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Elections and the Risk of Instability in Africa: Supporting Legitimate Electoral Processes

Ivan Crouzel

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Programme head: Steven Gruzd, steven.gruzd@wits.ac.za

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ABSTRACT

Whereas elections have become commonplace in Africa over the past 20 years, several recent examples have shown that they can also crystallise tensions and cause violence (as happened in Kenya, Côte d'Ivoire and Zimbabwe), and can fail to legitimise power. In Africa, the stakes are high, with access to resources through electoral victory a major aspect of elections. This explains why elections are often the object of fraught competition. Elections thus constitute a critical moment for fragile political regimes.

An understanding of the issue of power and the associated resource sharing is fundamental to limiting the risk of elections triggering instability. This issue requires political dialogue at all levels that should be extended to civil society actors. Elections should not be seen only as a technical exercise; it is also vital to understand their power dynamics and the stakes at play.

In addition to making sure that all the actors taking part in elections have ownership of the electoral process, an electoral administration that is credible and recognised by all is essential for lessening risks and tensions. However, in many African countries election management bodies do not have sufficient capacity to fulfil their functions and assert their independence. In this context, the credibility of elections requires legitimate observation systems, which are generally promoted locally by civil society organisations.

Lastly, priority must be given to preventing electoral violence through inclusive early warning mechanisms and mediation systems. Multi-stakeholder conflict management, which brings together various types of actors and supports social diversity, is fundamental to promoting peaceful electoral processes.¹

ABOUT THE AUTHOR

Ivan Crouzel is Deputy Director of the Institute for Research and Debate on Governance, based in France. He holds a PhD in political science from the University of Bordeaux. His main research interests relate to state building, democratisation, public administration, and local governance. He has done consultancy work for agencies (the UN Economic Commission for Africa, European Commission, French Ministry of Foreign Affairs) and NGOs (the Institute for Democracy in Africa, International Budget Partnership), mostly in Southern and Western Africa. He worked at the French Ministry of Foreign Affairs and as a governance specialist at the World Bank.

ABBREVIATIONS AND ACRONYMS

AU	African Union
CNDP	National Council for Political Dialogue
CSO	civil society organisation
EMB	election management body
IFES	International Foundation for Electoral Systems
NGO	non-governmental organisation
UNOWA	UN Office for West Africa

INTRODUCTION

Over the past 20 years, elections have become commonplace in almost all African states and are now a compulsory step in legitimately accessing or retaining power. The virtual universality of elections in Africa is the result of internal country dynamics related to the growing expectations of citizens pushing for increased democratisation. Recent news coverage reminds one that, in Africa and beyond, citizens value elections. They are at the core of the demands raised during crises or tensions. In addition, more often than not, the international community demands elections as a precondition for recognising a political regime and providing development assistance in the form of foreign aid.

The fact that electoral processes have now become commonplace can nevertheless be misleading, and conceal a variety of political situations. Elections do not necessarily go hand in hand with power changes or political liberalisation. As expressed by the concept of 'electoral autocracy', elections can form the basis of any type of political regime. Authoritarian regimes have been perfectly able to exploit elections' symbolic dimensions by abusing them through skewed procedures, such as in Egypt, Togo and Zimbabwe.

Moreover, the proliferation of elections does not imply greater political stability. Over the past decade, electoral processes have instead crystallised tensions and formed a source of violence in several African countries: the Democratic Republic of Congo (2006), Guinea-Bissau (2008), Kenya (2007 and 2008), Lesotho (2007), Nigeria (2007), Senegal (2012), Togo (2005) and Zimbabwe (2008). In each case the electoral process led to greater fragility in the political set-up, without legitimising those in power.

Tensions are inherent to electoral processes, which, by nature, crystallise political power relations. These tensions are exacerbated in contexts where elections are crucial to access state-owned resources. Such is the case in Africa, where a loss at the polls leads to the losers being downgraded and excluded from accessing public funds. Given the high stakes in terms of access to resources, elections are subject to acute competition. At these times the risk of instability is particularly high in fragile political regimes.

