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Elections in Africa: Challenges and Opportunities

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On July 19, 2011, the International Peace Institute (IPI) hosted a roundtable discussion on "Elections in Africa: Challenges and Opportunities." The conversation included approximately forty United Nations (UN) Secretariat officials, African UN permanent mission representatives, NGO officials, and academics. The discussion was held under the Chatham House Rule of non-attribution. This meeting note was drafted by Mireille Affa'a-Mindzie, IPI Senior Policy Analyst, and Paul Romita, IPI Policy Analyst at the time and now Research Analyst at Security Council Report. It provides the *rapporteurs*' interpretation of the major themes discussed at the workshop and does not necessarily represent the views of all other participants.

IPI owes a great debt of thanks to the generous donors to its Africa Program. Their support has reflected widespread demand over time for innovative thinking on practical solutions to challenges affecting Africa.

Background

From the 1950s through to the 1970s, decolonization swept across Africa. While freedom was greeted with euphoria in many places, it could not mask the deep political instability that often accompanied independence. Violence and coercion became a common means of changing power. Coups, counter-coups, and aborted coups littered the political landscape on the continent.

The post-Cold War period witnessed several positive changes with respect to democratization in Africa. Participatory politics grew in the 1990s and 2010s, as the percentage of African countries holding democratic elections increased from 7 to 40 percent and in 2010, Freedom House classified eighteen countries on the continent as electoral democracies.[1] During the past two decades, the general trend has been toward greater accountability of political leaders, whose domestic legitimacy is largely linked to the means through which they attain and maintain power. Yet progress has been uneven.

Elections have facilitated the emergence of democratic governments in Benin, Cape Verde, Ghana, Mali, Senegal, and South Africa. Following autocratic regimes and protracted civil wars, more stable societies have emerged in Guinea, Liberia, Niger, and Sierra Leone. In some cases, however, elections have been manipulated to legitimate autocratic regimes or to ensure dynastic successions on the continent. Violence still plagues approximately 20 to 25 percent of elections in Africa.[2] In recent times, high-profile electoral crises in Kenya (2007-2008), Zimbabwe (2000 and 2008), and Côte d'Ivoire (2010-2011) have collectively led to at least four thousand deaths and hundreds of thousands displaced.[3] Electoral violence can erode a people's faith in democratic processes. Additionally, countries with a history of electoral violence often experience a recurrence of such violence, as has been witnessed in Kenya, Nigeria, and Zimbabwe.

This is a particularly important moment in Africa's history. Forty-one of the

1 Freedom House, "Electoral Democracies," in *Freedom in the World 2010*, available at www.freedomhouse.org/uploads/fiw10/ElectoralDemocraciesFIW2010.pdf .

2 Dorina Bekoe, "Trends in Electoral Violence in Sub-Saharan Africa," *Peace Brief 13*, United States Institute of Peace, March 10, 2010, available at http://www.usip.org/files/resources/PB13Electoral%20Violence.pdf .

3 In Kenya, over 1,200 people were killed during the 2007-2008 post-election crisis. See UN High Commissioner for Human Rights, "Report from OHCHR Fact-finding Mission to Kenya, 6-28 February 2008," available at http://blog.ushahidi.com/wp-content/uploads/2008/03/final-ohchr-kenya-report-19-march2008.pdf . In Zimbabwe, 36 politically motivated deaths and 2,000 cases of political violence including abductions, beatings, torture, and killings were recorded in 2008. See Human Rights Watch, "'Bullets for Each of You': State-Sponsored Violence since Zimbabwe's March 29 Elections," June 9, 2008, available at www.hrw.org/news/2008/06/09/zimbabwe-runoff-vote-will-be-dead-arrival . And in Côte d'Ivoire during the 2010-2011 post-election crisis, at least 3,000 people were killed, 72 people disappeared, and 520 people were subject to arbitrary arrest and detentions. See UN News Centre, "ICC prosecutor seeks authorization to probe Côte d'Ivoire violence," available at www.un.org/apps/news/story.asp?NewsID=38817&Cr=Ivoire&Cr1=.August .

fifty-four countries on the continent will organize elections in 2011 and 2012. At the time of the IPI roundtable on elections in Africa in late July 2011, presidential and legislative elections were going to be held in seventeen more African countries by the end of the year. Over the next year and a half, if Africa's elections are by and large conducted fairly, transparently, and peacefully, they could significantly contribute to the consolidation of democratic processes on the continent, as domestic support for democracy tends to increase when elections are not marred by violence.

