Leveraging Electoral Governance in Africa

A Normative Discourse

Edited by

Worku Negash Motbainor

December, 2018

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PREFACE

The vision to work on this book was conceived by Dr. Berhanu Beyene and Mr. Boniface Bwanyire who soon assembled the team of six to work on chapters around electoral governance. From the beginning, while the interest arose from what was taking place within the political milieu in Ethiopia, the authors intended to work on something that would advance the continent of Africa on its determined path to democracy.

Authors worked on their chapters independently, but they drew from each other's strengths through numerous consultation meetings and eventually, they critically reviewed one another's chapters. Through the support of Friedrich Ebert Stiftung, two validation workshops were conducted that helped authors expand and enrich their chapters.

The book is intended to benefit citizens of Africa in general, but specifically, it targets to serve as reference and guide for government leaders, electoral management bodies, election observers, political party activists, scholars and students of democratic governance.

The six chapters are selected to address most salient issues in electoral governance and forward the transformation underway in African nations. The book encourages citizens to become informed, involved, and demanding knowing that only through their collective will expressed through free and fair elections can political leaders derive their legitimacy and authority. In this way, in not too distant future, Africa can become a future model on democratic elections.

To that end, the burden partially rests on researchers, the academe, political statesmen and the international donor community to stay active. This team is indeed resolved to continue contributing towards a vibrant Africa.

Worku Negash Motbainor, Ph.D.
Book Editor
30 November 2018
Addis Ababa, Ethiopia

Chapter One

Chapter Contents

"Our problems are man-made – therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable – and we believe they can do it again."

John F. Kennedy

"Thus, electoral management processes must encourage, not asphyxiate new ideas as expressed via the legitimate agendas of bona fide political parties. This can only be achieved through, among other things, an electoral management corps able and empowered to make sound judgments; a phalanx of managers imbued with moral probity, rectitude, imagination, attentiveness and profound understanding of the meaning and purpose of elections in a sovereign state."

Boniface C. Bwanyire

"The last decade of the twentieth century brought dramatic political changes to Africa. The whole continent was swept by a wave of democratisation. From Tunisia to Mozambique, from Mauritania to Madagascar, government after government was forced to compete in multi-party elections against new or revitalised opposition movements."

Thomson A.

Situating Elections within the Context of Good Governance

Boniface Cuthbert Bwanyire

I.   Introduction

Elections have become a democratic norm in many African countries since the turn of the 21st century with almost all countries on the continent conducting elections of one form or another. African countries, through the African Union (AU) have demonstrated some commitment towards the holding of elections and it stated emphatically that the AU endeavours to;

> *"Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of government" (African Charter on Democracy, Elections and Governance -Article 2:3).*

This commitment comes on the backdrop of debilitating deficit of democracy as amplified by Golder and Wantchekon (2004) who point out that;

> *"there have been only 189 country-years of democracy in Africa, compared to 1823 country-years of dictatorship between 1946 and 2000" (Colomer, 2004).*

Although there has been much improvement in democratization in Africa in the last two decades or so, much remains to be accomplished. Though laudable, this consistency in the holding of elections has, however, not been matched with electoral outcomes that are not contested, one way or another. Elections in Africa have consistently had some kind of backlash differing in severity from country to country. In many African countries, elections are consistently tainted with accusations about different forms of electoral impropriety, especially targeted at, and, connected to incumbent governments. It is a matter of regret that although all African countries have embraced elections as the accepted, conventional norm of regime change, elections have actually become the major source of insecurity, instability and peace lessness, with devastating consequences on sustainable development of the continent.

Despite the challenges associated with elections, their importance and proper conduct have remained on the crosshairs of academic study. The importance of elections in modern times is stated emphatically, almost *ad nauseum,* by many across the world.

> *"Elections provide the main opportunities for citizens to participate in politics and hold leaders to account. When they work well, elections can deepen civic engagement, inform public debate, stimulate party competition, facilitate peaceful leadership transitions, hold governments to account, and allow the non-violent resolution of political conflict" (Norris, Wynter and Cameron, 2018:04).*

In their 2018 report for the Electoral Integrity Project, the authors lament the fact that most electoral systems fall short of these norms and hence the need for continuous improvement of electoral governance processes.

In particular, elections in Africa are associated with violence, before, during and after elections to the extent that in most countries, elections are anticipated with dread and trepidation by most citizens, a point that was acknowledged and emphasized at the 2017 conference of the Association of Political Consultation in Africa when delegates declared that Africa must evolve to a stage where elections should no longer be associated with violence but should be festivals and celebrations[1]. It should be the norm of democratic elections in Africa, as in advanced democracies of the world to treat elections as times for healthy debates reflecting various political and social freedoms embedded in most constitutions of African countries. But then, what would Africa need to do in order to achieve this paradigm shift? What would make a difference?

It is the contention of this chapter that a more concerted observance of intrinsic values and norms of democracy, as manifest in the basic and normative tenets of good governance, would make a huge difference. While it is true that these issues have been part of the ever growing and strident discourses on national governance, one can never tire of mentioning and encouraging that which is good and efficacious until all men and women of goodwill make it part and parcel of their national psyche, agenda and responsibility.

In as much as electoral governance is a development issue, it is also a peace matter. Like peace, peace lessness and human progress, problems associated with electoral governance are not a natural occurrence that is God-ordained, but things that are man-made. Speaking about peace in June 1963, John Fitzgerald Kennedy, 35th President of the United States of America said,

> *"Our problems are man-made – therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable – and we believe they can do it again"*[2]

In the same way, all challenges of electoral governance in Africa can be solved with the will of the people of the continent, especially with greater understanding of the need for wider freedoms and tolerance of diverse opinions.

This chapter proceeds on the premise that election management as elsewhere in other regions is an area of very specialized form of public management workable in Africa but, like generic public management, it can produce the most beneficial outcomes if conducted within the ambit of the principles of good governance such as rule of law, transparency, accountability, participation, inclusiveness, consensus, equity, reliability, predictability, efficiency and effectiveness, just to mention a few of the normative mainstays of public management.

II.   Conceptual Framework

Public management entails all undertakings by public entities and their functionaries to deliver public goods. Public goods include tangible and non-tangible goods and elections and related issues therefore fall within the ambit of public management and can also be considered as a public good. However, the delivery of public goods, such as elections, must be undertaken in a manner that is operationally optimally efficient and effective. Such operational efficiency and effectiveness is generally measured in terms of the delivery of elections in a manner that meets the expectations of all citizens. To achieve legitimacy, there is need for the state to invest in all

aspects of good governance that impinge upon the delivery of elections that are celebrated by all and condemned by none. Therefore, elections management must be based on an investment approach that has a long-term vision of the best possible elections a country can have.

An investment approach entails, among other things, investment in civic education or education for peace building that encompasses human, political and social rights education. On the basis of this process which must be an on-going process which takes generations, a national consciousness regarding the democratic values and norms of elections will emerge to make the difference that we desire in the conduct of elections in Africa. Thus, at the normative level, one is talking about elections based on the solid undergirding of good governance, the solid pillars of which include rule of law or legal frameworks, transparency or openness, accountability or answerability/responsibility, participation or involvedness, inclusiveness or embraciveness, consensus or agreement, equity or fairness, reliability or dependability, predictability or certainty, efficiency or proficiency/effectiveness. It is therefore the assumption of this chapter that if elections are based upon the letter and spirit of the said tenets of good governance, the hitherto prevailing phenomenon of violent, sometimes bloody


elections and contested outcomes will become a thing of the past. This concept is graphically illustrated as in the adjacent diagram. Management of elections must therefore be premised upon the said principles.
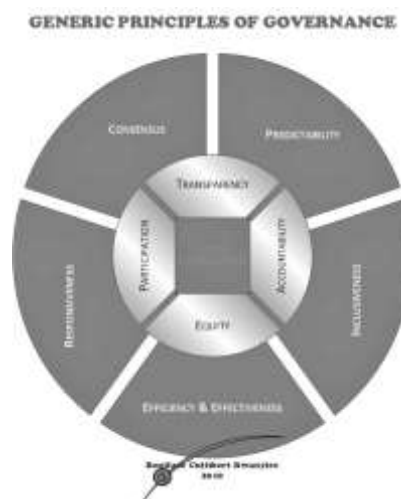
III.   Regularity of Elections in Africa

The regularity with which African countries are now holding elections calls for greater study with a view to better understanding how the election processes are managed. Drawing lessons from the varied experiences can only help in bettering the management of the elections to ensure better outcomes. In 2016 alone, 29 African countries held presidential, parliamentary and local government elections, three of them in East Africa; while in 2017, 21Africa countries were set to go through the electoral process, with four of them taking place in East Africa. In 2017, about 17 African countries, one in East Africa, held elections. In 2018, a total of 27 elections, six presidential, 14 parliamentary and seven local ones are scheduled to take place. In the three-year period covering 2016 to 2018, African countries will have around 108 elections at presidential, parliamentary and local levels including referenda.

African Elections 2016-2018

| Type of Election	Presidential	Parliamentary	Local	Referenda	Total
Series1	26	43	31	8	108
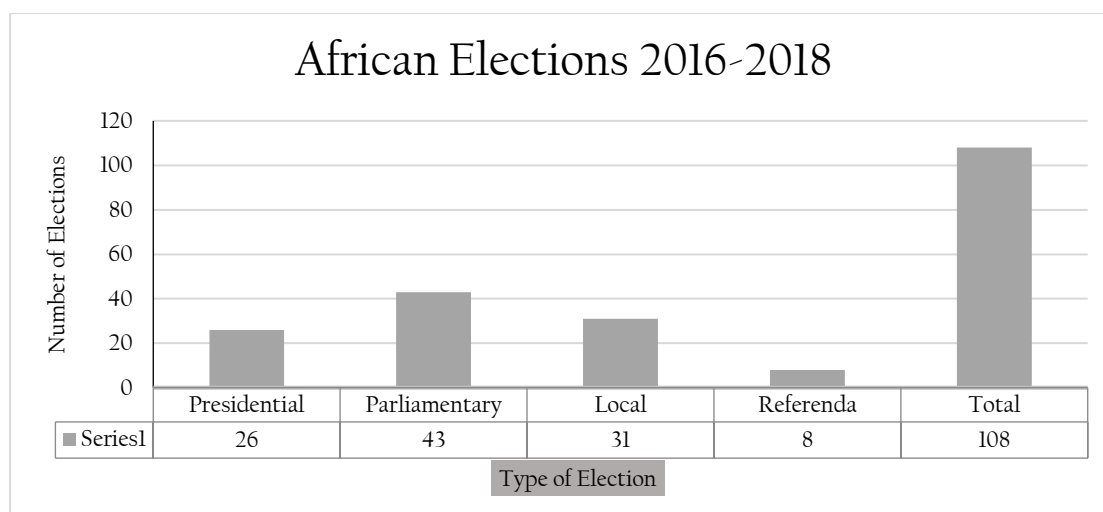
If anything, this illustrates that elections are now a regular feature of the political landscape of Africa thereby making the phenomenon a legitimate target of theorizing and practice-based analysis. It is also worth noting that the electoral process is increasingly becoming a tool for resolving disputes especially by way of referenda such as the one that brought Eritrea out of the Ethiopian Federation; the one that led to the separation of South Sudan from Sudan and the impending referenda in Abyei, Blue Nile and Nuba Mountains to decide on whether to join South Sudan or not. Of principal importance is the increasing acceptance of electoral processes, as a way of expressing the sovereign will of African people. However, it must be noted that regularity of elections, while important as the developing political culture of postmodern Africa, has not necessarily brought with it elections without irregularities and this is what African scholars and development practitioners may want to place on the cross-hairs of their various research studies in electoral governance.

IV.   Elections as Public Management

There is obviously a multiplicity of ways of perceiving elections, both as a normative and as an empirical call. However, this chapter seeks to approach elections as a specialised form of public sector management such as diplomacy as well peace and security management. Even from this perspective, a more eclectic bent is preferred. To properly situate elections within the normative context of public management, it is profitable to spend some time unpacking the concept and related notions of public management, especially with regards to the foundational principles of governance upon which this management culture or philosophy is premised.

The public management culture accentuates the centrality of the customer, managerial accountability for results, and management performance contracts. Among other things, the focus of public management is on results-based management (RBM) encompassing the total quality management (TQM) approach, performance management and appraisal, marketing approaches and service delivery. As an approach, public management is also grounded on the economics notion of rational choice whereby citizens are presented with different alternatives based on convenience and the understanding that the citizen is at the centre of all public enterprise. In more ways than one, this principle of rational choice resonates with the concept of elections wherein alternative political aspirants and parties are presented for citizens to choose from. All

this is based on the rationalist philosophy which states that human beings are endowed with capacity to make reasoned choices based on their interests, individual and collective.
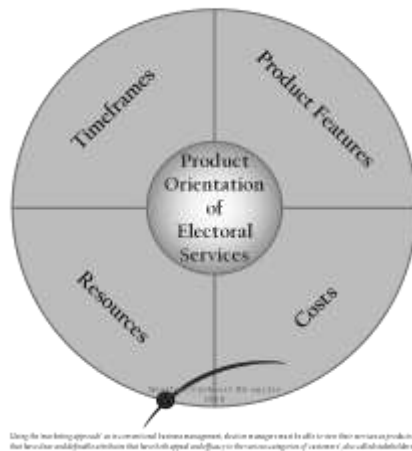
Additionally, public management accentuates a new service attitude anchored on heightened user orientation. This makes customer satisfaction a central consideration entailing behavioural change by public service providers such as those tasked with management of elections. The notion of new service attitude is closely related to total quality management (TQM), a central tenet of public management which is a significant departure from previous emphases on quality control (QC). In this regard, public management accentuates high service quality at all stages of the entire electoral value chain, in this case, the entire electoral value chain, before, during and after elections.

Furthermore, product orientation is a central feature of public management culture. That orientation conceptualizes all electoral services as "products" that have clearly definable attributes such as product features, cost structuring, needed resource combinations, and product delivery timeframes,

Given the public dimension of this management philosophy, public involvement becomes a critical dimension. Basically, it entails genuine inclusion of all stakeholders in active electoral decision-making and implementation processes. Involvement of stakeholders in electoral process ought to be a highly managed process undertaken by specially trained and highly qualified technocrats. Technocratization - the application of private sector management instruments to the management of electoral processes is likely to bring greater efficiency and effectiveness. But with technocratization comes questions of the amount of authority allowable to public managers in charge of electoral processes. Public management speaks to the need for managerial discretion to increase the efficiency and effectiveness with which electoral processes are dispensed with.

An additionally critical aspect is the cost-saving dimensions of public management, an aspect that speaks to the need for thoughtful and economic mobilization and deployment of resources in the entire process of managing elections. The need for creating processes and systems that discourage rent-seeking, sub-optimal resource management and perfidious conduct while rewarding ethics and probity is no longer debatable. Research and anecdotal evidence on ethics points to widespread privatization of public resources and, with respect to elections, leading to delivery of sub-standard elections. All the above point to the centrality of electoral integrity in terms of which an election will be deemed to have met all national and international standards. Integrity contributes significantly to legitimacy of electoral outcomes. It is lamentable that

Africa continues to lag behind other continents in terms of electoral integrity as the table below indicates. The figures are extrapolated from the 2018 Report of the Electoral Integrity Project[1].

NUMBER OF COUNTRIES

	High	Moderate	Low/Very Low	Total
Countries	7	13	24	44
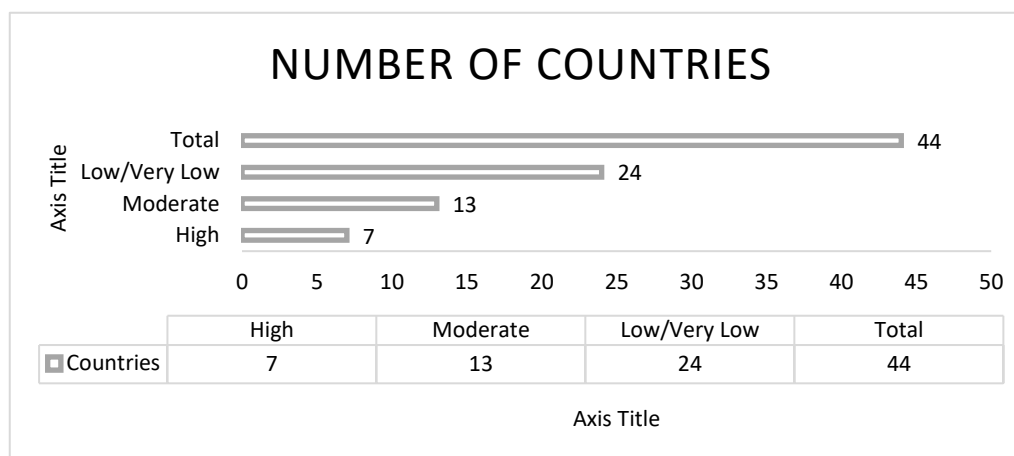
Elections are a phenomenon in the public domain and therefore can legitimately be taken as a special form of managing the public interest sphere. Thus, it is in the same category of public interest such as defence, education, health, security, finance, investment and the environment, among other aspects of public affairs of any country. From that point of view, electoral processes must also be subjected to and be guided by the basic and generic tenets of public management, ranging from accountability, transparency, participation, inclusiveness, to efficiency, effectiveness, consensus, equity and responsiveness. Thus, elections ought to be conducted in a manner that reflects citizens' wishes, aspirations and expectations in respect of the above-mentioned principles of good governance as applied to the field of public management. However, elections in Africa, as in other regions, require a customized approach of public management to ensure good governance to increase amenability of outcomes by citizens.

V.   The Governance Perspective

One of the most important aspects of public management is its accentuation of the principles of good governance. Resultantly, discussions of public sector management, from this perspective tend to focus on the good governance precepts undergirding the management culture. Thus, given this background, an attempt is made to illuminate some dimensions of governance in as far as they are deemed the mainstay of sustainable electoral governance. Given the wide range of pillars of good governance, the chapter focuses on three broad dimensions of governance and their constituent sub-themes while trying to situate them within the context of electoral governance as seen from the perspective of electoral management as a specialized form of public management. However, it may be instructive for us to examine the background and various normative perspectives on good governance.

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[1] http://www.electoralintegrityproject.com

a) The Concept of Good Governance

Governance is defined in many different ways, each accentuating certain aspect but one still finds consistent threads running through most of the definitions, thereby underling the growing convergence. For example, it is presented as the

> *"... traditions and institutions by which authority in a country is exercised" (Kaufman et al, 1999).*

This perception has great verisimilitude with the following definition which casts it as the way

> *"... power is exercised through a country's economic, political, and social institutions" (World Bank).*

Quite evidently, there is much attention paid to the discharge of different forms of power as well the vehicles created to operationalize that power. The two definitions do not mention the levels and spaces in which the various forms of power are exercised but it is increasingly evident that reference is to all levels and institutions. In this case, it includes institutions such as electoral management bodies (EMBs).

It has been mentioned earlier that different definitions accentuate different aspects and are diverse in the extent to which they may be deemed comprehensive. With respect to the last attribute, the following definition seems quite apposite. It portrays good governance as the

> *"... exercise of economic, political, and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes, and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences" (UNDP).*

Seen from this comprehensive dimension, governance permeates all forms, levels and processes in the matrix of the exercise of power in diverse spaces.

In relation to elections, one can say it also relates to application of power before, during and after elections – the entire spectrum of the electoral cycle. Additionally, governance

> *"... encompasses the role of public authorities in establishing the environment in which economic operators function and in determining the distribution of benefits as well as the relationship between the ruler and the ruled" (OECD).*

This can easily apply to the electoral process to refer to the duty of electoral authorities in establishing an environment in which political parties, government, citizens, civil society, the corporate world and related groups share public benefits, responsibilities and obligations in a fair and equitable manner.

Also important to underline is the fact that good governance is not merely an appellation synonymous of government but rather a value tag speaking to the qualitative dimension of the exercise of power in the public domain. In this respect, it is

> *"... among other things, participatory, transparent and accountable... effective and equitable... [a]nd ... promotes the rule of law" (UNDP).*

The adjectives used in this definition apply to the qualitative side of power exercise. The emphasis on the quality of the exercise of power in the public sphere is also reaffirmed by the WB when it states that good governance is

> *"… epitomized by predictable, open and enlightened policy making; a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs; and all behaving under the rule of law" (World Bank 1994).*[3]

Public management, which also became very popular at the same time governance gained currency, has drawn much by way of philosophical underpinnings from this narrative and since electoral management falls within the ambit of public management, it makes logical sense to apply the same normative values.

