

**INSIGHTS FROM ELECTION MONITORING FOR  
THE POLITICS OF NESTING AND OVERLAPING REGIMES<sup>1</sup>**

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Intergovernmental, regional and non-governmental organizations often exercise overlapping authority. This is particularly obvious when organizations operate within the same territory. For example, there are operational overlaps between the United Nations (UN) Development Program and the UN High Commissioner for Refugees and various national and international development agencies. As demonstrated after the December 2004 tsunami, crises management organizations such as World Food Program and the World Health Organization may overlap with national and regional relief operations. There can also be overlaps between organizations seeking to advance a set of norms. For example, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe (CE) and even the European Union (EU) all encouraged post-communist countries to adopt certain policies on ethnic minorities. These countries therefore faced overlapping institutions to which they belonged or wished to join (Kelley 2004, 2005). Sometimes non-governmental organizations (NGOs) also contribute to the complex layers of international actors, either as independent actors or as sub-contractors for international organizations. Such overlaps are what Meunier and Alter (this volume) call overlapping regimes, that is “multiple institutions have authority over an issue” and can create authoritative rules and interpretations.

I draw on the example of international election monitoring to develop a range of observations and questions about overlapping regimes. First, by examining the history of election monitoring regime, I suggest that overlaps are not always a mishap; rather, they may be by design. I then

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focus on our symposium's main question: what politics do overlaps engender? What are the possible effects of nesting and overlapping? I discuss two positive effects: First, overlapping organizations may *reinforce* each other. Second, nesting and overlap may provide ways of *avoiding deadlock and paralysis*. These benefits demonstrate why overlapping regimes may be by design. I then discuss two broad categories of negative effects: First, when organizations contradict each other or work at cross purposes, they create and undermine their mutual effectiveness, creating confusion and possibly *spin and manipulation*. This can also engender forum shopping. Second, nesting and overlap may lead to politics at the level of the organizations themselves. Organizational *competition for resources and influence* can lead to *turf wars* or create economic *inefficiencies* from redundancies and lack of information sharing and poor allocation of resources. The incidence of each of these distinct politics and the conditions under which they are more likely to occur is a question for further research.