Risk Factors

While each context is unique, certain patterns have been identified that put countries at risk of electoral violence. Elections are not inherently a source of violence. However, they can exacerbate political, ethnic, regional, and religious tensions and spill over into violence, especially if they are not conducted within an appropriate institutional framework. Unemployed youth appear to be an especially fertile target for recruitment by political actors determined to commit acts of violence. Elections that are conducted as part of peace agreements, where reconciliation between the parties has yet to firmly take hold, are particularly susceptible to violence. In such circumstances, special attention must be paid to the manner in which elections are structured and sequenced in relation to other elements of the agreement. Political systems that are partly democratic and partly autocratic have proven to be especially vulnerable to electoral violence, as they lack the institutional fabric required to channel grievances in a constructive manner. This is a notable cause for concern in Africa, where, as one participant noted, twenty-five countries on the continent are classified as mixed regimes, neither full democracies nor full autocracies.

A Process, Not an Event

Current reflections seeking to improve electoral processes in Africa highlight that an election is best conceptualized as an element of a broader political process, rather than a one-off event.[4] Free and fair elections conducted on a regular basis are only one component of a healthy democratic society. A robust civil society, independent media, a sound public administration, and an independent judiciary can help to manage the underlying tensions and grievances that elections bring to the surface.

Electoral processes can be divided into three key phases: pre-voting, voting, and post-voting.[5] Each individual phase has several elements.

- Pre-voting: In the pre-voting phase, electoral frameworks may be developed or refined. Boundaries are defined to ascertain voter eligibility. During this phase, voter and civic education, voter registration, party nominations, and electoral campaigns also take place.

- Voting: In addition to the casting of votes, this phase also includes vote counting and the verification of results.

- Post-voting: The post-voting period includes all of the activities that ideally occur between elections. Voter lists may be updated. Post-election reviews may take place in which electoral laws and institutions are analyzed to determine how they can be strengthened. Finally, procedures may then be put in place to strengthen those laws and institutions.

The participants at the roundtable agreed that several factors related to the administration of elections are critical to their success. At a fundamental level, the electoral system must be perceived as fair and equitable, without ethnic- or regionally-based discrimination. For example, the manipulation of voter lists is a telltale sign that the system has been corrupted. Voter registration should be reliable and consensual. Civic and voter education helps to empower voters so that they feel a greater stake in the outcome and, more fundamentally, understand how to cast their vote. Election management bodies (EMBs) should be impartial and competent, and embrace transparency and inclusivity in their composition and mandate. To discharge their duties effectively, EMBs should be further endowed with sufficient

4 African Union Panel of the Wise, "Election-Related Disputes and Political Violence: Strengthening the Role of the African Union in Preventing, Managing, and Resolving Conflict," *The African Union Series*, New York: International Peace Institute, July 2010.

5 Ibid.

staff and financial resources. Domestic mechanisms to resolve election-related disputes likewise help to mitigate the possibility of tensions deteriorating into violence.

The observation and the monitoring of elections have, in many cases, played an important role in ensuring that electoral processes are conducted in a fair manner and in detailing and raising awareness of violations when they are not. Both the quantity and quality of observers are key factors in determining the effectiveness of the observation and monitoring processes. Given the proliferation of national, subregional, regional, and international actors often engaged in election observation and monitoring, coordination of, and coherence among, all of these actors will help to avoid the duplication of efforts and ensure that consistent standards are applied.

Throughout the electoral process, continuous and inclusive dialogue can be helpful in attenuating tensions that arise during elections. Ghana's transformation into a stable democracy has been one of Africa's success stories. It is likely that the establishment of mechanisms that foster dialogue among different political and ethnic groups—including the Inter-Party Advisory Committee established in 1994 and the National and Local Peace Councils established in 2006—have contributed to broad acceptance of the results of recent elections.