It is towards the end of the 20th century, that the notion of good governance increasingly assumed greater prominence in socio-economic development discourse across the globe. It became one of the terms that has assumed global significance and evokes high emotions both in its supporters and detractors. The concept assumes primacy on the development assistance agenda of the Bretton Woods institutions who insisted on some observance of its basic tenets as part of the 'conditionalities' for providing development assistance. The so-called 'strings attached' were greatly resented by the least developed countries who perceived them as 'meddling' in internal affairs with the more radical labelling as an illicit 'regime change conspiracy' of the Western world. This bitter cacophony of complaints was particularly strident in countries that were former proxies of the crumbling former Union of Soviet Socialist Republics which could no longer afford to prop them up with aid thereby forcing them to turn to the World Bank, the International Monetary Fund and similar global influential funding institutions. . These institutions were habitually and roundly chastised for demanding democratic reforms based on liberalization philosophies that accentuated, reform, austerity, probity, freedoms and people's rights. However, with time, the notion of governance gained increased ascendancy and acceptance across the globe to the extent that even regimes that were bitterly opposed are increasingly accepting the efficacy of good governance as a precursor of sustainable socio-economic development.

In Africa, more and more countries are embracing the notion of good governance holistically to the extent that it is being applied with varying degrees of seriousness to many aspects of the public sphere, including the management of elections. There are examples that can be given of this shift but the mere fact that elections are now generally accepted by the African Union as the only recognised way of choosing a country's leadership is a development that vindicates the veracity of this assertion. Good governance has thus morphed into a global movement permeating discourse and practice in the public and private sectors of the community of nations. Academia and related think tanks have churned out a large corpus of theoretical and empirical studies on the subject and all indications that principles of good governance are taking firm root all over the world. What is perhaps inescapable is the growing convergence on what constitutes good governance in the public and private sectors.

5.2 Dimensions of Good Governance

Governance can be seen from five broad dimensions – legitimacy, fairness, accountability, performance and leadership, all of which find expression in public management in general and electoral process management in particular. Some attention will now be given to the generic dimensions in general and later an attempt will be made to discuss them within the context of elections as *sui generis* type of public management.

5.2.1 Legitimacy

Among the various dimensions of good governance, as the bedrock of public management, is the notion of legitimacy which is enhanced by fidelity to the principles of consensus, integrity and participation, among others. All processes in the public realm must have acceptability, validity and rightfulness in the hearts and minds of those on whose behalf public action is undertaken. Legitimacy addresses the question – on whose behalf are public actions being taken?

 Normatively, electoral processes must be deemed acceptable by citizens of all description, as they are the ones who have to live with the outcomes of the processes. This attribute of elections popularly known by the appellation 'legitimacy' relates to the extent to which electoral management is reflective of the positive aspirations of the nationals of a country. In other words, the standards with processes are delivered must resonate with the values and expectations of those being served by the said processes.

In another sense, the electoral management processes, as a specialized form of public sector management must, in letter and spirit, speak on behalf of the entire cross-section of stockholders and stakeholders, all of whom must endorse the process as 'their process', in itself reflecting what they value as the essential elements of an electoral process. Some of the norms include inclusiveness, independence and neutrality of electoral management institutions, process validity, value consensus, representativeness of the electoral bodies, optimal resource deployment and utilization, credibility and probity of officials, among other issues that can be viewed as building blocks of electoral legitimacy. For example, Zimbabwe Electoral Commission (ZEC) has been tainted, rightly or wrongly, with allegations of being a partisan institution staffed and stuffed by securocrats and known supporters and members of the ruling party, (ZANU-PF), including the current ZEC chairperson and immediate-past chairperson. When all has been said and done, electoral hygiene, from a public management point of view, is anchored in the unequivocal legitimacy of processes, institutions and officials.

Consensus Orientation

One trajectory for so achieving the said legitimacy is a heightened orientation towards building consensus on relevant electoral issues. Through this orientation, good governance reconciles diverse national interests. This enables unanimity on optimum and optimization of national interest as reflected in value systems, policy trajectories and institutional procedures. When consensus (a costly but most beneficial process in the long run) has been built on a wide range of issues, through consultation, chances of debilitating, wasteful and violent contestation are reduced. Beyond that, consensus building increases public confidence in public functionaries

enabling them to act with informed confidence, assertiveness and conviction. Actions of public officials are therefore become imbued not only with legality but with acceptability.

Participation

Participation, a concept that speaks to level of involvement and inclusion of all categories of concerned and affected citizens is also key to better electoral governance. The principal notion is that all processes instituted by electoral management bodies must derive from the principle that all citizens – home and away – are entitled to some voice over all actions taken on their behalf and in whom they are both stockholders and stakeholders. Voice is not just about its quantitative dimension but also its qualitative dimension. Thus, participation must be genuine rather than token participation by the end of which citizens must have the real sense that their views, wishes, expectations and aspirations are being respected. Such voice is expressed directly or indirectly via legitimate institutions representative of the public resolve. Norris, Wynter and Cameron, (2018) in alluding the significance of voice indicate that among the various problems of elections noted worldwide is the use of money and the media to emasculate the voice of citizens during elections. This is particularly the case in Africa where the public media tends to be beholden to the ruling elites.

Participation-wise, the state through relevant public officials must ensure that institutions through which such voice is expressed are articulate and operate optimally while all efforts are made to ensure access for all. In many respects therefore, participation is practical translation of the freedoms of association and speech both of which, when allowed to flourish, enhance the legitimacy of all state actions including elections. Furthermore, participation addresses the human capacity for rationality and propensity for constructive participation in social affairs that affect their interests. When all has been said and done, the quality of participation not only enhances legitimacy but contributes towards the quality of public management at all levels of the state.

Participation of a nation's citizens in highly significant public affairs such as electoral processes is not only vital for a democratic society but is also reflexive of the extent and nature of that democracy and how citizens relate with the public systems of that nation. Accordingly, every government ought to strive to grow citizen participation in public affairs not only as a democratic practice but also as a way of ensuring that they remain in tandem with the views and will of the people from whom they draw their mandate and legitimacy to govern. Deficits of citizen participation must be taken as a reflection of bad electoral governance on the part of the state. As part of good governance practises, public officials must expend all efforts to encourage citizen participation and eliminate all structural obstacles that may hinder or undermine full citizen participation in elections starting from the ward level up to the national level. One of the sad realities of some African elections has been the issue of low participation of the citizenry and in some cases the issue of barriers to effective participation. Voter intimidation, violence, victimization, marginalization and discrimination are some of the factors that have been seen to hinder, undermine and distort effective citizen participation in most African elections. It is the role of public officials together with civil society to ensure that such obstacles are removed and that the citizenry is encouraged to participate, educated on why it is important to participate and feels that their voice matters and counts for something. This is only possible

when public officials cease to be complacent and ambivalent to such issues but rather make veritable efforts to promote citizen participation in the public sphere.

5.2.2 Fairness

Alongside legitimacy as a broad dimension of good governance is the notion of a fairness architecture which relates to the extent to which all individuals are treated the same before the law at all times. The principal characteristics of public management premised upon the fairness dimension are the notions of equity and rule of law.

a) Equity

Where there is equity, nationals from all walks of life – men, women, youths, the elderly, the disabled are availed of equal opportunities before the law. The concept embraces the idea that tribes, clans, peoples, nations, nationalities, sects, and races should have access to the same opportunities, be they political, educational, vocational, economic, financial or social. This applies to electoral opportunities as well, in which case all individuals and different social groups are availed of equal opportunities without negative prejudice to their interests.

b) Rule of Law

This is the extent to which rules are applied in the same manner to everyone in society regardless of their station in society. Decisions on any matter are based on the dictates of the law rather than on the social status of individuals involved. The concept underscores the fact that the law is supreme and guides all decision-making in both the public and private spheres of a country. Steadfast and continuous adherence to the rule of law has a capital bearing on the integrity of elections. This is emphasized by the Global Commission on Elections, Democracy and Security who state that:

> *"The effort to protect and promote the integrity of elections has to be an ongoing commitment. Legal frameworks need to be reviewed to ensure that: there is a genuine opportunity for political contestants to compete fairly; effective remedies can be applied by administrative bodies and the courts; political competitors can turn to legal redress, rather than violence or other extra-legal measures". (Electoral Integrity Initiative (EII) Policy Brief No.3 p.3.*

Thus, one could say that the concept of the rule of law is about 'levelling the playing field' for all players in any social field of endeavour. Enforcement of all laws, rules, policies, regulations and directives ought to be impartial particularly in respect of the laws on human and people's rights that also encompass electoral rights. With regards to the latter, it also implies that electoral legal frameworks should be reasonable. Beyond that, the concept is much more than an issue of legalities but about promotion and realization of justice given the fact that what is legal may not always be just.

5.2.3 Leadership

Deficits in leadership in all social aspects of a country has extremely negative impacts on all public management spheres such as elections. As a dimension of good governance, leadership encompasses a variety of traits which those entrusted with stewardship of public sector

enterprise ought to exhibit. Among these are vision, will, new thinking and decency. Relevant to electoral governance is the concept of democratic leadership which one may describe as behaviour that encourages others to behave in a manner consistent with democratic ideals such as fairness, consensus building, participation, choice, inclusiveness, among others such as commitment, understanding and ownership of election processes.

a) Strategic Vision

The public stewards have a duty and obligation to provide long-term picture and direction for the country. Political and related thought leaders of all kinds and the public ought to have a catholic view of what the country ought to become in future. Such a vision must be a future of the country designed through a corps of leaders who have a shared meaning of what their country ought to become based on its history, culture, resources, capabilities, needs and aspirations of citizens. Such a vision must take into account international developments into account given the inevitability of the international system and globalization. Leadership also means the enunciation of a vision that comprehensively articulates human development values, and what is needed, in strategic terms, to attain such progress, nationally and continentally. Thus, a universally shared strategic national vision derives from good reading of and perspective on systemic values – environmental, historical, cultural and social complexities. Such a vision will, without a doubt, include shared meanings regarding the entire spectrum of the electoral process in a country.

b) New Thinking/Innovation

Leadership also implies openness to new ideas and different ways of meeting national interests. Thus, more flexibility and less rigidity is an essential attribute of good governance. Those entrusted with leadership ought to have a willingness and capacity to listen to and embrace new thinking based on honest, genuine and cost-benefit analysis of the national benefits that likely accrue to the nation. The notion of new thinking implies possibilities of ideological shifts as well, as long as such changes are perceived as beneficial to the nation at large and not political cartels and elites only.

Thus, new thinking can mean adoption of new procedures, new rules, new models, and new technologies, even new friends and partnerships as long as national interest and benefit are the core underlying principles. Leadership that is amenable and adaptive to new innovations tend to add value to the quality of life of citizens as opposed to laggards who tend to tenaciously hang on to outmoded ways even if evidence suggests that they are no longer economic ways. Leadership thus also implies positive and timely responses to diffusion of innovations. Management of electoral processes cannot ignore this critical dimension of governance if better service delivery is to be achieved in this critical sovereign undertaking.

c) Will

Strategic vision and new thinking alone are not sufficient for transformative leadership and a public management culture that translates into good governance. It is vital for leadership corps to have the resolve to implement ideas resolutely for the public benefit. Thus, leadership determination is an imperative if leaders are going to 'walk the talk' rather than merely 'paying lip-service' to the needs, wishes, expectations and aspirations of the citizenry. Willpower must be

backed by legitimate socio-political and economic expectations of the citizens. Thus, political will or 'political won't', remains a critical ingredient of the leadership matrix which has a bearing on electoral governance as an essential and specialized element of public management. Given the existential reality of political power and influence in all aspects of human enterprise, it would be naïve and unrealistic for anyone to underrate the significance of this aspect in electoral governance.

d) Decency

This is an aspect of the leadership dimension that is usually ignored or glossed over but which is actually the essence of good governance. Decency, as opposed to vulgarity, refers to the degree to which the formulation and stewardship of rules is undertaken without humiliating or harming people. It is about morality of actions or nonactions of those entrusted with public sector leadership. This concept focuses on dignified treatment of citizens in all processes that are conducted in their name so that they feel respected by all entrusted with their welfare.

5.2.4 Accountability

Public officers assigned electoral responsibilities must act with a certain quality of probity and rectitude that generates public confidence in themselves as well as the systems which they superintend. Thus, public officers must behave in a respectable way and should not be beyond public scrutiny for their acts of omission or commission. Accountability means that public officers may not act with impunity – they must be brought to account for their conduct on behalf of citizens. It means that their actions and those of the institutions they work for must be legal, legitimate, fair, just and in the public interest. Responsibility has two main dimensions, answerability and transparency, aspects to which we must now turn.

a) Answerability

This is the extent to which political and related actors are made responsible to society for what they say and do. They must be responsible for what they do not do or say as well because sometimes nonaction is a form of complicity with errant public conduct. Decision-makers in government, the private sector and civil society organizations must answer to the public, as well as to institutional stockholders and stakeholders. Such answerability differs depending on the public undertaking and whether the decision has internal or external implications.

Sustainable electoral management is anchored in answerability of electoral institutions and officers to the stakeholders and stockholders of the electoral process. Electoral impunity has become emblematic of elections in Africa with electoral officers and management bodies beholden to ruling parties rather than citizens of a country. In many countries of Africa, electoral officers act as if they are above the law and liable for their actions to no one else but the ruling elites. It is very rare in Africa to hear of the prosecution of electoral officers for managerial malfeasance given the fact that most of the electoral bodies are mere appendages or extensions of ruling party governments rather than independent entities.

This continues to be a matter that needs more and incisive conversations to move the entire continent towards truly independent statutory bodies, free from manipulation by the political establishment and unshackled from 'big-man' syndrome afflicting political processes on the

continent. Answerability is usually sacrificed at the altar of political expediency and correctness mired in patron-client relationships that have had devastating effects on electoral credibility on the continent. It is a very sad indictment on African electoral practice that while on paper the issues of accountability are captured in a variety of statutory documents, there is monumental deficit in terms of implementation of the normative values so eloquently espoused in most of the documents. Thus, there has to be political will to do the 'right thing' in accordance with the dictates embedded in most foundational documents of states.

b) Transparency

Critical to accountability is the notion of transparency which speaks to the measure of clarity and openness with which decisions are made and executed by public managers. Transparency is only achievable in an environment characterised by the free flow of information. The understanding is that citizens have a right to be informed while public managers have the duty to inform citizens about the actions and decisions they take on their behalf. Transparency is an end in its own right but it is also a means to an end in that it facilitates informed public decision-making and enhances the legitimacy of actions of public managers. Through transparency, processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them. Thus, transparency is not just about providing information but also about full disclosure to enable the public to properly gauge the performance of public functionaries and, where need be, bring them to account.

As one of the most important characteristics of democratic elections, transparency deserves prominent consideration in any well-meaning discourse on electoral governance. Transparency is acknowledged the world over as one of the yardsticks through which the freeness and fairness of elections is measured. Such openness must be evident before, during and after elections. Observance of the principle transparency in electoral undertakings translates into a multiplicity of benefits among which are; reduction or elimination of unfair, if not, corrupt electoral practices by protagonists; enhancement of awareness by citizen voters of the electoral processes, enabling them to make informed choices and take equally informed decisions; stimulation of wider and deeper citizen participation in governance processes in a sustainable way.

Transparency eradicates citizen's fear of political retribution thereby making them free to articulate their needs, wishes and aspirations to political parties and their representatives, something that contributes to better, inclusive and responsive governmental plans and service delivery. Beyond that, electoral transparency has the benefit of heightened credibility and trust in public governance, something vital for building a collective and widespread sense of ownership, and stakeholder ship in government and related processes and outcomes. It also has the additional benefit of leveraging the inclusion of marginalized and disenfranchised social groups thereby increasing their participation in a political process that affects them. Apart from empowering marginalized sectors of society, electoral transparency has the potential to eradicate electoral perfidy and voter apathy, thereby boosting voter turnout, increasing legitimacy and credibility of an elected government, since it will then be deemed to be speaking on behalf of the citizens.

5.2.5 Performance Dimension of Governance

Public management that is based on the tenets of good governance also accentuates the performance dimension which seeks to address issues of implementation of decisions. Focus is the qualitative dimension of how these decisions are implemented in terms of effectiveness, efficiency and responsiveness of public management in general and of elections in particular. This dimension is about calibration of the quality of public service delivery at all levels – local, regional, national. This is also applicable to management of elections.

a) Effectiveness

Public service delivery processes and related institutions are expected to deliver outcomes that meet public needs, requirements and expectations. The issue is whether or not public institutions and public managers are producing expected results – do they put in place mechanisms that help achieving what is intended, in sufficient quantities and quality within the right timeframes? It means that public managers must have sufficient discretionary authority to introduce innovations, within the ambit of legality, to 'get the job done'. It's about successful service delivery as and when expected in quantitative as well as qualitative dimensions. In this case, public managers would not be expected to continually use procedures that repeatedly yield sub-optimal outcomes but migrate to processes that are more effective. However, this does not imply change of procedure just for the sake of change but change that is transformative, developmental and addressive of real felt needs of stakeholders. Procedures must not be introduced just because that is what is comfortable for managers, but because it tries to meet the expectations of all in a balanced and truly productive way.

b) Efficiency

This is the extent to which human and financial resources are applied without unnecessary waste, delay or corruption. Public management processes that are mired in principles of good governance deploy all forms of necessary resources in an optimal manner, i.e., they make best use of people, finance and social capital. As much as possible, service must be provided at the least possible cost without compromising quality. This concept implies that public managers must extract maximum value from any resource at their disposal, monetary and non-monetary. From this perspective, even the auditing process must go beyond the mere notion of concordant and discordant figures but also the notion of 'value for money' to establish how value of non-monetary resources was factored into service delivery and whether the dollar was stretched to the maximum value it could yield. Sometimes, public managers fall victims of 'pennywise pound foolish' syndromes whereby greater future value is compromised as they chase token, immediate gains that may be procedurally quite correct but do not yield maximum benefits for the stockholders and stakeholders. This may be addressed through removing the bureaucratic shackles that discourage managerial innovation and discretion.

It is an established norm the world over that public management has always been grappling with matters of delivering public goods in a manner that optimises the usually scarce resources while ensuring that the 'job gets done'. This is a poignant matter in Africa that has a dearth of resources of all kinds – resources that the continent cannot afford to fritter away on processes that turn out too expensive and yet produce far less than optimal results. For example, the

Zimbabwe Electoral Commission has been struggling to secure timeous funding from treasury, while it is mired in controversies around election related tenders for the biometric voter registration process and the printing of ballot papers for the 2018 harmonised national elections. Nonetheless, one gets the sense, given the numerous concerns expressed through post- and pre-electoral petitions and other forms of protest, that resources to run elections are rich pickings for the well-connected and tenderpreneurs of the continent. The Kenyan national election of 2017 comes to mind when the opposition party of Raila Odinga successfully petitioned the courts about the irregularities (read inefficiency and ineffectiveness) of electoral processes during the election, forcing the country to conduct fresh elections at considerable cost to the taxpayer although the Supreme Court ordered each party to meet its own cost of the petition! Thus, Africa needs to continue to have conversations around the efficiency and effectiveness with which elections are being delivered, adopting the attitude that African people do not deserve less than other peoples of the world! Such conversations must seek to address issues such as rent-seeking behaviour, professionalization of electoral management, adoption of total quality management approaches, benchmarking processes with reputable international standards while ensuring leadership and recruitment of poling officers based on merit rather than political affiliation or 'correctness'.

c) Responsiveness

Technocrats do not manage the public sector for their own personal benefit as happens in private sector utilities. They are entrusted with fiduciary responsibility to respond to the legitimate needs of citizens. The institutions they manage and processes they superintend on behalf of citizens must endeavour to serve stakeholders comprehensively, inclusively and effectively by ministering to their needs, expectations and aspirations, without fear, favour, let or hindrance. This concept enhances legitimacy of managerial actions because when public managers take action based on legitimate aspirations of citizens, they are, in essence, acting on behalf of the nationals and hence executing legal, just and legitimate mandates. Public management that has good governance as its mainstay has awareness and sensitivity to the genuine needs of citizens and takes appropriate measures to address the said needs with openness, sincerity and decency.

d) Inclusiveness

The issue of inclusiveness has been a contentious one in the African political landscape for decades and it is disconcerting that so many years after Independence, much still needs to be done to attain it. Struggles and contestations regarding inclusiveness have been on a plethora of issues ranging from development, politics, and policy-making. Elections have not been spared from the vicious contestation either. Testimony is plentiful demonstrating that reluctance to fully promote inclusiveness in the latter has often culminated in disputed election outcomes in many African countries. In some extreme cases contestation has degenerated into violent conflicts that some nations are still contending with to date.