Although elections tend to heighten tensions and engender violence, the intention is not to question their necessity as a procedure to select citizens' representatives. Universal suffrage is a basic right and elections have an essential role to play in the institutionalisation of a legitimate power. They perform various functions that form the basis of peaceful political and social regulation:

- legitimising leaders and the country's electoral system;
- regulating political conflict by helping to channel political violence;
- · institutionalising democratic principles within political practices; and
- ensuring political inclusion through the mobilisation of political actors, members of civil society and citizens.

In this context, the international community can play an important role to limit the risks of electoral tensions. International actors are consequently invited to renew their practices by considering the electoral process from a broader democratic governance perspective, as a vehicle for political agreement and state legitimacy. Beyond the prevailing technical and depoliticised approach, this is about designing long-term electoral support by making it part of the regulation frameworks of concerned countries. Consequently, one of the most important ways to legitimise electoral processes is by getting all stakeholders (civil society, the private sector, citizens and institutions) to work together at all stages of the electoral cycle. The consolidation of this inclusive dialogue will contribute to making elections a vehicle for social cohesion and shared regulation and thus for political stability.

NO ELECTORAL STABILITY WITHOUT AN INCLUSIVE POLITICAL AGREEMENT

Elections are not only technical exercises. They cannot be understood independently from the power stakes that play out in electoral contexts, ie, the selection of leaders, and especially the access to resources linked to these positions of power. In Africa, the stakes related to power access and power sharing play a fundamental role in the stability of electoral processes. International actors involved in supporting electoral processes must take these into account. Any exclusive management of elections can only lead to violent conflict and add to the fragility of the regimes in question.

Artificial stability associated with the capture of elections

Elections, under the guise of legitimisation through voting, have in some cases paradoxically become an instrument used to capture power. In these cases elections make it possible for leaders, families or parties to stay in power (such as in Congo-Brazzaville, Gabon and Togo). As they want to maintain a political economy geared exclusively towards their own interests, those in power have no intention of organising elections they could lose. These practices can take varied forms (amendment of constitutional rules, choice of electoral and voting systems, gerrymandering, ballot stuffing, abusing the voter's roll, fraud, control of the validation of results etc.). They also include the use, by leaders in power, of public funds for partisan political purposes during election campaigns.

The apparent stability that these practices induce is not sustainable over even the medium term. As clearly shown by the Arab Spring, such practices can result in violent conflicts that bring power holding to an end. They thus contribute to weakening a regime's social foundations and make elections counterproductive for the establishment of a stable and democratic system. Sham elections consolidate the idea of a masquerade, of an elite grabbing power with the sole intent of enriching themselves. These practices thus contribute to worsening the gap between those in power and society, and further undermine trust building between rival groups, citizens and the political establishment.

On the other hand, the risk of instability is strongly reduced whenever an inclusive political settlement prevails that shares power and the resources associated with power. Such an agreement, which involves all stakeholders, is a key condition for stable elections. The Conference for a Democratic South Africa or the national sovereign conferences held in francophone Africa, for instance, testify to the success of arrangements that helped define and set the 'rules of the game' embraced by all stakeholders. Without a political formula that organises such an agreement, elections can become a technical 'second best' and are not able to fulfil their functions.

Shared access to power and the associated resources is closely related to the issue of opening up the electoral system. Although there is no consensus on what would constitute

a 'good' electoral system, comparative studies show that in Africa, majority voting (as in the Westminster first-past-the-post system) tends to exacerbate the stakes of winning or losing in a 'winner takes all' approach. Conversely, proportional voting makes it possible to mitigate political rivalries and reduce the tensions related to elections.² In Lesotho, the introduction of a proportional element to the electoral system has allowed the election of a more representative national assembly, thus leading to more inclusive politics and decreasing the risks of conflict. The African Union's (AU) Panel of the Wise sums up how a more open electoral system could be achieved: 'Africa must move, in a progressive and advised way, towards electoral systems that widen representation, recognise diversity, respect the principle of equality and the rule of the majority, while protecting minorities.³

