



Observers or Spectators: The Experience of Recent Elections in Selected Members of the East African Community

Dr. Philemon Sengati (PhD)

The University of Dodoma

Department of Political Science and Public Administration

P.O. Box 395, Dodoma, Tanzania

Email: philemonsengati@gmail.com The University of Dodoma

Department of Political Science and Public Administration

P.O. Box 395, Dodoma, Tanzania

Email: philemonsengati@gmail.com



1.0 Abstract

The Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights and other international instruments reiterate that everyone has the right and opportunity to participate in the government and public affairs of his or her country, without any discrimination. This right can be exercised directly, by participating in referenda, standing for elected office and by other means, or can be exercised through freely chosen representatives. Among the key stakeholders to implement these substantial principles are the election observers with a role to enhance the integrity of election processes, by deterring and exposing irregularities and fraud, and by providing recommendations for improving electoral processes. Election observers promote public confidence, legitimate elected government and electoral participation; and mitigate the potential for election-related conflicts. They also serve to enhance international understanding through the sharing of experiences and information about democratic development. The experience in East Africa has been contrary such that observers, both domestic and international, seem to have deviated from their mandate as reflected in the recent elections in Kenya, Tanzania and Uganda. In Kenya, for example, they approved the 2017 election results before the High Court nullified them. Moreover, the irregularities that were reported during the past elections in the early 1990s within the East African countries have recurred in the recent elections in Tanzania, Uganda and Kenya.

2.0 Key Words: Democracy, election observer and spectator

3.0 Introduction

Almond and Verba (1963), as well as Trawen (2006) argue that, genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic genuine democratic elections are internationally recognized human rights. Genuine democratic elections serve to resolve peacefully the competition for political power within a country and thus are central to the maintenance of peace



and stability. Where governments are legitimized through genuine democratic elections, the scope for non-democratic challenges to power is reduced in the international community. Along the same vein, UNGA (1966) advocates that, in accordance with the Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights and other international instruments, everyone has the right and must be provided with the opportunity to participate in the government and public affairs of his or her country, without any discrimination prohibited by international human rights principles and without any unreasonable restrictions. This right can be exercised directly, by participating in referenda, standing for elected office and by other means, or can be exercised through freely chosen representatives.

Similarly, the United Nations Human Rights Office of the Commissioner (2011) conceives that, democratic elections complement with a wide range of other human rights and fundamental freedoms. Thus, democracy with its complements should be executed without discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including among others disabilities, and without arbitrary and unreasonable restrictions. Human rights and democracy cannot be achieved without the protection of the rule of law as cherished in domestic and international concords and by the documents of numerous intergovernmental organizations. This accentuates the fact that, achieving genuine democratic elections has consequently become a matter of concern for international organizations, just as it is the concern of national institutions, political competitors, citizens and their civic organizations.

According to May (2003), the will of the people of a country is the basis for the authority of government, and that will must be determined through genuine periodic elections, which guarantee the right and opportunity to vote freely and to be elected fairly through universal and equal suffrage by secret balloting or equivalent free voting procedures, the results of which are accurately counted, announced and respected. A significant number of rights and freedoms, processes, laws and institutions are therefore involved in achieving genuine democratic elections. One of them is election observers; in this case, election observation is the systematic,



comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis.

Anglin (1995), on the contrary, argues that, international and domestic election observation expresses the interest of the international and local community in the achievement of democratic elections. This is part of democratic development, including respect for human rights and the rule of law. Therefore, election observation focuses on civil and political rights, which is part of international human rights monitoring, and must be conducted on the basis of the highest standards for impartiality. Additionally, it should take into deliberation the national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality. The observer assesses election processes in accordance with the international principles for genuine democratic elections and domestic law, while recognizing that it is the people of a country who ultimately determine credibility and legitimacy of an election process.

Election observation, according to Hyde and Marinov (2012), has the potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud, and by providing recommendations for improving electoral processes. It can promote public confidence, as warranted, promote electoral participation and mitigate the potential for election-related conflicts. It also serves to enhance international understanding through the sharing of experiences and information about democratic development. On the other hand, Lean (2004) argues that, election observation has become broadly acknowledged around the world and plays an important role in providing accurate and impartial assessments about the nature of electoral processes. Accurate and impartial election observation requires credible methodologies and cooperation with national authorities and national political competitors such as political parties, candidates and supporters of positions on referenda.



