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## **INFORMATION**

This is to inform our contributors and general public that in an attempt to acquire ISSN number for our journal, it was discovered that another publication bears the same title with our formal title – EDE. Thus, the need to change our own title to: ***Ilorin Journal of Linguistics, Literature and Culture***. All former documents remain valid.

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*Adékéyè Bòlànlé Folúkè's* paper is a re-analysis of Èyánrúko which has been analyzed as a lexical class in the Yoruba grammar. The paper adopts Radford's 1999 morpho-syntactic criteria for establishing lexical classes in languages. The work argues that Èyán is not a separate lexical class in standard Yoruba and if it is to be spoken of in the Yoruba grammar, it is when discussing grammatical functions (subject, object, predicators, etc) of lexical items as lexical items like nouns, grammatic items and clauses are employed to function as Èyánrúko (noun qualifiers) in the language.

## TABLE OF CONTENTS

Information	iii
Editorial Consultants	iv
Note for Contributors	v
Instruction to Contributors	vi
Notes on the Contributors	viii
Preface	ix
Table of Contents	xii
Distinctive Patterns of Proverb usage in Selected Yorùbá written Literature Esther Titilayò Òjò, (Ph.D.)	1
Deconstructing the myth of voicelessness of the African woman: Julie Okoh's <i>Edewede (The Dawn of a new day)</i> Aliyu-Ibrahim, Foluke R. (Ph.D.)	29
The Yorùbá Concept of Child-Birth, Child-Training and Inheritance: A Critical Appraisal of the Modern Worldview Oyewalé, Ayodélé Solomon (Ph.D.)	43
Socio-mythical Approach to Yorùbá Indigenous Health-related Verbal Art Oládélé Caleb Orimóògùnjé, (Ph.D.)	75
Social implications of the belief in the concept of destiny on the Yorùbá people of Nigeria. Layò Ògúnolá	96
Variations in Anglicised Names among Yorùbá-English Bilinguals: Fostering Language, Cultural, and National Development or Death? AJILEYE, M.K. (Ph.D.)	109
Towards A Sociolinguistic Study of African Literature Olukayode Omole	134
Language and Literacy in Computer Mediated Communications Èsòhè Mercy Omòrègbè	152
African Union Election Observer Mission Lemuel E. Odeh (Ph.D.)	168

## AFRICAN UNION ELECTION OBSERVER MISSION

**Lemuel E. Odeh (Ph.D)**  
Department of History & International Studies,  
University of Ilorin,  
lemuelodeh@gmail.com , lemuelodeh@yahoo.com  
08033018425, 07055030286

### Abstract

The African Union is the union of fifty-four (54) African countries. The African Union is the legal successor of Organization of African Unity. AU was launched on 9 July, 2002 in South Africa to replace the OAU. It could be understood that, just like United Nations Organisation did to League of Nations, AU was launched to correct the failures of OAU. At the dawn of the new millennium, most of the African countries were democratizing, thus, the task for African Union is the promotion of democracy and good governance. The Union maintained its stance on democratic enhancement of Africa through different means including elections observation. Monitoring of elections by international observers is perceived as capable of reducing if not preventing fraud, build confidence among voters and competing political actors, and ensuring that elections take place in a free, fair and transparent atmosphere, *a sine qua non* to democratic substance in Africa. Unfortunately, most African countries face problems of free and fair elections, good governance, democratization and peaceful handovers. It is against this background that this paper seeks to examine the activities of the African Union Elections Observer Mission vis a vis democratic sustenance, good governance, free and fair election in Africa. It is believed that the monitoring of the elections by African Elections Monitoring Observers would help in reducing largely some of these bottlenecks in African countries particularly at the dawn of the new millennium.

### Introduction

The first involvement of O.A.U the predecessor of A.U in elections observation in Africa dates back to 1989 when it joined the U.N in observing elections in Nicaragua in 1989.<sup>3</sup> Before this time, the mandate of O.A.U. was not extended to elections observations in

member countries. It has to be remembered that article 3 of the Charter of the OAU which maintained the principle of non-interference in the internal affairs of its member states made it impossible for OAU to interfere and intervene in the elections of member states. Moreover, the focus of the OAU was to promote self determination and foster the establishment of sovereign African states countries that would be free from external interference.<sup>4</sup>

By the beginning of 1990s, the changes in international political system began to significantly cause change in socio-political landscape of the African continent. It is to be noted that by 1990 most African states were one-party states. Because of the change in international system partly as a consequence of the end of cold war, however, many African countries embarked on transition to democracy which features multi-party system and periodic elections.<sup>5</sup>

Consequently, several countries in Africa appealed to OAU in assisting them in democratization process particularly through elections observation.<sup>6</sup> It has to be acknowledged that several international election observers have been very active since this period. Nonetheless, AU was to play a crucial role. It is significant to appreciate that the decision of the AU to get involved in the observation of elections of its constituents marked a turning point in the history of AU. Because of the advantages of election observation by AU, leaders of member states have been calling on the leadership of AU to send delegation to observe elections in their states.<sup>7</sup> It is worthy of note that AU has decided that it will always send Election Observer Missions to member states even when not invited by them to do so. This decision was a consequence of absence of invitation from necessary authorities in Kenya to observe the 2007 elections.