Need for political dialogue at all levels

Inclusive political dialogue is essential for the stability of electoral processes. This dialogue must be effective as soon as the texts governing election modalities are drafted (for instance, the electoral code, charters of political parties, organisation and financing procedures of the election campaign, as well as, more broadly, the constitutional framework). This dialogue is also crucial to the establishment of electoral management bodies (EMBs) and the compilation of reliable voter's rolls. The Praia Declaration thus states that 'a national consensus must prevail in the elaboration and adoption of laws and electoral standards, the electoral register, the election management structures, as well as other related mechanisms'.⁴

The goal is to arrive at clear and consensual mechanisms, in order to limit manipulation at implementation stage. In Niger, the National Council for Political Dialogue is aimed at creating a permanent dialogue framework regulating the political system (including the constitution, organisation of polls, rights of the opposition, and ethical code). Under the chairmanship of the country's prime minister, it comprises all the political parties as well as civil society representatives. Such a body helps to limit the risks of instability through a consensual approach. In Morocco, the historical face of the opposition (the Democratic Block) and the monarchy agreed on new rules for the political game, in particular by adopting a code of ethics known as 'the Pact of Honour and Good Conduct'. It is through such agreements and mechanisms that political forces can build trust and peacefully organise how they compete to access power.

In a post-crisis context, a recent trend has been to develop consensual political formulas that provide for power sharing. This was the case with the governments of national unity set up in South Africa (1994), Kenya (2007), Zimbabwe (2009) and Niger (2010). However, these solutions entail certain risks. In addition to weak sustainability, power-sharing arrangements between political elites are also likely to lead to results that do not mirror the will of voters. They can thus contribute to undermining the legitimacy of the electoral process. Moreover, since such arrangements join opposition parties, these consensual formulas run the risk of diminishing checks and balances on power, and of being considered exclusive pacts among elites. This was illustrated in Mali by the coup d'état against President Amadou Toumani Touré in March 2012, whose co-optation practices had inhibited opposition parties and reinforced the disconnect between those in power and citizens. Power-sharing arrangements should remain temporary in nature, with the specific aim of preventing or putting an end to a violent situation.

Political dialogue thus cannot be limited to political actors and must be extended to civil society representatives. It is crucial that the various powers in place (for example, traditional, religious and social leaders, and the private sector) be involved in the regulation of elections and more broadly in the exercise of governance. It is around such agreements and mechanisms that political forces can organise their activities in a more secure framework, build trust and peacefully structure the manner in which they compete to access power. International actors will also be able to contribute to reinforcing the legitimacy and stability of electoral processes by supporting this type of multi-stakeholder dialogue.

Unequal ownership of electoral practices

Elections have become a common point of reference for all stakeholders in Africa. Many cases testify to the enthusiastic role played by civil society organisations (CSOs), political parties and the population in general against attempts to breach procedures (Burkina Faso, Senegal and Mali), demanding a return to democratic life (Niger) or demanding that elections be held. Opinion surveys conducted since 2002 on democracy in Africa show that democracy is primarily associated with elections.⁵

Taking ownership of the electoral process is, however, not intuitive and requires an ongoing awareness-raising process and the preparation of all stakeholders. It is through this long-term process of taking ownership that elections can fulfil their various functions and bring stability. Since the beginning of the 1990s, in most African countries this ownership-creation process has taken place on a more or less ongoing basis, through a familiarisation with electoral procedures, but also through socialisation to public affairs, civic action and the building of a democratic culture.

However, the vehicles for this electoral learning (public institutions, CSOs, political parties and the media) remain fragile in Africa. The majority of public organisations involved in electoral processes – such as administrations and EMBs – have limited capacity, which restricts the scope and impact of their actions. Electoral education campaigns are largely conducted by non-state actors, in particular CSOs, that help to increase citizen participation in electoral processes. These CSOs are often supported by international non-governmental organisations (NGOs) that specialise in the electoral field, such as the National Democratic Institute, the International Foundation for Electoral Systems (IFES) and the Electoral Institute for Sustainable Democracy in Africa. CSOs conducting voter education sometimes function as collectives, for example in Senegal in 2000, where a dozen associations led an election awareness campaign. CSOs generally receive external financial support, which gives them autonomy from the executive branch, but these financial resources are not necessarily sufficient to drive sustainable action over the whole country. Foreign funding can also open up these organisations to the criticism that they are promoting donors' agendas.