Other instruments for reducing electoral violence and developing a culture of democracy highlighted during the roundtable discussion included the following:

a) national early-warning mechanisms, which should be integrated into election cycles so that opportunities to deal with violence are available before it spins out of control;

b) well-trained and competent security forces that respect the public's civil and political rights and do not discriminate based on ethnicity, race, religion, or gender, which can prevent tensions from deteriorating into violence;

c) a credible and timely complaints process, which will enable citizens who feel that their rights have been violated to report their concerns and, if appropriate, have them acted upon.

The Role of the International Community in Africa's Elections

Elections are nationally-owned processes. Concerns about the protection of sovereignty frequently lie just beneath the surface when international actors support electoral processes in Africa, fueled largely by the legacy of colonial domination on the continent. These sensitivities have also surfaced during General Assembly debates on UN electoral assistance in which some member states have asserted that elections are a sovereign responsibility, which should not be impinged upon by the UN or other external actors.

While such sensitivities must be taken into consideration, it is clear that international assistance plays a vital role in supporting successful electoral processes. This assistance can come from many different actors (e.g., international, regional, and subregional organizations, and NGOs) and it can be both political and technical in nature. The external support provided to the Southern Sudan referendum on independence, held in January 2011, demonstrates the impact that focused external engagement can have. In spite of enormous technical and political challenges, the referendum went smoothly, surpassing the expectations of many analysts. While it was tarnished by some violence, it was administered fairly and competently, and its results were accepted by the north. The African Union High-Level Implementation Panel—led by former South African President Thabo Mbeki—played a crucial mediation role in the lead up to the referendum, helping to break a deadlock over the composition of the Referendum Commission. The UN provided necessary logistical and technical assistance to the referendum, while the EU and the Carter Center monitored the referendum.

In recent years, the UN has consistently played an important role in elections in Africa. Many peacekeeping and political missions today have election support embedded in their mandates. The UN provides technical assistance in the form of training of electoral workers, voter and civic education, security, and by procuring electoral

materials. Less frequently, it may certify election results, as in Côte d'Ivoire last year, or even organize and manage elections, although it has not done so in Africa.[6] As a whole, it was argued at the meeting, the UN could aim for greater strategic coherence in supporting democracy in Africa. The Department of Political Affairs' (DPA) electoral assistance work should be complemented more effectively by other agencies, funds, and programs in the UN system. A longer-term, more holistic approach to elections should be developed, one that includes development and conflict prevention programs, rather than conceptualizing elections as episodic events.

At a regional level, the African Union and subregional organizations such as the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) increasingly support electoral processes, providing electoral observers and monitors and assistance to election management bodies, as well as devising normative frameworks. These efforts should be strengthened. For instance, it was noted that many African countries have yet to ratify the *African Charter on Democracy, Elections and Governance*, which would be a positive step forward in the legal and normative development of democracy on the continent. To date, thirty-eight states have signed the Charter, but only eight have ratified it; an additional seven states must ratify the Charter for it to become legally binding.[7]

Two Case Studies: Kenya and the Democratic Republic of the Congo

During the meeting, participants presented case studies on electoral processes in Kenya and the Democratic Republic of the Congo (DRC). These presentations reflected on past electoral processes, pointed to the challenges ahead, and offered suggestions to strengthen future electoral processes in both countries. Next year, Kenya will be holding its first general election since the catastrophic election of December 2007, while the DRC will hold presidential and national assembly elections later this year amidst continuing violence between government forces and rebel groups in the eastern part of the country.

KENYA

Since 1963, Kenya has experienced various forms of political and social unrest. The post-election turmoil of late 2007 and early 2008 was not an anomaly. Similar election-related violence in Kenya occurred in 1992 and 1997. In the intertribal clashes that erupted in 2007 during the standoff between the incumbent, Moi Kibaki, and the challenger, Raila Odinga, approximately 1,300 people lost their lives and hundreds of thousands were displaced. Widespread sexual violence against women also marred the post-election landscape.