It is significant to understand that sometimes elections observations by international observers is considered violation of nation's sovereignty. It therefore becomes imperative to briefly examine the legality of election observation by AU. There are several documents that provide legal framework for the AU's involvement in

election observation in Africa. These documents include; (a) NEPAD's Democracy and Political Governance Initiatives; (b) African Charter on Human and Peoples' Rights, (c) the African Charter for Popular Participation in Development, and (d) the Cairo Agenda for Action.<sup>8</sup> All these documents have contributed though not directly in the shaping of the legal framework of AU's Elections observation.

It is significant to state that the documents that make AU to be fully engaged in election observation are (a) All Declaration on the Principle Governing Democratic Elections in Africa and (b) the African Charter on Democracy, Election and Governance.<sup>9</sup> While these two documents solidify the involvement of AU in elections observations, all the documents including the earlier ones could be said to have formed the basis for the work of AU in the field of democratization.<sup>10</sup>

### **AU Election Observer Mission: Mandate Right and Responsibility of the Observers.**

AU Observer Mission comprises of members of the Commission and representatives of some member states among others.<sup>11</sup> Just like other Inter - Governmental Organizations' Election Observer Mission including European Union Election Observer Mission, the core team of AU EOM includes the Chief Observer and the other team members.<sup>12</sup>

The Election Observer Mission is usually led by an African former President. Sometimes the Mission is supported by a team of experts from AU Commission, the Pan-African Parliament and the Electoral Institute for Sustainable Democracy in Africa.<sup>13</sup>

The observers also receive specific training on electoral observation, and employ standardized methodologies.<sup>14</sup> Given the professionally mixed composition and the specific training received by the observers, the credibility of AU EOM is better enhanced. Upon receipt of invitation from the concerned authorities of the member

country to observe her elections, the chairperson constitutes the mission. Depending on the prevailing situations in the host country, the chairperson may deploy Elections Observer Mission on a short or long term basis. In case of a short term mission, observers are deployed one week before the Elections.<sup>15</sup> Deployment of long term mission is usually earlier than one week from the elections.

Having constituted the EOM, the mandate is exclusively to observe elections in the host country. The objective of the mission is always to make independent, objective and unbiased assessment of the elections in the host state. For the mission to achieve its objective, however, there is need for the mission to consult with key stakeholders in the countries. The stakeholders include National Electoral Commission, Leaders of Political Parties, and Representatives of Civil Society Groups among others.<sup>16</sup> It needs to be stated that AU observers enjoy certain rights in carrying out their duty. These rights according to AU Elections Observation Guidelines include the following:

- a. Move about freely within the host country;
- b. Communicate freely with the competing political parties, civil organizations and other social groups including religious bodies;
- c. Have free access to polling stations before, during and after polling day;
- d. Have free access to voters register;
- e. Observe the political parties and groups as well as the population at large in the exercise of their political rights, and conditions in which such rights are to be exercised;
- f. Seek the collaboration of the appropriate arms of government with a view to facilitating their mission within the host country.<sup>17</sup>

It is significant to realize that these rights enjoyed by AU EOM greatly enhance its efficiency. Having stated the rights enjoyed

by the AU EOM, it is good to also state some of their responsibilities. The AU Election Observation Guideline states the following responsibilities of AU Election observers:

- a. Have a good knowledge of various legal instruments regulating elections especially the electoral code;
- b. Access and assess the electoral registrar;

Despite the rights enjoyed by the members of AU EOM in the host, there are several codes of conduct to which election observers must adhere. The code of conduct requires the observers to:

- a. Comply with all national laws and regulations
- b. Maintain strict impartiality in the conduct of their duties;
- c. Neither accept nor attempt to procure any gifts, favours or inducements from candidates, their agents, parties or any other organization or person involved in the electoral process;
- d. Refrain from issuing orders or instructions to polling officers;
- e. Show maximum courtesy and respect to polling officers as well as voters.
- f. Restrain themselves from becoming parts of any problem relating to electoral process.<sup>18</sup>

### AU Election Observer Mission: Selected Cases

It has been noted earlier that the first involvement of AU in election observation and monitoring was in 1989. Over twenty years now, AU and its predecessor, OAU, have observed around two hundred and fifty (250) elections in Africa.<sup>19</sup> In fact recently, the chairperson of AU has approved the AU EOM to the 14 April, 2013 Senatorial Elections in Cameroon.<sup>20</sup> However, it is significant to state that the focus of this section is on the recent manifestations of AU EOM in elections in Africa. In this case, we will examine the AU EOMs in Kenya, Ghana and Sierra Leone.