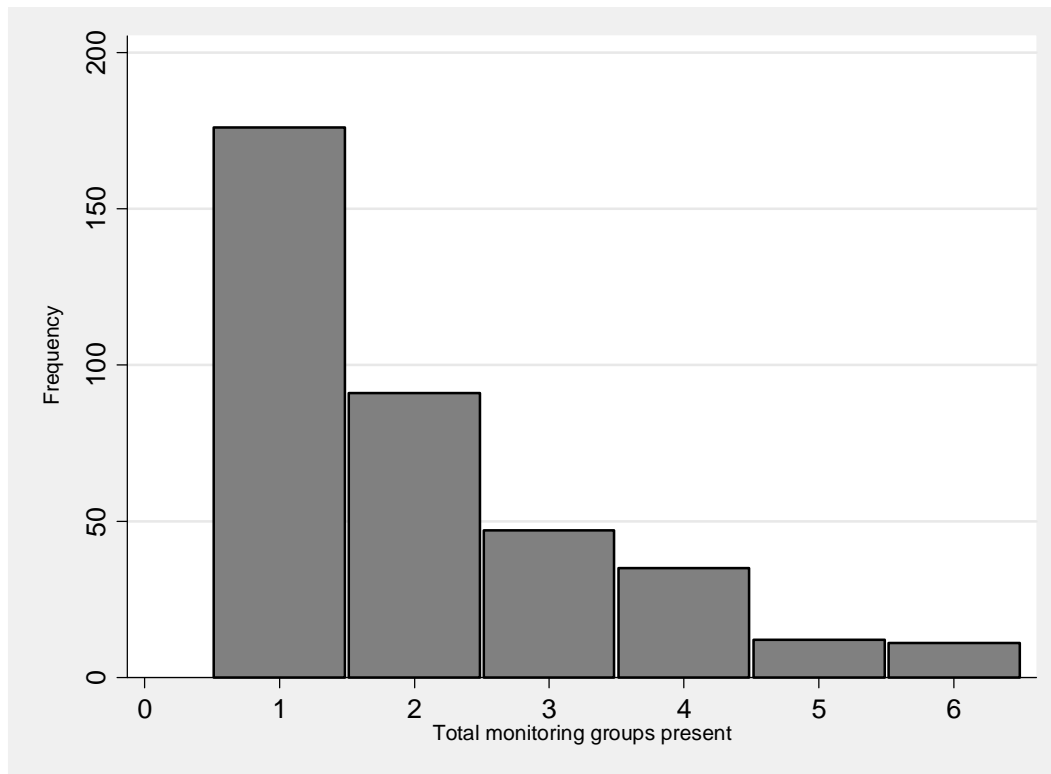
### **Election monitoring**

By the early 1990s, competitive elections were increasingly becoming an international norm. Since then the number of actors involved in international election monitoring has exploded.<sup>2</sup> Between 1975 and 2004, out of 1278 national level elections in 177 countries 309 were monitored. Figure 1 shows is based on a complete collection of election observation data from the 18 largest election monitoring organizations and show how more than one of these organizations were present in a given election. In about half the election observed there was more than one of the major monitoring organizations present, and about a quarter of the total number had more than 2 major organizations present. These are just the overlaps of the major organizations, however. In Cambodia in 1998, for example, the UN ended up fielding a Joint International Observer Group which oversaw 34 separate observer missions (Bjornlund 2004, 173).

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<sup>2</sup> Kelley 2007, "The Rise of Monitoring", IO, revise and resubmit.

**Figure 1: Number of organizations present in any given monitored election 1978-2004**



Source: Author's compilation based on data from eighteen monitoring organizations: NDI, COE, CW, EU, CC, OSCE, UN, IRI, OAS, IFES, NHC, EP, IHRIG, ANFREL, EISA, SADC, OAU and ECOWAS.

### *Why did this diverse network evolve?*

The Organization of American States (OAS) was the first regional organization to conduct some nominal election monitoring starting in 1962. The Commonwealth Secretariat (CS) entered the field a little later, monitoring mostly British colonies. Meanwhile, the UN supervised and observed elections in non-sovereign territories throughout the 1950s-1980s, gaining increasing expertise<sup>3</sup>.

When the demand and supply of monitoring rose rapidly with the end of the Cold War, an intense debate arose within the UN over the extent to which the UN should take a leading role.<sup>4</sup> The UN could have provided a solution where it could have become the official organization to

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<sup>3</sup> For a more complete history, see Kelley 2007.

<sup>4</sup> Kelley 2007.

monitors elections, thus avoiding overlaps. This, however, is not what happened. Western States in particular favored enhancing UN capacity (interestingly enough, as proposed by the US). However, many states, Latin American states in particular, were hesitant. Referring to the principles of non-intervention and sovereignty, they stressed the need for a formal invitation before the UN could become involved and. Thus, the UN capacity to assist in elections was expanded, but the mandate was restricted primarily to technical assistance.

Regional organizations instead increasingly came to see it as their responsibility to monitor elections in their regions and, since they were looking out for the interests of their members, sometimes in other regions as well. Several regional organizations stressed free elections in member states and incorporated monitoring into their mandate. The 1989 Commonwealth meeting in Kuala Lumpur issued a communiqué.<sup>5</sup> In June 1990, the CSCE (later OSCE) member states issued a standing invitation to election monitors, effectively obligating them to accept monitors indefinitely,<sup>6</sup> and the OAS called for the creation of the Unit for Democratic Development.<sup>7</sup> The European Union first participated in a monitoring mission to Russia in 1993 as part of its Common Foreign and Security Policy (although separately the EU's European Parliament had already been doing some election monitoring jointly with the OSCE – speak about overlaps and nesting!). Concurrently multiple NGOs, many American, began to operate globally.

Today the election monitoring regime therefore consists of a web of institutions such as the UN (and within it both the Unit for Democracy as well as the UNDP and sometimes nested in peace-keeping operations), regional organizations such as the OAS, the CS, the EU, the OSCE, the CE, and international NGOs such as the Carter Center (CC), the national Democratic Institute (NDI), and the International Republican Institute (IRI).

Sometimes these actors work under an umbrella system, as when the UN is charge of supervising all the monitoring organizations present. There may also be umbrella arrangements between

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5 cited in General Elections in Malaysia 20-21 October 1990, The Report of the Commonwealth Observer Group, Commonwealth Secretariat, London, 1990.

6 Document of the Second Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, Copenhagen, 1990. Paragraphs 7- 8

7 OAS General Assembly AG/RES.1063 (XX-0/90) UNIT FOR THE PROMOTION OF DEMOCRACY

multiple international NGOs and regional organizations. For example, many NGO organizations may operate under the aegis of the OSCE and together help formulate an OSCE position, although these organizations at the same time may issue individual reports. More commonly, however, multiple organizations accept individual invitations or respond to an open invitation from the government. They thus operate independently of each other and the degree of cooperation depends on their relationship. Sometimes the invited monitors represent overlapping institutions to which the states belong (such as the OAS and the UN, or the CS and South African Development Community) but frequently it is a mix of institutions of which the country is a member, and others, which the country nevertheless invites.