Kenya is making efforts to avoid a repeat of this violence. Legislation has been introduced that heavily penalizes incumbents who use public resources to support their election campaigns. The proposed legislation also delineates the grounds and process by which parliamentarians can be removed from office in order to check abuses of power and other inappropriate behavior. Under the bill, the winner of the presidency would be required to win more than 50 percent of votes cast, as well as more than 25 percent of the vote in twenty-four counties, thus seeking to militate against the tribal or ethnic chauvinism of any one candidate.[8] Kenya has also integrated peacebuilding and conflict prevention elements in its development programs in order to identify vulnerable communities and promote tolerance of diversity.

The 2012 election will be a decisive test for Kenya. It was argued that the government, political parties, and civil society have a critical role to play in ensuring that the events of late 2007 and early 2008 are not revisited. In the upcoming elections, the Electoral Management Body must exhibit competence, independence, and integrity. It was

6 UN Department of Political Affairs, "Types of Assistance," available at www.un.org/wcm/content/site/undpa/main/issues/elections/types_of_assistance . Examples of the UN organizing and managing elections include Cambodia in 1992-1993 and Timor-Leste in 2001-2002.

7 *African Charter on Democracy, Elections and Governance*, adopted by the eighth ordinary session of the AU Assembly, Addis Ababa, Ethiopia, January 30, 2007, available at www.au.int/en/sites/default/files/AFRICAN_CHARTER_ON_DEMOCRACY_ELECTIONS_AND_GOVERNANCE.pdf .

8 "The Elections Bill, 2011," Commission for the Implementation of the Constitution, 3rd Working Draft, May 15, 2011, available at http://cickenya.org/sites/default/files/bills/Elections_Bill_2011-15th_May.pdf .

also suggested during the discussion that national investigations should be conducted, in accordance with international legal standards, into the alleged crimes against humanity committed during the 2007 election crisis. Complementing the proceedings initiated before the International Criminal Court against six Kenyan officials for their alleged involvement in the post-election violence, national investigations would help to combat impunity and deter individuals from committing similar atrocities in future elections.[9] It might also be helpful if political parties committed themselves to a code of conduct prior to the election that would bind them to behave in a responsible manner. Finally, civil society could play an important part in defending the independence of the Electoral Management Body, in pressuring politicians to adhere to appropriate norms and standards of conduct before, during, and after the election, and in promoting peaceful dialogue in the public and the press.

THE DEMOCRATIC REPUBLIC OF THE CONGO

In 2006, the DRC held its first postconflict elections. Roundtable panelists recalled that the elections were the most expensive and perhaps the most complex ones the United Nations has ever organized. They cost close to 600 million US dollars and saw the registration of 26 million people. Thirty-three candidates ran for president in the election; approximately 10,000 candidates competed for 500 parliamentary seats; and 50,000 polling stations were set up.

A robust international presence prevented violence anticipated among supporters of incumbent Joseph Kabila and opposition candidate Jean-Pierre Bemba at the end of the presidential election's first round. Twenty thousand peacekeepers from the United Nations Mission in the Democratic Republic of Congo (MONUC) were deployed, in addition to European Union troops and rapid reaction forces positioned in the region. The UN presence on the ground further facilitated the coordination of electoral observers and monitors, who played a key role in limiting fraud and procedural weaknesses. For instance, by posting local election results outside polling stations, electoral observers and monitors helped to manage expectations at the community level.

Nonetheless, the elections faced many challenges—not least persistent violence in the east and a general sense of insecurity. The election management bodies were weak and underresourced, and they lacked a coherent system for managing electoral litigation or any power to sanction violations. In addition, the media and its regulatory bodies remained in the hands of politicians, while political parties' lack of institutional depth forced them to rely on ethnic and regional alliances.

In 2011, the second postconflict elections in the DRC are likely to face even more challenges than the first, in 2006. These challenges result in part from less international attention and thus limited interest, engagement, and funding; but they also stem from the continued violence in the east and other parts of the country, stronger claims of sovereignty, an unpopular incumbent, a divided opposition, and the continued weakness of domestic institutions. Moreover, the Congolese government's decision to adopt a one-round presidential election unnecessarily increases the stakes of the election, exacerbates the challenges attached to a winner-takes-all approach, and further accentuates issues of legitimacy as the president could be elected with only 20 to 22 percent of the vote. Today's Independent National Electoral Commission appears less technically equipped than the 2006 Independent Electoral Commission. In consequence, there is a strong possibility that the elections will be flawed. For MONUSCO, this poses the risk of sanctioning a flawed election, raising the specter of the 2010-2011 post-election crisis in Côte d'Ivoire. Nonetheless, the absence of a certification mandate by the UN in the DRC demonstrates that a key lesson has been learned from the Ivoirian electoral process.