REDET (2015) argues that, election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the international community. It is process oriented, not concerned with any particular electoral results, and is concerned with results only to the degree that they are reported honestly and accurately in a transparent and timely manner. No one should be allowed to be a member of an election observer mission unless that person is free from any political, economic or other conflicts of interest that would interfere with conducting observations accurately and impartially, and/or drawing conclusions about the character of the election process. These criteria must be met effectively over extended periods by long-term observers, as well as during the more limited periods of Election Day observation, and each period presents specific challenges for independent and impartial analysis. International election observation missions should not accept funding or infrastructural support from the government whose elections are being observed, as it may raise a significant conflict of interest and undermine confidence in the integrity of the mission's findings.

4.0 Political Election in the East African Community

The East African Community (EAC) is composed of six countries, namely Burundi, Kenya, Rwanda, Tanzania, South Sudan and Uganda. However, the membership in the region increases due to the nature of the founding principles of the EAC which do allow new admission under certain conditions. According to the EAC Treaty (1945) and rules of procedure for admission of a new country as a full member, certain criteria have to be met. They include:

“Acceptance of the community as set out in the treaty, adherence to the universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice, potential contribution to the strengthening of integration with the East African region, geographical proximity to and interdependence between it and EAC partner states, establishment and maintenance of a market driven economy, and compatibility of social and economic policies with those of the community”.

The integration of the region into an organization was founded in 1967; collapsed in 1977; and was revived on 7th July 2000. In 2008, after negotiations with the Southern Africa Development



Community (SADC) and the Common Market for Eastern and Southern Africa (COMESA), the EAC agreed to an expanded free trade area including the member states of all three organizations. The drive of this integration is to realize a political union in the future (EAC Charter, 1945).

Countries comprising the EAC have had election at different times in their historical existence as sovereign states. General elections in Tanzania were held for the first time in the newly formed Union of Tanzania in 1965 where the country had just become a one party state with the Tanganyika African National Union as a sole legal party on the mainland, and Afro Shiraz party was the only party in Zanzibar. Beginning in the mid-1980s under the administration of Ali Hassan Mwinyi, Tanzania undertook a number of political reforms. In January and February 1992, the government adopted a multiparty democracy where legal and constitutional changes led to the registration of eleven (11) political parties (Mukandala, 2010). The first multiparty elections were held in 1994, and the ruling party (CCM) won. The second multiparty elections in Tanzania were held in 2000 and the ruling party's candidate, Benjamin William Mkapa, defeated his three rivals by 71% of the votes. Moreover, other multiparty elections in Tanzania were held in 2005 and 2010 where the ruling party's candidate, Jakaya Mrisho Kikwete, won by 81% and 62% respectively. The 2015 election in Tanzania was the 5th multiparty election and indeed the ruling party's candidate, John Pombe Magufuli, won by 58% of the votes (TEMCO, 2015). It is clear that, election observers have been participating in most of these elections in Tanzania especially during multiparty election and have been one of the key actors to enhance democratic electoral process.

Uganda attained independence in 1962. Since 1884, she was the British protectorate with organized kingdoms. At Independence Day, Milton Apollo Obote – the leader of the Ugandan People's Congress – became the first prime minister and head of government. This had come into power via unholy alliance with a promonarchy party called the Kabaka Yekka with the aim of protecting the institutional power of the kingdom of Buganda. In 1963, Kabaka Mutesa was elected a ceremonial president of Uganda and had alliance with Obote though was short lived



because of a diverse agenda between them. The misunderstanding between Obote and his allies led him to the suspension of the 1962 constitution on 22nd February 1966 and took over all powers of the state, which gave rise to the 1966 crisis. Later on, Obote abolished the status of the kingdom and merged the office of the prime minister and that of the president; thus, all executive power was vested in Obote and Uganda was declared a Republic and consequently became a one party state. It was against this background that Idi Amin led a section of the army and overthrew Obote on 25th January 1971. This brought in an era of terror in Uganda which lasted for eight years. Amin's reign was overthrown by Tanzania in 1979 by a patronage of Nyerere and the Uganda National Liberation Army by Yusuph Lule (Kasozi,1995).

