



**PEACE MEDIATION IN
ELECTORAL PROCESSES**

Panel: Mediation Support in Electoral Processes or Crises Notes

ECES
EUROPEAN CENTRE
FOR ELECTORAL SUPPORT

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- This Community of practice conference has discussed the many facets of mediation and the opportunities and challenges for this difficult job that is a growing industry because, with a lot of conflicts in the world, mediation takes all the more importance.
- Mediation processes are often **open-ended processes without a strict timeline** because of the need to build trust among the parties involved in a conflict and the very complexity of the mediation process. But when it comes to elections, we know that **elections happen on a particular day**, on an election day.
- So there is an end date by which we shall have peaceful elections and avoid any degeneration in terms of violence. Also, elections have very strict legal frameworks that define the various steps from voter registration to political party registration, candidates registration, and then to the voting day, and then onwards what happens after the vote. So this means that **mediation in elections is a sort of special animal**, and this is what we are discussing today.
- I would like to say that electoral actors, like independent electoral commissions or other important stakeholders, have a mandate, which is not precisely the mandate of mediation. They have a mandate of managing elections, but at the same time, they are really in a very central place. They are those who can **detect and identify all the risks and hotspots** that can degenerate an election.
- So, even if it is not in their immediate mandate, **electoral actors are often well placed to play a role that is close to mediation**, maybe not in an open way, but in a way that can lead to peaceful elections.
- What are the opportunities and the capacities of electoral management bodies to detect, prevent, and even mediate electoral conflicts, especially in the crucial days around the elections due to their independence, but also the infrastructure and access they possess? What kind of open and discreet diplomacy can a management body of elections play in mediating electoral conflicts?

Speaker 1. Wafula Chebukati, Kenya's Elections Regulatory Agency, Independent Electoral and Boundaries Commission, Chairman

- I do agree with you that elections are highly contested and in my country, Kenya, elections are characterized by fears, also around candidate nominations and political campaigns.
- It is the task of the election management body to ensure that the management of such elections **adheres to the set legal requirements** and legitimate expectations of the citizens, short of which election results may be disputed or even cause conflict. However, more often than not, **disputes arise from various activities in the election process**. These disputes, as we witnessed in the last election in Kenya, become subject to **resolution through either the courts or through judicial mechanisms** that include tribunals.
- In Kenya, we have adopted alternative dispute solutions to supplement and enhance formal judicial processes by providing an **alternative avenue for parties to resolve disputes and conflicts**. What we have in the election management body in Kenya is a framework that is grounded in the Constitution of Kenya 2010, which mandates the commission to, among others, exercise responsibilities that relate to the resolution of disputes.
- Now, still within the party structures, the decision also provides for the settlement of disputes including disputes relating to or arising from nomination, but excluding election petitions and disputes subsequently of election themselves, disputes around the declaration of election results are handled by the judiciary, but disputes before then are handled by the election management body.

- Another area that we handle as a commission around the election time is **managing and developing our code of conduct** is also provided for the Constitution where the commission invites parties and candidates: it is compulsory for them to sign a code of conduct, which then holds them accountable if they are involved in electoral malpractice, then the Election Offences Act kicks in.
- The Commission also had a **code of conduct enforcement committee**, but at the time we went into the general elections this year, the high court had an issue with that. We still have that case in the court appeal, and we hope it resolves because it worked very well in the year 2017 elections where the Commission enforced the court of conduct. But this time around the judiciary gave a judgment that the commission cannot be a judge and a mediator at the same time. However, we do have the local peace committees, which offer an alternative dispute resolution.
- As perhaps it's common knowledge in Kenya, we do **six elections in one day**. Electoral stakeholders, notably political parties, are supposed to attend these committee meetings when called upon and cooperate in the official investigation set by this committee of issues arising for example from the election material. The **committee has the power to reconcile the concerned parties and mediate political disputes**. This has worked very well, however, if issues become of criminal nature or breach of conduct, it is then escalated to the national office at the Commission.
- One critical area is to **offer a constant consultation forum for political parties and candidates**. The commission held these forums with political parties in various locations with presidential candidates to brief the contestants on the election process and clarify issues that could otherwise lead to conflict.
- So there were meetings at the national level, national candidates meetings at the county level with the candidates running for Governor and Senator, and also meetings at the constituency level for candidates running for members of the County Assembly.
- In the runup to the 2022 General Election Commission, two meetings were held that discussed key issues in the electoral process that included the results management framework. The commission equally published responses to questions raised by parties on sponsoring presidential candidates, touching on various activities, including recruitment of all officials, procurement of ballot papers and electoral technology, and stakeholder engagement.
- The commission also held meetings with agents of presidential candidates, to build consensus on the participation of agents in the results management process. I must say that these meetings were critical because they defused all the tension that was building up, and we came to a common understanding and working methodology on all these issues. So meetings with candidates are very important, at least for the election management body to have to build that trust and processors around the election time.
- We also had meetings with the political liaison committee, providing a platform for political parties and the Commission. The Commission often holds meetings under this forum, to sensitise political parties to various requirements and provisions of the law, their conduct, in addition, we also address concerns raised by political parties regarding and administrative decisions made by the Commission.
- So all in all, we explored various opportunities around mediation around the elections I believe we successfully through all these meetings, the discussions they refused any tension that would possibly have arisen and left the rest to the judiciary when comes especially to election petitions. I must say that **mediation is better, especially for an election management body**, it defuses any potential matter that will ordinarily go the court.

