International Election Observation as a model of International Governmentality Studies.

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Abstract

The emergence of the “event” of the international election observation has become a part of the reality of the new world and its new norms, where elections in many new sovereign states are accompanied by the practice of international monitoring. This paper will analyze this applying Foucault’s method of eventalization and the breach of self-evidence as the main theoreti-co-political function of eventalization (M. Foucault, 1991). This will be combined with the topic of international governmentality studies (W. Walters, 2012, M. Dean, 1999) to provide an analysis of the practice of international election observation, its main principles, methodology and standards in order to understand the logic and mentality of this enterprise, beyond the declared goals of enhancing democracy in developing countries.

The author will argue that the practice and techniques of international electoral monitoring does not necessarily have direct impact on democratic development of the observed countries. Rather this election observation practice, which is intended to promote universal and democratic standards, norms in developing countries in fact, echoes a practice of colonialism in the third world countries (D. Scott, 1995, W. Mignolo, 2000, A. Quijano, 2007). Instead of an opened control and monopoly of power by developed countries over underdeveloped or backward countries we have a “democratic” practice of election monitoring. Even though the countries and organizations that conduct election observation have not had, until recently, the standards for this monitoring, they made (make) their assessments that have future impacts on the observed countries ability to join the ‘club’ of developed and established democracies. These constructed differences between developed and underdeveloped, democratic and undemocratic, fair and not fair elections, are maintained to keep the power relations between the West and the Rest.
Michel Foucault wrote about specific topics, subjects and practices that were applied and introduced in mostly liberal states through recent times, and in some cases spanning centuries. He was writing to alert us, or at least some of us, that things that were taken for granted, such as particular norms, values and beliefs are not what they appear to be, but rather that they are what we perceive them to be, and this is based on a particular discourse or knowledge that we are exposed to or that we possess.

The practice of international election observation is one such subject. I will analyze this applying Foucault’s method of eventalization and the breach of self-evidence as the main theoretico-political function of eventalization (M. Foucault, 1991:76). This will be combined with the topic of international governmentality studies (W. Walters, 2012) to provide an analysis of the practice of international election observation, its main principles, methodology and standards in order to understand the logic and mentality of this enterprise, beyond the declared goals of enhancing democracy in developing countries.

The paper will be divided into three parts: the first part will provide an overview of the process of the implementation of the practice of international election observation and the way it was “problematized.” The second part will conduct a review of international election observation missions and their methodology in the
developing democratic state (former USSR) and their impact on the democratization of these states. The conclusion will provide the main findings of this research paper.

*Theoretical background*

Free and fair elections are essential for establishing the legitimate authority of governments and for allowing citizens to hold their governments accountable. The will of the people is the foundation and main criteria for the establishment of democratic, representative and responsible government. This right to choose cannot be taken for granted, nor should it be denied to any individual. In the last 40 years, particularly since the end of the Cold War, the challenges of democratization and the role of elections in this process have been a central focus of international affairs. The emergence of the “event” of the international election observation has likewise become a part of the reality of the new world and its new norms, where elections in many new sovereign states are accompanied by the practice of international monitoring.

The first international election observation mission was conducted in the Korean Peninsula in the late 1940s by the United Nations (UN), shortly after its founding.1 The later practices began in 1990 with the election in Sandinista Nicaragua and the referendum on self-determination in Namibia.2 Since then, in addition to the UN

2 Rafael López Pintor, “Election Observation: Twenty Years of Learning”, Spanish Ministry of Foreign
many well regarded and well-established international institutions such as the Organization for Security and Cooperation in Europe (OSCE), the Office for Democratic Institutions and Human Rights (ODIHR), the European Union (EU), the European Commission, Organization of American States (OAS), the Organization of African Unity and a number of non-government organizations (NGO) such as National Democratic Institute (NDI), the Carter Center, the International Institute for Democracy and electoral Assistance (IDEA), International Foundation for electoral Systems (IFeS), among others have become engaged in varying degrees in the practice of international election monitoring. As Figure 1 shows, international election monitoring has become a wide spread practice over the past 30 years and many international organizations conduct international election monitoring in many countries.

**Graph 1 Rate of Internationally Observed Elections, 1960-2006**

*Affairs and Cooperation,*
It is noteworthy that the organizations, mentioned above, were created in the periods after the Second World War or shortly before the end of the Cold War. The NDI and the Carter Center that were created in 1982 started a process of international election observation in 1987 and has observed 93 elections in 37 countries since then.\(^3\) The ODIHR, which is the OSCE’s principal institution, was created in 1992. It defines its main tasks as “assisting participating States in implementing their human dimension commitments and thereby enhancing security

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in the region.”