States grant invited organizations authority to access domestic polling booths, voting lists and a whole host of other legal matters in their state. While they do not grant them the authority to make a binding judgment of their elections, they do invite them to assess the election process, and that judgment may have several important implications in terms of the election's perceived legitimacy, the country's ability to attract investment or to join an international institution. Thus, monitoring organizations can be influential and their overlaps create distinct effects from what we would expect from a unified regime.

## POSITIVE EFFECTS

The overlaps of election monitoring regimes create two positive effects which are not discussed by Alter and Meunier. First, monitoring organizations may complement or *reinforce* each other. They may for example coordinate to expand their coverage of polling stations, and hold joint conferences to discuss the election process and even seek to arrive at mutually supporting conclusions and aligned public statements. This is mostly the relationship one can use to describe the Carter Center and the National Democratic Institute, and most of the time also the relationship between the Council of Europe and the OSCE election missions. Several of these organizations at times even conduct joint operations or issue joint statements. In the case of South Africa in 1994, for example, the four groups of international observers present issued a

joint demarche in early march 1994.<sup>8</sup> The UN secretary general later commented that the level of coordination between the four observer groups was “probably the closest form of cooperation seen by our organizations so far, although he noted there was still room for improvement.”<sup>9</sup> Such cooperation may bolster the organizations legitimacy and influence more so than if they had represented one global agency which the government could then reject for various reasons. The more different organizations agree on their assessment, the more they bolster each others legitimacy by stressing similar norms and highlighting similar offenses. This increases the burden on the incumbent government to respond and makes it more difficult to dismiss the assessments.

Another benefit is that multiple overlapping and nested institutions may help *avoiding deadlock and paralysis*. If there were only one organization in charge of election monitoring, perhaps because this capacity had been bestowed more fully to the UN, this certainly would avoid many of the negative effects enumerated later. However, this might also make it impossible to monitor any elections at all, because various countries would wish to block decisions to send monitors to different countries. Thus, just like NATO provided the West an alternative actor in the Balkans when UN Security Council action was impossible, the availability of multiple election monitoring institutions, or other organization in other fields, may facilitate desirable action. Thus, although Alter and Meunier point out that path dependence may create inflexibility, history may also foster multiple institutions that increase flexibility.

## NEGATIVE EFFECTS

The most obvious repercussion of overlaps between monitoring organizations is that they sometimes *contradict* each other. This may be due to different biases, political agendas, capabilities, methodologies, and standards. Examples of contradiction include the elections in Kenya in 1992, in Azerbaijan and Cambodia in 1998, in Zimbabwe in 2000 and 2002 and in Nigerian in 2003.<sup>10</sup> In Haiti in 1995 the head of the official U.S. observer delegation described

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<sup>8</sup> Anglin, Douglas. 1995. International monitoring of the transition to democracy in South Africa, 1992-1994. *African Affairs* 94 (377):519-35.

<sup>9</sup> Cited in Anglin, Douglas. 1995, page 86.

<sup>10</sup> European Union Election Observation Mission, Final Report, at 46-47.

the elections as “a very significant breakthrough for democracy,” while the IRI criticized “the nationwide breakdown of the electoral process.”<sup>11</sup>

A history of contradictions may lead governments to anticipate possible biases and *forum shop*, as discussed by Alter and Meunier. While most organizations have prerequisites for monitoring an organization, government can often find organizations that are more favorable than others. For example, in Kenya’s election in 1992, President Moi’s government invited the Commonwealth Secretariat because he saw it as favorably disposed, while he refused the Carter Center and NDI because his relationship with the US had “cooled” since late 1989.<sup>12</sup> For the Zimbabwe 2000 and 2002 elections the government erected so many impediments for monitors that only highly sympathetic organizations remained.<sup>13</sup>

Contradictions may also facilitate *spin and manipulation*. Political actors may benefit from playing the groups against each other<sup>14</sup> or quoting the assessment they prefer. One of the clearest examples occurred in Cambodia in 1998. The varying assessments were ripe political fodder. Most misused was a comment by a US observer, calling the elections the “miracle of the Mekong.” Cambodian Prime Minister Hun Sen latched onto this isolated statement to support his country’s admission to the ASEAN. Meanwhile, witnesses before the US Senate Foreign Relations Committee cited critical election observer statements to undermine the credibility of the election, while the Australian press used the positive assessments to criticize the cries of foul play by the opposition.<sup>15</sup>

Another example of overlaps engendering spin and manipulation was the aforementioned 2002 Zimbabwe election in which the OAU secretary general officially endorsed Mugabe’s refusal to

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<sup>11</sup> Carothers (1997, fn 11). Carothers, Thomas. 1997. The observers observed: the rise of election monitoring. *Journal of Democracy* 8 (3): 17-31.