Following a married election in 1980, Yoweri Kaguta Museven launched a liberation struggle. The NRA's struggle was unique in that, for the first time in the post-colonial Africa, a home grown insurgency with little external support was successful. Yoweri Kaguta Museven was sworn in as president where all political parties were suspended and Uganda was governed by all-inclusive movement system. In 1995, a new constitution with no party state was promulgated. The general elections were held in 1996 and Museven was returned as president of Uganda. In 2001, he was again returned by popular mandate to the office of president. In July 2005, Uganda returned to the multiparty politics (Brett, 2011). On February 2006, a multiparty election was held for both offices of president and parliament, President Yoweli Museveni of the National Resistance Movement won the presidential election and the NRM took many seats in the parliament. Since then, he has been the president of Uganda to date. In different elections, observers have come to observe elections including the 2007 election when both the EU and AU observers came to observe the election processes (Sekaggya, 2010).

The Kenyan African population voted for the first time in 1957 during the country's legislative elections. The first elections in the British colony took place in 1920. The first universal suffrage was held in 1961 and pre-independence political party, the Kenyan African National Union, won majority of seats in the expanded 65 seat parliament despite the European dominance. In 1963 elections, the system was changed again and seats increased to 1129 for House of



Representatives and 38 seats for the senate. KANU won the majority seats and the country saw its first African Prime minister, Jomo Kenyatta, leading his people to independence in 1964. Kenyatta became the first president of Kenya (Chelang'a, 2009).

The disagreement between the President and his first Vice President led to the withdrawal of Jaramogi Oginga Odinga from KANU party in 1966, and the formation of the rival Kenya People's Union together with his supporters in parliament. Kenya was transformed into one party state in 1969 and KPU was banned, leaving KANU as the only party that won all seats in 1969, 1974, 1978, 1983 and 1988 elections led by Kenyatta. Kenyatta died in 1978 and his Vice President, Daniel Arap Moi, became the President (Cheeseman, 2008). In 1992, Moi restored multiparty politics after democratic pluralism had swept the whole of Africa. President Moi won the 1997 elections and groomed the current President Uhuru Kenyatta to stand. He led KANU to its first defeat to an opposition coalition led by Mwai Kibaki. Odinga supported Kibaki in the 2002 elections as part of the opposition coalition. The 2007 election saw 1,300 people killed and more than 600,000 displaced, and this led to indictment of Uhuru Kenyatta and his Vice Ruto by the International Criminal Court. Another election was held in 2013 under the new constitution where Uhuru Kenyatta defeated Odinga whose party won the majority in the National Assembly (Brown, 2014). In the 2017 election, Uhuru ran for the second term; he won, but the election was cancelled by the Kenyan Supreme Court citing electoral irregularities after accusation of fraud by the opposition National Super Alliance led by Raila Odinga. The Independent Electoral and Boundaries Commission (IEBC) set October 26 for the repeat election whereby Raila Odinga vowed to withdraw from the repeat elections amid protest calling for reform at the IEBC and postponement of the run poll. All the claims were ignored and elections were scheduled in which Uhuru Kenyatta won the re-election (EU Observer Mission Final Report, 2017)). Again, election observers were part and parcel of most of the elections in Kenya and have generated reports to enhance election process.

5.0 The Paradox



Election observation missions are expected to issue timely, accurate and impartial statements to the public. They are also expected to present their findings, conclusions and any appropriate recommendations so as to improve election related processes and democracy. Observers' missions may also conduct private meetings with those concerned with organizing genuine democratic elections in a country to discuss the mission's findings, conclusions and recommendations for improvement. The perplexing issues base on the fact that, despite such reinforcing mission to democracy, there has not been democratic improvement in the recent elections in the three EAC states – Tanzania, Uganda and Kenya.