Thus security and not democracy is a primary goal for the organization that is the leading expert in conducting the election monitoring in the region. The practice of the election monitoring (currently only electoral assistance) under the guidance of the UN takes place in accordance with the Peace Program and the Development Program (UNDP), published in 1990’s, which states explicitly that “UNDP assistance aims to ensure that elections are credible and fully owned nationally; increase awareness of the role of elections as part of a broader democratic governance framework and as a vital means to safeguard human rights, exercise choice and express opinions.”

The same can be said about the IFeS and IdeA which were founded in 1987 and define their mission “to support citizens’ right to participate in free and fair elections”.

Thus, many organizations conduct international election observation in many countries, but what is their methodology? What are their techniques and standards for conducting these observations? And what impact do they have on the process of democratization in the countries that they observe?

**Methodology**

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International electoral observation - which requires an official invitation from the country observed and the acceptance of the observer organization - is premised on the guarantees for good electoral practice contained in Article 25 of the International Covenant on Civil and Political Rights. This treaty came into force in 1976. It includes the right to participation in public affairs and to vote in genuine period elections.

The electoral observation mission is based on three fundamental principles which the OSCE identifies as:

1) clear commitments entered into by governments for ensuring democratic elections;

2) the simple and incontrovertible rule that an observer is just that, an objective individual who does not interfere in the process; and

3) transparency, to ensure that election observation remains objective and that all those interested in it can trust that it will remain so.

The first official instrument to recognize election observation was the Copenhagen Document (the Document) which identifies the “commitments in the field of the
elections, rule of law and other fundamental rights and freedoms” and was signed by 55 states, members of the OSCE in June 1990, Art. 8 stated that:

The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

The main focus of election observation according to the Document was to assist new and emerging democracies within the OSCE region through the process of democratic transition. The conduct of democratic elections was a main priority. The decisions for mounting international election observation missions are based on an assessment of the target state’s compliance with the following principles:

- Respect for the civil and political rights of candidates and voters;
- Compilation of accurate voter lists;
- Equitable access to the media;
- Unbiased coverage by the media;
- Access for international and domestic election observers;
- Participation of women;
- Inclusion of national minorities;
- Access for disabled voters;

11 Ibid.
12 Ibid.
• Honest counting and tabulation of the votes;
• Effective complaints and appeals process with an independent judiciary;
• Overall transparency and accountability that instills public confidence.\textsuperscript{13}

Although the Document institutionalized the practice of election observation and set up criteria for the deployment of observation missions, the standards for the observations were not well defined at that time. Subsequently, a more comprehensive definition of standards for election observation missions arrived in October 2005 when the UN produced the \textit{Declaration of Principles for International Election Observation} (the Declaration) which was endorsed by 21 electoral and political organizations.\textsuperscript{14} Prior to that, the principles of the international observations together with the standards in accessing the elections were not clearly identified nor incorporated. At the same time, many electoral experts, as well as international organizations rely on the findings of the electoral observation missions in assessing the level of democracy in the observed countries as well as in the process of decision-making about prospective future financial aids to the observed states.


The Declaration states that “International Election Observation evaluates pre-election, election-day and post-election periods through comprehensive, long-term observation.”

The model of the OSCE (ODIHR) has been implemented by many organizations in the process of conducting the international election observation. This model has three main components: Core Team, Long Term Observers (LTO) and Short-Term Observers (STO). The Core Team is comprised of different types of experts together with LTOs who are usually deployed for two-three months prior to election day to assess the electoral environment, review the legal framework, monitor voter and candidate registration, evaluate the work of election management bodies, assess the political campaign, and to follow media coverage of the election. LTOs should observe developments around the country, beyond the capital city. The STOs, are generally the most numerous (around 100, no more than 1000), they arrive shortly before the poll itself, and they work with a proven methodology and under close supervision of the core team. Their principal task is to collect quantitative data based on the standard questionnaires that they submit to calling centers. The mission usually publishes 1-2 pre-election interim reports, followed by a preliminary post-election report and a final report which is published one or two months after the Election Day.