Speaker 2. Jean Adukwei Mensa, Chairperson of the Electoral Commission of Ghana

- Ghana has held eight successful elections since they're coming into force in the 1992 constitution. More importantly, we have had four **peaceful transitions or transfers of power from one democratically elected government to the next**.

- We've had four transitions from one political party or one elected political party government to the next. These peaceful transitions have been made possible by deliberate and concerted efforts by various stakeholders, including the Electoral Commission of Ghana.
- The electoral commission of Ghana, right from the inception of the electoral process, puts in place systems and mechanisms to ensure peaceful, transparent and acceptable outcomes of the election.
- At the very start of our processes, we **employ transparency and accountability mechanisms** to promote and ensure the inclusion of buy-in and ownership by all stakeholders. I refer to the political leaders and the citizens. We recognize that **creating avenues for participation and inclusion of all key stakeholders helps build trust and confidence in the electoral process**, and ultimately leads to a peaceful and acceptable outcome of the election.
- To achieve this over the years, we have put in place systems and built tools to enable us to achieve our objective. And please permit me to describe a few of the transparency and accountability mechanisms that we have put in place:
- Among the building blocks, we have put in place to guarantee the acceptance of the election results by all is the **engagement of our political parties through a platform called the Inter-Party Advisory Committee (IPAC)**. That committee brings together the leadership of registered political parties and the electoral commission, as well as civil society organizations and development partners to discuss important issues concerning the electoral process.
- The platform provides an avenue for political leaders to contribute constructively to the electoral process and to the electoral activities of the electoral commission. This platform has ensured that the **lines of communication between the commission and the political parties have remained open**, and it has allowed the leaders to table their concerns and feedback and vice versa, thereby fostering peace. We meet with the parties regularly once a month with a set agenda to discuss issues confronting the electoral process and issues ranging from the reforms to the commissions, programs, and activities.
- And this platform allows the parties to provide their feedback and input into our process, and it creates a sense of ownership of the process. It's important to know that the decisions taken at IPAC are communicated to the supporters of each of the various parties by their leadership who attend the IPAC. What this has done is **promote peace and inclusion and ownership**. And it has helped **to reduce the tensions and suspicions** that usually would characterize our work.
- We have witnessed trust and confidence in our process and the waning of fear and suspicion and tensions over the years through the platform of the IPAC. And so you find that they go out and they are talking about the outcomes and the agreements that we have made together with us.
- And all of this contributes to peace. And it **also allows for the acceptance of our decisions and ultimately the results by the political parties**. It is important to note that the IPAC is also replicated at the regional levels. We have what we call the regional inter-party advisory committee and then the district inter-party advisory committee also down to the lowest administrative level.
- And so right from the registration, political parties are involved at each of our registration centers. **Political parties have their agents monitoring the process**, noting details of the number of persons who have registered on a daily basis. Additionally, the registration kits also provide a summary at the end of each day on the number of registrants per day.
- And this is made available to the political parties: this gives them **a sense of ownership** as they feel part of the process. They are not cut off and, there's no secrecy around it. Additionally, this enables any political party who is interested to collate the results per day across the country. Furthermore, the electoral commission also through infographics provides details of the number of registrants on its social media pages.

- This inclusion and involvement of our political parties transcend all our activities, including even all the way through to the **exhibition of the registers**, to even the printing of our ballot papers. **Our ballot papers are printed in Ghana**, and the **process is monitored by the political party agents**. So from right from day one, they are provided details of all the printing houses they are provided with accreditation to ensure that they have two of their agents at our printing houses throughout the printing process.
- I must say that they even follow once the ballots are sealed, placed in containers and filled, and the seal numbers are provided to the parties. Ballot containers are sealed in front of them. They even **accompany the transportation** with the various police armies across the country.
- Party agents are accredited to monitor the process. At the end of the election when the (result) sheets are signed by them, these **result sheets are posted on the walls of the polling centers**, and every interested citizen is able to take a photograph of those sheets and collate the results from the comfort of their homes. So this is the process that we have, and it's right at the grassroots making it very difficult for parties to substantiate allegations of fraud by the electoral commission because each of them is also given a copy of the signed sheets.
- So what you see is that different groups are able to **tabulate ballots**, and the results nationwide, including the media (**parallel voter tabulation**). You find that their results are very close to the electoral commission.
- On election years, we trigger what we call the **National Election Security Task Force**. It is replicated at regional and district levels all the way to the grassroots level. The police provide us with **information on the hotspots and conflicts** in areas, and we agree on the approach to take for those areas. The outcome of each meeting is **communicated to the public through a statement**. And it gives comfort and assurance to the public that we are in control.
- Also, we have a **National Peace Council** which is a body enacted by the parliament to mediate conflict and disagreements not only around elections but nationwide. We work closely with them throughout the process outlining conflict areas for mediation. And so you find that occasionally they call for meetings between the commission and the political parties to discuss issues of conflict, issues of disagreement and reach conclusions of it.
- And they played a key role in the recent election where the main opposition party contested the results. The Peace Council came out because they had also observed the elections in many of the areas. And the issued statement are affirming the declaration of the results by the electoral Commission and so on and so forth.
- When it comes to the contestation of the election results, those issues end up in the Supreme Court and we provide the necessary information to back the decisions and the declarations that we have made. And I believe that in 2020 after the election, the major opposition party went to court. Fortunately, they were not able to provide a single piece of evidence. It was just their written statement without backing of any evidence. The Supreme Court declared that their suit was without merit, and they upheld the decision of the commission.