<sup>12</sup> Throup, David and Charles Hornsby. 1998. *Multi-Party Politics in Kenya*. James Currey Ltd: Oxford, England, at 269.

<sup>13</sup> Government to bar poll observers from ‘hostile states’, says Chinamasa, Daily News, 26 November, 2001, cited in Dorman, Sara Rich. 2004. ‘Make Sure they Count Nicely this Time’ The Politics of Election Observing in Zimbabwe. Working Paper. Edinburgh Research Archive. [www.era.lib.ed.ac.uk/bitstream/1842/491/1/Make+Sure+They+Count+Nicely.pdf](http://www.era.lib.ed.ac.uk/bitstream/1842/491/1/Make+Sure+They+Count+Nicely.pdf)

<sup>14</sup> Balian, Hrair. 2001. Ten years of international election assistance and observation. *Helsinki Monitor* 12 (3):197-209.

<sup>15</sup> Fraud claim smacks of sour grapes , The Australian, August 11, 1998

allow the EU to monitor the election.<sup>16</sup> In an almost absurd use of statistics, which also highlights the overlap in the field, *The Herald*, a Zimbabwean government controlled newspaper, argued that:

“[T]here were 33 teams of international observers, or 528 individual team members. Of the 33 teams [counting national delegations], 24 teams or 324 individual team members judged the elections to be generally free and fair while nine teams, or 204 individual team members, generally condemned the elections as neither free nor fair. ... Taken together, the majority carried the day and so, the minority should submit to the verdict of the majority.”<sup>17</sup>

As suggested by Alter and Meunier, organizations who know they overlap significantly with others may seek to “avoid being gamed by forum shoppers.” Thus we do see increasing efforts by organizations to coordinate, or to turn down invitations where incumbents appear to be inviting organizations, which tend to disagree.

Finally, overlapping regimes can not only lead to politics at the level of states but also at the level of the organizations themselves. Because organizations have interests and preferences their overlap may lead to both cooperative and conflicting politics. This includes *competition for resources and influence* and *turf wars*. A member of the Carter Center observation to Guyana’s 2001 election noted that when the observers gathered to provide President Jimmy Carter input for a press statement, Carter emphasized that he wanted the Carter Center to be the first organization to issue a press statement. The example from Cambodia 1998 discussed above also showed some signs of turf wars between organizations when the UNDP reported that some “EU technicians gave the impression that they were.... reluctant to share information with the UN/UNDP.”<sup>18</sup> In such cases the regime overlaps risks *inefficiencies* from redundancies and from lack of coordination and information sharing. Further, the overlaps can result in inefficient allocation of resources. If there are many election monitoring organizations they may all decide that the capital is the most important place to allocate their resources, whereas if there were a larger agency with pooled resources, allocations decisions could be more efficient. Thus,

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<sup>16</sup> [Zambia: OAU secretary-general endorses Mugabe's rejection of foreign observers](#), BBC Monitoring Africa - Political Supplied by BBC Worldwide Monitoring, February 15, 2002, Friday, 256 words

<sup>17</sup> [Zimbabwe: Group's Poll Report Biased, Racist](#), Africa News, April 30, 2002 Tuesday, 3307 words, The Herald

<sup>18</sup> [UNDP \(no publication year\), page 24. UNDP and Electoral Assistance: Ten Years of Experience.](#)

overlaps may lead to redundancies, communication failures and other standard sources of economic market failures.

## **Conclusion**

Thus, there are costs of having so overlapping monitoring organization. Overlaps lead to contractions which can be exploited by incumbents who may forum shop or play organizations against each other. Overlaps also create resource competition and inefficiencies. The political character of these downsides makes them particularly salient. However, overlaps also produce benefits. Organizations may reinforce each other, bolster each others legitimacy and increase the pressure on incumbents. Further, while a unified regime could lead to paralysis as often seen in the UN Security Council, a complex regime is flexible and can avoid stalemate. The incidence of each of these distinct politics and the conditions under which they are likely to occur is an empirical challenge for further research.