Inclusiveness remains a pivotal issue in the African political landscape and as long as it is not fully recognized and realized in all respects, 'enduring democracy' will remain a highly desirable yet highly unattainable and illusive dream – just pie in the sky! African nations ought to realize and accept the imperative to move beyond partisanship and exclusionary practises that

reinforce and exacerbate divisions within nations. Africa must embrace inclusive and democratic cultures and, credible elections management must be integral to that culture. As long as any group feels marginalized and ignored in any given context, resentment will always be present, it will fester and at some point, lead to violent conflicts such as the ones in Rwanda in 1994 and in Ethiopia in 2005. Therefore, true inclusiveness where all stakeholders are fully accommodated and committed in important stages of the electoral process, whether it is electoral reforms, media coverage, access to constituencies, funding, setting of dates, logistics regarding acquiring materials such as ballot papers, appointment of officials in the electoral commission, selection of observers and access to the voters' roll, amongst other issues, is more of an imperative than an option. In elections management as in education and other public sectors, inclusiveness entails elimination of all forms of bias. According to the Pennsylvania Department of Education, there are seven forms of bias – invisibility, stereotyping, selectivity/imbalance, unreality, fragmentation/isolation, linguistic, and cosmetic bias[4]. In relation to cosmetic bias, for example, Sadker and Lerner (1997) characterise it as;

> *"Creating an illusion that particular texts or materials have been infused with equity and diversity when in fact minimal efforts to conduct research and address diversity throughout the entire text have been made. Shortcuts to transformations of texts include adding a few pictures and adding 'special focus sections' that discuss, yet segregate information about under-represented groups with exceptional or stereotypic stories" (Pennsylvania Department of Education, n.d. p.1).*

Electoral management bodies must ensure total absence of bias in their work. If significant inroads are made in this regard, perhaps we can begin to have free, fair and credible elections that are not marred with controversy and violence, and whose outcome is not always disputed, as was the case in Kenya and Burundi.

VI. Elections, Public Management and Governance - The Nexus

There is an intricate yet inevitable connection between elections and good governance. Election in its technical sense, with all its tools and techniques is the means to achieve the sovereign goal of deciding on the stewardship of a nation for a given period of time. Good electoral governance has the benefit of deepening democracy as it enables political equality while entrenching popular control of government. Thus, in a sense, good electoral governance relates to the way in which a nation's electoral rules are crafted, applied, enforced and adjudicated. It implies a situation in which government does not engage in gerrymandering, ensures efficient electoral management and is promotive of clear procedures of electoral justice.[5]

Compromised electoral governance undermines the voices of other sectors of the community, leads to unjust constituency delimitation, skewed election financing laws and electoral malfeasance as manifest through voter intimidation, cumbersome voter registration and voting – all processes which tend to disenfranchise rather than enfranchise and dampen voter participation. As a public management process, its study deals with a multiplicity of aspects, before, during and after elections. Thus, among other things, its study deals with methodology of elections including the strategies, methods, principles and rules for regulating an electoral system.
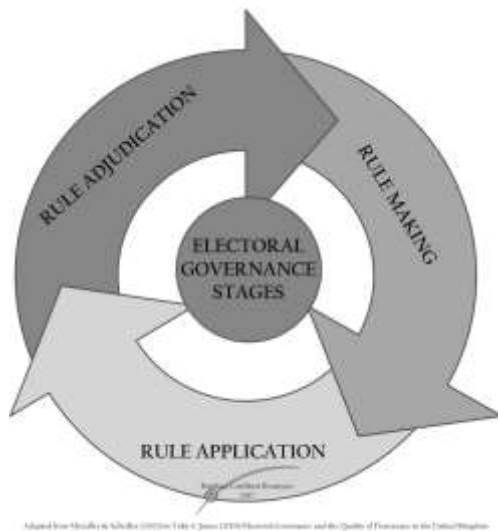
In many respects, management of electoral processes must also reflect the preferred philosophy of life of a people but in most cases in Africa it tends to reflect the philosophy of life of the elite, creating management processes that eternally advance the interests of a privileged few at the expense of other groups. Thus, in most cases, Africa has electoral systems that are managed to perpetuate and entrench the status quo especially in countries run by liberation war movements, most of whom have sought to entrench liberation war ethos by any means available, including manipulation of elections.

Philosophically speaking, elections are about pluralism – a political culture of divergent thinking, creativity and new thinking about the political questions of any given time.

> *"Pluralism also requires a political culture where democrats wear victory or defeat gracefully. Africa's weak, however, has resulted in a reality whereby fewer parties have accepted the results of multi-party elections than have been willing to participate in them" (Thomson 2010:260).*

Rejection of the victories of other parties reflects intolerance and negation of the principle of pluralism – denial of the fact that elections are always about new and awakening consciousness driven by the evolving needs and aspirations of citizens. Thus, electoral management processes must encourage not asphyxiate new ideas as expressed via the legitimate agendas of *bona fide* political parties. This can only be achieved through, among other things, an electoral management corps able and empowered to make sound judgements; a phalanx of managers imbued with moral probity, rectitude, imagination, attentiveness and profound understanding of the meaning and purpose of elections in a sovereign state. Although electoral managers operate within certain socio-political and cultural contexts in Africa, it is capital for them to appreciate the sacred duty with which they are entrusted; the duty to optimize political life choices of citizens through elections, the duty to enrich and empower the cultural, political and economic quality of life of a whole nation rather than preferred segments of their predilection.

Elections are very technical undertakings whose stewardship must be in the hands of the most capable citizens, individuals equipped with leadership, evaluative, innovative and adaptive skills and, above all, the ethical integrity and courage to face electoral moral dilemmas in an informed, impartial and authentic fashion. Given this, the author therefore submits that the philosophy of life of electoral managers plays a critical role in enabling elections to play their proper role of advancing the benefits and responsibilities of democratic citizenship. Public managers in charge of elections must therefore be individuals of high moral standing and virtue, fraternal love; individuals who place high premium on truth, integrity, justice, self-control, benevolence and tolerance as worthy attributes of a sovereign and prosperous nation. Faced

with the various existential pressures associated with elections (voter apathy, voter intimidation, gerrymandering, electoral violence, electoral fraud, and voter disenfranchisement), public managers must rise to the challenge fearlessly, believing in the tenets of electoral just rather than the niceties and formalities of legality.

Within the context of a globalizing world, elections and democratization are becoming enduring and deep-rooted features of the public sphere in Africa. However, there can never be fundamental democratization without public management mired in the tenets of good governance. In keeping with global trends, Africa has now come to accept and endorse the notion that elections are one of the most important ways through which self-determination and national sovereignty are expressed. Electoral good governance is characterised by freeness and fairness of all electoral processes. Thus, elections are deemed free and fair in as far as they are based on a well-articulated and publicized architecture of electoral laws, policies and systems. Such a legal architecture should make for the highest levels of transparency in 'districting' or delimitation of electoral boundaries, voting management, including the counting of votes, and voter registration to ensure that as many prospective voters as possible are enfranchised.

Electoral law architecture is also one that promotes adequate civic and voter education to enable citizens to make informed choices based on a variety of choices presented by way of political parties, candidates, programmes and policies on the political market place. Sufficient education implies unfettered access to diverse information and information sources by the voters; it's about full disclosure in an environment in which electoral bodies are not economic with both the truth and information. A quality electoral law architecture will encourage rather than stifle political organization, a situation in which political parties and related actors are not constrained to meet and reach prospective voters. In other words, it is legal infrastructure founded upon profound understanding of human and political rights. In terms of policy frameworks and managerial practices, a judiciously regulated electoral system is anchored on lucid codes of conduct of all involved in the electoral process as well as balloting procedures that are adequately communicated to all.

Like all functional public management systems, the electoral legal architecture must include a robust system of monitoring and evaluation as well as an articulate complaints and dispute resolution mechanism that will address complaints and issues within a reasonable and specified timeframe. In terms of policy frameworks, it would be fair to say that most nascent democracies in Africa have laws that provide for adjudication of electoral grievances. In many African countries, as in the United Kingdom, there is legal recourse by way of a formal petition raised by political parties, candidates, and other interested groups. Having heard the petition, the courts can annul an election by declaring it void or adjudging another candidate duly elected. To be effective, such a system must be accessible, transparent and affordable with decisions being reached in the shortest possible time to reduce uncertainty, illegality and illegitimacy caused by unclear incumbency. The affordability of petitions has the potential to undermine electoral governance if the charges are too steep and punitive in effect. For example, in the UK, initial outlay for a petition is £5 500.00 while in Zimbabwe a soft copy of the voter's roll will

burn a hole of $100 000.00 in one's pocket! From a governance point of view, it seems such measures are designed to discourage access to electoral justice.

In relation to the matter of petitions as a way of recourse, it is a sad indictment that, for example, the election petition of 2000 by a Zimbabwean opposition party has not been addressed by the judiciary system up to now, 17 years down the line! Such a poor approach to recourse undermines the confidence of citizens in both the electoral process and the normal judicial system. However, the recent annulment of the 2017 presidential results in Kenya, by Kenyan Supreme Court has come as a breath of fresh air on the African electoral landscape. Perhaps, most significant about this development is the fact that the executive has accepted the ruling, albeit grudgingly, but in Zimbabwe's 2018 elections, while the ruling party (ZANU-PF) accepted the constitutional court ruling in its favour, the opposition still denies the judgment and hence the legitimacy of the current president, Emmerson Mnangagwa. Also notable is the speed with which the petitions were addressed given the fact that justice delayed is justice denied. These events actually point to the need for having the best people running elections. By the 'best people' one has in mind neutral technocrats committed to eliminating opportunities for electoral rent-seeking and ensuring high fidelity electoral results, among other things. Apart from the embarrassment and inconvenience of having to go to court, citizens should obviously be concerned about the cost implications of 'illegalities' and 'irregularities'. This is the efficiency dimension of electoral governance that requires utmost probity.

From a normative point of view, there is general acceptance that, in the interest of levelling the playing field, elections ought to be managed by independent and neutral electoral management bodies (EMBs). This is not just a normative ideal but also a critical precept of good governance that undergirds the public management culture. This is a particularly emotive issue in Africa where EMBs are preponderantly dominated by the executive arm of state. Thus, executive dominance is a real threat to the conduct of free and fair elections on the continent and continues to undermine the electoral good governance profile of Africa. In Zimbabwe, the EMB has been militarised through the deployment of pro-government security personnel as has happened in most state enterprises. Beyond militarization and staffing of the Zimbabwe Electoral Commission with ruling party loyalists and apologists, executive manipulation of the electoral process comes through the unfair implementation of the provisions of the Political Parties Finance Act. The Ministry of Finance habitually delays disbursements to cripple the operations of opposition parties entitled to financing. This delayed disbursement does not affect the ruling party very much given the state resources at its disposal. In this way, the electoral playing field is tilted in favour of the status quo. It is a matter of regret that over the entire period of independence in Zimbabwe since 1980, instances of executive manipulation of the electoral process has always been a major concern of the opposition and civil society but which the government has always spiritedly resisted and characterised as 'regime change agenda' of the West.

> *"Good election management is about ensuring honest and fair political competition. Anything short of that threatens to negate the purpose of holding elections in the first place. Without reliable, scientific survey data to challenge partisan claims, it has been too easy for incumbents to label opposition parties and civil society*

organizations as 'spoilsports', 'troublemakers', and in extreme cases 'traitors' when they raise election quality concerns" (Penar, n.d.).[6]

Failure to honestly attend to concerns of electoral quality has led to tensions, sometimes, violent protests, and very low perceptions of the substantive value of elections in Africa. This underlines not the importance of electoral management but also the general philosophical and normative conditions under which African populations live.

The idea of a level playing field in electoral curatorship remains one of the most desirable norms in the political landscape of Africa. Levelling the playing field is an ingrained aspect of mature democracies and the more prosperous nations of the world from which Africa must learn best practices. Among other things, a concerning issue is executive manipulation of electoral rule-making processes to advantage incumbent governing parties at the expense of opposition parties. The result is usually pseudo-democratic political systems anchored on sham elections that retain ruling parties in power, sham election after sham election! This has given rise to what some commentators have called 'elective dictatorships'. In Africa, as in many parts of the world;

> *"Once in power, a government can pass legislation with relatively few checks on its power. The consequences for electoral governance are that it is the executive that largely determines electoral laws which benefit its own electoral interests" (James 2014:09).*

Thus, ideally, what is desirable would be an electoral rule-making framework that strengthens the independence of EMBs against the undemocratic machinations of executives desirous of perpetuating regime *status quo* indefinitely.

> *"The executive is therefore constrained in its ability to gerrymander the electoral boundaries by an independent non-partisan organization" (James 2014:06).*

With such independent authorities, the goal of fair-play is enhanced while loopholes for odious conduct are plugged.

The above normative ideal is strengthened by robust constitutional provisions, ensuring that the executive implements recommendations, if not demands, of EMBs, such as, delimitation commissions. Without such binding provisions in the electoral legal architecture, executives may avail themselves of opportunities to filibuster, amend or veto recommendations perceived inimical to their electoral advantages. This is common in Africa as it is in developed countries such as the United Kingdom.

> *"After the 2005 general election, the Conservative Party increasingly felt that the uneven size of constituencies was giving the Labour Party advantage. Once they came into power as part of a Coalition government in 2010, they introduced legislation that would require the Boundary Commission to ensure that all*

constituencies were within +/-5 percent of the national quota. Their bill was to be-come the Parliamentary Voting System and Constituencies Act 2011" (James 2014:6-7).

The fact of partisan interests in such electoral rule-making is amply illustrated by the fact that with the collapse of the coalition, the Liberal Democrats withdrew their cooperation and, instead, introduced an amendment that would ensure non-implementation of changes until 2018, thereby putting paid to the much-anticipated electoral advantage of the Conservatives. A similar scenario played out in Zimbabwe after the 2008 general election that embarrassed the governing party into a government of national unity (GNU) with two opposition parties after which it made spirited efforts to cause the delimitation of electoral boundaries for the 2013 election that it supposedly won 'resoundingly'. What is instructive about the scenario was the attachment of peri-urban and rural constituencies to urban ones so as to neutralize the urban vote of the opposition from which most of their support came. Most of the ruling party's votes came from the peri-urban and rural areas.

The same scenario played out with regards to preparations for the 2018 general elections where the principal electoral curator, Zimbabwe Electoral Commission (ZEC) believed to be partisan and staffed with military and intelligence personnel loyal to the ruling executive, allocated more voter registration stations in rural constituencies than urban ones even if the population densities favour the urban ones. The opposition and civil society believe this is a deliberate ploy to disenfranchise a large segment of urban voters by frustrating them with long queues when they attempt to register as voters. In the final analysis, executive manipulation of processes is an existential threat to fair electoral practices. This is anathema to good governance and odious to the advancement of democracy.

To a certain extent, the independence of EMBs can ameliorate some of the challenges of electoral governance in Africa among that is low voter turnout. This, in the author's view, is a management as well as legal issue. Management-wise, EMBs must be seized of the matter of voter apathy to the extent that their performance must also be measured against the extent of voter apathy in any given election. It must not be 'business as usual' when elections are characterised by voter apathy. EMBs must be able to generate citizen interest in elections and eradicate non-participation in elections by some social groups because they feel that their participation makes no difference in the electoral outcomes. This challenge is particularly debilitating in systems that apply the 'winner-take-all' systems, whose effect is to trivialise the effort and votes of minority groups. Related to this is the fact that apathy results in unmerited parliamentary majorities, raising questions of the representativeness and legitimacy of parliaments in Africa. In the spirit of inclusiveness and wider acceptance of election outcomes, one would expect EMBs to also facilitate and push for the broader enfranchisement of all citizens of a country regardless of location and circumstances. Financial cost must not be an excuse for disenfranchising citizens such as prisoners, women, ethnic minorities, non-property-owners and the diaspora.

Given the plurality of social groups with an interest in elections and electoral outcomes, the dictates of electoral governance demand an inclusive approach to electoral rule making. Earlier, the issues of consensus building as well as tolerance and compromise have been broached not only as governance issues but also as public management imperatives within the ambit of rule of law. In this regard, acknowledgement, acceptance and encouragement of civil society actors in the process cannot be over-emphasized.

With the inexorable advances of globalization within the context of democratization, it is now generally accepted that non-state actors, within and without national boundaries, are significant players in the electoral process - before, during, and after. There is universal consensus that they play a role in aspects such as the making, changing and enhancement of electoral laws. At the same time, they can be sources of advice that must be considered beneficial in any normal democracy. The actors who must be embraced in electoral processes include church organizations, individual politicians and advocates, interest groups, pressure groups, parliamentary select committees, trade unions, think-tanks, professional associations, traditional leaders, and international organizations, also help in electoral monitoring and evaluation as well as the effort to bring other actors to account for their actions and non-actions. In functioning democracies, these actors are trusted and tolerated as important cogs of the political governance of the state.

In Africa, much still needs to be done to build such trust, tolerance and acceptance in an environment in which state propaganda outfits outdo each other to portray civic organizations as inherently evil and inimical to national interests. Nonetheless, the role of non-state actors has increased in Africa as in other parts of the world.

> *"There has, however, been an increase in the number of actors interested in electoral law and a diffusion in the number of 'sites of struggle' over electoral law"* (James 2014:09).

The unfettered role of these actors can only have substantive benefits for the cause of electoral governance in Africa as well as bring better understanding, acceptance and deeper sense of ownership of elections by all.

If one is to see elections in Africa as part of the development trajectory, there is much that still needs to be accomplished although it must be accepted that some progress has been made in democratic quality since the eighties. An encouraging development is that elections have become a regular feature of the political landscape in Sub-Saharan Africa (SSA) and other regions. From a normative point of view, elections must be held regularly as a way of government mandate renewal and presentation of opportunities for the electorate to bring current governments to account. While there have been some refreshing signs in terms of regularity and competitiveness, the elections in countries like the Central African Republic (CAR), Burundi, Rwanda, Uganda, Gambia, Senegal, Zimbabwe and Cote d'Ivoire, elections have been tarnished by gross forms of electoral pervasion such as violence, structural and non-structural, preponderantly government-sponsored and inspired. Inclusion, freedoms of choice, assembly and association are the grist in the mill of electoral governance and must be cultivated and

encouraged at any cost. Without such freedoms, elections become a travesty, as they do not yield authentic results reflecting the genuine will of the people.

According to the German Development Institute (DIE), in SSA,

> "... many regimes restrict political freedom and competition and use elections more as a façade for their continuing rule, as in the Central African Republic (CAR) and Rwanda" (DIE 2011:01)[7].

Contrary to the normative notion that elections must bring regime change, DIE (2011) notes that of the said 16 countries that regularly held elections in the region, 14 did not experience regime change, pointing to the worrisome trend of power entrenchment by sitting governments. One could thus say, Africa, the 'rising continent', the 'booming continent', the home of the majority of the 'bottom billion' is in the invidious position of moving 'one step forward and two steps backwards' in terms of authentic democratization through elections. Nothing suggests that religiously having regular elections has led to better democratic quality. On the contrary, in many states there has been higher electoral authoritarianism through which elections are used to create a veneer of governmental legitimacy to enable elites to remain in power. This is particularly the case with countries led by former rebel/military political parties where we now have the phenomenon of elective dictatorship.

There is now a groundswell of consensus in Africa that elections are a defining characteristic of democratic states and seem set to become an integral benchmark of democratic consolidation.

> "The last decade of the twentieth century brought dramatic political changes to Africa. The whole continent was swept by a wave of democratisation. From Tunisia to Mozambique, from Mauritania to Madagascar, government after government was forced to compete in multi-party elections against new or revitalised opposition movements" (Thomson 2010:243).

Among other things, what remains contentious is not only how to maintain and solidify the momentum of the democratization project, but also the fine-tuning of the public management aspects which should deliver elections in a sustainable manner – a way that minimizes violent contestations emanating from flawed processes. A case in point is the recent July 2018 harmonised elections in Zimbabwe that were hotly contested to the extent that, like the 2017 Kenyan election, the dispute had to be resolved by the Constitutional Court which unanimously ruled in favour of the ruling ZANU-PF party against the appellant MDC-Alliance.

From the normative perspective, electoral violence is one of the most undesirable aspects associated with any attempt at democratization, because, deciding political outcomes, using violence, is as anachronistic as the pre-civilization existence as depicted by Thomas Hobbes in *Leviathan* when he described life as 'nasty, brutish and short'. Thus, elections by themselves

are a way of evading the nastiness, brutishness and loss of life due to violent efforts to secure and consolidate political hegemony.