Speaker 3. Calixte Aristide Mbari. African Union, Head of Division, Democracy, Governance, Human Rights, and Elections at the Department of Political Affairs

- Following the presentation made by the two Chairs of the electoral commissions, Kenya and Ghana, we have heard a detailed presentation of the dynamics that play out at a national level. The African Union, an inter-governmental organization, what do we do? Our responsibility revolves around **assisting member states to create the conditions for credible elections**, elections that are not disrupted by conflict.
- For that reason, AU work directly with African states during election time. We have a mechanism in place, **Panel of the Wise**, which is an institution whereby the panel members (former heads of state)

are **deployed to countries to work in countries in crises**, either ongoing or lurking crises. There is also the **FemWise network** made up by women who is a subsidiary body to the Panel of the Wise (PoW) deployed in a similar way, working across the tracks, to assist in creating the conditions for credible and peaceful elections.

- Elections are highly sensitive, and we need to also take into consideration that “the devil is in the details”. These details are often found in the various activities during the electoral process. **Electoral stakeholders may also not always act in good faith.** Elections are after all still a highly competitive process.
- During all phases in the electoral process, from the legal framework, access of the media, political party financing, the electoral fiche, and registration of voters and parties, there are calculations that are being made by all parties, for example, one can envisage that parties try to discourage voter roll registration if new voters are seen as belonging to the other party. Election fraud starts during the preparatory phase. What can be done during these stages, respecting the sovereignty of the state and the principle of non-interference?
- The AU can organise pre-election missions whereby we deploy panel members to engage in discussions with national actors. They might say that they do not want the PoW, because there are no visible crises. The AU may seek other avenues to engage.
- If we notice that there is violence, verbal or physical, during the political campaign period, and a refusal to acknowledge this, we can deploy the PoW to engage. This may be met with reluctance, as to why such a mission is being proposed since the leadership in the country may still not accept or acknowledge that there are tensions that need to be addressed.
- Concretely, for the first time in Zambia, the **AU merged an election observation mission with a mediation mission: it was considered highly relevant.** The President was not ready to recognize the defects of the process. But the mission assisted to realize the weaknesses and subsequently addressing them. As a result, stakeholders were reassured that the process was visible in the greater region and received attention. The AU has worked in a similar vein in Gambia, Kenya, and Lesotho, also together with the sub-regional bodies to create the necessary conditions for credible elections.

Speaker 4. Erastus J.O. Mwencha, African Capacity Building Foundation Executive Board, Chair, Member of the strategic advisory board of ECES

- The question you have asked is to really outline the advantages of open and also behind the scenes mediation, in other words, to clear out the advantages of this and also to bring out the ECES tools that have been developed.
- Let me begin by, as you already mentioned, I have been privileged to participate in many elections, in the AU itself, I have also provided background support to several elections that have taken place in Africa. And as you know, every five years there is an election. And so I have seen many elections come and go.
- And the reality is that **the elections have become a source of conflict.** So we live in a conflict environment caused by elections, either directed towards the election, people not trusting enough that there is going to be enough space for them to be heard through their votes, or after the elections when they feel that they have been robbed of what they cast and that their votes have not been properly accounted for.
- And so this is a conflict that some sources of conflict can be accurately anticipated and prevented if you build a mechanism that can generate trust and confidence amongst the electorate.
- And in this process, I think I should really thank those that have spoken before me because they have highlighted the aspect of open mediation. **Mediation and the management of elections are not distinct processes and are not conducted in silos.** The best mechanism is to embed mediation in

an election process, and this is what has come out from previous speakers. If mediation in electoral processes are embedded, then you have a chance. And to embed mediation in an election, it means that you must be equipped. And here it requires having information, and prior knowledge, but also having capacity.