### Sierra-Leone

The last elections were held in Sierra Leone on 17 November, 2012. While the elections were the third set of elections held since the end of the civil war in 2001, they were the first self-administered. Consequently, the November, 2012 elections were definitely to the consolidation of the country's nascent democracy.<sup>21</sup> This made it's observation worthy for both domestic and international observer groups. While different international observer groups such as the European Union Election Observer Mission, the Carter Centre etc were involved in the monitoring of the 17<sup>th</sup> November, 2012 General Elections in Sierra Leone, the focus will be on the AU EOM.

At the invitation by the relevant authorities in Sierra Leone, the Chairperson of AU constituted EOM. Led by Dr. Amos Sawyer, the former president of the Republic of Liberia, the mission was said to have arrived Sierra Leone on 11th November and remained there until 24th November, 2012.<sup>22</sup>

The mission was said to have deployed thirteen (13) teams of observers to 10 districts of Western Urban, Western Rural, Kailahun, Kenema, Kono, Bombali, Kambia, Port Loko, Tonkolili, Bo and Moyambe, and visited 191 polling stations on the day of election.<sup>23</sup>

The Mission observed and noted among other things that:

- a. The constitution of Sierra Leone recognizes and guarantees fundamental human rights and provides for universal adult suffrage in public elections;
- b. That the Public Election Act of 2012 provides a harmonized framework for the conduct of election;
- c. That in comparison to 2007 elections, there has been no significant improvement in the representation of women and physically challenged;
- d. That unlike during the 2007 elections, provisions were made by the National Electoral Commission for the use tactile of ballot for voters with impairment;

- e. That most of the polling stations visited opened after 7am due to delayed delivery of materials or slow completion of preparatory activities.
- f. That most of the voters understood voting procedure to some extent.<sup>24</sup>

It is pertinent to note that the reports of the AU EOM on the 17th November, 2012 general elections in Sierra Leone were based on the observations of the districts and polling stations visited. Therefore, this can be regarded as reflection of what happened in the remaining polling units and districts not visited. It was on the basis of these observations that AU EOM concluded that the 17th November, 2012 elections in Sierra Leone were conducted in a peaceful and credible manner.

The mission however recommended that:

- a. The NEC make provisions for physically challenged persons in future elections;
- b. The state develop mechanisms for achieving increased representation of women and physically challenged persons in elective positions;
- c. The Sierra Leone police should further sensitize her Officers and Men on elections security;
- d. That laws regulating media coverage of the elections be reformed to strengthen the powers of Independent Media Commission to enforce the code of conduct.<sup>25</sup>

## Kenya

The 4th March, 2013 General Elections in Kenya were the first set of elections held under the new constitution.<sup>26</sup> It could therefore be suggested that these elections would test the operationalism of the new constitution passed during the 2010

referendum. Since the passage of the Kenya constitution in 2010, many Kenya's democratic institutions have been strengthened and judiciary improved.<sup>27</sup> It was in a bid to further consolidate Kenyan democracy through credible elections that international election observers were invited to observe the 2013 general elections.

Upon invitation, the Chairperson of the African Union deployed AU EOM of 60 observers led by Joaquin Chissano, the former President of Mozambique to Kenya to observe its elections.<sup>28</sup> Twenty nine teams of observers were reported to have observed both the final days of the preparations to and actual elections in Twenty-Eight (28) of the total Forty-Seven (47) counties of Kenya, and visited a total of Four Hundred and Eight Two (482) polling stations.<sup>29</sup> Before and during the elections, the mission observed and noted among other things that;

- a. The Kenya's new constitution (2010) together with the Political Parties Act, the Election Act and Independent Electoral and Boundary Commission Act, all of 2011 greatly enhanced Kenyan electoral landscape;
- b. the Election Act and Independent Electoral and Boundary Commission is the primary institution that conducted and supervised the elections;
- c. Biometric Voter registration adopted for the first time by Kenya also enhanced significantly the integrity of the voters' roll;
- d. The voter education was conducted but started late;
- e. The campaigns were generally peaceful as the 2013 general election campaigns were regulated by the Code of Conduct for Political Parties;
- f. Women were not well represented despite the provision of the special quota for the representation of women and minorities in governance institutions under the new constitution;
- g. The media coverage was more skewed in favour of the two dominant political parties coalitions -CORD and Jubilee;

