

## Observing Elections<sup>1</sup>

# BEFORE

It was early ~~in the~~ evening in Kampala, Uganda on March 31, 31 March 1994. The journalists were waiting for ~~the announced~~ statement. UN officials repeated for the third time ~~once again~~ their argument that the international election observers should state in their final report that the elections for Uganda's constituent assembly had been "free and fair." But the observers were unwilling to use these terms, ~~because unclear on~~ what ~~does it really mean~~ ~~that makes an~~ elections are "free and fair." ~~Doesn't the~~ ~~The~~ use of such ~~solemn words~~—in connection with democratization ~~efforts~~—imply agreement on how the concepts are to be defined, and ~~on~~ what conditions ~~need are~~ to be fulfilled before they should be used?.

The election observers in Kampala ~~who had been asked to draft the final document~~ refused to characterize the elections as "free and fair," because they had only observed a part of the ~~entire~~ election process, ~~and because they~~ ~~They~~ knew that the application of this terminology would make it difficult—perhaps even ~~impossible~~—to have a serious discussion of the election problems they had discovered ~~in connection with the elections. That was why they would not let~~ ~~it go while they had the upper hand.~~

The elections in Uganda—which ~~definitely~~ were no worse than many other elections in new ~~democracies~~ ~~democracies~~—were not declared "free and fair," and the Ugandans and the international community had to live with that.

This ~~little~~ incident ~~from real life~~ illustrates the ~~truthfulness of the~~ fact that election observers who ~~are travelling~~ ~~travel~~ far and wide to monitor elections and report on election procedures are expected, (and not ~~only by over-zealous~~ ~~just by~~ ~~journalists~~—) to declare whether the elections in question were "free and fair." Sometimes ~~it seems~~ this is the only thing they are

expected to do ~~because nobody really wants to know anything else, at least that is the impression one occasionally may get.~~

The concept of ~~“free and fair”~~ has become the ~~catchword~~ catchphrase of the UN, journalists, politicians, and political scientists alike. ~~In fact, we~~ We are dealing with a case of what Giovanni Sartori once called ~~“conceptual stretching”~~: “the wider the world under investigation, the more we need conceptual tools that are able to travel.”<sup>2</sup> ~~Has “free~~ Free and fair~~”~~ elections may have become a vague ~~concept to some, and amorphous conceptualization or can a clear core meaning be delineated?~~ What does it mean that an election was “free and fair?” Others, such as ourselves, believe a clear meaning can be delineated. Whether a free and fair election only means that the results were acceptable is another question. Does it only mean that it was “acceptable” or does it mean something more? Building That is the topic of this paper, which among other things builds upon our experiences as election observers and advisers in a number of countries which have recently held elections or referendums, as part of their democratization processes we hope to show what characteristics are possessed by a free, fair, and acceptable election or referendum.

The paper has three main aims: First~~first~~, to spark a much-needed debate on election observation procedures and concepts; second, to contribute to ~~definitions~~ a definition which may be expedient for the analysis of elections and ~~referendums~~ democratization processes in emerging democracies, and third, to contribute to the development of specific instruments that may be of use to future election observers who are sent out to assess an election or a referendum—a task they have to complete ~~perhaps~~ within a week ~~or so~~, and perhaps in a country they ~~knew little or nothing about beforehand~~ know little about. Examples are primarily drawn from Asia ~~Asian~~ and

African countries, but reference is also made to the September 14 1996 elections in Bosnia-Herzegovina.

## AFTER

It was early evening in Kampala, Uganda on March 31, 1994. The journalists were waiting for a statement. UN officials repeated for the third time their argument that the international election observers should state in their final reports that the elections for Uganda's constituent assembly had been *free and fair*. But the observers were unwilling to use these terms, unclear on what makes an election free and fair. The use of such words—in connection with democratization efforts—imply agreement on how the concepts are to be defined, and on what conditions need to be fulfilled before they should be used.

The election observers in Kampala refused to characterize the elections as free and fair, because they had only observed a part of the election process. They knew that the application of this terminology would make it difficult—perhaps even impossible—to have a serious discussion of the election problems they had discovered.

The elections in Uganda—which were no worse than many other elections in new democracies—were not declared free and fair, and the Ugandans and the international community had to live with that.

This incident illustrates the fact that election observers who travel far and wide to monitor elections and report on election procedures are expected (and not just by journalists) to declare whether the elections in question were free and fair. Sometimes it seems this is the only thing they are expected to do.

The concept of free and fair has become the catchphrase of the UN, journalists, politicians, and political scientists alike. We are dealing with a case of what Giovanni Sartori once called *conceptual stretching*: “the wider the world under investigation, the more we need conceptual tools that are able to travel.”<sup>2</sup> Free and fair elections may have become a vague concept to some. Others, such as ourselves, believe a clear meaning can be delineated. Whether a free and fair election only means that the results were *acceptable* is another question. Building upon our experiences as election observers and advisers in a number of countries which have recently held elections or referendums, we hope to show what characteristics are possessed by a free, fair, and acceptable election or referendum.

The paper has three main aims: *first*, to spark a much-needed debate on election observation procedures and concepts; *second*, to contribute to definitions for the analysis of elections and referendums in emerging democracies, and; *third*, to contribute to the development of specific instruments that may be of use to future election observers who are sent out to assess an election or a referendum—a task they have to complete often within a week, and perhaps in a country they know little about. Examples are primarily drawn from Asian and African countries.