African political parties, however, remain poorly institutionalised. They are also not professionalised and are physically distant from the population. Parties generally suffer from a lack of structural support, in particular outside election periods, and thus largely fail in raising awareness on electoral practices and in socialising citizens to political affairs.

Similarly, while the media are meant to be an essential component of democratic public space, they generally do not fully play this role in Africa. Beyond the restraints to their

freedom in certain countries,⁶ journalists' questionable professionalism, very often related to the material contingencies they face (insufficient income, media houses that belong to political entrepreneurs), limits their educative and informative role around elections.

In light of the limitations of the various vehicles for electoral learning, some of the initiatives aiming at collaborative efforts would benefit from the international community's support. Activities should be conducted within a multi-stakeholder framework, as was the case, for example, in Burundi with the National Action Plan for Civic and Electoral Education, the implementation of which involved the Independent National Electoral Commission, CSOs and the American NGO, IFES.

Lastly, especially in contexts of fragility, this process of strengthening ownership of elections also develops through the economic interests they represent for various actors. Elections are an opportunity to access specific and once-off resources made available for the implementation of electoral operations. A genuine election 'industry' is thus implemented, involving various stakeholders: printers, designers of electoral maps, biometric operators, hotels, communications and entertainment professionals, observers, consultants, pollsters, journalists etc., be they local or international. Neglecting this aspect would be tantamount to ignoring the basics of electoral activism.

However, through these varied uses, which at times are out of step with the 'ideal' model, elections have gradually anchored themselves within African societies. Despite their shortcomings or misuse, elections are now largely accepted and few actors publicly call into question the principle behind them. The debate is rather about electoral processes' implementation methods and the need to make them more reliable and credible. It is crucial to reinforce the integrity of electoral processes, so that there is no discrepancy with these democratic expectations. If this is not done, their legitimacy could be called into question.

DECREASE OF ELECTORAL TENSIONS AND RISKS

The stability of elections depends on how well organised they are. This requires the existence of an electoral administration that is credible and recognised by all. This stability is also closely related to the systems put in place to address the risks emanating from any failures of the electoral process, be it in terms of electoral observation or within the framework of the mediation of political tensions. Here too the inclusive and multi-stakeholder approach is an essential factor for stability and legitimacy.

Credible electoral administration

The quality and credibility of elections depend on the establishment of an effective, stable and legitimate administrative system. In light of the wide loss of credibility among national administrations and the distrust in their ability to organise electoral processes, the democratisation of regimes has gone hand in hand with the development of specific structures: EMBs. These are separate from the state administration and take different forms according to context: *ad hoc* or perennial structures; autonomous, independent or mixed commissions. They have become the cornerstones of the electoral process.⁷ The credibility of these EMBs rests on three essential factors: 1) their independence, which

enables them to exert authority and institutionalise their role; 2) their representativeness, since, as illustrated by the case of the Independent High Authority for Elections Selection in charge of the 2011 electoral process in Tunisia, the inclusion of a variety of actors is an appeasing and stabilising factor; and 3) their sustainability, as they must be able to carry out continuous activity, of various intensities, at each stage of the process.

However, in many African countries, the whole chain of election organisation by public institutions is failing, from the civil registration system to the judicial bodies in charge of electoral disputes. The EMBs are generally weak, not professionalised and do not have the necessary capacity to fulfil their functions and assert their independence. The frequent rotation of their members prevents EMBs from establishing themselves in the long term. As they fail to build institutional memory, the process has to be restarted with each election. Electoral rolls have to be redone and the electoral infrastructure has to be rebuilt, which is highly inefficient and expensive. The international community can play an important role here both by providing technical support for the practical organisation of elections and by taking a long-term perspective through supporting the capacity development of the relevant actors.