In Tanzania, the unilateral cancellation of the 2015 results in Zanzibar by the election commission chairman seems very unsupportive to the observers' mission and democratic development, while the situation is worse in Uganda where Museveni, 71, has been in office since his rebel group seized power in 1986 with reportedly election frauds and intimidations of opposition parties. It is sad that, in 2005, the constitution was changed to allow him extend his tenure in office. In Kenya, the situation after the 2017 election is disappointing as observers praised the electoral process before the election results were cancelled by the court. In this case, the paper conceives a transformed role of observers where they play as spectators rather than observers.

6.0 Materials and Methods

The materials recycled in this paper are secondary and a few primary information. The latter were obtained from interview with some nationals from a few countries in the EAC. The qualitative analysis of articles, books, journals and reports of different election observers on similar debates forms the basis for a key argument in this article. The diminutive primary information reinforced qualitative information obtained in scholarly documentations. In this case, it is a mixed methodology that intended to capture information on the role played by observers in elections within some East African Countries.



7.0 Theoretical and Empirical Debates

Democracy is a complex concept that centers on ensuring freedom for all citizens within a country. To provide context for democracy, political theorists created democratic models that captured societal ideals. There are theories of democracy considered central to democratic governments. These theories focus on actors' engagement in the political process, the rationale for involvement and how it connects with democratic needs (Held, 2012).

It is conceived that, in the eighties of the last century, there was a remarkable upward movement of liberalism at the wheel of which were Thatcher, the former Prime Minister of Britain; and Reagan, the ex-President of the United States. Liberalism as a model of democracy insists on participation and engagement of all actors in the democratic process. The main features include: public officials are subject to episodic elections and must feel that they are servants, and their activities are subject to scrutiny. From the 1960s, the advocates of liberalism and liberal democracy had been appealing for less and less power of state and more freedom for a multiple actor (Hayek, Nozick & Rawls, 1960). This model is relevant as election observers are part of actors in the political process who, amongst other roles, present their discoveries, inferences and any appropriate endorsements they determine could help improve election related processes and democracy.

At the beginning of the nineties, serious thinkers of political science witnessed the resurgence of Marxist thought in general and Marxist model of democracy and behind this revival there was a clear case of the failure of liberal democracy. Callinicos, cited in Lawson (2012), observed that liberal democracy had failed; for example, the chief feature of democracy is "the authority shall be accountable to the people"; and in most of the cases, this did not happen. Marx envisaged direct democracy on the ground that only this type could ensure participation of actors in the democratic process (Rpbert, 2006). Marx's democracy entails organized actions of an international working class, enfranchised entire population and very little need of the state because its goal is to enforce alienation. Most important is the revolution by the working class which



raises the proletariat to the position of a ruling class to win the battle for democracy, and a stateless community where all actors have equal chances to share and engage in political process (Humphrey, 2011). Despite the weakness, specifically on its option for the use of force, Marxism is a very useful theory as its end point is to create a more just political society where stakeholders and actors are equal in rights and responsibilities.

Complementary to the theoretical perspective, empirically scholars have written substantially on election observers; Novotny (2010) is of the view that, election observers have found themselves facing increasingly sophisticated forms of obstruction at the hands of rulers' specifically incumbent's leaders those not ready for democratic election. Novotny then recommended adherence to defined professional standards of conduct in international election observation if at all the observer should perform their role responsibly. Both (Birch, 2008; Carothers, 1997; Garber, Larry, Glen Cowan, 1997 and Hyde, Susan 2007) are of the view that, international election observation (IEO) is increasingly criticized for not adding much to the credibility of elections. The criticism has focused on three main points: that IEO missions in some cases are partisan; at times the information available to IEO missions is inaccurate or inconsistently analyzed leading in unacceptability of the same; and that IEO missions are unable to detect and deter electoral irregularities on timely and informed dimensions. Therefore, the scholars recommend that, IEO organizations should be open and receptive to the criticism and have responded by increasingly professionalizing their missions. Copenhagen Document (1990), members declared that "the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government in this case have to be respected." Moreover, States agreed in Copenhagen on a range of commitments specifying in hitherto unprecedented detail what is required if an election is to be considered genuinely democratic. In line with this conviction, participating States have acknowledged that violations of commitments for democratic elections can endanger stability in the concerned states. In this case most scholars put emphasis on the prime role observers could perform in enhancing democratic election despite relentless efforts to suggest mechanism for improving strategies. It is still perplexing that the situations of recent elections in the EAC still renders observers incapable



to execute their mandate of which the paper infers them as spectator of no remarkable influence in the direction of electoral process.

