

A REPORT OF THE OBSERVATION OF THE ELECTIONS OF THE AFRICAN PARLIAMENTARIANS NETWORK AGAINST CORRUPTION (APNAC)

Introduction

This is a report of the observation of the elections of the African Parliamentarians Network against Corruption (APNAC) held on the 4th November 2003 at Grand Regency hotel Nairobi, Kenya. The elections were conducted and supervised by Hon. John Williams assisted by Wambui Gachucha of Transparency International Kenya. The electoral process and the elections were observed by Ms. Koki Muli, Executive Director of the Institute for Education in Democracy assisted by Ms. Gladwell Otieno, Executive Director, Transparency International Kenya. The elections were held pursuant to the Constitution of APNAC, which was adopted on the 5th day of February 1999 in Kampala, Uganda.

The APNAC Constitution provides for the election of the chair, vice-chair and eight Directors representing the four regions of Sub-Saharan Africa: East, West, Central and Southern Africa. It does not provide for specific Election Rules, Regulations and Procedures.

1. Purpose /Objectives

The objectives of observing the APNAC elections were as follows:

1. To determine the credibility of the electoral process and the elections.
2. To determine the freeness and fairness of the elections process
3. To ensure that the conduct of the elections was transparent and professional.

2. Justifications / Rational

APNAC is a network of parliamentarians, which aims at “strengthening and coordinating the capacity of Africa parliamentarians to fight corruption, exercise overall accountability functions and to promote good governance.”

The above entails institutionalising the process and procedures of APNAC. This will ensure transparency, accountability and strengthening of environment conducive to enhancing good governance and facilitating an effective fight against corruption.

APNAC aims to achieve its goals and objectives through lobbying and advocacy; networking and information sharing; raising awareness on the issue of corruption at all levels of the society –civic education; co-operation and coordination with national and international organizations and institutions on all matters of corruption.

These activities presuppose a degree of integrity; professionalism, institutional capacity; transparency, accountability and moral authority on the part of APNAC. This means that APNAC needs to be a role model with regard to principles that facilitate an effective and credible fight against corruption. APNAC needs to be transparent, accountable and democratic institution that leads by example and therefore its processes must be credible and its elections free and fair.

3. Elections rules and procedures

Institutional building and strengthening of the capacity of organizations is the first step towards making it professional. The setting up of rules and procedures facilitates transparency and accountability. The process of conducting credible, free and fair elections results in leaders who have been elected on the free will of the voters. The process of observing elections helps to determine whether or not the (free) will of the voters has been expressed through the elections process.

Hon. John Williams, chairperson, Global Organisation Parliamentarians Against Corruption (GOPAC) was appointed the independent Returning Officer (RO) for the APNAC elections. The APNAC Constitution does not provide for the electoral rules, regulations, and procedures, therefore, the RO developed these pursuant to the spirit and interpretation of the provisions of the APNAC Constitution. These rules and procedures are as contained in appendix one of this report.

4. The observation process: what were the observers looking out at?

As indicated earlier, the observer needs to establish that the elections are conducted in a professional and transparent manner and that they are free and fair. This will facilitate the credibility of the electoral process which is the aim of the observation process. Therefore, the observer will need to look at specific areas of interest to make the above determination. The following are some of the focus areas for effective observation:

1. That the electoral process is pursuant to written Procedures and Rules and Regulations.
2. That the electoral process is credible and conducted professionally.
3. That as much as possible gender balance is respected and where possible ensured to facilitate gender mainstreaming and equality.
4. That all the prospective candidates have access to the electoral process and effectively participate.
5. That all the voters were facilitated and had an opportunity to exercise their right to vote on their own free will.
6. That no candidate was imposed on the voters and none was prevailed upon or coerced to withdrawal his or her candidature.
7. That the nomination process was conducted in a credible, transparent, free and fair manner.
8. That the elections officials including the Returning Officer, Deputy Returning Officer, and other elections officials, conducted the elections in a professional, transparent, free and fair manner. That is to say for example, they do not favour or advantage any candidate or voter and that no intimidation, coercion, or influence of any nature is bought on the candidates or the voters.
9. That any candidate who wishes to have a scrutineer or an agent during the polling and counting is allowed
10. That, the counting and announcement of the results was conducted in a transparent and professional manner.

In addition to the foregoing, the following should be noted:

- That a list of voters (countries in the case of APNAC) was made available to voters, candidates, agents, scrutineers, observers and any other interested parties.
- That a list of candidates was available to voters, candidates, agents, scrutineers, observers and any other interested parties.
- That the rules and procedures of the elections developed by Hon. Williams were available to voters, candidates, agents, scrutineers, observers and any other interested parties.
- The APNAC constitution (English version only) was available to voters, candidates, agents, scrutineers, observers and any other interested parties.

5. The procedure followed in the conduct of the elections

The elections were to be conducted in two phases to enable unsuccessful candidates nominated for the chair and vice-chair positions opportunity to present their nominations for the regional directors' positions. The first phase was the election of the chairperson and vice chairperson. The nominations for the two positions were invited on 3rd November 2003 and closed just before the election was conducted. This was aimed at giving all eligible candidates the opportunity to submit their names or to be proposed for the elections.