- And this capacity can be enhanced in two levels for those that are in the electoral management bodies themselves, the EMBs because they are at the frontline of an election, but also supported by actors that are not so much seen as partisan because this also helps. And in that process, having the necessary tools are vital, particularly **analyzing the environment under which the election is taking place**, understanding the issues at stake that are being contested, and understanding also the actors, including historical factors.
- These are tools that are extremely important in equipping the electoral management bodies, but also all actors to be able to support an election process. Now talking about open (mediation), what has been described by previous speakers, we need to have that open process that is very much communicated widely, but in election processes sometimes you need some **discreet or behind-the-scenes mechanism** also that can be able to support electoral processes.
- I have witnessed a number of cases, Zambia, Malawi, Ghana and Kenya. You have to have a system that will stay close to, particularly to the losing side, and be able to support them, to be able to encourage them not to go into a conflict environment, but also to follow the processes of laid down procedures in terms of the cause to go to court.
- That means that even this must be anticipated and also **build a strong institutional mechanism** that can give people the confidence that if they go to court, their case is determined by the court whereby the evidence they produce will be scrutinized.
- But the informal mechanism is extremely important also because the informal you do have, at the level of head of state and government as the case that was mentioned, former heads of state and government that can intervene with **what is happening behind the scenes and half-negotiated outcome**. So that by the time you are coming to the open, a lot of these negotiations have also been undertaken or prevent a situation where losing candidate in case they are a part of the power that is losing and has the temptation to refuse to declare the result they are talked into **accepting to release the result**.
- The second aspect then I should cover is the question of the role of ECES, as part of ECES advisory team, I have also been privileged to see some of the work that ECES has done. Some of this is copyrighted but equips the electoral management bodies and all the other actors, whether it is the law enforcement or those that are responsible for enhancing understanding around political parties themselves. It was brought out very clearly how it's important to involve political parties, but also even non-government actors to equip them so that they have tools.
- Organisations that can carry out economic analysis of the environment under which elections are happening, contribute to the ability to detect, even hate speeches in advance so that you are able then to reach the politicians and carry out mediation efforts, so that you don't have a buildup in terms of what may then eventually erupt.
- This is extremely important and these processes of **strengthening, equipping, and supporting all the actors** - here, again, I should take this opportunity to thank particularly the European Union for its support that has continued to give to the African Union and in the terms of elections, but also, thank other actors around the world working with electoral management bodies in Africa to strengthen this part.

Speaker 5. Samuel Kobia, National Cohesion and Integration Commission (NCIC), Chairman

- We must first look at the main causes of violence, using the Kenyan experience. There are three of these that I wanted to mention:
 - One is the problem of **disputed electoral results**

- The second is **tribal political mobilization**
- The third is **traditional land and border disputes**
- Bearing in mind, political mobilization in our country is mostly centered on the tribe, it is always certain that traditional issues such as land, its ownership, and **territorial boundary disputes become the center stage of the political campaign**. This means politicians will use the underlying ground issues to mobilize the tribes against each other, especially during their campaigns.
- The constant dispute of electoral results requires that candidates have already polarized the electorates along ethnic lines that then serve as a match that finally puts the nation on fire. Different tribes perceiving each other as electoral thieves or victims who also have historical issues and disputes: tribe against tribe, community against the community, and even clan against clan.
- What this means is that to prevent violence, it is critical for the NCIC to partner with the Electoral and the Boundaries Commission (IEBC), the police, and other government agencies, in order to do four main things:
 - First, to **assure the public of a free and fair election** and create public trust in the process and, the results of the elections.
 - Number two, to ensure that we **prevent and deal decisively with hate speech** as politicians campaign by working with the police, and in particular, the directorate of criminal investigation to work with the office of the Director of Public Prosecution and the Communications Authority in Kenya so as to monitor to warn and to act on offenders.
 - And number three, to encourage dialogue through government and administration to deal with the border and territorial disputes.
 - And the fourth and final is to encourage **community peace forums** through various governmental and non-governmental actors. As it must be apparent, it is impossible to work for the peace of our country without working with the independent electoral and boundaries commission, which helps in creating confidence in our institutions around the elections.
- As such, we grow our synergy by holding peace events with the IEBC and ensuring that institutions within the IEBC are also heavily invested in keeping the peace. For example, in the recently-ended 2022 elections, the IEBC was the one that we entrusted with the keeping of the peace torch, which was lit by the NCIC weeks before the election and was only put off when there was a peaceful conclusion of the elections.
- We approach mediation **using the interest-based method**. That is, we seek to reconcile the substantive psychological and procedural interests of the parties rather than to determine who is right or who is more powerful. We have had two approaches. One has to do with reactionary, which is dealing with the violence when it happens, but the second one is to be proactive and **create a mediation panel of eminent persons** before the 2022 elections.
- In this respect, we created what we call the **Kenya Elections Peace Panel**, which was a constituted of a group of eminent Kenyans who were meeting weekly, in order to monitor closely where, and what the possible triggers of conflicts and possible violence were present and deal with it before it happened and this helped in ensuring any possible conflict would be dealt with by the panel already constituted.
- And secondly, we created a **national mediation team** by partnering with the UNPD, with the Interreligious Council of Kenya and the **Governor's Group of diplomatic community in Nairobi**. So what this helped to do was also to make sure that the synergies each of these brought into the forum, their experiences, and their skills were put together.
- The NCIC also engaged the media and the various stakeholders through a strategic approach, which in English was called elections without violence. Through engaging these stakeholders, we not only sensitized the public on peace but also secured the commitment from politicians, from motorbike taxi riders, and from church leaders among others.
- And also we were able to secure through the process that we had established the **political peace charter**, which was signed by the four presidential candidates. We made them commit themselves

publicly before all Kenyans and the international community that they will accept the results of the elections, and if they dispute, then they'll go to court. And this was very important because we needed to secure that before the elections took place. This approach allowed us to achieve violence-free elections in 2022.