8.0 Results and Discussion

Different pieces of information of the recent elections in the EAC show retarded democracy in the electoral process within Tanzania, Uganda and Kenya which held elections recently. Democracy, a key drive of development in modern societies, is emphasized by the international community through different means including assigning observers in different elections to participate in the electoral process with reciprocal information for improving the succeeding elections. The information from the ground indicates that, despite observers' participation in the respective elections, the results are futile when it comes to growth and development of democracy in some of the East African Countries. That is why it is argued that observers are simply spectators because their communication, engagement and feedback to the national and international organs on breach and subordination of democracy do not yield improvement on succeeding elections within the respective countries.

8.1 Tanzania

The European Union Observers Report (2010) had a comprehensive list of suggestions and recommendations included at the end for consideration by the authorities in order to promote further improvements in certain areas of the electoral process in Tanzania. Key recommendations include: the right to challenge presidential election results should be established by law in accordance with the international principles for the conduct of democratic elections. The right to stand for election should not be limited to party-nominated candidates only. Independent candidates should have the right to stand for office as established by the 1966 International Covenant on Civil and Political Rights (Starke, 1984). The national electoral commission (NEC) for Tanzania mainland and Zanzibar electoral commission (ZEC) must address a wide variation in the number of voters registered in each constituency by redrawing electoral boundaries and



possibly creating new constituencies to ensure that boundary demarcation reflect population intensity and weighting in parliamentary representation. An extensive review of the voters' register should be undertaken to ensure quality, greater reliability and accuracy. The NEC and ZEC should take measures to enhance transparency at all levels of the electoral administration to guarantee its accountability. The development of an independent structure of the NEC and ZEC should be envisaged diminishing its independence on local material and human administrative resources. The sad fact is that; such recommendations have to a great extent not been implemented to date in Tanzania. As a result, similar anomalies have featured strongly in the 2015 election in the country. TEMCO's Report (2015) on election shows its disappointment as domestic observers on the unwarranted nullification of the presidential and House of representative results in Zanzibar. Bana, the Deputy Chair of TEMCO, makes it vigilant that:

"...TEMCO is concerned with the decision of the ZEC chairman to annul Zanzibar election because of what was claimed to be "irregularities and gross violation of laws and election regulations". TEMCO election observation mission remains concerned with the situation in Zanzibar; hence, it urged ZEC to reconsider its decision with a view to attaining democratic credible, free and fair elections as well as consolidating peace and stability in Zanzibar within the spirit of reconciliation, which facilitated smooth functioning of the Government on National Unity installed in 2010..."

8.2 Uganda

In the 2011 Ugandan general elections, the EU Report (2011) showed slight improvements in areas of citizen turnover in campaign rally and involvement of opposition in vote counting over the previous elections held in 2006. However, the electoral process was marred by avoidable administrative and logistical failures which led to an unacceptable number of Ugandan citizens being disenfranchised. Furthermore, the power of incumbency was exercised to such an extent as to compromise severely the level playing field between the competing candidates and political parties. The lack of trust by stakeholders in the fundamental building blocks of the electoral process, namely in the Electoral Commission itself and the National Voter Register, dominated debate at the expense of policy issues which would normally be at the center of an election



campaign and led to a breakdown of effective communication between the Electoral Commission and most of the stakeholders. The distribution of money and gifts by candidates, especially from the ruling party – a practice inconsistent with democratic principles, was widely observed by EU EOM observers.

The fact on the ground suggests that, recently, in Uganda, there were amendments to the Election Acts providing for additional safeguards against electoral offences, but these have addressed neither the main concerns of most national stakeholders nor the core recommendations of the 2006 EU EOM, such as reform of the Electoral Commissioners' appointment process (Majaju, 2016). Although the police issued repeated warnings against election-related protests, it is regrettable that no significant effort was undertaken by any state body to educate the public about electoral malpractices and the criminal sanctions they attract. Such failure is prone to instill a sense of impunity (Blattman, 2009). The state-owned broadcaster, Uganda Broadcasting Corporation (UBC), failed to comply with its legal obligations to treat each presidential and parliamentary candidate equally, with its television channel giving the incumbent president and the ruling NRM party substantial coverage (Oyana, 2015). Recent threats against the freedom of press, coupled with limited critical reporting of the incumbents' record in office, give rise to concern about the ability of media to exercise fully their fundamental right and freedom to report.