Legitimate election observation system

Given the difficulties related to the organisation of elections, observation systems are essential to ensure their credibility. Over the past few years, national observation structures have emerged in Africa, driven by CSOs. Organised in networks or coalitions, they rely on new information and social networking technologies. These structures have taken on the role of the guardians of democracy and have played a role in shifting power relations. In Kenya, for example, the Kenya Domestic Observation Programme was launched in 2002 by social and religious organisations. This led to the deployment of almost 20 000 citizens responsible for observing all the electoral phases (from voter registration to ballot counting) across the country, contributing in no small part to the drop in electoral violence.⁸

The emergence of these national observation organisations and networks, which boast strong internal legitimacy, raises questions about the role of international observers in certain contexts. International observer missions nowadays only rarely contribute to validating disputed results, and are often criticised for their limited knowledge of local situations, for being short-term missions and for the limited geographical scope of their intervention. They are also blamed for favouring short-term stability when they validate results that are at times locally disputed. This contributes to promoting the idea that the international community exploits elections and to undermining the credibility of the electoral process itself. Observers moreover are split between various organisations (such as the AU, Regional Economic Communities, the European Union and the International Organisation of the Francophonie) and can end up competing with each another, especially as they do not always reach the same conclusions. International missions also have little contact with national observation systems.

The fact that observers hail from different organisations and are therefore quite dispersed undermines the establishment of a legitimate observation system, which is essential in ensuring the credibility and acceptance of election results. A better synergy between these actors would also allow for the establishment of a more global solution to observation. Observation could in particular widen its action in time (not only at the time of the poll but also before and after) and space (not be limited to the most accessible areas).

An inclusive mediation system

The stability of electoral processes largely depends on the way in which electoral tensions are managed. Responses have generally been of a reactive nature, responding to a crisis. Instead, it is essential to prioritise the prevention of electoral violence. Prevention is closely related to the development of an electoral culture and socialisation. It also takes the shape of public awareness campaigns against electoral violence where, as in Senegal, religious leaders, opinion-makers and social figures such as traditional wrestlers have been used as messengers of peace. An increasing number of experiments place the emphasis on mediation systems that tend to involve various types of stakeholders in an inclusive approach.

To be effective, these systems require the existence and sound functioning of early warning mechanisms on the risk of violence during the most critical phases of the electoral process: voter registration, the election campaign, election day, and the announcement of results. The possibility of electoral violence must be a permanent concern throughout the process.

CSOs are particularly active in setting up these warning mechanisms. In South Africa, they have gathered in a single network (the Election Monitoring Network) that seeks to prevent electoral violence. In Kenya, the main human rights NGOs have published reports on all tension flashpoints throughout the election campaign. *Ushahidi*, a Kenyan organisation, also pioneered the innovative use of new technologies and social networks to chart electoral violence. Using a crowdsourcing approach, it created a website in the aftermath of Kenya's disputed 2007 presidential election to collect eyewitness reports of violence via emails and text messages. Designed on the same open-source platform as *Ushahidi*, the *Amatora mu mahoro* project ('Elections in peace') in Burundi is another example of a multi-stakeholder real-time mapping initiative that charts the electoral climate in a given territory. It is based on a rigorous methodology that reports verified occurrences of peace activities and incidents of election violence gathered by over 450 monitors across Burundi, thus offering comprehensive and reliable data for violence mitigation efforts.

The identification of electoral tensions is only the first stage to ensuring peaceful elections. However, collecting information does not always engender the necessary actions from security forces. The link between warning systems and safety and security systems must consequently be reinforced.

It is also essential to ensure that an inclusive approach prevails within mediation systems. The South African case, through the Party Liaison Committees established by the Independent Electoral Commission, underlines the importance of including political parties in the management of electoral conflicts. Beyond this, it is essential to also involve the legitimate authorities within a given society. If the involvement of religious leaders in election campaigns can constitute a source of violence, as was the case in Senegal, it is also an important vehicle for social regulation of political tension.⁹ In most countries, religious and traditional actors who are listened to and respected within their communities are often solicited to prevent or appease conflicts.

Mediation systems that already exist and are effective can also be mobilised within the electoral framework. Such was the case of the *bashingantahe* in Burundi, who are public figures endowed with moral authority and seen as 'the wise'. They are the heirs to an informal system that manages local conflicts and have been involved as 'peace agents' at election times. These *bashingantahe* have been accredited by the Independent National Electoral Commission as election observers and mediators when electoral disputes occur.