- Aware of the effects of social media, we also created a **social media monitoring capacity** that went beyond the language barrier and monitored social media in vernacular languages, which in the past had only been caught by big social media companies.
- We created a **lexicon of selected words and phrases that were likely to ferment hate speech**. In this, we partnered with big tech companies such as TikTok and Twitter, as well as local companies that helped to develop the platform. We also undertook hot-spots map mapping, which we did eight months before the actions, and we came up with these areas, and I'm glad we did because of that mapping of hot spots helped the country to build, especially the security, the organs to deal with organized crime in those areas, which had been started by people who wanted to create a problem during the elections.
- Now, in our experience, partnering with international actors like ECES, like the European Union with whom we co-sponsored a very successful peace concert in Nakuru, an area where most of the violence that we have known took place and that greatly enriched the peaceful electoral process.
- We need to work in the post-election period to increase the capacities of the local actors. These partnerships were so successful that we were the first country to **implement the UN framework of dealing with hate speech**, and also released a documentary on hate speech as a precursor for violence.
- Finally, let me also emphasize the importance of coming up with a **situation room**. We partnered with ECES to create a situation room located in the headquarters of the NCIC, because here we were able to monitor, particularly as it came closer to the elections, very closely including places like the FM radios where the use of language was beginning to create problems that would pit one community against another.
- Lastly, we continue working on promoting political responsibility and accountability to become part of Kenyan democracy and political culture. This will require a **multi-sectorial approach to leverage on the complementary synergies among the local and international actors**. This work should ideally continue through the next four years and into the election period of 2027. This is because we also agree that elections should not be seen not as an event when the polling takes place, but as a process, and that way **we will create a culture of peace to replace a culture of violence**.

Speaker 6. Rindai Chipfunde-Vava, Chair Election Support Network Zimbabwe

- Indeed **civil society is one of the critical players in terms of mediation**. We have seen election conflicts arise during elections, and even some of the old conflicts, emerge and resurface during the elections. So we've seen the significant role of civil society because they are already existing in most countries.
- Civil societies have got structures and they work also on local issues, and therefore they assist in terms of **bringing local solutions to local problems**. Most civil societies in most countries has got structures. There are networks now in most countries, also within the countries, but also within the region and also within the African continent. So we've seen them doing capacity building mainly to different electoral stakeholders in terms of mediation, negotiation, and also carrying significant roles in terms of civic and voter education, promoting peaceful elections.
- And also they **monitor electoral violence and also human rights violations**, which they document and assist to bring to the attention of the formal mediators. Formal institutions like the Electoral Commissions, human rights Commissions, and the National Peace Commissions, eventually mediate from a formal position.

- Then in terms of religious leaders in most countries, especially in Africa, **there is a rise in terms of religion and its impact**. So we've seen a great audience, many people going to churches, and therefore they become a forum for peace messages. The pastors are well respected and a number of them, once they're trained, they become peace ambassadors. We train them in terms of skills in mediation and capacity building in terms of peace messages, promotion, using media, and also social media.
- And then in terms of also traditional leaders, as we know in most African states, this is one of the recognized structures in terms of formal mediation. We do have chiefs in most of our rural areas, and when there are conflicts, the chiefs assist in terms of mediation.
- Once they're trained and given proper resources and skills, we find them very useful in terms of mediation. In Zambia, civil society, even religious leaders, also take part in **multi-stakeholder forums and committees** in South Africa through the support from the EU, we also assisted in training what they call mediation panels, which are linked closely to the independent electoral Commission.
- Once there are conflicts, the electoral commission sends this type of mediation coordinator to different places to mediate conflicts during and also during post-electoral periods. So what I've learned is that elections are associated with lots of violence in most of our regions, and therefore, it is imperative to have in place support to civil society, capacity build in terms of skills for mediation, **having both formal and informal structures in place** so that they're ready to assist.
- What we saw in Kenya was different from previous elections. I think, by and large, it was because of the role which was done by different organizations, both formal and informal, the NCIC, other institutions, and also civil society.