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And although many organizations use approaches consistent in principle with the *International Covenant for Civic and Political Rights* and with international standards for observation, there still remains no commonly accepted set of international standards for assessing elections. As Davis-Roberts and D.J. Carroll stated in their study of the election observations, the field facing the challenge, “the need for continued improvement of observation methodologies and the identification and articulation of clear, common standards for assessing elections.”

The Declaration underlined the four conditions that define the credibility of the international election monitoring:

1) methodological comprehensiveness (does methodology incorporate all relevant components of the electoral process);

2) inclusiveness (does the observation mission able to obtain first-hand data form the electoral process);

3) data-quality (collecting of data in a neutral and unbiased manner) and

4) integrity (professionalism of the mission and its expertise).

If we consider the methodology and standards above and assume that are affective in promoting democratic rules to observed counties, the next step is to trace how many of the observed countries became established democracies since the beginning of international monitoring.

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Notwithstanding the increase in the number of the international election observation missions, in combination with a proliferation of observation organizations and the emergence of a professional community of election observers, there has not been a corresponding correlation in the increase in the numbers of democratic governments around the world. Many states have achieved very limited or no progress according to studies. Of the 93 elections that were observed by the Carter Center in 37 countries since 1987, a majority of the countries are still identified as Partly Free or Not Free, despite the numerous number of the election observations. For example, the Center observed 14 elections in China (Not Free) in the period between 1997 and 2010, all of which were identified as not fully free and fair. However the Chinese’ political regime has not changed not it electoral system, despite the presence of electoral observers. The same can be said about Nicaragua (5 missions) and Venezuela (4 missions) which are still classified as Partly Free.

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19 The author used the data from the Freedom House’ reports; each country is assigned a numerical rating from 1 to 7 for both political rights and civil liberties, with 1 representing the most free and 7 the least free. Countries are defined as Not Free (5.5 to 7.0), Partly Free (3.0 to 5.0), or Free (1.0 to 2.5), Freedom House. http://www.freedomhouse.org/sites/default/files/FIW%202012%20Booklet_0.pdf, last accessed on December 1, 2012.
The OSCE (ODIHR) has observed 150 elections since 1991 sending more than 35,000 observers. Nevertheless, the majority of the observed countries, as Table 1 illustrates, did not improve their status (except Kyrgyzstan).

**Table 1. ODIHR election observation missions and a level of democracy in the observed countries (countries of the former Soviet Union).**

<table>
<thead>
<tr>
<th>Observed Country</th>
<th>Number of Missions</th>
<th>Level of democracy during the first mission</th>
<th>Level of democracy during the last mission</th>
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This evidence leads to the question; why has international election monitoring continued if these missions have limited capacity to bring democratic change to the observed countries?

*Governmentality of the international election observation*
The practice and techniques of international electoral monitoring does not necessarily have direct impact on democratic development of the observed counties. Nor does it have any particular intent to assist in the training of local officials in order for them perform their official duties more effectively and efficiently. Electoral monitoring does not have as its main objective the implementation of the particular electoral system (proportional representation versus single member district) or party system. Rather this election observation practice which is intended to promote universal and democratic standards, norms around the in developing countries around the globe in fact echoes a practice of colonialism in the third world countries (D. Scott, 1995, W. Mignolo, 2000, A. Quijano, 2007). Why? Instead of an opened control and monopoly of power by developed countries over underdeveloped or backward countries we have a “democratic” practice of election monitoring. This regime of practice introduced the norms, specific regularities, logic and strategy (M. Foucault, 1991) that differentiate and grade countries, states as democratic or undemocratic. Even though the countries and organizations that conduct election observation have not had, until recently, the standards for this monitoring, they made (make) their assessments that have future impacts on the observed countries ability to join the ‘club’ of developed and established democracies.

The presence of foreign observers is intended to make the local authorities aware that their actions, decisions and procedures are under the surveillance of the international community. This conveys a message: if you need to be watched you must be doing something wrong. This effectively implements and promotes a practice of constant monitoring that is not limited to the electoral process in a country, but extends to its people and population as a whole. As the Head of ODIHR’s Election Department Gerald Mitchell stated “We are not the election police. We are not present in every polling station and do not interfere in the process.”