In February 2011, Museveni was re-elected, though the results were disputed by both the European Union and the opposition leader, Kizza Besigye. Hearsay in Uganda has it that Besigye actually won the election; however, Museveni had results rigged for a corrupt win. On April 28th of the same year, Besigye was arrested during "Walk to Work" protests against the inflating costs of living; thus, riots occurred in Kampala.

During the 2016 election in Uganda, CNN Report (2016) pointed out that, Ugandan President, Yoweri Museveni, extended his 30-year grip on power after Saturday election commission had declared him the winner despite an outcry from the opposition. Preliminary figures showed the



incumbent with 62% compared to 34% for his closest competitor, the opposition leader, Kizza Besigye. But Besigye's party, the Forum for Democratic Change, rejected the results and demanded an independent audit of the elections. Besigye is under house arrest; no one is allowed in or out to see him. Election officials announced the final results. Museveni, 71, has been in office since his rebel group seized power in 1986. In 2005, the constitution was changed to allow him to extend his time in office. As he tries to maintain his grip on power, experts emphasized the difficulty of unseating incumbents in Africa and lack of true democracy. An interview with Mr. Otieno, on 27th May, 2017 a Ugandan student at the University of Dodoma, had this to say:

... I do not pretend to know much about the situation in Uganda, but from local word of mouth, Museveni has been the president for 30 years. He is 71 years old and people here have been telling me that they want change. They say he needs to retire. Ugandans use the word "dictator" to describe him. I have spoken to many people about the elections in the past few days and everyone has voiced the same opinion; they all desire a different Uganda. They are tired of the corruption. They are tired of the oppression. Not one person has told me they will vote for Museveni. Museveni is the richest person in the country. The richest person in the country of Uganda is the president. That is certainly something to think about while you consider that Uganda is the poorest country in a group with Tanzania, Rwanda and Kenya.....

8.3 Kenya

The 2017 election in Kenya has been a lesson and proof of a changed role of observers to becoming spectators. The previous report, by European Union, of 23rd May 2013 revealed that election observers had pointed out areas for improvement and said the poll was a step to strengthen the electoral process in subsequent elections in the country (National Election Data Book, 2013). Antagonistic, Brotton and Kimenyi (2017) argue that, in the 2017 election, foreign election observers endorsed a deeply flawed election in Kenya. Now they face questions and it seems that when Kenya returns to polls to decide its next president, hundreds of election observers will not be welcome as it is articulated below.

"Election monitors are tasked with assessing the conduct of an election process as an independent party. Observers of this kind, from the African Union, the European Union, the common Wealth Nations, and the United States-based Carter



Center endorsed the results of Kenya's August 8th election. The former US Secretary of State, John Kerry, and head of the Carter Center's Mission, applauded the process as "free, fair and credible" despite "little aberrations here and there". Less than a month later, those aberrations, which included less than 5 million unverified ballots, led Kenya's high court to annul the election, overturning the victory of the incumbent president Uhuru Kenyatta. This led to a new scheduled election of which Raila Odinga could not participate. This has quickly turned onto the role of election observers. Odinga, who petitioned the court to invalidate the vote, released a statement on BBC News (August 9th, 2017) "with this courageous verdict, we put on trial the international observers who moved fast to sanitize fraud".

Therefore, election observer's role in elections is perceived with skeptics because of lack of tangible improvement in democracy despite their copiously involvement in previous elections in the East African Community.