- h. Officials of both the IEBC and the security agencies generally reported for duty in time, though opening procedures for voting were delayed in some stations;
- i. Polling stations were generally located in public buildings and electoral materials were sufficiently available throughout.<sup>30</sup>

It was against this backdrop that the AU EOM to 4th March 2013 elections in Kenya concluded that the elections were credible, transparent and peaceful.

## Ghana

The 7th December, 2012 general elections featured the race for presidency between the incumbent president John Mahama and Nana Akufo-Ado. It has to be noted that just like what happened earlier in Nigeria, the incumbent succeeded his boss as a result of the latter's demise. In order to give the elections the required credibility and integrity, both the Government and Electoral Commission of Ghana invited several election observers, including AU EOM.

The Chairperson of the AU deployed H/E Olusegun Obasanjo, Nigeria's former President, led Election Observer Mission comprising of 40 members.<sup>31</sup> The following are some of the observations of the Mission;

- a. The legal and constitutional framework for elections in Ghana is sufficient to guarantee credible elections;
- b. The Electoral commission has the ability to preside over credible elections that reflect the wishes and aspirations of Ghanaians;
- c. The Electoral Commission adopted a Biometric Voter registration;
- d. The political parties have established a dialogue platform under auspices of Inter-Party Advisory Committee;

- e. The representation of women in elective positions has not been impressive;
- f. Mechanisms were put in place to assist the old and physically challenged voters to exercise their franchise;
- g. The media organizations operated in a free atmosphere without stifling laws to hinder their work;
- h. Most of the polling stations visited opened within the stipulated time of 7am;
- i. Most of the polling stations were located in public places and were easily accessible;
- j. The voter verification process was slow and cumbersome in some polling stations.<sup>32</sup>

Based on the observation of AU EOM, it concluded that the 7th December, 2012 General elections in Ghana were conducted under credible and peaceful atmosphere, though with some recommendations that may enhance the electoral credibility of the country in the future.

## Impact of African Union Election Observer Mission on Democratic Consolidation in Africa

Observation and monitoring of elections by international observers are very significant in measuring whether or not the election is conducted in a free and fair manner.<sup>33</sup> since the AU has increased its mandate to include democratization of Africa, elections monitoring has been assisting. The involvement of AU EOM in African elections has been enhancing the quality of electoral process in Africa. Because, the AU EOM observes within the spirit and letters of Durban Declaration on the Principles Governing Democratic elections in Africa which maintains that democratic elections are the sole legitimate basis for authority for a representative government, it has influenced integrity of elections in Africa.<sup>34</sup>

International Institute for Democracy and Electoral

Assistance has maintained that the ultimate objective of the election observation by international Observers is to help a country consolidate its own democratic processes and capacities.<sup>35</sup> It is not a coincidence that this is the original *raison d'être* for the establishment of Department of the Electoral Assistance Unit by the AU to implement its programme in advancement of democracy and democratic elections in the continent.

It is important to also appreciate the presence of AU EOM as sufficient to caution against electoral irregularities because AU EOM monitors all stages of elections, at least pre and during elections, oppositions may report cases of irregularities of the election process to them.<sup>36</sup> Therefore the mere presence of AU EOM is capable of deterring people involved in the elections especially the national authorities from doing 'anything funny.' AU EOM has also improved the standard of elections in Africa through the publication of its Preliminary reports. The instant publicity of the EOM's findings in the elections usually draws considerable attentions of both local and international media.<sup>37</sup> Consequently; both the national authorities and the bodies that manage elections in Africa are forced to conduct elections that are of international standards.

AU EOM also enhances the conduct of elections through their recommendations. Because its recommendations always point out deficiencies and shortcomings of the elections, they are capable of serving as significant instruments that may help enhance the conduct of the future elections. This could be observed in the case studies above where AU EOM gave different recommendations to the countries visited even though it concluded the elections were conducted in credible and peaceful atmosphere. It is worthy of appreciation that AU has become interested in strengthening democracy through election observation. Even though the electoral support activities by international actors have skyrocketed since the 1990s, AU EOM is to play a leading role in democratization of Africa. At least, if there will be interference in African affairs, it will be by Africans. This was the ultimate goal of the leaders of immediate independent Africa.