Before lunch break at 12.45 pm, on 4th November 2003, the Returning Officer, Hon. Williams moved a motion to adopt the elections officials and observers as follows:

- That the Returning Officer be assisted by a deputy returning officer: Ms. Wambui Gachucha Transparency International-Kenya.
- That the members adopt the Institute for Education in Democracy (IED) represented by Ms. Koki Muli to observe the elections assisted by Ms. Gladwell Otieno from Transparency International-Kenya.

The motion was carried unanimously. Thereafter the Returning Officer read out the following to members:

1. Rules and Procedures for the elections
2. A list of voters (participating countries present at the conference) for the elections.

5.1. Elections for the Chairperson and Vice-Chairperson

The candidate for the position of the Chair

1. HON. AUGUSTINE RUZINDANA - UGANDA

The candidate for the position of the vice chair

1. HON. HAUWA THAIWAN - SENEGAL

There was only one nominee for each of the two positions as follows: Hon. Augustine Ruzindana from Uganda, nominee for the position of the Chairperson and Hon. Mme. Haoua Thiam from Senegal for the position of Vice Chairperson and as a result, an election was not necessary. Therefore, the Returning Officer declared the candidates for the chair and Vice Chair duly elected by acclamation.

5.2. Elections for Regional Directors

Candidates for the positions of Regional Directors

HON. S. SANGARE	MALI	
HON. STEVE AKORLI	GHANA	WEST
HON. NDUESE ESIAN	NIGERIA	
HON. DR. ZAINAB AWIR GAWA	TANZANIA	EAST
HON. ANGWNYI	KENYA	
HON. OUCHER TOURGOUDI	CHAD	CENTRAL
HON. BOUZABO PATCHILI	CHAD	
HON. THOKOZANI KHUPE	ZIMBABWE	SOUTH
HON. LOUIS CHIMANGO	MALAWI	

As mentioned earlier, according to the APNAC Constitution, there were eight vacancies for the positions of the four regions eligible for the elections. The RO indicated that he had received nine nominations two each from East, Central and Southern Africa and three from West Africa. He therefore read out the list of the countries present and participating in the elections and the list of candidates nominated. He further indicated that the nomination process would still continue until after tea break and invited more nominations.

At this point, Hon. Ruzindana said that the Ghanaian candidate had withdrawn from the race to which the RO responded that only candidates can remove themselves from the list of nominees and not any other person on their behalf. At this point, the Ghanaian nominee did not seek to remove himself from the race.

The nomination process closed with the 3 nominees from West Africa and an election was called for that region.

However, as RO and his Deputy RO were preparing to proceed with the elections the chairperson elect, Hon. Ruzindana, reported that the Nigerian delegation had agreed with the Malian delegation to have the West Africa region represented by the Nigerian and Malian candidates and stated that they agreed that the Ghanaian candidate withdraw. At this point, looking a bit surprised and confused, the candidate from Ghana stood up and indicated that he was withdrawing his candidature.

- The RO indicated that he was disturbed because the nominations process closed with 3 candidates for the West African region and the withdrawal by the Ghanaian under the circumstances seemed rather stage-managed.
- Our observation of this progression of happenings was that the Ghanaian candidate did not willingly withdraw from the race.
- While the RO may have conducted his business in a transparent manner – the caucusing and nomination process did not appear very transparent. Indeed, the observers had no opportunity to follow the ‘nomination’ process by the countries. For example, it was clear that the Ghanaian candidate had an opportunity to withdraw his candidature before the close of the nomination process or even after of his own will but he waited until ‘he was prevailed upon’ by the statement made by none other than the chairperson elect to withdraw.
- All other regions had 2 candidates as was required and therefore there was no need for an election, and all the candidates proposed were acclaimed.
- The only region where an election was on the verge of occurring was in the West where the process was immaturely interrupted by the withdrawal of the Ghanaian candidate.
- There was no real ‘election’ as **all** candidates were acclaimed.

6. General observations

APNAC is a network whose members are important elected (and nominated) leaders in their countries. The conduct of the affairs and the management of APNAC are of great significance and importance not just because of the network’s objectives and functions but also because of the position of responsibility that APNAC enjoys. APNAC must maintain certain standards and achieve the requisite capacity to enable it to lead by example. It was therefore, a great gesture for APNAC to invite scrutiny of their elections. This is because observation of elections helps an institution to identify its capacities, weaknesses and strengths to enable it to strengthen institutional capacity to function effectively and efficiently. Further, observation helps an institution to enhance its legitimacy, credibility and build confidence among its members. It is an important statement of transparency, accountability and commitment to democracy.

In an election, the determination of its freeness and fairness begins from the determination of the accuracy¹ of the register of members/voters, the legal framework and the electoral rules, regulations and procedures, the process of campaigning, caucusing, nominations, polling, counting, announcement and declaration of results. It was difficult for the observers to understand and follow the electoral process because of a number of factors mentioned in the foregoing report. Therefore, our observation is limited to the some caucusing of members, interviews of members, analysis of the APNAC Constitution, and happenings during and after the nominations, and the conduct of the candidates, members, the RO and his deputy.