Roundtable participants emphasized that an independent judiciary, free media, and an active civil society remain critical conditions for the creation of a healthy space for participatory politics. However, one participant noted that in the DRC,

9 International Criminal Court, "Situation in the Republic of Kenya," ICC-01/09, available at www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Situations/Situation+ICC+0109/Situation+Index.htm .

the limited resources allocated to institutions such as the High Authority on Media and the Truth and Reconciliation Commission have had enduring consequences.

Thus, in a region where hate speech has driven many of the recorded identity conflicts, the international community makes an important contribution to the Congolese electoral process through the UN mission's radio, Radio Okapi. By facilitating political cover for local journalists, who otherwise would not be able to report on particular topics, Radio Okapi succeeds in providing both national coverage and a political space that helps sustain the democratic process.

Conclusion

Elections are complex processes. Beyond their potential to help countries shift from autocratic regimes to more democratic ones, emphasis should be placed on "transformations not transitions." The participants at the roundtable highlighted the importance of political processes to ensure inclusiveness and the credibility of the electoral process, to assist political parties to overcome their disagreements, and to provide security to the contending parties. The holding of elections alone does not speak to the quality of democracy in a country and, as has been demonstrated time and again, it can spark large-scale violence. Rather, elections should be part of a broader political framework that promotes good governance, the rule of law, and equal participation in politics. Africa has made tremendous progress during the past couple of decades, both normatively and in practice, in developing principles of democracy and good governance; however, much work remains to be done.

Agenda

Tuesday, July 19, 2011

09:00-09:30	Breakfast
09:30-10:00	**Welcome** Ambassador John L. Hirsch, Senior Adviser, Africa Program, IPI Opening Remarks Dr. Abiodun Williams, Vice President, Center for Conflict Analysis and Prevention, United States Institute of Peace
10:00-11:15	**Session 1: Taking Stock: Recent Elections in Africa** What are the recent trends of electoral processes in Africa, and what have been their major outcomes? What political, legal, institutional, and organizational elements are required in order to create a conducive environment for free and fair elections? What is the role of national election stakeholders, including government, election management bodies and the judiciary, political parties, security forces, the media and other civil society groups, in promoting democratic governance? **Chair** Ambassador John L. Hirsch, Senior Adviser, Africa Program, IPI **Speakers** H.E. Dr. Josephine Ojiambo, Deputy Permanent Representative, Permanent Mission of Kenya to the UN Mr. Akinyemi O. Adegbola, Team Leader, Country Support, Electoral Assistance Division, Department of Political Affairs, UN Dr. Mireille Affa'a-Mindzie, Senior Policy Analyst, IPI
11:15-11:30	Coffee Break
11:30-12:45	**Session 2: Looking Forward: Preventing Violence and Promoting Free and Fair Elections** What are the normative and institutional frameworks established by the United Nations, the African Union, and subregional organizations such as ECOWAS and SADC to support in-country electoral processes? What is the role of regional and international actors in preventing electoral conflict? What strategies exist to address simmering tensions and conflicts related to disputed electoral outcomes? What possible challenges have hindered successful interventions to prevent recent election crises? **Chair** Mr. Youssef Mahmoud, Senior Adviser, IPI

Speakers
Ms. Tatiana Carayannis, Deputy Director, Conflict Prevention and Peace Forum, Social Science Research Council

Mr. Almami Cyllah, Regional Director, Africa, International Foundation for Electoral Systems

Mr. George T. Zachariah, Coordination Officer, Partnerships Team of the Division for Policy, Evaluation, and Training, UN Department of Peacekeeping Operations

12:45-13:00 **Closing Remarks**
Ambassador John L. Hirsch, Senior Adviser, Africa Program, IPI

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