## Challenges of AU EOM

Though, much still need to be done by the AU EOM in the areas of improving the democratization process and conduction of free and fair elections in Africa. Despite the remarkable progress that has been recorded by AU in promoting democracy and enhancing election integrity in Africa in the past two decades of its transition, there are various challenges that has undermined the output of the AU EOM. Following are some of the challenges faced by AU EOM; (a) financial constraint, (b) short term mission, (c) national sovereignty, (d) lack of interest in post election processes, (e) lack of power to (de)legitimate result, (f) political situation in the country. It is however important to briefly examine how each of these constitutes challenge for AU EOM.

Most of the times the presence of International Observers is regarded as violation of a country's sovereignty.<sup>38</sup> International Election Observations may be rejected or at least their recommendations may be criticized as inappropriate interference of international organizations.<sup>39</sup> This was the case in the 2005 elections in Ethiopia when the leader of Carter Center Team Jimmy Carter, former American President was criticized based on his observations, and the team was advised to leave their own affairs to them.<sup>40</sup> AU EOM does not have immunity against this. Therefore, assertion of national sovereignty is a challenge to AU EOM

Financial cost of sending AU EOM is also a consideration. It is perhaps the inability of the AU to meet the financial demands of deploying more observers that always inform the low number of observers deployed, and even the number of days they stay in the host countries. As it can be observed from the countries examined above, the number of observers in each Mission was not more than sixty (60). Increase in number of observers may produce more objective assessments. Providing financial assistance to African countries for elections can facilitate implementation of respective international standards.<sup>41</sup>

Another challenge of the AU EOM is that AU mostly sends short term Observer Mission. In most cases AU EOM gets to host country in a week to, and observers are deployed in two days to elections. Deploying Observer Mission in a week to elections will not make the observers observe properly the procedure related to voter registration; neither will it make them monitor the media and finance of the campaigns by political parties.<sup>42</sup>

AU EOM also lacks interest in post elections processes. This is unlike other International Election Observers like Carter Center that remain in the host country after the elections and continues to observe post election processes.<sup>43</sup> It is not objective enough to work with just the observations of pre- and election activities. Interest of AU EOM in post election processes can give more credibility to the reports of its findings.

Again, most of the observers deployed into AU EOM are not well trained in the field of elections. Benjamin Reilly has noted, '... in many cases International Elections Observers are not trained professionals but rather politicians or bureaucrats...' <sup>44</sup> This has always been the case with AU EOM where former Heads of State lead the mission. It has to be acknowledged that 'there are many ways to defraud an election, and observers need to be highly trained to detect all but the most blatant forms of electoral fraud.

More so, it has been noted that most of the former African leaders that lead the AU EOMs lack credibility to lead Election Observer Mission. For instance, Chief Olusegun Obasanjo, who led the AU EOM to the December, 2012 elections in Ghana, is known to have organized the 2003 and 2007 general elections that were regarded as the most 'un-credible, 'un-free' and unfair in the annals of elections in Nigeria. Consequently, to question the credibility of leader or members of the Observer Mission is to question the mission and its reports.

Lastly, most candidates do not accept the reports of AU EOMs. Examples are in Kenya and Ghana where oppositions have challenged the results of the elections. This is in spite of the

conclusions of the AU EOM that elections were conducted in free, credible and peaceful atmospheres in the countries.

## Conclusion

The involvement of AU in election observations in Africa is a watershed in the history of the Union. Through the observation of elections in Africa, AU has been promoting democracy in Africa. AU has observed about 250 elections in member countries. It is to the credit of AU EOM that the quality of electoral process in Africa has been enhanced. This has helped different African countries consolidate their democratic processes and capacities. It has to be stated that observation of all elections in African countries has reinforced the role of the AU in protecting and promoting credibility of elections in the continent.<sup>45</sup>

However, despite the record of AU EOM in strengthening democracy in Africa, it has not translated to significant democratic advancement in Africa. This may not be unconnected with the challenges faced by AU EOM. Some of these challenges have been discussed above.

Despite the challenges however, electoral observation and assistance are tangible and visible tools for the implementation of commitments made by AU at its creation; the commitments that distinguish it from its predecessor, OAU

For better efficiency of African Union Election Observer Mission, we recommend that AU;

- a. Always send long term observer missions;
- b. Provide technical and financial support to member states to facilitate the implementation of international standard;
- c. Convince its member states to domesticate the African Charter on Democracy, Elections and Governance;
- d. Send more trained professionals than politicians and bureaucrats;

- e. Show more interest in post election processes;
- f. Provide means of legitimating and de-legitimizing election results.

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