> *"Elections are a contest for power, and are therefore inherently contentious; unless conducted fairly, they can (and often do) lead to violence" (Ndulo and Lulo 2010:157).*

That elections are, naturally, a contest is a moot and unquestionable academic fact mired in reality, but what needs attention in Africa, as in other parts of the world, is their judicious management with the view to minimizing violent contestation in the entire election cycle. As an arena of management in the public domain, electoral curatorship must be such that the natural human propensity towards violence should be channelled towards greater tolerance and more pacific ways of expression by, among other things, ensuring that propensities and opportunities for violence are eliminated through an electoral management culture and philosophy solidly rooted in good governance principles. Thus, among other issues, those privileged with stewardship of elections must be cognisant that elections are a conflict management undertaking that is best handled through application of good governance principles. Alluding to public management inspired by good governance, Mutasah (2006) declares that;

> *"Elections are an alternative to violence as a means of achieving governance. However, when an electoral process is perceived as unfair, unresponsive or corrupt, its political legitimacy is compromised and stakeholders are motivated to go outside the established norms to achieve their political objectives" Ndulo and Lulo (2010: 157).*

Thus, the performance dimension of electoral curatorship should seek to uphold a wide range of norms among which are vote confidentiality and expeditious ballot counting. These are aspects that derive from principles such as inclusive actor accountability, process transparency, freedoms for all (association, assembly, movement, speech, fraternity), rights to political participation by all without undue, unwarranted let or hindrance as well as a consensus driven electoral legal architecture (Ndulo and Lulo 2010). More often than not, there is the prevailing perception that public managers in charge of elections are not proactive enough to encourage robust political contests, preferring to operate in stiff, bureaucratic and legalistic modes that tend to limit more democratic contests.

 To realize more sustainable political development, electoral superintendents, without fear or favour, must provide support to all political actors to enable them to compete effectively on the basis of development programmes and ideas they offer to enhance the quality of life of citizens. They should abhor an environment characterized by weak political parties. Illustrative of this is the 2018 harmonised election in Zimbabwe where 23 political parties contested in a country of around 15 million people and far less registered voters. Of these, only two had real massive political following. While it is people's democratic right to form political parties of their choice, in some cases the ends of democratic political change are undermined when some of

the parties have the effect of dividing votes for the benefit of incumbent parties, knowingly or inadvertently.

Additionally, and, fundamentally, electoral managers must also be proactive technocrats who demonstrate a professional and practical understanding of their operational environments and the national interest. Thus, efficiency and effectiveness demand a more thoughtful approach to operations and logistics management that is cognisant of the total quality management dimension of running elections. This lack of thoughtfulness on the part of election managers was highlighted in respect of the 2018 harmonised elections in Zimbabwe by Veritas Zimbabwe (2018) who observed;

> *"ZEC have ruled out providing Braille ballot papers for this election. They have said they would have to know how many people read Braille at the time of their registering in the BVR process. At the moment ZEC does not know how many Braille papers would have to be printed and to which polling stations to deliver them. The ZEC chairperson has said they would look into provision of Braille ballot papers for the next election. [Bill-Watch] Election Watch 10/2018.*

Thus, apart from compromising the freeness and fairness of the election, the EMB seemed not to be mindful of the governance principle of inclusiveness. Without doubt, electoral governance will certainly be undermined if there are logistical deficits in terms of materials, finance, human resources, access and infrastructure (hard and soft). Deficits in social capital (trust, goodwill, mutual understanding) can detract from the best intentions of a well-managed electoral system thereby making it difficult for African countries to shrug off the stigma of holding 'selections' as opposed to elections.

End Notes

1. This was particularly elaborated in the goodwill message of the chairperson of the Lagos Local Organizing Committee, Semiu Okanlawon in his paper entitled "Africa Must begin to Treat Elections as Festivals, not as Wars" – *The News*, Thursday 13th April 2017.

2. John F. Kennedy: "Commencement Address at American University in Washington," June 10, 1963. Online by Gerhard Peters and John T. Woolley, The American Presidency Project. http://www.presidency.ucsb.edu/ws/?pid=9266.

3. World Bank (1994) *Governance: The World Bank's Experience*.

4. See *Seven Forms of Bias* – Department of Education - State of Pennsylvania, n.d. Although the focus of the document is on educational management, the biases are equally applicable to electoral management and can go a long way towards more inclusive electoral governance in Africa and other parts of the world.

5. See Toby S. James (2014) *Electoral Governance and the Quality of Democracy in the United Kingdom*, a paper for the International Symposium on Elections, Civic Education and the Quality of Democracy at the Korean Civic Institute for Democracy, Seoul, South Korea, September 3-4 2014.

6. Peter Penar (n.d.) African Citizens Have Very Low Levels of Trust in How Elections Are Conducted, paper commenting on impending 2016-2017 elections in Africa. Also citing Afrobarometer, the commentator notes that although there are some positives, there is a considerable segment of African citizens who are quite sceptical about electoral quality.

7. Deutsches Institut fur Entwicklungspolitik (2011) *African Developments: Political Trends in Recent Elections in Sub-Saharan Africa.* Briefing Paper 18/2011. The paper focuses on the elections held in 20 Sub-Saharan Africa countries between 1 January 2010 and 30 June 2011.

References

African Union (2007) *African Charter on Democracy, Elections and Governance*. AU: Addis Ababa.

Colomer, J. (ed.) (2004) Handbook of Electoral System Design. London: Palgrave.

Deutsches Institut fur Entwicklungspolitik (2011) *African Developments: Political Trends in Recent Elections in Sub-Saharan Africa*. Briefing Paper 18/2011.

Kofi Annan Foundation. *Access to Justice and Electoral Integrity - Policy Brief No.3*. Electoral Integrity Initiative (EII). http://www.kofiannanfoundation.org/app/uploads/2016/11/EII-Policy-Brief-3-Access-to-Justice-and-Electoral-Integrity.pdf.

Gerhard Peters and John T. Woolley (n.d.) *John F. Kennedy - Commencement Address atAmerican University in Washington.* June 10, 1963. Online by The American Presidency Project. http://www.presidency.ucsb.edu/ws/?pid=9266.

James, T. S. (2014) Electoral Governance and the Quality of Democracy in the UnitedKingdom. A paper for the International Symposium on Elections, Civic Education and the Quality of Democracy at the Korean Civic Institute for Democracy, Seoul, South Korea, September 3-4 2014.

Ndulo, M. and Lulo, S. (2010) Free and Fair Elections, Violence and Conflict. Harvard International Law Journal Online. Vol. 51, July 5, 2010. Pp 155-171, Accessed 13/04/2017.

Norris, P., Wynter, T. and Cameron, S., (2018) *Corruption and Coercion: The Year in Elections 2017*. The Electoral Integrity Project. Sydney, NSW: University of Sydney. http://www.electoralintegrityproject.com.

Penar, P. (n.d.) African Citizens Have Very Low Levels of Trust in How Elections AreConducted, paper commenting on impending 2016-2017 elections in Africa.

Pennsylvania Department of Education. (n.d.). Seven Forms of Bias.

Thomson, A. (2010) *An Introduction to African Politics.* London: Routledge.

Veritas Zimbabwe [Bill-Watch] Election Watch 10/2018. bill-watch@veritas.co.zw

Chapter Two

Chapter Contents

"Electoral integrity depends on trust the public has in the electoral process accompanied by strong institutions as well as inclusive, transparent and accountable processes. These must be firmly in place if public trust is to be built."

Mohammud A. Hussien

"Integrity depends on public confidence in electoral and political processes … and citizens need to be convinced that changes are real and deserve their confidence."

Global Commission on Election, Democracy and Security

"Africans should take tremendous reform measures to improve the deficit in their democratic governance if they are to improve the credibility and integrity of their elections."

Mohammud A. Hussien

Building Integrity, Reliability and Trust in Electoral Governance: Normative Perspectives

Mohammud Abdulahi Hussien

I.   Introduction

This chapter considers the importance of integrity in the electoral process, the challenges related to maintaining integrity and the means for protecting electoral integrity. There are some basic characteristics of electoral processes conducted with integrity. These include: freedom and fairness, equity and credibility, voting secrecy and transparency, effectiveness and sustainability, service-mindedness and efficiency of Electoral Management Bodies (EMBs), impartiality and accountability. But there are also some basic principles guiding electoral processes with integrity, reliability and trust such as consensus oriented electoral governance; representation-based electoral process; and participation-focused electoral system. Thus, the credibility and legitimacy of democratic governance is inextricably linked to electoral integrity. The part on legal and institutional framework begins with constitutional laws of countries and how these laws set the foundation necessary for electoral integrity. The major purpose of this part is to clearly establish that while countries are not obliged to adopt a specific model of democratic governance in elections, they all have the duty to make sure that citizens properly exercise their rights to choose their government. This is considered highly critical for a better integrity in their electoral system. The legal framework is followed by related institutional framework required for the promotion and protection of electoral integrity.

There are some major challenges in building electoral integrity and trust in any democratic governance. This is to mean that there is no electoral system without challenges – whether matured democracy or otherwise. The challenges of electoral integrity are particularly unique in the context of emerging democracies and countries in post-conflict transition governments. The major challenges include: building the rule of law to substantiate claims to matters of human rights and electoral justice; developing professional and competent EMBs with full independence of action; creating institutions and norms of multiparty competition and division of power; removing barriers to universal and equal political participation; and regulating political finance.

While there is no democracy without problems, the challenges are quite complex and serious in most emerging democracies. By focusing on the African continent, this chapter provides critical analysis on the challenges of building integrity in electoral process. Moreover, this chapter also discusses suggested solutions to the challenges. As some argue, each of the challenges mentioned requires a multidimensional response that combines political will, effective institutional design and effective mobilization, and implementation and management in practice.

The chapter concludes by underscoring that there are serious integrity deficits in African electoral governance, which contribute to the challenges of stability and prosperity. This calls for revision of the way Africa handles electoral governance. The reforms needed for enhanced

electoral integrity, reliability and trust include: sound electoral systems to enhance representation; reform of institutions for effective electoral governance, such as establishing autonomous EMBs with wide range of powers & responsibilities; and improving electoral processes to deliver high quality electoral services more effectively to ensure free and fair elections.

II. Understanding Electoral Integrity: Concepts and Principles

This part has two major sections. Part one addresses the definition and concepts relevant to understand electoral integrity; while part two deals with basic principles related to electoral democracies. The literature review provided critical insight into key principles considered core to the promotion and protection of integrity, credibility and public trust in election processes and end results.

2.1 Definition and Concepts

It is important to have a very clear understanding of the concept and meaning of 'electoral integrity'. Since there is no generally accepted definition of "electoral integrity", it is not clear the term can serve as an overarching standard, or even as synonym for "good election". However, the absence of comprehensive and generally accepted definition should not prevent us from discussing integrity in elections. Indeed, there is an increasingly active debate in scholarly and policy circles around the term.[2] In defining the concept of electoral integrity, the 2012 Report of the Global Commission on Election, Democracy and Security, refers to "incorruptibility or a firm adherence to a code of moral values". This suggests that, "soundness and ethical practice must persist over the course of an entire electoral cycle, not just on election day itself." According to the Commission, electoral integrity can be defined "as any election that is based on democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle".[3] For Alan Doss, it means 'election through which any citizen can exercise his/her power and enjoys freedom of presenting his/her ideas publicly in order to convince the majority of his/her constituents that he or she is worthy'.[4]

Electoral integrity depends on trust the public has in the electoral process accompanied by strong institutions as well as inclusive, transparent and accountable processes. These must be firmly in place if public trust is to be built. According to the Commission on Election, "integrity depends on public confidence in electoral and political processes … and citizens need to be convinced that changes are real and deserve their confidence." The late UN Secretary General, Kofi Annan referred to 'electoral integrity' as 'credible election', and argued that legitimacy of elections is fundamental pillar of democratic practice.[5] Annan also emphasized that electoral integrity requires 'adherence to international standards' and is important in bringing sustainable peace. In mapping out some of the major attributes of the concept of 'electoral integrity',

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[2] See the Report of the Global Commission on Elections, Democracy and Security, *Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide* (September 2012).

[3] Ibid, p. 6

[4] Speech by Alan Doss, Executive Director of Kofi Annan Foundation, 11 October 2015

[5] Kofi Annan'sspeechatthe 2017 Athens Democracy Forum on 13 September 2017

Annan said: "The true measure of an election is whether it engenders broad public confidence in the process and trust in the outcome. An election run honestly and transparently, respecting basic rights, with effective and neutral support of State institutions and responsible conduct of participants (leaders, candidates and voters) is most likely to achieve an accepted and peaceful outcome".[6]

This clearly shows that the concept of electoral integrity is beyond merely adhering 'to a code of moral values', and includes important normative values and standards. The concept of integrity for our purpose cannot be separated from the concept of election itself. The nature and dynamics involving the electoral processes have significant impact on the way we should see the concept of 'electoral integrity'. The concept of election in governance is 'a complex process requiring the participation of a multitude of players' having high stakes and temptation, with end result of winners and losers, which, in the words of some scholars, can push the participants to get 'victory through illegal or ethically questionable (improper or even corrupt) means' leading to even violence and 'casting doubt on the legitimacy of the process.'[7]

There are three essential criteria that 'electoral integrity' has to meet: inclusivity, transparency, and accountability. Kofi Annan strongly argued that conducting inclusive, transparent and accountable elections is the only way 'to earn the trust of the competitors and the public'.[8] Yet, as the mechanisms for 'promoting and maintaining integrity in every aspect of the electoral process are often established within the official bodies (for) the administration of elections', it is always very complicated to ensure 'electoral integrity'.[9] Putting in place and implementing these mechanisms has several benefits for electoral integrity as a concept. First, electoral integrity conceptually envisages ensuring strong scrutiny in the activities of EMBs. Managing and administering election cannot be left only to EMBs. There should be strong oversight mechanisms and institutions. Second, electoral integrity also helps in setting up mechanisms of check and balance over the whole electoral process by government, civil society, and the media. As Kofi Annan said, 'politics is too important to be left only to politicians'.[10] This is why the roles of all actors in electoral process – such as political parties, the media, citizens, and election observers – for electoral integrity cannot be underestimated. According to the Commission on Election, 'active oversight and supervision ensures that participants in an election process are held accountable, promotes transparency, establishes the credibility of the electoral process'. (see The AEC Encyclopaedia, p.10)

Third, electoral integrity is key in providing administrative and legal means to enforce electoral laws based on international standards. This clearly shows that the concept of electoral integrity

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[6] UN Secretary-General Report (A/66/314 of 19 August 2011), 'Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization'. See also IDEA, The AEC Encyclopedia: Electoral Integrity, 2013.

[7] See The AEC Encyclopaedia, p-10

[8] Kofi Annan speech, 'Credible and Peaceful Elections: A Prerequisite for Africa's Progress, CDD Kronti ne Akwamu Lecture, 23 June 2016

[9] See The AEC Encyclopaedia, p-10

[10] Kofi Annan speech, 'Credible and Peaceful Elections: A Prerequisite for Africa's Progress, CDD Kronti ne Akwamu Lecture, 23 June 2016

has strong legal dimension – a dimension that introduces electoral standards and the base for the establishment of protection mechanism and the determination of institutional structure to support electoral integrity. However, it is not only about establishing legal and institutional framework; the concept of electoral integrity is also about ensuring the effective enforcement of laws and functioning of institutions for electoral process. Such effectiveness has crucial role in detecting any breach of electoral laws and provide proper, timely and impartial remedies, which are helpful to maintain electoral integrity and deter future violation of similar nature. (Analysis of this dimension is discussed fully further below.)

Moreover, members of the regional and international communities have key roles in strengthening electoral integrity. They can provide technical assistance and observe elections thereby contributing to the credibility of electoral processes in many countries. However, it is important to note that many scholars and policy-makers improperly understood the concept of electoral integrity as mainly affecting young and transitional democracies. While young and transitional democracies have more challenges, there is strong evidence that shows the importance of ensuring integrity even in established democracies as well. The controversies related to voters registration in United States and the 'mail-in vote fraud in Great Britain' are good examples.

2.2 General Principles of Electoral Integrity

It is not enough to discuss the meaning and concept of electoral integrity if we have to clearly understand electoral integrity. Our clarity on major guiding principles of electoral integrity is equally important. The promotion and protection of fair and equitable elections through legal and institutional systems is one of the requirements for electoral integrity. Electoral integrity also requires the 'application of specific measures to protect integrity based on democratic election standards and best practices', which have to be 'adapted to the social and political context of each country'. These are the key objectives of electoral process universally applicable and emanating from the demand for guaranteeing genuine elections that result in legitimate governments. There are certain guiding principles that can help bring about electoral integrity. While there is no consensus among scholars and policy-makers on their exact number and scope, these guiding principles broadly include: (a) respect for principles of electoral democracy; (b) ethical conduct and behavior; (c) professionalism and accuracy; (d) institutional safeguards; (e) oversight and enforcement; and (f) transparency and accountability.[11] Let us see now the details of each of these guiding principles.

Respect for Principles of Electoral Democracy: Electoral democracy has its own principles characterizing it. The first guiding principle is to respect these principles of electoral democracy. According to the Commission for Election, principles of electoral democracy includes the principles that: "all citizens have equal rights to participate as voters and candidates; all citizens must have equal voting power; the primacy of the vote must be assured through secret ballots; voters must have meaningful access to electoral and campaign information; election administration must be conducted in a fair and non-partisan manner; elections must be held

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[11]See ACE Encyclopaedia, 2013, p. 22

regularly; and the results of elections must be decided by freely cast votes of the citizenry."[12] Therefore, the integrity, credibility and trust in electoral process are dependent on the extent to which these principles of electoral democracy are respected in electoral processes of any country. For an election to be credible, key rights such as freedom of speech, assembly, association and movement, and freedom from fear must be effectively respected in the electoral process. According to some writers, electoral integrity requires principles of electoral democracy for transparent electoral process and equitable electoral laws based on equality; independently and impartially administered, and free from intimidation.[13] For David, these principles are key freedoms considered foundational for democracy[14], while others include following acceptable standards and proper procedures; accurately tabulating the votes; and acceptance of the electoral results as important elements of electoral democracy leading to electoral integrity[15] It is also important to note that respect for democratic principles is one of the cardinal principles that 'State Parties shall implement' in Africa as per the African Charter on Democracy, Elections and Governance.[16]

Ethical conduct and behavior: Ethical conduct and behavior is another important guiding principle of electoral integrity, which implies that all participants in electoral process 'should behave in a way that promotes a free and fair process' carrying out their respective responsibilities 'in a professional, transparent and impartial manner'. Thus, electoral integrity depends on ethical conduct and behavior by electoral administrators, election officers, candidates, political parties, interest groups, the media and election observers.[17] It means that 'participants or outside interest groups must not use money or other incentives to improperly influence an electoral administrator or public official, and must disclose their financing and spending as required by law'. The late UN Secretary General saw this as one of the major challenges facing electoral integrity in contemporary world. In his address at the 20th Anniversary of IDEA in Stockholm, he said that 'the role of money in politics … is source of increasing concern as it greatly skews democracy and undermines the integrity of electoral processes'.[18]

The standards for ethical conduct and behavior are enshrined in constitutional and legal framework. The constitution usually provides framework for the efforts of electoral administrators and others mandated in election administration. For instance, the impartiality and independence of EMBs in Nigeria, Kenya, and Ethiopia are clearly defined in their respective constitutions, which indeed shall strictly be adhered to by these bodies. Other detailed ethical conduct and behavior are provided normally in what most systems call 'Code of Conduct' for elections. According to the Commission on Election, looking through the lens of electoral rights, issues

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[12]See The ACE Encyclopaedia: Electoral Integrity, p. 11
[13] Elklit, Jorgen and Palle Svensson, "What Makes Elections Free and Fair?" *Journal of Democracy*, 8(3), 1997
[14] Beetham, David, "Freedom as the Foundation," *Journal of Democracy*, 15(4), 2004, p. 61-67
[15] Inter-Parliamentary Union,*Declaration on Criteria for Free and Fair Elections*, 1994
[16] African Union, African Charter on Election, Democracy and Governance, 2007, Article 3(1)
[17] The ACE Encyclopaedia: Electoral Integrity, p. 22-23
[18] Kofi Annan Keynote Speech at the 20th Anniversary of IDEA, Stockholm Conference, 16th September 2015. Available at https://www.kofiannanfoundation.org/speeches/democracy-achievements-and-challenges-2858/

of ethics "involves respect for the political rights and activities of others; acceptance by citizens and electoral administrators that everyone has the right to freely debate political issues and promote different political viewpoints; and that no one has the right to interfere with political parties' efforts to spread their message". (see The ACE Encyclopaedia: Electoral Integrity, p. 12)

Professionalism and Accuracy: This principle has particularly much to do with the conduct of election management bodies (EMBs). Professionalism is 'the conduct, aims, or qualities that characterize or mark a profession or a professional person … requiring specialized knowledge'.[19] Professionals are known for their specialized knowledge and technical skills, which are particularly required in the management of electoral process. Problems in professionalism and accuracy may lead to prevalence in human error and honest mistake, which in turn can have significant negative impact on the integrity of electoral process. Therefore, it is critically important for election administrators to be professional and accurate. But there are various factors that may affect the professionalism and accuracy of electoral administration including ambiguity and omissions in the legal framework, politically biased and partial election administration, and inequality in treatment.