Speaker 7. Cristina Castagnoli, European Parliament, Head of the Elections Unit

- I should start by saying that if I were an Orthodox, I would not be here because **mediation, in the election observation world is a taboo word**, because we say we don't do mediation, it is not our role.
- "We are there to observe. We don't interfere". But of course, then, you are on the ground, and we have many experiences with our Chief Observers. Our chief observer had to stay in Honduras 10 days longer than expected. And she clearly did **mediation behind closed doors**. And she even addressed publicly the opposition on television, saying "don't worry, there were no frauds. We were there".
- So we really had clearly a mediation role, but this example of Honduras is taken in our election observation world as the worst possible example because this is not what we should do. We just should observe and then let the others do their work. You mentioned the fact that sometimes you have an observation mission and then mediation is happening. But what I should say, I think from an EU perspective is that **we still work too much in silos**, these different activities, election observation, election assistance, mediation, relationship with electoral management bodies, training local observers, and here **I cannot underline enough the role of the local observers**.
- We have seen, especially during the pandemic, that we were not there. We couldn't be there. So we have trained them (local observers) more. We have worked with them more, and of course, in an ideal world that would be **better not to have international observation, but only local observations**, and also to train local observers to work all along the electoral cycle, so not only concentrating on election day, but really do this long term work of watching different reforms. So I have to say that we have started as the European Parliament to push the external election service (EEAS) to be together in the same room with their mediation colleagues.
- It was the first time that they sat together speaking about elections. So, this is of course a starting point, and we have also developed a **mediation unit within our director general of external policies in the Parliament**. So more and more these communities have to speak to each other because we

also see the work that ECES does also now with electoral assistance, you take also care of our recommendations.

- You help the election management bodies and the local authorities to implement the recommendations. So more and more compared to the past, we realized that we have to work around the electoral cycle. And so election observation is only one part of that.
- However, it is not easy to observe when you do electoral assistance. I have the example of Iraq where the UN was basically organizing the elections there, and then they also had observers, but they decided not to go public with their observation because it was like observing their own work in terms of electoral assistance. So, there are **differences that should be maintained for the sake of coherence, but there are all these synergies that have to be developed.**
- And maybe after this conference, there is an opportunity to think about organizing something together with you (ECES) and the parliament, the EEAS, and the Commission to put all of us around the same table and see, because maybe we already doing something but its good to take stock of where we are and where we can improve our cooperation.

Speaker 8. Eldrige Adolfo, Folke Bernadotte Academy (FBA), Senior Dialogue and Peace Mediation Adviser

- There's a lot that's been unpacked here, so I'll try and come in from the mediation angle. One of the first things when we're talking about a mediator process in terms of preventing election violence, we also need to be able to **understand the broader issues.**
- What are the broader issues? Because if we are not looking at them, then we are not going to be able to solve anything more permanently.
- **The trend of election violence is almost on the increase.** Because elections are becoming very tribal in the sense that it's "my team and your team", and it's doesn't have to do with (political) issues anymore.
- It doesn't have to do with, I agree with you or not, but more we are gonna fight no matter what happens. I'm on that side and you on that side, and that makes **an election no longer a contestant between two opponents.**
- It becomes between two enemies. I want to use the example of the US recently because it's not just in Africa. It became so divisive that a **very stable democracy was rocked by election violence.** So these things we must keep in mind all the time. And then elections must matter. Afghanistan is a good example where you had an election in 2014, we don't know what the results are till today it was resolved by the former Secretary of State, John Kerry appointing President Gani as president.
- Then you have another election in 2019, and we still don't know what the results of those elections are. It's resolved behind closed doors, but it leaves a problem because it means that election results are always contested. The Taliban now say, **why do we need an election** when John Kerry will decide who the winner is?
- Now, just going forward, one of the things that have been mentioned here is the **preventative measures.** How can we use the electoral bodies to help mitigate these things? Organizations like ECES can be very instrumental in helping mitigate in advance and act preventatively. But remember that some of the commissions and staff are also working at the commissioner level that's lower down and not with the political leadership.
- **Back-channeling is required** because not all of this can always be discussed in public. Some of this stuff really needs to be discussed behind closed doors so they can make compromises without having to face the wrath of the nation.

- There is a **symbiotic relationship between political leaders and their supporters**. And so it's not just the leaders alone that are pushing for this violence. Sometimes it's actually coming from the supporters as well. And that needs to be mitigated. I think we thought was quite useful to try and **get the political heads to jointly and publicly commit to a peaceful resolution** and try to do it before because if you do it before, it's easier.
- I'm not saying it's easy, but it's easier to get people to agree to this when they think they're still winning. It's impossible when the results are out and they're losing, they were not gonna agree to that then.
- Also, issues of **hate speech and that type of rhetoric need to be disallowed from the electoral arena**, because once you have it, it just escalates the problem. It goes back to the divisiveness I was talking about. So strong measures to prevent it and to even, I don't wanna say punish it, but to restrict it to some extent, and to see the broader socioeconomic issues.
- But if we are looking at a system when you leave government as a minister, you leave a good job. You leave your car, you have a house, and need to go into the economy, but there is no economy. So there is nothing for you to leave. There is **no incentive for you to leave power**. You have to stay there. It's the only source of revenue.
- And of course, being in that position, there is a patronage network that falls with it. So again, we need to be looking at the socioeconomic issues in the country to make sure there are **alternatives available to people to come out of politics** and not have to fight. And that "winner takes all" is a problem because they win everything. And if you lose, then you actually lose everything. So this is something that really needs to be touched on.
- **Systems of power-sharing** could also be useful. We used to talk about that quite a lot, saying that maybe things like proportional representation could be helpful in some countries because then you don't have a total loser total winner. Again, this is for the country to decide those things. If you have a group or ethnicity, then you are entrenching those power mechanisms. And then subsidiary again, it's also a good concept. It needs to be taken closer to where the conflict is.
- But let's also be careful that it may also be that the **neighboring countries in the region are part of the problem**.

