged during the period were independent electoral commissions, independent media commissions, and independent judiciaries (special courts to handle election-related disputes in some countries), among others. The establishment of electoral management bodies (EMBs) at the national level, as well EMB

forums at both the regional and continental levels, are key for democracy promotion in most of the AU member states.

At the AU institutional level, given the expectations that the organisations needed to reinforce its democracy promotion role by ensuring that the elections were held under conducive environments and in conformity with national, regional, and international standards, the organisation in 2006, through its executive council decision, established the Democracy and Electoral Assistance Unit (DEAU) and the Democracy and Electoral Assistance Fund (DEAF) (AU 2006). The DEAU, which became operational in 2008, was set up for “co-ordinating and implementing all African Union Commission (AUC) actions aimed at promoting democracy and democratic elections in Africa including the promotion of democracy in general, observation and monitoring of elections and electoral assistance” (AU 2006:1).

### **Election Observation**

The AU election observation “involves gathering information and making an informed judgement” on an electoral process and making recommendations for improvements in future elections. Article 19 of their charter states that “Each State Party shall inform the Commission of scheduled elections and invite it to send an electoral observer mission.” The decision to set up the DEAU in 2006, and its subsequent operationalisation in 2008, was important from an institutional perspective, to support democracy building. Prior to the setting up of the DEAU, the OAU/AU from 1989 begun the deployment of election observation missions. These missions were composed mainly of diplomatic watchers instead of trained observers or electoral experts (Aniekwe & Atuobi 2016).

From 2008 onwards, the AU developed systematic training of observers, including keeping a database of experts and creating the checklists that observers would use to collect data during their development. With the institutional support in place, and mobilisation of funds under the DEAF and budgetary support from member states, the AU would be able to develop election observers in all member states under exceptional situations where logistic

preparation would not allow. By 2013, the AU long-term observers had been introduced to ensure the organisation was able to follow the most critical part of the electoral process. From the commencement of election observation activities by the OAU/AU, there is no African country that has not received an African Union Election Observation Missions (AUEOM), some having received AUEOMs several times.

Before the deployment of AUEOMs, pre-election assessment missions (PAMs) are deployed in line with the Article 20 of the African Charter on Democracy, Elections and Governance which requires that,

The Chairperson of the Commission shall first send an exploratory mission during the period prior to elections. This mission shall obtain any useful information and documentation, and brief the Chairperson, stating whether the necessary conditions have been established and if the environment is conducive to the holding of transparent, free and fair elections in conformity with the principles of the Union governing democratic elections (AU 2007).

In addition to assessing the conditions under which elections would be held, the PAMs also had to decide the scope or mandate of AUEOM and whether it should be on short- or long-term basis.

The objectives of AUEOMs, as stated in most of their observer reports, are to provide an accurate and impartial reporting or assessment of an elections or elections, including the degree to which their conduct meets regional, continental, and international standards for democratic elections; offer recommendations for improvement of future elections based on the findings; and demonstrate the AU's solidarity and support of democratic consolidation in its member states (AU 2019). The question that needs to be interrogated is the extent to which the AUEOMs contribute to the transparency and credibility of elections on the continent. The way AUEOMs contribute to electoral processes may not be obvious, but they are valuable.

First, the presence of observers contributes to transparency of an election process to the extent where those responsible for

electoral irregularities are deterred from committing them in their presence. The fact remains that, quite often, both the ruling party and the opposition parties would insist that the AU should send election observers to attest to the confidence that the electoral stakeholders have in AUEOMs and their potential to contribute to the transparency and credibility of an electoral process. In some cases, the absence of the AUEOM would be interpreted by some member states as a no-confidence vote in an electoral process. Second, the preventive diplomatic nature of AUEOMs under the leadership of an eminent African personality contributes to peaceful elections in most African countries. Often, the leadership of AUEOMs, working in consultation with other observer groups, engages in shuttling diplomacy between and among political parties and their leaders. This goes a long way to promote peaceful elections. This chapter argues that it is often difficult for the African public to appreciate the preventive diplomatic value of AUEOMs when, in fact, a lot of such activities are carried out without public knowledge.

Third, AUEOMs underline the AU's commitment to democratic consolidation within its member states. Fourth, the AUEOMs make a majority contribution to improvement in electoral processes in member states. This is because their recommendations form a major component of the final report, which the electoral stakeholders within member states can use to improve their electoral processes, including undertaking electoral reforms. It needs to be noted that election observation has become a norm over the years. This is not only for the AU, but for the RECs, which act as the regional blocs for the AU under election observation to help the consolidation of democracy in the concerned countries.

### **Electoral Assistance**

Article 18(1 and 2) of the African Charter on Democracy, Elections and Governance states that "State Parties may request the Commission, through the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund, to provide advisory services or assistance for strengthening and developing their electoral institutions and processes", and "the Commission

may, at any time, in consultation with the State Party concerned, send special advisory missions to help that State Party for strengthening its electoral institutions and processes” (AU 2007). It is based on the above that the AUC through the DEAU began providing technical assistance to African Union member states from about 2012, primarily to election management bodies.

The AU technical assistance takes the form of capacity-building for election management bodies and other electoral stakeholders, support for electoral operations, and the deployment of electoral experts to assist member states to prepare for elections.<sup>2</sup> This is to ensure that states can fill the necessary capacity gap to efficiently manage their electoral processes. AU technical assistance is on a demand-driven basis, meaning that countries need to ask for support before it is provided. To ensure that countries are aware of the available support, the AU uses the platform of the Association of African Electoral Authorities (AAEA) to reach out to its member states. The AAEA is made up of all African EMBs and meets regularly for peer learning, experience-sharing, and technical assistance (AAEA n.d.).