9.0 Conclusions and Recommendations

In Kenya, the observers applauded results; and in Uganda, recently, where President Yoweri Museveni was re-elected last year amid a social media blackout, violence and contradictory vote counts, the EU mission neither endorsed nor condemned the election. Instead, it urged the public to read its report and draw its own conclusions. In Tanzania the 2015 election to observers was free and fair amid unilateral nullification by the Zanzibar National Election Committee (CNN Report, 2017)

Some scholars conceive that, election observers' main audience has been the international community, rather than the population whose election they are monitoring," says Emma Gordon (2017), Senior East Africa Risk analyst at the UK-based consultancy Maplecroft. Across the continent, there are examples of observers describing elections as broadly free and fair, when there is a perception that rigging of results occurred". There are other factors at lay. According to Kelly (BBC News, 2017) observers are more likely to endorse elections of countries that are



major foreign aid recipients. Kenya, one of the USA's closest allies on the continent, receives more than 500 million in United State Agency for International Development each year.

It is therefore argued that, from the very fundamental principle, election observers: firstly, have a prime role during electoral process, thus deems a valuable tool for improving the quality of elections, hence democracy and leadership legitimacy; secondly, help build public confidence in the honest of electoral processes; thirdly, can help promote and protect the civil and political rights of participants in elections; fourthly, can lead to the correction of errors or weak practices, even while an election process is still under way; fifthly, can deter manipulation and fraud, or expose such problems if they do occur for improvement endeavors presently and in the future; and sixthly, can build trust in the democratic process and enhance the legitimacy of the governments that emerge from elections.

Surprisingly this has not been the case in the recent and some previous election in countries within the EAC including Kenya, Uganda and Tanzania. This is because a lot of manipulation, fraud, rigging of votes, biases on media exposition, use of force by police and discrimination on gender occurred in recent elections and these happened even in the previous election. The reports by observers, both domestic like TEMCO and International like the EU, have persistently recommended to the organs responsible to improve critical areas of the election and electoral process, but the outcomes in the succeeding election have been worse. Therefore, such a dimension exhibited by national and international stakeholders is responsible for improving democracy and the citizens' capacity to elect leaders. It becomes worse where an observer endorses a deeply flawed election like the 2007 election in Kenya that was annulled by the Kenya High Court. This paper, therefore, argues that, with the experience of the recent election in Kenya, Tanzania and Uganda, the observers' role is tarnished into becoming spectators.

The international observers are alleged to be typically less knowledgeable about the country they are observing, and a few may bring their own biases to the observation. Furthermore, cross checking what is happening in the EAC specifically in Tanzania, Kenya and Uganda after the



recent elections, you may prove beyond doubt that, there are no systematized peace-building initiatives that are done by observers. The cases in Uganda and Burundi point to the same. After election, observers issue statement and vacate the community engaged in the election. In some areas, they even hastily vacate before the results are announced in fear of being victims of the post-election conflict.

It is therefore recommended that, observers rethink of their status and come back to their original call to observe elections for improving democracy and enhancing political legitimacy in the international community. Observers as mandated by the International Community, are in a better position to mitigate manipulation, fraud, rigging of votes and the use of force by police and discrimination on gender which occurs in elections and thus solicit the fairness and freeness of election in the world.



References

- Almond, G and Verba, S. (1963). *The Civic Culture: Political Attitudes and Democracy in Five Nations*. Princeton: Princeton University Press.
- Anglin, D. (1995) "International Monitoring of the Transition to Democracy in South Africa", *African Affairs*
- CNN & BBC News August 9th 2017
- Birch, S. (2008): *Patterns of Electoral Malpractices: Project on Electoral Malpractice in New and Semi Democratic Working Papers*. Colchester University of Essex
- Blattman C (2009). "From Violence to Voting: War and Political Participation in Uganda". *Am. Pol. Sci. Rev.*, 103(2): 145
- Bok, D. (1997). "Measuring the Performance of Government: in *Why People Don't Trust Government?* J. Nye, S. Joseph, P.D. Zelikow and DC King (eds.) Cambridge: Harvard University Press.
- Bratton, M. and M. S. Kimenyi (2017). Voting in Kenya: Putting ethnicity in perspective. *Journal of Eastern African Studies* 2(2): 272-289.
- Brennan, G. and A. Hamlin (1998). Expressive voting and electoral equilibrium. *Public Choice* 95(1-2): 149-175
- Brown, S. (2014). Theorising Kenya's protracted transition to democracy. *Journal of Contemporary African Studies* Volume 22 (Number 3): 325-342.
- Cheeseman, N. (2008). The Kenyan elections of 2007: An introduction. *Journal of Eastern African Studies* 2(2): 166-184
- Chelang'a, J., P. O. Ndege, et al. (2009). *The crisis of governance: Politics and ethnic conflicts in Kenya*. Eldoret: Mi University Press
- Chweya, L. (2009). *Ethnicity, social class and elections in Kenya*. Nairobi: Claripress
- European Union Election Observation Mission Final Report Tanzania – General Elections October 2010 T. Sisk, eds. *From War to Democracy: dilemmas of peace building*. Cambridge University Press, pp.157-81.