¹ Up to date paid up membership – where necessary, and up-dated particulars of members or voters, etc.

- i. The conduct of the electoral process by the RO was professional, transparent and credible.
- ii. Members who had questions or sought clarifications were allowed to make their interventions and these were responded to by the RO.
- iii. The observers were not privy to the “caucusing” and it was suspect whether or not there was any consensus building in the consultation process in agreeing on the lists of candidates especially for regional directors.
- iv. Lack of adequate procedures, rules and regulations governing the electoral process undermined the process and made the work of the RO rather difficult.
- v. It is difficult to state that the will of the candidates and the voters were freely expressed.
- vi. There were no indications that all interested parties were consulted before submission of nominations and many candidates nominated themselves. Indeed, some of the prospective candidates interviewed with regard to why they did not present their nominations indicated that, when they found out that certain individuals had nominated themselves they felt that it would ‘create a bad impression if they indicated their interests.’ This for meant that this could not have been a free and fair election where every interested eligible candidate felt free to present his or her nominations and to participate in the elections.
- vii. It appeared that the electoral process was stage-managed by the candidates and some voters.
- viii. Only 2 women were ‘elected’ out of 10 officials and this is gender imbalance.

7. Proposals and recommendations

1. APNAC and national chapters need to work towards institutionalising the fight against corruption. This will include training, building and strengthening their capacities (institutional and resources). In this regard, internal democratic processes like the management of APNAC and the conduct of its elections reflects on its capacity to function effectively and democratically.
2. APNAC needs to establish and promulgate Rules, Regulations and Procedures of the conducting elections and other internal democratic processes, including among many things criteria, qualifications, guiding principles etc. This may also entail revision of its Constitution.
3. APNAC needs to strengthen a framework for advocacy and lobbying in the fight against corruption and in its activities.

4. APNAC needs to establish a framework and build structures to facilitate and ensure gender equality, sensitivity and mainstreaming within the organization and in its activities.
5. APNAC needs to seize all opportunities to actively recruit new membership including, presidents of its members and the ruling parties, to enhance its political goodwill at the highest executive decision-making levels to enable it to step up the fight against corruption in Africa.
6. APNAC needs to establish a register of members and eligible voters and regularly update the same and make these accessible to all members
7. APNAC needs to review and translate its constitution to all the official languages of its members.
8. APNAC needs to make its electoral process more transparent, accountable and credible.
9. APNAC needs to forge strong links with the civil society organisation and funding partners to assist it function effectively, efficiently and democratically. In this regard, it needs to enhance its image and public profile by among other things involving itself in the activities of regional intergovernmental, national and other initiatives within its area of mandate.

APPENDICES

APPENDIX 1

APNAC ELECTIONS RULES, REGULATIONS AND PROCEDURES (The Williams's rules and procedures)

Elections for the APNAC Office Bearers will be held tomorrow, November 4th, 2003. The APNAC constitution allows for the election of a Chair and Vice Chair as well as eight Directors (two per region) representing the four regions of Africa: East, West, Central and Southern Africa.

In the interest of openness and transparency and, to give everyone an opportunity to participate, the following rules will be observed:

Eligibility: Only APNAC members at the time nominations close will be eligible to stand for election.

Anyone who has sought the position of Chair or Vice Chair and failed to be elected will be eligible to put his or her names forward for Regional Director Positions as well.

For both elections, each country present will receive one vote. Each country must caucus to determine who will issue the vote on their behalf.

Nominations (Chair, Vice-Chair): Nominations will remain open until immediately before speeches and elections in order that everyone has an opportunity to learn who the candidates are. John Williams will announce at the close of business Monday, November 3rd, who the nominees are.

The names for Chair and Vice Chair will again be announced before lunch on Tuesday, November 4th. After lunch, nominations for Chair and Vice Chair will close. This will be followed by short speeches from the candidates, then, the election.

Nominations (Regional Directors): Before the tea break on Tuesday afternoon, November 4th, Mr. Williams will announce the candidates for the position(s) of Regional Director(s).

The election for APNAC's regional directors will be held by the regional caucuses. Please remember, one country receives one vote and must be present for the proceedings.

Gender Balance: In order to promote fair representation, we encourage all female members of parliament to run for election.

Election Procedure: The APNAC Chair and Vice Chair will be elected end of day Tuesday by means of a large roll call. Ballots will be distributed to those present.

APPENDIX 2

LIST OF PARTICIPATING COUNTRIES (Regional clusters)

1. NIGER	WEST
2. GHANA	
3. SENEGAL	
4. NIGERIA	
5. MALI	
6. BURKINAFASO	
7. TANZANIA	EAST
8. UGANDA	
9. ETHIOPIA	
10. KENYA	
11. ZIMBABWE	SOUTH
12. SOUTHAFRICA	
13. MALAWI	
14. CHAD	CENTRAL