## **Lingering Gaps in the Elections and Democratic Arena**

Despite committed efforts, there are lingering gaps in the AU’s quest for the consolidation of democracy and democratic election. First, although several norms have been developed as discussed above, there are still big gaps because the capacity of countries has not been built to translate these norms into national laws. Put differently, there is still the often cry of ‘lack of political will’. Most African states have not taken steps to domesticate and implement the norms that they have signed or made efforts to popularise them. The AU will therefore need to make concerted efforts to make sure that national laws are in sync with continental ones, as far as elections and democracy are concerned. Second, the quests for democratic consolidations have been ruffled due to the advent

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2 Among the countries that has received AU technical assistance are Burkina Faso, The Gambia, Guinea, Lesotho, Mali, Madagascar, Malawi, Zimbabwe, etc.

of coups in several states, including Burkina Faso, Guinea, Mali, and Sudan. Niger and Gabon have also joined African countries under military dictatorships. This is really worrying. The fact that African countries are still grappling with coups at this stage, after 20 years of AU's existence, is a concern.

This chapter, however, argues that a coup d'état may not necessarily be because of the failure of democracy. This is because conditions that lead to a coup in one country may not necessarily lead to one in another. Therefore, discussion on the resurgence of unconstitutional changes of government should be thorough, to identify their underlying causes. Part of the reasons for coups may be due to the failure of governance that is evident in lack of development, corruption, and poor leadership. The third gap has to do with the lack of robustness of several national institutions – such as parliaments/national assemblies, human rights institutions, the media, and anticorruption bodies – to defend African democratic values and ensure that democracy bears fruit for the benefit of citizens. While elections are fundamental to democratic societies, their value extends beyond being free, fair, credible, and peaceful. For them to truly serve their purpose, they must translate into development and address the needs of citizens; otherwise, they may lead to discontent. It takes robust democratic institutions with sustained capacity to respond to the needs of citizens for democracy to be meaningful to them.

There are still challenges relating to norm enforcing and monitoring. For instance, what can the AU do if the standards of elections in a member state do not meet AU and international standards for democratic elections? With so many norms or standards set by the AU and RECs, efforts now need to focus on how these would be enforced. While the AU is not a supranational institution with authority over its member states, the regional institution may use its influence to record compliance to its protocols, declarations, and norms on elections and democratic consolidation. Thus, focusing on reports and monitoring the compliance of members states to normative frameworks need to be institutionalised and consistent in a manner that makes them useful tools for member states. Lastly, while in comparative terms, the quality of elections has improved from what they used to be

in the 1990s, elections in some countries are still characterised by tensions and uncertainties, creating the potential for violence, with negative impact on the socio-economic development and political stability of African states.

## Conclusion

This chapter has offered insight into the roles of the AU in African elections, and highlighted many instruments established by the AU to promote its goals of achieving free and fair elections on the continent. The chapter notes that the normative frameworks developed since the advent of the AU have been the major contributing factors to the promotion of democracy. Even in countries that are yet to ratify the Africa Charter for Democracy, Election and Governance, citizens and civic groups still demanded that elections be held in conformity to the promotion of the AU Charter. Even where there have been challenges, the normative framework continues to be the basis for demanding improvement and action. It also constitutes the basis on which the continental body and the RECs are held accountable when citizens call on it to invoke the norms. Over the last two decades, the growth of political parties has been encouraging compared to the early 1990s or the period before that. From 2002, political parties proliferated, and the media and CSOs were given more conducive environments in which to operate.

Specifically, the AU has changed the conduct of elections in Africa. While this may be debatable, the quality of elections has also improved in comparative terms in the post-AU epoch. There has been a shift from the days of opaque ballots and ballot snatching to the contemporary hosting of elections in a more open and protected environment. The development of technology has also contributed to the improvement in the conduct of elections. Thus, a move from the time of pictureless voting cards to biometric voter registration to improve the credibility of the voters' roll has been well received by the regional body. For example, by 2012, the Democratic Republic of the Congo, Ghana, Kenya, and Nigeria had taken steps towards biometric voter registration systems to enhance credibility of their voters' register (Voice of America 2012).

Furthermore, the vote counting processes are more transparent with the involvement of citizens and citizen observers, to the extent that, in some countries, citizen observers can carry out parallel voter tabulation. During the 2020 General Elections in Ghana, the Coalition of Domestic Election Observers (CODEO) deployed a total of 4 000 non-partisan rapid observers in 4 000 selected polling stations. Of the 4 000, 1 502 were parallel vote tabulation (PVT) observers (Coalition of Domestic Election Observers 2020).

This chapter finally submits that the plethora of norms that emerged during the last 20 years, at the continental and regional levels, gives impetus to the call for democratic elections and accountable institutions. Yet, the norms have not been adequate in addressing gaps in building the required capacity of national institutions to respond to the needs of their citizens. As the AU continues to commit to achieving the priorities of Agenda 2063, it must be focused on what happens between one electoral cycle and another. Ultimately, governance and the behaviour of politicians after election determines whether the next elections will meet democratic standards and electoral integrity. Continental and regional organisations in Africa need to build the capacity of member states to implement democracy norms, which are necessary for more improvement in the quality of elections and the consolidation of democracy on the continent.

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