How is this any different from Foucault’ prison where prisoners are not aware if they are monitored, but a construction of the building of prison itself places them in a position that the prisoners always have a feeling of being watched by the guards even when they can not see them. Observers do not provide any information to the local authorities about the issues that they are looking for in their observation. It does not matter that the eyes of the observers are not always able to see the details, due to the short duration of the mission, a lack of local knowledge, an inadequate methodology or simple technical incompetence. Their mere presence is sufficient to make the local citizens aware that they are being watched. Article 6 of the Declaration states that “International election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the

international community.” Is the defacto practice of surveillance and monitoring beneficial for the citizens of the country holding the election? It is suggested that simply being under the control of the international community does not mean that these citizens’ rights and freedoms will be protected or that their well-being will be improved.

The event of an international election observation mission also encourages particular behavior by the countries that are observed. If a country does not invite the international observers, it is perceived as an absence of commitment to democratic values and beliefs by the country in the eyes of the international community. As a result many countries keep inviting the international observers to be seen to show their commitment to democratic principles of government while at the same time they still commit electoral fraud in front of the observers by mastering the manipulation of the electoral law.

A practice of indirect intervention and monitoring by international organizations gives them the power to obligate observed states to enter into signing numerous agreements and treaties which they must to obey in order to be perceived and recognized as democratic. It also leads to a new type of typology and classification of the states based on the criteria that are implemented by international organizations. Moreover it creates an identity of opposition such as “us” and “them”,

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“here” and “there” (Gupta and Ferguson, 1992:14). These constructed differences between developed and underdeveloped, democratic and undemocratic, fair and not fair elections, are maintained to keep the power relations between the West and the Rest.

Furthermore, the standards and norms for the assessing elections are not applied to all countries, in particular countries of established democracies. “In fact, many established democracies are unlikely to meet all of their international law obligations regarding elections.”26 Well known and documented disputes over the transparency of the electoral process and results of the elections in the established democracies such the 2000 U.S. presidential elections and recently in Canada during 2011 federal election did not lead to any sanctions against these countries. 27

Furthermore, in the US prior to the presidential election in 2012, Texas Attorney General Greg Abbot issued a warning to arrest all international observers stating that “groups and individuals from outside the United States are not allowed to

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influence or interfere with the election process in Texas.” At the same time the head of the Freedom House David Kramer made an announcement about future sanctions on Ukraine resulting from the assessment of the government’s conduct of the 2012 parliamentary election that will impact its ability to join many financial international organizations.

All of the above raise legitimate questions as to whether the practice of the international election observation is an effective way to enhance democracy in the observed countries.

**Conclusion**

Foucault’s writing on the practice of eventalization, which is based on the implementation of particular event in the life of the population, is only one of the many important contributions to the study of the political phenomenon. For the current research project it facilitated, in combination with the topic of the international governmental studies, an assessment of how the current practice of international election observation became a norm in the modern world despite its’ unproven effect on the development of the democratic process in the observed countries.


29 “We’ve been talking about carrots for too long. Carrots don’t work. It’s time to have a serious conversation” Ukrainian Week, 24 November 2012, [http://ukrainianweek.com/Politics/65808](http://ukrainianweek.com/Politics/65808), last accessed on November 28, 2012.
International election observation was not wide-spread prior to the end of the Cold War. The creation of new sovereign states, particularly in the countries of the former non-democratic regimes around the world took the western world by surprise. The previous foreign enemies of the Warsaw Pact and Former Soviet Union were not a necessarily a threat anymore; nevertheless the international community felt a need to monitor the process of the implementation of legal, institutional and economic reforms in newly independent states in order to be able to prevent a future potential threat. The elections, which are the main instrument of the citizens’ power to choose and select responsible and accountable government, became the main indicator of the level of democratization in newly independent states. They also became the focal point for many international organizations and their activities, the practice of international election observation being one of the most popular and significant.

Although the international community’s implementation of international election observation protocols and practices main objective was to promote and enhance democracy, the correlation between the presence of the international observation missions and country’s democratic development is low. What has arisen is the creation of a new typology and a differentiation among countries based on the presence or absence, of free and fair elections, standards for which were not clearly defined, nor were they applicable to all countries. These standards also created barriers that exclude some countries from the “democratic community” (E.Dunn:2005). The practice of international election observation became a form of
surveillance in a global community that replaced the international espionage of the Cold War. It also employed and created the numerous groups of election experts and international organizations which conduct the international election observations and provide the guidelines and recommendations as well as warnings to the observed countries.

I agree that without the elections there can be no democracy; however democracy cannot be reduced to the mere presence of elections and their monitoring. The tools of democracy should be expanded as well as a toolbox for their implementation.
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