Moderator closing remarks

- The election is a process, so also mediation and preventive action should follow all the steps of the process to be successful, especially in the upstream segment of elections.
- The importance of communication and transparency.
- The workaround countering the hate speech and so, so key to achieving the result of a peaceful election.
- To have open and even legally based mechanisms for the prevention of violence for mediation as it was explained mostly by the two electoral commissioners.
- But having also discreet mechanisms, the intervention of civil society actors, and a grassroots mechanism to address grievances. And the grievances are not just political, are also about the bread and butter of the everyday life of the people. It is about boundaries, it is about identity, it's about economy, and so on. So all this makes it complex, to mediate in an election environment because we know that there are root causes that are even beyond the political competition.
- And lastly, the need to have a better collaboration, better knowledge, better synergy among different actors in the electoral landscape: observers, electoral management bodies, electoral assistance organizations, mediators and so on.

Moderator: Filiberto C. Sebregondi, member of EEAS pool of Mediators and Vice President of ECES strategic & advisory committee

Filiberto Ceriani Sebregondi is Vice President of the Strategic & Advisory Board of the European Centre for Electoral Support based in Brussels since 2021. He is a former EU Ambassador to Ghana/Togo (2005-2009) and Tanzania (2011-2015). From 2015-2020 he was Head of the Development Cooperation Division of the European External Action Service. From 2011-2015 he was Ambassador/Head of the European Union Delegation to Tanzania and to the Eastern Africa Community. Before that, he was Head of the European External Action Service division responsible for the relations with 19 countries and the region of Sahel/West Africa. From 2005-2009 he was Head of the EU Delegations to Ghana and to Togo. Ceriani Sebregondi holds a Degree from Portici's University in Agricultural Economics and a Master from Paris' Sorbonne in Development Economics. He is member of the Italian 'Accademia dei Georgofili'. Since 2020 he is Adjunct Professor at Sciences Po, Paris – Master of International Affairs.

Panelists

- **Independent Electoral and Boundaries Commission (IEBC)**

- Wafula Chebukati, Chairperson

Wafula Chebukati is the chairman of Kenya's elections regulatory agency Independent Electoral and Boundaries Commission. He took up his position in 2017 and has so far overseen three elections: 2017 Kenyan general election, October 2017 Kenyan presidential election and the 2022 Kenyan general election. He is a Kenyan career lawyer with an experience in international commerce, corporate law, environmental law, trade and investment law. He holds a Bachelor of Law degree from the University of Nairobi, and Master of Business Administration from the Jomo Kenyatta University of Agriculture and Technology. In 2006 he founded a Nairobi-based law firm Cootow & Associates Advocates, which offers different legal services, ranging from maritime to shipping, company secretary to aviation laws, arbitration, alternative dispute resolution, insurance to banking and commercial law practices and has been operational since 2006. Chebukati was a politician belonging to the Orange Democratic Movement, and once contested the Saboti Constituency parliamentary seat in the year 2007.

- **Electoral Commission of Ghana**

- Jean Adukwei Mensah, Chairperson

Jean Adukwei Mensah is a Ghanaian lawyer and Chairperson of the Electoral Commission of Ghana. Prior to assuming the role of Chairperson of the Electoral Commission, Jean Mensah spent an eighteen-year career at the Institute of Economic Affairs (IEA) rising to the position of Executive Director and playing a pivotal role in strengthening Ghana's democracy and promoting strong institutions. She has been involved in the development of policies such as the Presidential Transition Act of 2012, the Revised 1992 Constitution of Ghana (draft), the Political Parties Funding Bill, and the Revised Political Parties Bill. She also worked at

Amakai Amarteifio Chambers from 1995 to 1997 and BJ Da Rocha Chambers as a Junior Lawyer in 1998. Jean Mensa studied at the University of Ghana, Faculty of Law, and received her degree in 1993. She was then called to the Bar in 1996. She also received executive education from the Harvard Business School.

- **African Union**

- Ambassador Calixte Aristide Mbari, Head of Division, Democracy, Governance, Human Rights, and Elections at the Department of Political Affairs

Amb. Calixte Aristide Mbari is currently the Ag. Director, Governance and Conflict Prevention Directorate, and Head of the Democracy, Elections and Constitutionalism Division in the Department of Political Affairs, Peace and Security. Amb. Mbari joined the African Union in April 2008. He also worked for the United Nations for eight years, first as a human rights officer, then as an electoral expert in the Central African Republic, Burundi and the Islamic Republic of Mauritania. A former parliamentarian in his country, the Central African Republic, he also served for many years as a member of the Independent National Electoral Commission and as a key player in civil society at the national, sub-regional and African regional levels. He holds advanced degrees in international law, political science, human rights and conflict management from the University of Nantes and the University of Paris 1 Sorbonne in France and the University of Uppsala in Sweden.