- Garber, Larry, Glen Cowan (1993), 'The Virtues of Parallel Vote Tabulations', *Journal of Democracy*, 4/2, 95-107
- Humphreys, A. (2011) 'The Heuristic Application of Explanatory Theories in IR', *European Journal of International Relations*, 17(2):257-277
- Hyde, S. & Marinov, N. (2012) "Information and Self-Enforcing Democracy: The Role of International Election Observation", Yale Press
- International Covenant on Civil and Political Rights adopted by the General Assembly of the United Nations on 19 December 1966
- International Crisis Group (ICG). (2006), *Burundi: la démocratie et la paix en danger*. Nairobi: Rapport Afrique ICG N°120.
- International Crisis Group (ICG). (2010), *Burundi: ensuring credible elections*. Bujumbura: Rapport Afrique ICG N°155.
- Kasozi, M. (1994): *THE SOCIAL ORIGINS OF VIOLENCE IN UGANDA, 1964-1985* (1994). McGill-Queen's University Press, at 249-256. Brett, E. (2010): *Neutralizing the use of Force in Uganda: the role of the Military in politics*, *Journal of Modern African Studies*, Vol. 33, Issue 01, 2010, 129-152, at 129.
- Lawson, G. (2012) 'The Eternal Divide? History and International Relations', *European Journal of International Relations* 1(2): 203-226.
- Lean S. (2004) "The transnational politics of democracy promotions: election monitoring in Latin America", University of California
- Lindberg, S., ed. (2009), *Democratization by Elections: a new mode of transition*. Baltimore, MD: Johns Hopkins University Press.
- May, R. (2003): 'Turbulence and Reform in Papua New Guinea' *Journal of Democracy* 14(1): 154-165.
- Mujaju, A. (2003). "Presidential and Parliamentary Elections in Mbale District: A Case of Bungokho" in Sabit-Makara, Tukahebwa, B. Geoffrey and Byarugaba, E. Foster (Eds.) *Voting for Democracy in Uganda: Issues in Recent Elections*. Kampala, LDC Publishers Printing Press, p. 145.



- National Election Book (2011): Published by Institute for Education in Democracy. Nairobi Kenya
- Novotny, P. (2010). The Backlash Against Election Monitors: How the Professionals Can Respond. International Forum for Democratic Studies.
- Oyana, J. (2006). Analysis of Uganda's Presidential Elections Since 186 Using GIS and Spatial Analysis Techniques, p.5.
- Roberts, G. (2006) 'History, Theory and the Narrative Turn in International Relations', Review of International Studies 32(4): 703 -714
- Sekagya. M. (2015): Management of Elections, A Study by Afrimap and the Open Society Initiative For Eastern Africa, Open Society, at page 16, available at <http://www.hrcug.org/publication/file/Management%20Election>, accessed November 2015.
- Trawen, A. (2006): 'Electoral Reforms: Implications for the 2007 National Elections' State, Society and Governance in Melanesia Discussion Paper Series 2006/3 (Research School of Pacific and Asian Studies, Australian National University, Canberra).
- Union Européenne (EU). (2010), Burundi: rapport final élections communales, présidentielle, législatives, sénatoriales et collinaires 2010. Bujumbura: Mission d'Observation Electorale Union Européenne
- United Nations Human Rights Office of the Commissioner (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, UN, New York and Geneva.
- United Nations System Staff College (UNSSC). (2011), The role of elections in peace processes, Turin: United Nations System Staff College