Politically unbiased and autonomous EMBs, which are based in well-established legal frameworks, play significant roles for their independent and impartial operation. According to OSCE, "administration of elections must be conducted autonomously … (and) operating transparently (where officials of) the election administration … should be individuals with competence and commitment".[20] It is also important for professionalism and accuracy in electoral administration to have sufficient funding and other state support. According to IDEA, "effective electoral administration depends on whether the administration has sufficient staff and other resources of its own and can draw upon other State resources if necessary, while preserving its primacy over electoral policies and practices." (see ACE Encyclopaedia: Electoral Integrity, p.25) Moreover, independent and equitable election administration plays significant role for professionalism and accuracy, impacting electoral integrity. Yet, if the composition or measures taken by EMBs is seen as imbalanced, the credibility of these bodies in public eyes is eroded.

Institutional Safeguards: This is another important guiding principle to ensure electoral integrity. As the old saying goes, 'power corrupts, and absolute power corrupts absolutely'; and this principle is based on this assumption and tries to bring in a good check-and-balance scheme into the electoral process. Some countries try to adopt an approach of charging electoral mandates to different institutions. For instance, New Zealand has different institutions with specific electoral mandate running elections. One body may handle voters' registration while another manages voters' roll; still another may operate the political party system while another is mandated to handle issues related to electoral boundaries.[21] According to Andreas, while the so-

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[19] Merriam-Webster Dictionary
[20] OSCE/ODIHR, *Existing Commitments for Democratic Elections in OSCE Participating States"* (Warsaw, 2003), Part One, para. 4.1; see also Elklit, Jorgen and Andrew Reynolds, "The Impact of Election Administration on the Legitimacy of Emerging Democracies,"*Commonwealth and Comparative Politics*, 40(2), 2002, p. 86-119
[21] SeeElectoral Commission of New Zealand, *Everything You Need to Know About Voting Under MMP*, Wellington: GP Publications, 1996.

called Electoral Institute both at federal and state levels in Mexico is responsible to conduct elections, there is a special judicial tribunal established solely to adjudicate electoral disputes.[22] Many other countries also employ the usual principle of separation of powers and division of mandates where election related crimes are investigated and prosecuted through regular law enforcement agencies.

Oversight and Enforcement: This guiding principle is very much related to the principle of institutional safeguards. There shall be internal and external mechanisms that ensure sustainable oversight of the electoral process. While such mechanisms are basically provided in the legal framework, they can help to detect problems that may affect the electoral integrity. According to ACE Encyclopaedia (2013), oversight and enforcement framework for electoral process is 'a deterrent to those contemplating illegal or unethical behavior… is an important priority in rooting out corruption from the election process'. This brings a sense of trust in the electoral system. In Annan's view, the stakes in elections are high; and parties may resort to unethical and illegal means. Strong and effective oversight and enforcement mechanisms can easily prevent and discourage such behavior in electoral processes.

Transparency and Accountability: Transparency is 'a situation in which activities are done in the open without secrets or hidden from the public, so that people can trust that they are fair and honest'. Accountability is 'a situation in which someone is responsible for things that happen and can give a satisfactory reason for doing them'.[23] Transparency and accountability as one important guiding principle of electoral integrity reinforces the oversight and enforcement mechanism in election systems. Their effective practice protects electoral integrity. It has been argued that 'transparency makes institutional structures and the actions/decisions they take widely accessible and better understood.'[24] It is important to note that 'ensuring transparent and accountable administration' including electoral administration is among the serious obligations of African states.[25] Transparency requires regular consultations among all actors and participants in electoral process, which in turn build greater confidence in the systems by helping citizens understand the processes and reasons for taking measures. Thus greater transparency increases credibility of the process and legitimacy of the results.

Accountability is another important aspect of this principle of electoral integrity. The key rational behind having elections and allowing citizens to choose their leaders is so citizens could hold officials they elect accountable. Yet, 'electoral accountability … depends on transparency (as) the ability of election participants to acquire full information about electoral processes and decisions that were made' are the key attributes to ensure accountability.[26] Generally, there are

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[22] Schedler, Andreas, *Distrust Breeds Bureaucracy: The Formal Regulation of Electoral Governance in Mexico*, Mexico City: FLACSO, 1999

[23] Cambridge Dictionary. https://dictionary.cambridge.org/dictionary/english/transparency ; and https://dictionary.cambridge.org/dictionary/english/accountability?q=Accountability

[24] See ACE Encyclopaedia: ElectoralIntegrity, p.15

[25] See Article 12(1) of the African Charter on democracy election and governance, 2007

[26] See ACE Encyclopaedia: Electoral Integrity, p.28

high political and personal stakes in any electoral process, which may lead to many problems related to electoral integrity. Participants may incline to commit unethical behavior designed to taint election processes and/or end results. Thus, there is need for clearly defined set of standards and concepts relevant to management and maintenance of electoral integrity based on principles and values inherent in free and fair elections.

III.   Legal and Institutional Framework of Electoral Integrity

It is important to note from the outset that electoral systems operate on the basis of a country's legal and institutional framework. According to Article 25(b) of ICCPR, laws and institutions are key tools through which "*genuine periodic elections ... guaranteeing the free expression of the will of the electorate*" are ensured. Electoral integrity requires sound legal and institutional framework that provides impartial and professional electoral administration, apart from defining clearly, fairly and equally the rights, mandates and responsibilities of all participants in electoral processes. This part of the chapter focuses on the analysis and discussions of the critical roles that legal and institutional framework play in the promotion and protection of electoral integrity. Indeed, it clearly provides the normative dimension of electoral integrity.

3.1 Legal Framework

In any system intended to regulate socio-economic and political affairs, legal framework is critically important foundation. Elections are indispensable and critically important political processes to establish legitimate governments. Legal framework for electoral integrity has two important aspects: (a) specific laws that provide sufficient framework for effective and credible electoral management, (b) legislative framework designed for effective protection and enforcement of the rights of all participants. Legal framework for electoral integrity must ensure equality, inclusivity and equity in the electoral process; and it should also come up with proper design through which specific institutional mechanisms can protect electoral integrity. There are two most important issues: One is the issue related to the design of the legal framework itself – should it be designed as one comprehensive code or scattered in different legislations; should it be provided at high normative level or in hierarchically lower level laws and regulations. According to OSCE, "clear and detailed legislative framework for conducting elections must be established through statutory law, either in a comprehensive code or through a set of laws that operate together consistently and without ambiguities or omissions."[27] Thus, for OSCE, it doesn't matter whether the framework is provided in one comprehensive code or scattered in different legislations. What matters is the existence of clear and detailed statutory laws that can operate consistently and in harmony with each other. Still some argue that "electoral law should be established at a high normative level so that it is insulated from regular amendments that could undermine the plans of electoral participants – and, especially, that electoral law should not be amended for a substantial period of time (such as one year) prior to an election."[28] The African Charter on Democracy indicates the importance of legislative framework and provides

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[27] OSCE/ODIHR, Existing Commitments for Democratic Elections in OSCE Participating States" (Warsaw, 2003), Part One, para. 2.5
[28] See European Commission for Democracy through Law (Venice Commission), Code of Good Practice in Electoral Matters, Opinion No. 190/2002 (May 2003), pp. 10 and 26.

for a constitutional base for choosing leaders (Article 3(1) where 'the principle of the supremacy of the constitution' is well entrenched in the political organization of the State. (Article 10(1))

But this doesn't mean that every aspect of the legal framework shall be provided at such high normative level. Constitutions provide only the basic framework that can never be neglected, leaving some more detailed rules to be dealt with at other hierarchies of every country's legal system. The other important issue of legal framework is related to what the framework needs to cover in terms of content. Many scholars have argued that the content of the legal framework for electoral integrity needs to be complete, internally coherent, clear and precise. This helps in its interpretation and implementation, which should be according to the letter and spirit of the rules in the framework. It is important to underscore that all the principles and concepts discussed in the second part of this chapter shall be effectively addressed in the legal framework. The socio-political and economic contexts of the concerned country should also be clearly addressed in the legal framework; this has significant impact on how the public sees the integrity of the electoral process and credibility of the final results.

There are so many important attributions for electoral integrity such as the fundamental rights of citizens; the legal, political and electoral systems; and the various high offices required to be assumed through election. The legal framework of a country should clearly define these important attributions of electoral integrity. Most of the time, the base and groundwork of all these are provided in the constitution of a country. For instance, the Constitution of Ethiopia, Kenya, Nigeria, and South Africa provide framework for multiparty system, periodic free and fair elections, and citizens' fundamental democratic rights.[29] As every detail legal framework for elections is not provided in the constitution, there shall be other laws and instruments such as primary legislation, regulations, orders, and codes. How international legal framework and instruments have been incorporated and enforced is another important aspect of electoral integrity. Therefore, this sub-section looks into some of these different laws in legal framework necessary for protection of electoral integrity.

First is constitutional law. The constitution in any country is the supreme law of the land, except very few countries such as The Netherlands that consider international law supreme than its constitution. In Ethiopia, for instance, Article 9 of the 1995 Constitution provides such supremacy to the constitution.[30] Strong electoral integrity requires a constitutionally entrenched principle of universal suffrage with formidable periodic elections '*specifying the basic eligibility criteria for major elective offices and for citizens to register to vote*'.[31] The constitution provides framework for government; determines the powers and duties of its three branches; defines the basics of the relationships between the state and the people; defines key fundamental freedoms; and establishes the basis for the political and electoral systems. Then the question is

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[29] See the 1995 Constitution of FDR of Ethiopia; the 2010 Constitution of the Republic of Kenya ...

[30] Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Federal Negarit Gazeta, 1st Year, No. 1

[31] See ACE Ecyclopeadia: ElectionIntegrity, p.32

how should these issues be addressed in the constitution? There should be considerations for the socio-economic and political situations of the country to properly govern. For instance, in introducing periodic elections, the constitution should identify the best interval between elections, taking into account the affordability based on the economic capacity of the country. In determining the overall system for electing officials, the constitution should determine whether citizens vote for parties or individual candidates. Apart from this, a constitution should provide the basis for issues related to election administration: should it be independent and impartial? or assign specific electoral functions to standing government bodies?; whether jurisdiction over electoral disputes be assigned to regular court or to special judicial body?[32] Countries have adopted different approaches in their constitution. Ethiopian constitution is silent over the jurisdiction of electoral disputes leaving this issue to parliamentary legislation; Kenya uses the country's Supreme Court as the ultimate arbitrator of electoral disputes; and the constitution of Mali provides Constitutional Court not only as ultimate arbitrator but also the body with sole mandate of declaration of electoral results.

Second is the primary legislation. The law-making organ of the government enacts primary legislations. These legislations are implemented and enforced by the Executive organ while the judiciary has the mandate to enforce and adjudicate. While there can be diverse inter-related laws that should effectively support electoral integrity, some are very specific to matters of election processes while others are general but still relevant to election, contributing much to integrity in elections. The overwhelming practice among majority of African countries is enacting a comprehensive national election code covering all aspects of elections. Some studies indicate that the adoption of a single comprehensive code is useful in minimizing risk of conflicts.

There are also some countries that put in place a set of statutes. While this approach is criticized for risking conflicts in law, resulting from various amendments in different pieces of legislation, it is still the approach most commonly followed. Sometimes this may even be exacerbated by the legislative competences given to different levels of government, especially in federal system. For instance, in Ethiopia, there is a general parliamentary legislation on election, another one on political parties, and there are still some laws issued at state levels.

Content wise, election specific rules provided in a comprehensive code include: "Appointment, composition and mandates of the electoral management bodies; the calendar for elections; voter eligibility and registration; candidate and political party registration; procedures for voting and vote counting; oversight and enforcement mechanisms; and penalties for violations of the law."[33] In addition, it also provides procedures for dealing with electoral disputes. This is apart from the role to be normally played by the general criminal, administrative or criminal legislations or codes. Fraud, corruption, intimidation or violence in electoral processes, which are important issues of electoral integrity are covered by the general criminal law of a country. In some countries, general criminal law contains specific provisions related to electoral fraud and corruption, including provisions regulating campaign financing, barring efforts to bribe voters, or interfering with individuals' human and civil rights, including the right to vote.[34]

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[32] Ibid
[33] See ACE Encyclopaedia, p.33
[34] See the provision of the Criminal Code of Ethiopia.

This clearly indicates that even laws that have no direct link to electoral processes may have ties to electoral integrity. Electoral integrity requires clear compatibility of even these general laws to the standards of electoral process. According to Ricoy Saldana, the Mexican electoral laws reform in 1990s had recognized the importance of establishing special prosecutor's office having the responsibility to implement the penal code of Mexico to criminal acts related to elections.[35] Regarding civil matters, there are countries that provide further legislative measures, apart from the constitutionally guaranteed civil and political rights, found helpful for the effective implementation of election related rights of citizens. Apart from the series of civil rights acts issued by Congress in the United States, Jack Plano and Milton Greenburg, have indicated how Congress' Voting Act improved the trust that the public has in the US electoral process. This Act banned various procedures employed by States to prevent electors belonging to minority groups from exercising their right to vote, or otherwise infringed on their equality of voting.[36] It is also important to note the mandates given to the US Department of Justice to review changes in electoral systems enacted by states, which had a history of discrimination in voting.[37]

The third is regulation and directives. In addition, constitutions and primary legislations, regulations issued by executive bodies are also important for electoral integrity. Laws issued by such bodies can be regulations, directives or orders depending on the legal system and related set up of the hierarchies in laws. Regulations and directives are sets of norms, procedures and rules that governmental institutions adopt in accordance with the law to implement the responsibilities delegated to them under the primary legislation enacted by the legislative organ. If agency rules and procedures affect the rights of persons they must be based on a specific legislative mandate.

Electoral management bodies are commonly authorized by countries' constitutions and/or electoral laws to issue regulations. For instance, the election laws of Ethiopia mandate the National Electoral Board of Ethiopia to issue regulations and directives (see Election Proclamation). Regulations and directives issued by specific executive offices are desirable because they allow such implementing agencies to implement, interpret, clarify and fill in the gaps in the primary legislation. In some countries, however, electoral commissions are essentially non-executives that carry out election operations, but do not regulate election-related conduct of election participants. According to the 2010 OSC report, regulating conducts of election participants is left to standing laws and their implementation by line or special agencies.[38] According to Finn, the Croatian law establishes the country's EMB as non-executive body, except its enhanced powers extend over voters list. The laws in Kenya, Ethiopia, and Nigeria have granted more executive powers to EMBs. In the case of Ethiopia, there are more than 16 different regulations and directives issued by its EMB dealing with diverse matters related to electoral processes, including voters registration, candidates registration, election observation, voters education, code of

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[35] Saldana, Agustin Ricoy, "Electoral Offenses (Mexico)," paper presented to the Third Annual Trilateral Conference on Electoral Systems, Washington, D.C., May 8-10, 1996, proceedings published by International Foundation for Election Systems, p. 10

[36] Plano, Jack and Milton Greenburg, *The American Political Dictionary*, 8th ed, (New York: Holt, Rinehart and Winston, 1989, p. 108

[37] See ACE Encyclopeadia, p. 34

[38] See OSCE/ODIHR, Final Report on Austrian Presidential Election, 2010

conduct for election officials, and resolution of electoral disputes.

Codes of conduct are entrenched in legislation or regulations. A code of conduct can be a stand-alone document or part of broader legislation. For example, in the US State of Wyoming, the *Ethics and Disclosure Act* is part of legislation on public service, and Wyoming public officials and election officers are required to comply with it. In *South Africa*, the codes of conduct for election officers are regulation designed specifically for them. In Ethiopia, the Codes of Conduct for Political Parties are enacted by Parliament in the form of primary law while the codes of conduct for election officials, observers and media are basically regulations and directives enacted the EMB. Unlike Ethiopia, it is the Election Commission that issues codes of conduct for political parties and candidates in India. However, for the Commission to do so, there must be a consensus reached among political parties on the Code, which sets out broad guidelines on how political parties and candidates should conduct themselves during campaigns.[39]

3.2 Institutional Framework

Election process is a very complex matter where very diverse institutions are mandated and have roles and responsibilities. EMBs are the most important ones; relevant executive offices and agencies also have lion-share roles; political parties are another key role players; the media, CSOs and observers cannot be simply ignored. Institutions involved in resolution of electoral disputes, including the judiciary are also crucial. Analysis of the institutional framework required for promotion and protection of electoral integrity must be done with this understanding. As we have already seen in the previous section, electoral legal framework also provides for the establishment of institutions and their structures designed for effective implementation of the laws. Electoral integrity depends on institutional structure, as much as sound legal framework. But institutional structure is only as good as its implementation. According to IDEA, the following are the main institutional players in election processes:[40]

    a) Electoral Management Bodies (EMBs), responsible for election policy and administration;

    b) Oversight agencies, responsible for supervising, reviewing complaints and addressing problems related to transparency;

    c) Political parties and candidates;

    d) Interest groups – interested in election outcomes and attempting to influence it;

    e) Independent electoral observers;

    f) Media and the press; and

    g) Supervisory and enforcement agencies.

The main purpose of this sub-section is dealing with how best the above institutional players should be structured within the framework designed for electoral integrity. So, in the view of the author, organizing these players in a more simplified manner promotes easy understanding of the roles they play for better electoral integrity. This can also enhance easy understanding of the effect that the overall institutional framework can have on electoral integrity. Here, it is important to start with institutions having key roles in electoral policy-making. While the

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[39] Election Commission of India, *The Electoral System of India* (New Delhi, n.d.)
[40] ACE Ecyclopaedia, p. 37

manner in which electoral and oversight policies are designed varies significantly from country to country, the role of the legislature in any system in adopting policies and related electoral laws is very crucial. In some countries, their EMBs play major roles in pre-adoption of these policies and laws by the legislature. For instance, the Electoral Commission of Solomon Islands is constitutionally mandated to vet proposed election laws before their submission to the legislature.[41] Such kind of role is highly regarded as enhancing the ability of EMBs to ensure electoral integrity. This is the beginning of everything of electoral integrity. In any system, but depending on the specific context of each country, there are certain critically important issues that these higher electoral policymakers need to address in national electoral policy and law making considered as critically important for the integrity and credibility of the system and processes. These are:[42]

> Can the elections be competitive and free? Are the dates set by the electoral calendar reasonable? Do the legal and institutional frameworks guarantee equal treatment and equal opportunity? Are electors able to register and vote freely without unnecessary problems? Are all the votes that have been cast counted correctly and reflected in the official results? Are political parties able to register and participate in elections? Are they free to campaign and get their message out? Do all parties and candidates have equitable access to the media? Can candidates and parties communicate their messages to voters without interference? Are electoral districts delineated fairly? Is the formula for distributing public resources (e.g. free broadcasting time or public funding for campaigns) fair and implemented in good faith?

Apart from the top legislative organ, other institutional players in electoral processes can be systematically put into six categories: election management bodies (EMBs), political parties, civil society organizations (CSOs), independent observers, the media, and relevant enforcement agencies. It is important to look into the detailed roles these institutions play in promoting and protecting electoral integrity.