- H.E. Erastus Mwencha, former Secretary General of COMESA and former Vice Chairman of the AU Commission, member of ECES strategic & advisory committee

Erastus J.O. Mwencha is currently the Chair of the ACBF Executive Board. He was previously the Deputy Chairperson of the African Union Commission (AUC). During his time at the AUC, he oversaw the administration and finance of the Commission as its Controlling Officer, supervised the development of two AUC Strategic Plans (2009-12) and (2012-17) and participated in the development of Africa's long-term vision of Agenda 2063. He also developed institutional cooperation between the World Bank and the African Union. From 1998 to 2008 he was the Secretary General of the Common Market for Eastern and Southern Africa (COMESA). Prior to COMESA, Mwencha also served the Ministry of Industry of the Government of Kenya as Head of Industrial Promotion Department and Secretary to Industrial Sciences Advisory Research Committee (ISARC) and the Kenyan Industrial Survey and Promotion Centre as a Senior Economist. Mr Mwencha graduated from the University of York.

- **National Cohesion and Integration Commission**

- Commissioner Rev. Dr. Samuel Kobia, Chairman

Commissioner Rev. Dr. Samuel Kobia is the Chairman, National Cohesion and Integration Commission. Previously, he served as Senior Advisor on Cohesion, Peace and Conflict Resolution in the Executive Office of the President and Cabinet Affairs. Dr. Kobia served as a Commissioner in the Judicial Service Commission which recruits Kenyan judges, and oversees the Judiciary; 2010-2012 Ecumenical Special Envoy for Sudan's; 2007-2018 Chancellor of St. Paul's University; former General Secretary of the Geneva based World Council of Churches. He has vast experience in mediation and dialogue. Currently, he coordinates dialogue platforms as safe spaces for interactions between Kenyans of diverse stations and Government to address pressing issues. The fruits of the dialogues include peaceful co-existence, healing and reconciliation, peaceful resolution of conflicts and national cohesion. He holds a master's degree in urban planning, Theology, and International relations from universities in Kenya, USA and Switzerland. He is a visiting Professor to Wesley Colleges in USA and UK. He is an author of several books including Dialogue Matters.

- **Electoral Support Network of South African Development Community (ESN SADC)**

- Rindai Vava, Director of the Zimbabwe Election Support Network

Rindai Chipfunde-Vava is currently serving as Preventing Electoral Violence Project Co-ordinator in Ethiopia for European Centre for Electoral Support. She is an electoral, Gender & Civic society and capacity building expert with 23 years of experience. Rindai formerly served as the Zimbabwe Country Coordinator for Southern African Human Rights NGOs Network and as the Programs Coordinator for the Zimbabwe Human Rights Association. She has been engaged as a Consultant by UNDP to do a civic and Voter education strategy in Nauru, Zimbabwe etc. and also as a BRIDGE and LEAD training Expert for EMBs & electoral stakeholders in Somalia, South Africa, Tanzania, Rwanda, Nigeria, Sudan and Zimbabwe. She is also a Founder member of Global Network of Domestic Observers and currently a Steering Committee Member. She is a holder of BSC in political science, Master degree in Policy Studies and Post Graduate Diploma in Peace and Security of the Uppsala University and a Stanford University fellow.

- **European Union**

- Cristina Castagnoli, Head of the Elections Unit of the European Parliament

Cristina Castagnoli with over 20 years of experience in the EU institution working for both the European Commission and the European Parliament she is currently the Head of Unit of the Election Observation and Follow-up Unit. In her years in this position, she participated to several Electoral Observation Missions of the European Parliament in countries like: Peru, Iraq, Mozambique, and Lebanon among others. In her work at the parliament, she follows all the EU-EOMs of the Parliament and the work of the Democracy Support and Election Coordination Group (DEG). She was member of the cabinet of the HRVP Catherine Ashton where she cured all the relations with the parliament, the Electoral Observation missions, and the Inter-institutional issues. She cured several publications on the topic of elections, parliamentary diplomacy, and the role of the EU institutions.

CEST

- **Folke Bernadotte Academy**

- Eldridge Adolfo, senior dialogue and peace mediation adviser

Eldridge Adolfo has long-standing experience of working with the UN and EU on dialogue, mediation and preventive diplomacy in conflict situations. Eldridge has been involved in peace mediation and negotiations in South Sudan, Colombia, Sierra Leone, Zimbabwe, Kenya, Venezuela, Georgia, Libya and Myanmar. He holds a master's degree in political science and international relations from Stockholm University, and he has published studies on mediation processes and conflict resolution for the Nordic Africa Institute and the Swedish Defence Research Agency.

The logo for ECES, featuring the letters 'e', 'c', 'e', and 's' in a stylized, rounded font. The 'e' and 's' are blue, while the 'c' and 'e' are black. The letters are arranged in a slightly overlapping manner.

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A decorative graphic at the bottom of the page consisting of overlapping, curved shapes in shades of blue and orange.