Many experiments thus testify to the importance of setting up a network of actors representing the social diversity of the context in which electoral violence may occur – for example, traditional and religious authorities and representatives of CSOs. The multi-stakeholder management of conflicts is fundamental to keeping electoral processes peaceful. In Nigeria, Liberia and Senegal, civil society election situation rooms were created to gather a broad coalition of CSOs during elections so they could pool resources and better co-ordinate their actions to identify, prevent and mitigate electoral tensions. These election situation rooms tended to work in partnership with EMBs and relevant state authorities in order to mobilise the most appropriate responses.¹⁰

Procedures aimed at limiting and containing electoral violence can only be effective if they form part of the institutionalisation of the electoral system as a whole. However, no matter how essential this focus on the electoral system is, it is not sufficient to ensure the stability of electoral processes. This requires taking into account and handling the fundamental issues related to access to power and resources. It is therefore advisable to consider electoral technology from a broader governance perspective, not forgetting the various stakeholders involved in public action and the power relations among them. The stability of the electoral process is narrowly conditioned by the implementation of democratic governance, which is a vehicle for multi-stakeholder interactions, accountable public action, and ensuring legitimacy among the electorate.

RECOMMENDATIONS

Analyse the context of the electoral assistance in order to identify and understand the power stakes and relations at play at election time. It is important to build a shared and multidisciplinary knowledge of the electoral context, in particular by establishing synergies between international and local expertise. Collective analysis is an essential precondition for the development of a relevant electoral support strategy and the evaluation of electoral risk.

Support the entire electoral cycle in the long term. The reinforcement of countries' capacity to carry out credible electoral operations should be prioritised. This in particular implies supporting the electoral administration, political parties and specialised CSOs in a sustainable manner. Post-election support is a key factor for the prevention of potential conflicts when the next round of elections is held.

Support ownership of the electoral practice through training programmes targeting officials involved in the organisation of elections (civil servants, political parties, CSOs, media, etc.), and raise awareness about what is at stake through greater global support

for civic education and familiarising the electorate with electoral processes. Independent African organisations should carry out these training and awareness programmes.

Support the reinforcement of EMBs' capacity, by providing technical assistance to facilitate election organisation and to counter fraud techniques through reinforcing the professionalism of these EMB members (long-term training, peer learning).

Support the involvement of CSOs and of moral and religious authorities in the monitoring and evaluation of all stages of the electoral process, in particular in the prevention and management of conflict situations.

Support legitimate electoral observation by focusing on the capacity development of national electoral observation systems, which are essential to legitimise elections. This aim is also achieved by supporting better co-ordination among international and national electoral observation systems.

Reinforce capacity in terms of electoral risk management by strengthening synergies between observation systems, early warning systems and response systems to address the identified risks. Capacity building is also achieved by supporting the implementation, from the first phase of the electoral process, of multi-stakeholder systems that allow realtime responses to risks of violence.

ENDNOTES

- 1 This paper is based on a study that was completed for the French Ministry of Foreign Affairs by a team from the 'Africas in the world' Laboratory (LAM) of the Bordeaux Political Studies Institute (Sciences Po) and the Institute for Research and Debate on Governance (IRG): Séverine Bellina, Ivan Crouzel, Dominique Darbon, Salvatore Pappalardo and Céline Thiriot. This study aimed to identify orientations and tools likely to reinforce the effectiveness of French Cooperation support to electoral procedures. The opinions expressed in this paper are the sole responsibility of its author and do not necessarily reflect the positions of the Ministry for Foreign Affairs. The author made a presentation based on this material at a workshop on 'Making Elections more Legitimate in Africa' jointly hosted by the IRG and the South African Institute of International Affairs (SAIIA) in Johannesburg on 25 March 2014.
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South African Institute of International Affairs Jan Smuts House, East Campus, University of the Witwatersrand PO Box 31596, Braamfontein 2017, Johannesburg, South Africa Tel +27 (0)11 339-2021 • Fax +27 (0)11 339-2154 www.saiia.org.za • info@saiia.org.za