3.2.1 Election Management Bodies (EMBs)

EMBs refer to the institution established for the administration of election matters. The electoral authorities are responsible for implementing the election process as prescribed by law. They must fulfil this responsibility impartially and objectively, without political bias or interference. Electoral administration should ideally be established, legally and institutionally, on an autonomous basis that permits the independence of operation. According to OSCE, "administrations of elections must be conducted autonomously, free from government or other interference, by officials or bodies operating transparently under the law. Appointees to the election administration shall be required to carry out their responsibilities in an effective and impartial manner and should be individuals with the competence and commitment to do so."[43] The legally binding instrument of the African Union Charter on Democracy, also clearly obliges African States to have election administration with constitutionally guaranteed independence and

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[41] See Article 58 of the Constitution of Solomon Islands
[42] ACE Ecyclopaedia, p. 38
[43] See OSCE/ODIHR, „Existing Committments for Democratic Elections in OSCE Participating States" (Warsaw 2003), par tone, para 4.1

autonomy.[44] This autonomy is important for the institution to effectively discharge its responsibility of 'regularly holding transparent, free and fair elections'.

The most important question that one needs to answer or address is: what kind of electoral administration system should a country have for better credibility and integrity of elections. In our contemporary world, countries have adopted different approaches of electoral administration in their electoral systems. Experiences and practices in most countries show that there are generally three different approaches in the nature, structure and formation of EMBs: governmental type; independent & impartial type; and political balance type. Governmental type is preferred where there is broad citizens' trust in the competence and professionalism of the regular government agencies and their officials. This means all participants in the election processes have no problem of trusting the agency and their officials in conducting free, fair and genuine elections. For instance, central electoral administration functions are discharged directly by government officials at the national and lower levels in France, Norway, Sweden, the UK, Czech Republic and Hungary.

The question, however, is: how should issues of election administration be structured and institutionalized in a situation where there is less trust in regular government agencies and their officials or where there is history of irregularities in electoral process conducted by governmental type of EMBs. The experience so far in most countries is the establishment of independent and impartial electoral commission. This clearly takes election administration away from the regular executive organ, which is normally led by the ruling political power. Most countries in emerging democracies have chosen this type for their election administration. In this regard, IDEA has put in a very comprehensive manner, the choice of countries in Eastern Europe and some other regions as follows:[45]

> Several *Eastern European* countries set up independent commissions in 1989-90, during their transition to democracy. A large number of *Commonwealth*-member States have also established commissions after independence, since there was reduced confidence in the ability of the emerging governments to conduct a fair and proper electoral process. An independent electoral commission can help build a sense of trust in elections and confidence in their impartiality, but such commissions vary with respect to the actual extent of their executive powers and range of operational responsibilities.

While this type is obviously much more desirable in having professional, impartial and accountable election administration, it is still not perfect, as nothing can totally eliminate the interference and influence of politicians. Some countries, instead of depending on such nonpartisan and independent commissions, choose to adopt the political balance approach whereby representatives of different political parties are given roles in the administration of elections. This was the case for instance, in Ethiopia during the post-1991 transitional period whereby the election commission was composed of representatives of political parties that were part of the transitional government. This has come again in the current reform process in Ethiopia

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[44] See Article 15(2) oft he Charter. This is critically important for the obligations imposed by the Charter under Article 17.

[45] ACE Encyclopaedia, p. 26

where there has been a proposal to change the way the Ethiopian EMB is structured and function from being independent and impartial board composed of nine members to a commission composed of 15 members who will be representatives of political parties. The OSCE instrument adopted in 2003 has provided that "impartiality of the election administration can be achieved through either a mainly professional or politically balanced composition".[46] This indicates the possibility of even having a combined approach as indicated in systems of many election administrations. There are countries that establish an independent professional commission but also include representatives of political parties in its composition. According to IDEA, there are several countries such as those emerged from the former Yugoslavia that form professional election commission whose professional members are appointed permanently as 'core member' 'while the political party representatives (the "expanded" membership) are brought on-board once an electoral process commences.'[47] There are also diverse approaches in the experiences of countries regarding who appoints, for how long, and what limitation are placed on members of the EMB. In India for instance, the President of the republic is mandated to appoint members of the Commission and the Chief Electoral Commissioner for six-year term; and the head of the Commission can only be removed if impeached by Parliament.[48] This is basically to insulate members of independent electoral commission from politics. According to IDEA, these are expressed in diverse manners, including:[49]

> In *Canada*, the Chief Electoral Officer and the Deputy Chief Electoral Officer are not even allowed to vote in federal elections. Electoral administrators may also be required to give up political party positions while serving in an electoral management body. In the *United States*, on the other hand, some states have election commissions but many assign electoral management to officials (such as the lieutenant governor or secretary of state) who are elected officials and therefore linked to politics.

To fulfil its primary role of holding credible elections, an EMB generally carries out the following tasks: (ACE, p. 39) Administer the electoral process in full accordance with the law; maintain a professional, neutral and transparent administration; adopt procedures to safeguard the integrity of its operations; identify and assess integrity risks, and take preventive or corrective action; promote voter awareness of electoral integrity. These different approaches must ultimately ensure neutral and equitable administration. Neutral administration treats all political parties and candidates equally, without discrimination or partiality. If the composition or actions of electoral administration is viewed as unbalanced, public trust in the system will be eroded. (ACE, p.25)

One important aspect of the management of election process with key role for electoral integrity is electoral oversight tasks. As active oversight of electoral process is an important means

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[46] See OSCE/ODIHR, „Existing Committments for Democratic Elections in OSCE Participating States" (Warsaw 2003), par tone, para 4.2

[47] See ACE Encyclopaedia, p. 26

[48] See the ConstitutionofIndia

[49] See ACE Encyclopaedia, p. 26

of safeguarding integrity, there should be a body mandated to oversee and supervise the electoral process. There are diverse approaches to the issues of where this body should be placed in the electoral system. The Federal Commissioner of Election in Canada, the Federal Election Tribunal of Mexico, and the Election Court in New Zealand are some best examples of bodies responsible for oversight of electoral process. In other countries such as Ethiopia and Kenya, this mandate is given to the EMB itself.[50] Whether constituted as separate body or formed within the EMB, this body, in overseeing, supervising, and investigating complaints, must have 'freedom to decide what must be reviewed, access to information needed for reviews, ability to publish their findings and recommendations without censorship or political interference, and no personal or institutional interest in the outcome of oversight'.[51]

3.2.2 Political Parties

Political parties are at the core of any election process because they are competing for public offices by getting the will of the people through elections. As stated earlier, an electoral process involves complex issues where there are winners and losers among competing political parties in every election. There are normally high stakes and a great deal of temptation among competing political parties to ensure victory even through unlawful, inappropriate, and/or unethical ways. Political parties publicize and promote their programs and propose candidates to compete in elections. Political parties play major roles in ensuring electoral integrity. According to some scholars, these roles of political parties may include:

> Parties may provide balance in safeguarding election integrity by working to ensure that other parties or candidates do not abuse the process, manipulate election results or seek or receive preferential treatment. The vigilance of political parties plays an important role in maintaining an honest electoral process. (ACE, Page 43)

It is normal practice that parties and candidates have the right to officially observe the electoral processes. This is helpful for parties to protect their particular political interests. They play major roles in determining the structure and composition of EMBs, candidate and voter registrations, issues related to election campaign management, voting and counting processes, announcement of results, and procedures determining complaints. Within the institutional framework designed for electoral process, these roles of the parties can either positive or negative effects on integrity of elections. Depending on the capacity and support base, parties may be able to identify cheating, discrimination or other deviations from the regulations, which are helpful for credible and healthy election process. On the other hand, because political parties have high stakes in the outcome of elections, their activities may give rise to integrity problems. In the words of Bjornlund:[52]

> Political parties/candidates may attempt to bypass the system or use unethical methods to win an election or challenge the election results. Especially in countries in transition

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[50] See for instance, the 2007 Election Law of Ethiopia.

[51] See ACE Encyclopaedia, p. 41

[52] Eric, C. Bjornlund, Beyond Free and Fair: Monitoring Elections and Building Democracy, Washington D.C.: Woodrow Wilson Center Press, 2004. See also ACE, p.44

to democracy, a dominant party may monopolize the media and receive preferential media treatment; or a ruling party may misuse government resources for campaign purposes. In response, smaller parties might boycott the process, claiming it was not fair or transparent.

Country specific contexts have major role in determining proper approach and institutional framework. In advanced democracies, key ethical problems among political parties are primarily related to campaign financing while in emerging democracies, election-related violence and rejection of final results are challenges of political parties.

3.2.3 Civil Society Organizations

While there is no consensus on the concept of CSOs, there are some working definitions used in various studies. According to OECD DAC, "[CSOs] can be defined to include all non-market and non-state organizations outside of the family in which people organize themselves to pursue shared interests in the public domain. Examples include community-based organizations and village associations, environmental groups, women's rights groups, farmers' associations, faith-based organizations, labour unions, co-operatives, professional associations, chambers of commerce, independent research institutes and the not-for-profit media."[53] The United Nations Guiding Principles for Reporting Framework also see it as:[54]

> Non-State, not-for-profit, voluntary entities formed by people in the social sphere that are separate from the State and the market. CSOs represent a wide range of interests and ties. They can include community-based organizations as well as non-governmental organizations (NGOs). In the context of the UN Guiding Principles Reporting Framework, CSOs do not include business or for-profit associations.

Therefore, conceptually, Civil Society Organizations include those institutions 'that work to advance the public interest, in an ethical manner, and not be organized as profit making enterprises'.[55] In electoral processes, they participate as independent electoral observers; they closely monitor and publicly report on matters related to campaign financing; they undertake voter education programs and help in distribution of election information; and more importantly, they may advocate for better electoral policies and laws for individual rights and other related matters. Such mandates can be provided explicitly in the establishing instrument of the organization or it may be an implied mandate in its works and practices. In some countries such as Ethiopia, the law regulating CSOs has made a requirement for having such roles to be first explicitly provided in its establishing instrument.[56] Generally, the participation of CSOs in electoral process can significantly enhance the credibility and integrity of elections.

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[53] OECD DAC, Report oft he 2007-2008 Advisory Group on CSO and Aid Effectiveness. See also UNDP, Working with Civil Society in Foreign Aid: possibilities for South-South Cooperation?, UNDP-CH 03 at http://www.cn.undp.org/content/dam/china/docs/Publications/UNDP-CH03%20Annexes.pdf

[54] See UN Guiding Principles Reporting Framework, https://www.ungpreporting.org/glossary/civil-society-organizations-csos/

[55] See ACE, p.47

[56] See the Ethiopian CSOs law, which is currently under reveiw.

3.2.4 Independent Observers

According to IDEA, election observation means: "The purposeful gathering of information regarding an electoral process, and the making of informed judgments on the conduct of such a process on the basis of information collected, by persons who are not inherently authorized to intervene in the process, and whose involvement in mediation or technical assistance activities should not be such as to jeopardize their main observation responsibilities".[57]Independent observers play key roles in election process and have increasingly been recognized as indispensable tool for the promotion and protection of electoral integrity. This is particularly the case in emerging democracies and countries in post-conflict transition. They are supposed to monitor the electoral process and provide objective reporting with the aim of ensuring free, fair and equitable elections. Therefore, observation involves closely monitoring the election process, gather all relevant information and make concrete assessment and evaluation. According to IDEA, addressing the issues of independent observers in institutional framework has multiple advantages for a healthy electoral process in maintaining election integrity. First, it has significant contribution in legitimizing the election process. Second, it builds confidence in the electoral system and process; third, it improves the prospects for electoral democracy; fourth it enhances the performance in electoral processes; and it contributes to the reduction of election related violence.[58] Independent election observers can be national/domestic or international.

3.2.5   The Media

The media is the major source of information for the public. For election systems and processes, media has a very unique contribution. It is important to note that the free flow of information is essential to a free and fair election. They may uncover election-related fraud or corruption that candidates and/or political parties may be involved in. Media also contribute to accountability of all actors in electoral processes for their actions by reporting irregularities and mischiefs; and by doing so, deter unethical or illegal conduct of officials and election participants. Thus, there is no doubt that media have indispensable roles to ensure greater transparency in the election process, and thereby significantly contributing to the safeguard of electoral integrity.

However, media have the responsibility to provide fair and balanced reporting in the electoral processes. According to ACE, "Voters often mostly learn about the electoral process from news coverage of elections, perhaps even more than from political advertising or official programming. Given the power of the media to reach voters and citizens' faith in what they read in the newspapers, hear on radio or see on television, the media have a special responsibility to the public" (see ACE, p.50). We have seen elections in many African countries and how incorrect or biased reporting transmits false impressions, give the public wrong perception on a particular candidate or the entire process, and thereby undermine the credibility of an election. This was the case, for instance, in the 2007 Kenyan election that led to bloody post-election violence.[59] Such actions are inconsistent with the media's primary responsibility to keep the public informed in an objective

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[57] IDEA (1997), ‚Code of Conduct for Ethical and Professional Observation of Elections, p. 10. Can be found at: https://aceproject.org/main/samples/em/emx_o012.pdf

[58] Ibid

[59] BBC World Service Trust, ‚The Kenyan 2007 elections and their aftermath: the role of media and communication', Policy Briefing No. 1, 2008, p. 2, Available at: http://downloads.bbc.co.uk/worldservice/trust/pdf/kenya_policy_briefing_08.pdf

manner. The media must offer fair and balanced reporting, and ensure that everyone is treated equally. If they do not, the media may pose a serious threat to electoral integrity. It is for this reason that media practices should be regulated through institutional framework based on law. For instance, there are legal restrictions imposed on the publication of election related opinion polls in Ethiopia, France, Italy, South Africa and Canada. In Austria, the Federal Communication Committee is mandated to oversee and enforce media's obligation to provide fair, accurate and balanced reporting, including during an electoral period.[60]

3.2.6 Enforcement Agencies

There are diverse enforcement government agencies formed to enforce laws including electoral legislation. These include EMBs with enforcement power, agencies with investigative power, security forces, public prosecutors, and courts. EMBs have major enforcement roles of electoral laws. For instance, the Federal Electoral Institute and the Federal Electoral Tribunal are mandated to oversee the enforcement of election legislation, consider challenges and apply sanctions in cases of administrative errors. In South Africa, the Chief Electoral Officer may institute civil proceedings before a court, including the Electoral Court, to enforce provisions of electoral law. Moreover, most countries have institutions and procedures for investigating allegations of violation of electoral rules and codes. Administrative and prosecutorial agencies use investigatory reports, evidence and findings to determine whether to initiate administrative, civil or criminal proceedings against a person or group. This task may be entrusted to a law enforcement agency or a specialized election investigative body. In Canada, for example, it is the responsibility of the Commissioner of Canada Elections, while in New Zealand it is the responsibility of the police.[61] Security forces, particularly police and prosecution, are responsible for election security.

When electoral laws are violated, it triggers not only administrative measures, but in some circumstances, is considered criminal offence punishable by law. As a result, there should be prosecution for criminalized electoral wrongdoing as an essential part of enforcement. It gives a clear message to those committed to manipulate or sabotage the electoral process that the system will find and prosecute you for such offences thereby maintaining the electoral integrity. In most countries, the prosecutor is a government employee or elected official who has the mandate and power in determining which cases to prosecute and punish. Sound and professional use of his/her prosecutorial power can win integrity for his/her office while the abuse of the same definitely calls into question such integrity in the enforcement process. The Judiciary has critically important role in enforcing laws based on impartial legal standards rather than political considerations. This inherent nature of the judicial organ clearly shows the indispensable role it plays in ensuring electoral integrity. Yet, there is no doubt that the judiciary's role "in safeguarding electoral integrity varies according to each country's electoral system and degree of trust in the justice system."[62] Whenever there is little or no trust in the EMB, countries may resort to the judiciary to make the electoral process more reliable. The role given to the judiciary in election disputes in Ethiopia, Kenya and South Africa serve as examples. In

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[60] See OSCE/ODIHR, Final EAM Report on the Austrian Presidential Election, 2010
[61] ACE, Encyclopaedia, p. 53
[62] Ibid (ACE Encylopaedia, p.54)

Mexico, where the regular justice system has wide trust deficit, a specialized court, particularly mandated for electoral matters, is established to play an active role in adjudicating electoral disputes that might otherwise be settled by an electoral management body. In some other countries such as Mali and Cameroon, the constitutional courts have been given an oversight role and have sole decision-making power in pronouncing the final results of elections.[63]

IV.   Context of Electoral Integrity in Emerging Democracies: Focus on Africa

4.1 Context

In the contemporary world order, elections are increasingly becoming most sensitive and controversial in any democracy. The violence and tensions in emerging democracies and countries in post-conflict transition elections are the worse. The desire for genuinely and credibly elected government rings loud all over the world. In 2011, the UN General Assembly reaffirmed that, "democracy is a universal value based on the freely expressed will of the people" and that, "while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region."[64] Measures to promote and maintain electoral integrity should be contextualized to local situations of each country, particularly social, political and economic contexts. The fact that the US Supreme Court held in its recent ruling that 'partisan gerrymandering' (the practice of drawing voting districts to favor the party in power is a 'political question', which is not meant for judicial adjudication, a clear and unique context of the US system.[65] The contexts of a country relevant to issues of electoral integrity are basically related to the system of government of that country, the political culture of the society, and popular attitudes. These factors in any country affect the nature and scope of issues relevant for electoral integrity. What may be a serious problem requiring protective measures in one country might be insignificant in another and vice versa.

Therefore, system of government, political culture and popular attitude are the major socio-political and economic contexts that need to be taken into account in evaluating electoral integrity. Every country has its own system of government where the governance approach adopted is shaped by its socio-political, economic and cultural history. In advanced democracies, the situation is generally conducive for genuine election because of their well-entrenched rule of law, transparent procedures, and strong accountability of public officials. In such circumstances violations of electoral rules, regulations and procedures can easily be identified and prosecuted. In emerging democracies and countries in post-conflict contexts, however, promoting and maintaining electoral integrity are their biggest challenges. According to IDEA:[66]

> The election management body and the political system have to demonstrate their

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[63] See the Constitutions of Cameroon and Mali

[64] See the Preamble of UN General Assembly resolution 66/163 of 19 December 2011, paragraphs 1 and 2.

[65] Supreme Court of the United States, Gilletal. *v.* Whitfordet al. Appeal from the United States District Court for the Western District of Wisconsin, No. 16–1161. Argued October 3, 2017—Decided June 18, 2018; see also *Vieth et al v. Jubelirer, President oft he Pennsylvania Senate, et al,* Appeal from US District Court for the Middle District of Pennsylvania, April 28, 2004

[66] ACE Encyclopeadia, p.17

institutional and administrative capacity and credibility. Ensuring election policy and administration are neutral, professional and transparent can be difficult and require additional measures. In the absence of credible legal and judicial systems, the election management body itself may have to rule on complaints about the conduct of election officials, parties, candidates and others.

Apart from system of government, socio-political culture in a country can also have serious impact on public perception regarding electoral system and related issues of ethical conduct, credibility, and integrity. Countries may adopt all required electoral standards, which conform to international standards. However, these electoral standards need to be applied and interpreted in the country's own context because of influences the political culture can have on how they operate on the ground. In most of the cases, countries with deeply divided social and political contexts face difficulty in finding ways to agree even on national electoral standards. It is for this reason that finding some kind of agreement on an electoral policy suitable for the local context should get priority in adopting the election system for the country. The importance of such consideration particularly in emerging democracies is that it really helps to build better general consensus on the rules of the game and attribution of electoral integrity. The political culture also has an impact on the nature and intensity of citizen participation.

Therefore, the contexts of emerging democracies and those countries in post-conflict transition need particular consideration. According to Krishna Kumar, these countries' contexts are compounded by security problems, lack of trust related to transition and, more importantly, lack of resources to finance the election process.[67] In the post cold war era, there were a number of countries experiencing relatively better democratic transitions through the 1990s. There were also waves of democratization in Africa that led to the introduction of democratic elections in Benin, Ghana, Mali, Mauritius and Senegal in 1990s that observers pronounced relatively free and fair. The wave receded somewhat in the 2000s, however, with problematic elections in Nigeria, Kenya and Cote d'Ivoire. This is also the period that the African regional and continental organizations had made a clear shift in policy on issues of democratic governance. With the 1994 Resolution of the African Commission on Human and Peoples' Rights that called upon member states to respect peoples' right to choose their government as enshrined in the African Charter on Human and Peoples' Rights,[68] the OAU also passed successive decisions that rejected military and dictatorial governments in the continent. This continental movement of democratization of African governance finally culminated in legally binding instruments such as the 2007 African Charter on Democracy, Election and Governance.[69]

Ensuring a transparent and honest electoral process in most African countries with post-conflict transitions is very complex and requires extra precaution to maintain electoral integrity. There are major driving factors for the complexity of African elections. First, as post-conflict society, there are dozens of reasons that can trigger violence among election participants and stakeholders that may be exacerbated by lack of experience of election officials. This requires technical support, but international assistance from donors with different agendas can create EMBs

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[67] Krishna Kumar (1998) Post Conflict Elections, Democritization, and International Assistance, Boulder, Colorado: Lynne Reinner Publishers, pp 6-10
[68] See Article ... African Charter on Human and Peoples' Rights
[69] See the 2007 African Charter on Democracy, Election and Governance

institutional conflicts and programmatic uncertainties. These indeed happened in several African countries such as Burundi, Central African Republic, and Sierra-Leone during their transition on the basis on peace agreements. Second, lack of trust is a major factor in countries where citizens have little confidence in government institutions or do not believe that political parties will follow the rules. The degree of mistrust must be taken into account in determining what administrative and institutional structures are required, and what additional safeguards are needed to protect the integrity of the process. Finally, resource is another determining factor for most countries in Africa. While there is credible risk in accepting donor election support, the campaign financing always creates several challenges.

4.2 Major Challenges

The discussion in the preceding section clearly shows that the very contexts of these countries in post-conflict transition, encompassing most African countries, clearly shows the challenges facing the credibility and integrity of election processes. But, this doesn't mean that elections in advanced democracies have no challenges of electoral integrity. The US Supreme Court rulings discussed in this chapter clearly show the nature of challenges facing advanced democracies.

According to the Global Commission on Elections, Democracy and Security, there are five major challenges for electoral integrity:[70] First, there are challenges related to building the rule of law and electoral justice. While most countries have adopted progressive and democratic constitutional frameworks, they still have considerable deficit in capacity and institutional structure to effectively implement the fundamental democratic rights of citizens. Second, there are problems related to having professional, competent and independent EMBs. Some are not properly structured; most have enormous capacity gaps while others lack impartiality to administer elections in free and fair manner. The third is connected to challenges related to having sound institutional framework. Greater resolve are needed to build the institutions, process and behavior that are vital for credible multiparty competition. This can bolster democracy as a mutual security for political contenders. Fourth, there are multiple and formidable roadblocks to universal and equal political participation of citizens in most African countries. Thus, all legal administrative, political, economic and social barriers need to be removed if sound democratic elections with credibility, integrity and trust in public are to be achieved. Different disenfranchised groups including women, youth, minorities, the poor and other marginalized groups usually do not get the opportunity to have their say and exercise their democratic rights. Finally, unregulated money and financing in the election process, whether it is private or public, immensely undermine democracy and legitimacy of election processes in Africa. It harms voters' faith in elections and confidence in democracy. There are rampant vote buying and bribery schemes in many elections in the context of Africa. This should be tackled effectively in the interest of building integrity in electoral processes.[71]

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[70] See the 2012 Report of the Commission on Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide, September 2012

[71] See for instance, the 2016indirectelection in Somalia, the ... presidential election in Burundi, and the 2018 parliamentary election in Gabon, and the October 2018 presidential election in Cameroon. VOA New has reported in November 2016 that"Some votes were bought with $5,000, some with $10,000, and some with $20,000 or $30,000. But not all seats are equal.

Generally, "integrity depends on public confidence in electoral and political processes. It is not enough to reform institutions; citizens need to be convinced that changes are real and deserve their confidence. Inclusiveness, transparency, and accountability are all fundamental to developing that confidence."[72] Kofi Annan, once said, "I see ensuring elections with integrity as one of the key challenges in today's world because, without legitimate elections, democracy itself is undermined".[73] This is particularly true in electoral democracies of most African countries that need to be tackled effectively if the good normative framework for election with integrity is to be effectively practiced.

V.   Conclusion and Way Forward

In today's Africa, almost every political leader claims to govern based on democratic principles enshrined in his/her country's constitution and international standards. Yet, it is quite obvious that most elections in Africa fall short of meeting the standards for credible, trustworthy elections with integrity. While some countries have made a steady progress, many are still struggling with sham democracies that deny citizens freedom to choose the way and by whom they want to be governed. Promoting, maintaining and protecting the integrity of elections is dependent on approaches adopted and the extent of safeguards required. There are some key principles and concepts that need to be taken into consideration in the normative framework (laws and institutions) for democratic elections. However, such frameworks that adequately cover all necessary safeguards for integrity need to be implemented; and such implementation should be weighed against the potential risks to integrity at each stage of the electoral process. As the detailed in this chapter, there are consequential risks if elections lack integrity: first, the election processes might not be viewed as credible and trustworthy by large parts of the population; second, the election results might be rejected by the losers and hence not legitimate in public eyes. One best example is the 2015 general election in Ethiopia where the turnout was considered very high by all standards, but the ruling party won almost all the seats in parliament.[74] This is a clear case of integrity deficit because violent street protests against the government erupted a few months after the government was formed, ultimately forcing the government to change its path of governance.

Therefore, countries in emerging democracies, particularly in Africa, should introduce immediate reform measures to improve the deficit in their democratic governance, if they are to improve the credibility and integrity of their elections.

Imagine having independent and impartial EMBs, suitable professional staff, sound safeguards for electoral materials, strengthened electoral processes bolstered with new technologies,

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Some are influential seats and have a lot of candidates competing for them,". https://www.voanews.com/a/somalia-elections-lack-credibility-auditor-general-says/3603878.html

[72] See ACE Encyclopedia, p. 9

[73] See Kofi Annan, ,*Democracy in Turbulant Times'* 10th Anniversary oft he Oslo Center, 26 May 2016.

[74]See Human Rights Watch,,Dispatches: Alarm Bells for Ethiopia's 100% Election Victory', 23rd June 2015. Availbale at: https://www.hrw.org/news/2015/06/23/dispatches-alarm-bells-ethiopias-100-election-victory

improved procedures to acquire and manage staff and equipment, and more importantly, efficient and effective mechanisms put in place to investigate and enforce the electoral laws. Such a clean electoral system along with it concomitant development outcomes is what Africa deserves in the 21st century.

References

ACE Encyclopaedia

African Union, *African Charter on Democracy, Election and Governance*, 2007

African Union, *African Charter on Human and Peoples' Rights*, 1981

Annette M. Fath-Lihic and Dawn Brancati, Elections and Peacebuilding, Kofi Annan Foundation, 2017

Beetham, David, "Freedom as the Foundation," *Journal of Democracy*, 15(4), 2004, p. 61-67

Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Federal Negarit Gazeta, 1st Year, No. 1

Electoral Commission of New Zealand, *Everything You Need to Know About Voting Under MMP*, Wellington: GP Publications, 1996.

Electoral Integrity Initiative, Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide, Report of the Global Commission on Election, Democracy and Security, 2012

Eric, C. Bjornlund, Beyond Free and Fair: Monitoring Elections and Building Democracy, Washington D.C.: Woodrow Wilson Center Press, 2004.

Elklit, Jorgen and Andrew Reynolds, "The Impact of Election Administration on the Legitimacy of Emerging Democracies," *Commonwealth and Comparative Politics*, 40(2), 2002

IDEA (1997), ,*Code ofConductforEthicaland Professional Observation ofElections*' Can befoundat: https://aceproject.org/main/samples/em/emx_o012.pdf

International Crisis Group (2017), Three Critical African Elections, Commentary 4 December 2017

Inter-Parliamentary Union, *Declaration on Criteria for Free and Fair Elections*, 1994 UN Secretary-General Report, *A/66/314 of 19 August 2011*, 'Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization', New York, August 2011

Kofi Annan, ,*Democracy in Turbulant Times'* 10th Anniversary oft he Oslo Center, 26 May 2016.

Krishna Kumar (1998) PostconflictElections, Democritization, and International Assistance, Boulder, Colorado: Lynne Reinner Publishers

Maarten Halff, Changing Term Limits: an electoral perspective, Policy Brief No 2 of Electoral Integrity Initiative

Maarten Halff, Confidence in Elections and the Acceptance of Results, Policy Brief No 1

Maria del Carmen Alanis Figueroa, Access to Justice and Electoral Integrity, Policy Brief No. 3, Kofi-Annan Foundation

OECD DAC, Report ofthe 2007-2008 Advisory Group on CSO and Aid Effectiveness, UNDP, Working withCivil Society in ForeignAid: possibilitiesfor South-South Cooperation?, UNDP-CH 03 athttp://www.cn.undp.org/content/dam/china/docs/Publications/UNDP-CH03%20Annexes.pdf

OSCE/ODIHR, „Existing Committments for Democratic Elections in OSCE Participating States" (Warsaw 2003)

OSCE/ODIHR, Final EAM Report on the Austrian Presidential Election, 2010

OSCE/ODIHR, Final Report on Austrian Presidential Election, 2010 European Commission for Democracy through Law (Venice Commission), Code of Good Practice in Electoral Matters, Opinion No. 190/2002 (May 2003),

Plano, Jack and Milton Greenburg, *The American Political Dictionary*, 8th ed, (New York: Holt, Rinehart and Winston, 1989.

The Republic of Kenya, Constitution of Republic of Kenya, 2010

Saldana, Agustin Ricoy, "Electoral Offenses (Mexico)," paper presented to the Third Annual Trilateral Conference on Electoral Systems, Washington, D.C., May 8-10, 1996, proceedings published by International Foundation for Election Systems.

Schedler, Andreas, *Distrust Breeds Bureaucracy: The Formal Regulation of Electoral Governance in Mexico*, Mexico City: FLACSO, 1999

Elklit, Jorgen and PalleSvensson, "What Makes Elections Free and Fair?" *Journal of Democracy*, 8(3), 1997

Supreme Court of the United States, *Gill et al. v. Whitford et al*. Appeal from the United States District Court for the Western District of Wisconsin, No. 16–1161. Argued October 3, 2017—Decided June 18, 2018;

Supreme Court of the United States, *Vieth et al v. Jubelirer, President oft he Pennsylvania Senate, et al,* Appeal from US District Court fortheMiddleDistrictof Pennsylvania, April 28, 2004

The United Nations, General Assembly *Resolution 66/163* of 19 December 2011

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"In any state, the authority of the government and elected representatives can only derive from the will of the people as expressed in genuine, free, fair and transparent elections held at regular intervals on the basis of universal, equal, and secret suffrage."

UN General Assembly Declaration

"Because men are not angels, the chapter insists that all precautions and regulations be in place to guarantee all eligible citizens their constitutional and human rights as well as their fundamental freedoms."

Worku Negash Motbainor

"As defenders of public interests, journalists with high professional standards offer reliable information; distinguish facts from opinions; produce clear, timely, verifiable, substantiated, accurate and complete information; use news worthiness as basic principle ruling editorial policies; avoid prejudice, bias, discrimination, and sensationalism; refrain from using any hate speech; respect privacy; protect confidential sources of information; defend the rights of the individual; refuse to receive bribes; and defend their independence from the pressures of advertisers and political peddlers."

Worku Negash Motbainor

Participation: Beyond Mere Citizen Involvement

Worku Negash Motbainor

I. Introduction

As an anchoring theme, this chapter presents the importance of broad participation in any democratic society, advanced or emerging. It expounds on the critical features of universal, equal, genuine, free, fair and transparent elections held periodically on the basis of secret ballots. Only through such participation of citizens can a government and elected representatives derive their legitimacy and authority.

Popular participation means that all adult citizens are encouraged and enabled to take part in the election processes and vote in a regular, genuine, free, fair and transparent elections, including women, minority groups and vulnerable members of the country.

With much focus on the African continent as the primary audience, this work aims to enlighten and encourage citizens, governments, and political leaders to choose engagement and dialog in political matters. Encouraging African political discourse on governance and electoral issues is the intended target.

The chapter emphasizes internationally accepted best democratic electoral practices and aims to realize, throughout the continent, in the shortest possible time, UN and AU longstanding declarations that in summary stipulate:

> *"In any state, the authority of the government and elected representatives can only derive from the will of the people as expressed in genuine, free, fair and transparent elections held at regular intervals on the basis of universal, equal, and secret suffrage."*

Beyond mere involvement of citizens, the chapter explores most critical and integral aspects of democratic elections including: right to vote for all adult citizens, credible voter registration process; free and fair election process, role of independent media as a public sentinel; access to civic education and timely voter information; adherence to international electoral standards; roles and obligations of incumbent governing parties, opposition parties and individual citizens; political space; role of Electoral Management Bodies; and importance of accountability and transparency. To enrich and complete the conversation, related topics such as Agenda 2063, National Human Rights Action Plan, African Peer Review Mechanism, Sustainable Development Goals and Mo Ibrahim Foundation are discussed.

In electoral governance, once all fundamental rights and responsibilities have been honored, participants and political parties are expected and duty bound to accept and abide by the results.

Because men are not angels, the chapter insists that all precautions and regulations be in place to guarantee all eligible citizens their constitutional and human rights as well as their fundamental freedoms.

The chapter boldly espouses the proposition that human existence, "*raison d'etre*", is not to be ruled by others, except through civilized consent expressed via direct and informed participation in regular electoral processes.

This chapter is intended to serve as reference for ordinary citizens, political parties, governments, and media professionals on democratic and electoral governance.

II. Universal Declarations and Conventions on Elections

Free and fair election is a human rights issue. All eligible citizens are entitled to participate in the voting practices of their country. The voting right of citizens, as fundamental human right, has been enshrined in the United Nations and African Union declarations. These progressively expansive declarations affirm universal right to vote to every eligible citizen of the world.

Throughout the past seven decades, a string of declarations and conventions have been signed at different summits. Here is a good sample for the benefit of the reader. No attempt is made to elaborate, but it is beneficial to appreciate the steady flow of international interest and agreements to maintain free and fair elections.

- 1948 Universal Declaration of Human Rights (Articles 2, 21);
- 1950 European Convention on Human Rights: Protocol 1;
- 1952 Convention on the Political Rights of Women (Article 1);
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination (Article 5);
- 1966 International Covenant on Civil and Political Rights (Articles 3, 25);
- 1969 American Convention on Human Rights (Article 23);
- 1979 International Convention on the Elimination of All Forms of Discrimination against Women (Articles 2, 7, 20);
- 1981 African Charter on Human and People's Rights (Article 13);
- 1994 Universal Declaration on Democracy;
- 2002 Declaration on Principles Governing Democratic Elections in Africa; and

- 2005 UN Millennium Declaration.

It is helpful to note how declarations evolve over time. The 1966 Convention on Civil and Political Rights, for example, expands the original 1948 universal declaration stating that: "*Every citizen shall have the right and the opportunity, without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and (c) To have access, on general terms of equality, to public service in his country.*"

In the passing of time, different freedoms are declared fundamental part of human rights as made clear in Articles 19, 21 and 22 of the 1966 International Covenant on Civil and Political Rights, once again expansively guaranteeing basic democratic rights. Article 19 states that, "*1.*

Everyone shall have the right to hold opinions without interference, 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice, 3. The exercise of the rights… of this article carries with it special duties and responsibilities. It may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others;(b) For the protection of national security or of public order, or of public health or morals."

In Article 21, we find right of assembly embraced, "*The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.*"

Article 22 introduces freedoms of association and declares, "*1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his/her interests, 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others...*"

Another UN instrument, "The Universal Declaration on Democracy", clearly articulates that, "*The key element in the exercise of democracy is the holding of free and fair elections at regular intervals enabling the people's will to be expressed*".

As clearly shown through the sample UN declarations and legally binding Conventions above, all citizens living in representative democratic societies are endowed with natural rights to participate in a free and fair election of their country.

The UN Millennium Declaration is another declaration that elaborates the narrative that is most appropriate for the twenty-first century as follows:

Freedom: Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. *Democratic and participatory governance based on the will of the people best assures these rights*;

Equality: No individual and no nation must be denied the opportunity to benefit from development. *The equal rights and opportunities of women and men must be assured*;

Solidarity: Global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most; and

Tolerance: *Human beings must respect one other, in all their diversity of belief, culture and language*. Differences within and between societies should be neither feared nor repressed, but cherished as a precious asset of humanity. A culture of peace and dialogue among all

civilizations should be actively promoted." (UN Millennium Declaration 2005)

III.   The African Experience

3.1 African Union

Mirroring the spirit of UN declarations, African Union, and its forerunner the Organization of African Unity, have articulated complimentary electoral declarations and Acts. Both the "Constitutive Act of the African Union" (2000), and the "Declaration on Principles Governing Democratic Elections in Africa" (2002) protect the rights of individuals to vote. Article 3 of the Constitutive Act advocates the promotion of popular participation and good governance. Article 4 of the Declaration on Principles Governing Democratic Elections states:

"Democratic elections should be conducted:(a) freely and fairly; (b) under democratic constitutions and in compliance with supportive legal instruments; (c) under a system of separation of powers that ensures in particular, the independence of the judiciary; (d) at regular intervals, as provided for in National Constitutions; (e) by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics."

Parts II, III and IV of the 2002 AU declaration promote the principles of democratic elections, the rights of women and the obligations to respect and accept the legal roles of Electoral Management Bodies. Furthermore, the declaration stipulates that:

"Every citizen and political party shall accept the results of elections proclaimed to have been free and fair by the competent national bodies as provided for in the Constitution and the electoral laws and accordingly respect the final decision of the competent Electoral Authorities or, challenge the result appropriately according to the law."

3.2 National Human Rights Action Plan

World leaders met in Vienna in 1993 and adopted the Vienna Declaration and Program of Action. Eventually, this document was endorsed by the UN, and in part states that, *each State shall consider the desirability of drawing up a national Action Plan identifying steps whereby that State would improve the promotion and protection of rights.* Member States that signed on to this National Human Rights Action Plan were assumed to make national commitments and adhere to its fundamental human right principles and thereby put in place laws, regulations and procedures to ensure their implementation in their country.

Most African countries are signatories to the National Human Rights and have drawn their national Action Plan. As with others, it is assumed that all nations who are signatories to this declaration have prepared their corresponding policies and programs to demonstrate their commitments.

To encourage member states to practice what nations preach, the UN Human Rights Council has established a process to review and monitor the human rights records of member States every four years. While governments are expected to keep pace with international standards on these commitments, citizens ought to be informed and educated enough on these national

commitments and State obligation so they could press governments to stay committed to these promises.

In keeping with international expectations, most African countries have enshrined most of the human rights and democratic rights in their constitutions. Accordingly, the Federal Democratic Republic of Ethiopia guarantees all democratic rights in its Constitution (The Constitution of FDRE 1995). For example, Articles 29, 30, 31, and 32 declare democratic rights by stating that,

Article 29 – Rights of thought, opinion and expression

1. *Everyone has the right to hold opinions without interference;*
2. *Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.*
3. *Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements: (a) prohibition of any form of censorship, (b) access to information of public interest.*
4. *In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.*
5. *Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.*
6. *These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect the wellbeing of the youth, and the honor and reputation of individuals. Any propaganda for war, as well as the public expression of opinion intended to injure human dignity, shall be prohibited by law.*

Article 30 - The right of assembly, demonstration and petition

Everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition. Appropriate regulations may be made in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights, public morality and peace during such a meeting or demonstration.

This right does not exempt from liability under laws enacted to protect the wellbeing of the youth or the honor and reputation of individuals, and laws prohibiting any propaganda for war and any public expression of opinion intended to injure human dignity.

Article 31 – Freedom of association

Every person has the right to freedom of association for any cause or purpose. Organizations formed, in violation of appropriate laws, or to illegally subvert the constitution

order, or which promote such activities are prohibited.

Article 32 – Freedom of movement

1. *Any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to.*
2. *Any Ethiopian national has the right to return to his country.*

Similarly, the Ethiopian constitution provides full guarantee to vote, be elected as well as form an election board in Articles 38 and 102, respectively.

Article 38 – The right to vote and to be elected

1. *Every Ethiopian national, without any discrimination based on color, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the following rights:*

    a. *To take part in the conduct of public affairs, directly and through freely chosen representatives;*
    b. *On the attainment of 18 years of age, to vote in accordance with law;*
    c. *To vote and to be elected at periodic elections to any office at any level of government; elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.*

2. *The right of everyone to be a member of his own will in a political organization, labor union, trade organization, or employers' or professional association shall be respected if he or she meets the special and general requirements stipulated by such organization.*
3. *Elections to positions of responsibility within any of the organizations referred to under sub-Article 2 of this Article shall be conducted in a free and democratic manner.*
    The provisions of sub-Article 2 and 3 of this Article shall apply to civic organizations that significantly affect the public interest.

Article 102 – Election Board

1. *There shall be established a National Election Board independent of any influence, to conduct in an impartial manner free and fair election in Federal and State constituencies.*
2. *Members of the Board shall be appointed by the House of Peoples' Representatives upon recommendation of the Prime Minister. Particulars shall be determined by law.*

IV.   Beyond Mere Involvement of Citizens

Democracy demands that all governments derive their legitimacy and authority from the will of the people as expressed by secret ballot in genuine, free and fair elections held at regular

intervals on the basis of universal and equal suffrage. To accomplish this, citizen's full and popular participation is mandated. Simple and superficial involvement of citizen's by governments or parties with ulterior motives, or self-interest does not suffice.

For elections to truly be acceptable, a number of election essentials must be satisfied, including: full participation; full representation; voter registration; genuine, free, fair and transparent elections; and voting equity.

4.1 Participation and Representation

True participation involves fulfilling an array of election requirements. People are given the right to express their will through a legally prescribed electoral process. The law must express the age requirement and allow all citizens to participate on equal terms both to vote and be elected. In many countries voting is permitted to all adults age 18 and above (for example in Ghana and Ethiopia), while other nations, for example in Central African Republic and Gabon, use age 21 as the threshold.

Full participation involves provision of necessary information to voters and frequently so. Genuine participation requires real knowledge and appreciation for the process involved and the ability to take part in that process in a timely manner and without encumbrance.

Given that direct participation by all citizens in governance is not practical, and following the guarantee provided by "Universal Declaration on Democracy", representative democracy is the universal norm. Here again, citizens must be given the participation right to elect their representatives in whose behalf the representatives make decisions that affect citizens' daily lives. Representatives need to find the means to consult and keep their constituencies informed. Representatives are not at liberty to make political decisions on a whim or calculated personal benefit, without considering the interests of the people they claim to represent (Miezah 2018)).

4.2 Voter Registration

While voting is a right, registering to vote is a requirement for all who wish to vote. Governments are obliged to provide a simple and all inclusive registration drive so all eligible voters meet the registration requirements. Depending on the country's laws, all citizens eighteen or twenty-one years of age or above, are eligible to register in a dependable and reliable registration process.

The registration process must be free from any interference or impediments of any kind, by anyone - whether government bodies or otherwise. All citizens have the right to register easily and vote in elections without difficulty. This privilege is not limited to those dwelling in urban areas or those with advanced technology or information access. It must not preclude anyone including those in remote locations, the illiterate, the physically challenged, women, vulnerable citizens such as the very poor or downtrodden, ethnic or religious minority groups, nor any interest group with differing convictions from the mainstream. In other words, all eligible citizens, without prejudice to their individual attributes or circumstances, must be provided full opportunity without discrimination to exercise their voting rights. The debate continues

regarding whether and how to include citizens abroad, the Diaspora, so they too could take part in their national election.

It has been observed in some African countries where citizens may not be fully informed regarding the location, times and processes involved to register. Even when they make it to register, sometimes, they may not receive proper welcome and instruction to complete the process. Moreover, it is critical that once registered, the records are properly filed and archived in a way that is simple to retrieve. It has been reported that registries are too readily misplaced or even lost. As a result, it is important to note that management of the registration process is a critical aspect of the preparation process ahead of voting.

It is the responsibility of government to prepare, maintain, issue and make available an authentic and accurate list of registered voters with frequent updates readily available at the correct voting stations during voting periods. Credible voter registration system is key to building and maintaining voter confidence as well as all participants, including incumbent and opposition parties.

The voter registration system must be free of tampering by anyone within or outside the government. The system must be transparent, verifiable and aboveboard.

4.3 Genuine, Free and Fair Elections

"In any society, the legitimacy and authority of the government is derived from the will of the people as expressed in genuine, free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage" (UN Universal Declaration on Democracy 1994). It must be genuine backed by the legal arm of the government; free of coercion or obstruction and fair such that every eligible citizen is given equal opportunity and treatment in the process.

In simple language, eleven voting rights are identified below that citizens and governments can use to ensure that genuine, free and fair elections do take place (UN Universal Declaration on Democracy 1994):

1. Every adult citizen has the right to vote in elections, on a non- discriminatory basis;
2. Every adult citizen has the right to access to an effective, impartial and non-discriminatory procedure for the registration of voters;
3. No eligible citizen shall be denied the right to vote or disqualified from registration as a voter, otherwise than in accordance with objectively verifiable criteria prescribed by law, and provided that such measures are consistent with the State's obligations under international law;
4. Every individual who is denied the right to vote or to be registered as a voter shall be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively;
5. Every voter has the right to equal and effective access to a polling station in order to exercise his or her right to vote;
6. All voters have the right to seek, receive and share political information in order to make informed election choices;

7. Voters have the right to join any political party and express their political views and recruit others to join their party without coercion;

8. All citizens have the right to assemble for political purposes, express their political views with no reprisals;

9. All voters have the right to organize or join peaceful demonstrations in support or against other groups to register their position;

10. Every voter is entitled to exercise his or her right equally with others and to have his or her vote accorded equivalent weight to that of others; and

11. The right to vote in secret is absolute and shall not be restricted in any manner whatsoever.

4.4 Voting Equity

To ensure that all adult citizens get the opportunity to participate in their citizen's right, no effort must be spared in informing, educating, and supporting every category of voters. Recognized category of voters include:

- Adult citizens
- The elderly
- Women
- The youth
- The vulnerable (the homeless, the very poor)
- Minority groups (ethnic or religious)
- Citizens living in remote areas and abroad (villagers and the Diaspora)
- Citizens who hold convictions or life styles different from the mainstream
-

Keen interest must be given to all categories of citizens so as to ensure their participation. Studies indicate that individuals with higher educational attainment, higher income, higher socio-economic status, higher social interaction or family involvement, and those who are in the know because they draw party attention, tend to vote in larger numbers (Norton and Company, 2011). While support to these groups should be there, increased effort must be exerted and all hindrances removed for those who traditionally find it difficult to take part in elections.

Affirmative Action is a notion that attempts to compensate past ills against any portion of the population. With this spirit, special attention should be given to sections of society who, on account of their special circumstances, fail to participate in elections time after time. It is the obligation of government to seek these individuals out and ascertain their full participation in elections that determine their individual fate.

V. Political Parties

Democratic governance requires existence of alternative parties from which voters can distinguish and choose. Parties provide the necessary institutions to form a government.

Freedoms enjoyed in democratic societies such as freedoms of association, expression, and assembly should collectively produce ample public debates between competing ideologies and platforms. These open debates and campaigns between parties must be broadcast in an open

and unbiased media for people to be able to choose from among available ideas and candidates.

Rule of law must govern the formation and activities of political parties. To this end, rights and responsibilities that all parties must adhere to are highlighted here (UN Universal Declaration on Democracy 1994):

1. Everyone has the right to take part in the government of their country and shall have an equal opportunity to become a candidate for election. The criteria for participation in government shall be determined in accordance with national constitutions and laws and shall not be inconsistent with the State's international obligations.
2. Everyone has the right to join, or together with others to establish, a political party or organization for the purpose of competing in an election.
3. Everyone individually and together with others has the right:
    - To express political opinions without interference;
    - To seek, receive and impart information and to make an informed choice;
    - To move freely within the country in order to campaign for election;
    - To campaign on an equal basis with other political parties, including the party forming the existing government.
4. Every candidate for election and every political party shall have an equal opportunity of access to the media, particularly the mass communications media, in order to put forward their political views.
5. The right of candidates to security with respect to their lives and property shall be recognized and protected.
6. Every individual and every political party have the right to the protection of the law and to a remedy for violation of political and electoral rights.
7. The above rights may only be subject to such restrictions of an exceptional nature which are in accordance with law and reasonably necessary in a democratic society in the interests of national security or public order, the protection of public health or morals or the protection of the rights and freedoms of others and provided they are consistent with States' obligations under international law. Permissible restrictions on candidature, the creation and activity of political parties and campaign rights shall not be applied so as to violate the principle of non- discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
8. Every individual or political party whose candidature, party or campaign rights are denied or restricted shall be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively.
9. Candidature, party and campaign rights carry responsibilities to the community. In particular, no candidate or political party shall engage in violence.
10. Every candidate and political party competing in an election shall respect the rights and freedoms of others.
11. Every candidate and political party competing in an election shall accept the outcome of a free and fair election.

To make elections legitimate and build the confidence of the electorate, all duly registered parties must be given equal political space. This entails the right of every political party to register, assemble, travel, meet supporters, collect campaign funds, be able to purchase air-time from all media, get fair media coverage on an equal footing as other parties including the one in power. All political hurdles must be removed and the political climate ought to be conducive for the public to be fully informed on available political and candidate options. In many African countries today, political space is a real challenge voters face. Incumbent governments should take the lead in ensuring such oppressive tactics are petered out to the history books.

As important as it is to enable organized political parties to participate, just as important is involvement of the civil society. The civil society, what Samuel Huntington called the "third wave", involves NGOs, churches, organized labor, professional associations, grassroots movements, the clergy, and other such volunteer civic institutions. " In African governments aspiring to model modern democracy, involvement of and consultation with the civic society will smoothly advance the transition to a mature development of democracy" (Ndegwa 1996).

VI.   Electoral Responsibilities of States

Clearly, international consensus affirms that incumbent governments have the heavy responsibility of organizing, informing and enabling citizens to elect the political ideology and candidates of their choice. Governments are accountable to the people and must ensure that elections are conducted in accordance with the law.

The general tenet of these responsibilities emanate from the obligation governments have to respect the dignity of every human being and to take the lead in ensuring the broader democratic agenda of social justice, globalization and development to enable all sectors of society to flourish in their own country.

For countries that seek electoral assistance, the United Nations has a program that provides such assistance. The only caveat to this is that one must be a Member State and must request such assistance, as a sovereign state, given that the UN is committed to non-interference in the internal affairs of sovereign states.

The UN General Assembly also highlighted 'the crucial importance of the active involvement and contribution of civil society in processes of governance that affect the lives of people' calling for 'maximizing the participation of individuals in decision-making'. African governments and political leaders, as members of the UN General Assembly, are bound by these resolutions.

UN resolutions make State responsibilities clear. To avoid misinterpretations and possible errors, government electoral responsibilities are articulated below as stated in the UN Universal Declaration on Democracy 1994:

1.   States should take the necessary legislative steps and other measures, in accordance with their constitutional processes, to guarantee the rights and institutional framework for periodic and genuine, free and fair elections, in accordance with their

obligations under international law. In particular, States should:
- Establish an effective, impartial and non-discriminatory procedure for the registration of voters;
- Establish clear criteria for the registration of voters, such as age, citizenship and residence, and ensure that such provisions are applied without distinction of any kind;
- Provide for the formation and free functioning of political parties;
- Regulate the funding of political parties and electoral campaigns, ensure the separation of party and State, and establish the conditions for competition in legislative elections on an equitable basis;
- Initiate or facilitate national programs of civic education, to ensure that the population is familiar with election procedures and issues;

2. In addition, States should take the necessary policy and institutional steps to ensure the progressive achievement and consolidation of democratic goals, including through the establishment of a neutral, impartial or balanced mechanism for the management of elections. In so doing, they should, among other matters:
- Ensure that those responsible for the various aspects of the election are trained and act impartially, and that coherent voting procedures are established and made known to the voting public;
- Ensure the registration of voters, updating of electoral rolls and balloting procedures, with the assistance of national and international observers as appropriate;
- Encourage parties, candidates and the media to accept and adopting Code of Conduct to govern the election campaign and thepolling period;
- Ensure the integrity of the ballot through appropriate measures to prevent multiple voting or voting by those not entitled thereto;
- Ensure the integrity of the process for counting votes.

3. States shall respect and ensure the human rights of all individuals within their territory and subject to their jurisdiction. In time of elections, the State and its organs should therefore ensure:
- That freedom of movement, assembly, association and expression are respected, particularly in the context of political rallies and meetings;
- That parties and candidates are free to communicate their views to   the electorate, and that they enjoy equality of access to State and public-service media;
- That the necessary steps are taken to guarantee non-partisan coverage in State and public service media.

4. In order that elections shall be fair, States should take the necessary measures to ensure that parties and candidates enjoy reasonable opportunities to present their electoral platform.

5. States should take all necessary and appropriate measures to ensure that the principle of the secret ballot is respected, and that voters are able to cast their ballots freely, without fear or intimidation.

6. Furthermore, State authorities should ensure that the ballot is conducted so as to avoid fraud or other illegality, that the security and the integrity of the process is maintained, and that ballot counting is undertaken by trained personnel, subject to monitoring and/or impartial verification.

7. States should take all necessary and appropriate measures to ensure the transparency of the entire electoral process including, for example, through the presence of party agents and duly accredited observers.

8. States should take the necessary measures to ensure that parties, candidates and supporters enjoy equal security, and that State authorities take the necessary steps to prevent electoral violence.

9. States should ensure that violations of human rights and complaints relating to the electoral process are determined promptly within the timeframe of the electoral process and effectively by an independent and impartial authority, such as an electoral commission or the courts.

VII. Election Management System

In the conduct of clean, transparent, credible, free and fair election, every step is dictated by a prescription of the law. The prescription may be a statutory period, time, date, day, month, year, place, qualifications required, for example, citizenship, age, residence, identification, economic viability, population, community of interest, and so on. Deviation or small mistake leads directly into conflict with the law and an eventual election petition that may nullify the election. Thus, every move should be deliberate and action must be taken to stick to the prescribed law and avoid challenges and possible rejection of the whole election (Miezah 2018).

There is no universal model for the conduct and supervision of elections. Nor is there any clearcut rule in international law for the conduct and supervision of democratic elections. However, openness, impartiality, neutrality, legality, equality, and equity are standards universally endorsed for clean, free and fair elections. A country's constitution, electoral laws, or codes may stipulate its electoral system. The system is usually designed in keeping with the customs, traditions and aspirations of the people and other factors such as population, geographical features, ethnicity, economic viability and, last but not least, the political, social and economic experiences of the past (Miezah 2018).

For elections to enjoy legitimacy, trust, and acceptance, there must be an impartial administration of the electoral processes. Advanced democracies appear to have clinched the confidence of all parties and the electorate, having perfected the system over so many years, but more importantly, because of the independent, impartial and vigilant role the free media play. Fear of public embarrassment and the effective judiciary appear to check corrupt electoral behavior. This same system engenders competitive parties to accept the process and respect results at the end. Experience shows that confidence is only where the election machinery is and appears to be respectful and impartial.

As will be discussed below, Electoral Management Bodies (*aka* Electoral Commissions) are necessary entities to monitor the process and take oversight role over the entire process. This practice becomes particularly critical in countries of transition where governments and citizens

desire to have democratic traditions take hold. In advanced democracies, due to strong trust in the electoral management system, incumbent governments and all competing parties do not interfere in the process. The system monitors itself for the most part, thanks to the strong institutions that keep the system aboveboard (Miezah 2018).

Providing such a trustworthy electoral management system is another responsibility of successive democratic governments.

7.1 Civic Education and Voter Information

To secure genuine, free and fair elections, it is mandatory that citizens become fully informed on the process and available choices. Once again, it is the responsibility of governments to ensure that citizens are aware of their civic duties and to provide them with voter information. Most governments take formal approach to this responsibility such that they take every possible step to guarantee an informed citizenry. Many countries design civic education into the school curriculum, while others disseminate such information through brochures, strategically placed posters, banners, newsletters, print and electronic media outlets, plays and TV programming, and public meetings. Among other things, it is most critical that voters are informed about the voting date, time, polling stations, and other critical voting procedures.

In today's democratically sophisticated world, commitments are in place regarding access to information. There are laws that guarantee Access to Information (ATI) with full disclosure and transparency as the new norm and standard (Adeleke 2018). According to Rawlins, transparency is defined as: "the deliberate attempt to make available all legally releasable information, whether positive or negative in nature, in a manner that is accurate, timely, balanced and unequivocal, for the purpose of enhancing the reasoning ability of the public and holding organizations accountable for their actions, policies, and practices" (Rawlins 2009 as cited in Adeleke 2018). Obviously, it is in the interest of the public to know accurate and reliable information in a timely manner. It is of no benefit if citizens receive accurate and complete information regarding time, place and manner of voting, if that information becomes available after the fact. The government cannot assume that the public is informed simply because information has been provided through public media outlets. Every effort must be genuinely exerted to ensure that all citizens receive timely information whether they reside in rural or urban areas, can read or are illiterate, belong to the majority or minority groups, and so on.

ATI laws are most critical in the African context. These laws are intended to oblige governments to keep the public educated and informed. Twelve African countries, including: Angola, Ethiopia, Guinea, Liberia, Niger, Nigeria, Rwanda, Sierra Leone, South Africa, Tunisia, Uganda, and Zimbabwe have adopted ATI laws. Others recognize the right of citizens to ATI. Nevertheless, recognition or the passage of laws on ATI is not sufficient. Governments must demonstrate their commitment through effective implementation of the spirit of ATI. Regulations and programs must be put in place to guarantee transparency and public participation in the governance process of their country (Adeleke 2018).

In most African countries, beyond low compliance rates of ATI laws, trust in the system is quite weak. Sproull and Kiesler express this phenomenon brilliantly stating, "If groups send

and receive accurate and complete information, they potentially compromise their strategic positions and threaten the balance of control in the organization. Senders, knowing this, misrepresent information. Recipients, knowing this, discount information. Simply increasing the rate and scope of information sharing might only increase the number of misleading and discounted communications" (Sproull and Kiesler 1995 as cited in Adeleke 2018).

7.2 Balloting, Monitoring and Results

Balloting is the key activity that provides citizens the opportunity to express their will. Proximity to a polling station and attitude of staff there are key determinants of participation. This is why it is important that the polling station be accessible and close to voters, that the staff be friendly and professional, that the voting experience is pleasant and free of confusion, that the station is open and ready on time and staffed all through the voting period, and finally, that every voter feels secure to cast their vote secretly and privately without any interference.

The monitoring involves taking measures to ensure the security of the ballot box, that all is set from the opening hour through the closing hour, that procedures are properly and similarly administered for all citizens, that the station is well organized with orderly movement of voters, and that there are witnesses to ensure the counting is done with integrity. The guiding principle here is that the system in place is so water tight that no one can raise any question. The integrity of the system has to be trustworthy for all voters and that everyone is satisfied and can easily accept the outcome. This is why outside observers are valuable to strengthen the sense of trust. Such confidence building measures always enhance the integrity of the system.

If procedures are consistently applied and everyone feels satisfied about the fairness of the system, then, voters and parties will have an easier time accepting the results. As much as people have the right to challenge elections based on real violations, they also have the obligation to accept results of a well-operated election.

7.3 Dispute Resolution

Election disputes are common. They occur for a multitude of reasons. Sometimes real infringements or violations may have occurred and other times it may be caused from a sense of frustration. Sometimes, allegations may be levelled on account of suspicious circumstances. At any rate, all dispute cases must be taken seriously and investigated. There are many reasons that may trigger complaints, including: violation of laws, regulations, procedures or processes; discouraging voters from participation; management of ballots; violation of voter rights, questions on the integrity of the system, and the validity of the results, etc.

Though in the final analysis, some of the cases might be for the courts to settle, it is important that every effort is made to resolve disputes, in amicable ways as early as possible, sometimes employing traditional approaches where helpful. The primary aim would need to be to uphold the law and to take lessons for the next election.

In dispute resolution, it is critical that independent and impartial arbiters are used to remedy the situation. The integrity of the system and the confidence of the public are secured only when violating parties are properly sanctioned in accordance with the law and in a timely

manner. Oversimplifying or undermining complaints and attempting to fudge them, while disturbing to many, ultimately compromises the system and must be avoided.

7.4 Electoral Management Bodies

It is customary that an independent and impartial body be charged with the responsibility of overseeing the entire electoral process to maintain the integrity of elections. Electoral Management Bodies (EMBs) are self-accounting bodies that are established by constitutional mandate (Miezah 2018).

EMBs have been established in sub-Saharan African countries with varying degrees of success starting from the initial introduction in Ghana of the independent Electoral Commission during the 1968 election. While the first EMB in Ghana is recorded to have achieved admirable support and success, many other EMBs and their records have been a mixed bag. Interferences from incumbent governments and corrupt experiences have introduced a blight on the otherwise courageous moves taken by many governments (Miezah 2018).

To accentuate the pivotal roles and responsibilities of EMBs, an exhaustive summary is assembled below:

- To provide for the holding of legislative elections at regular intervals.
- To establish a neutral, impartial and/or balanced mechanism for the management of legislative elections.
- To establish an effective impartial and non-discriminatory procedure for the registration of voters.
- To lay down by law clear criteria for the registration of voters, such as age, citizenship and residence, and ensure that such criteria are applied without discrimination.
- To lay down by law the regulations governing the formation, registration and functioning of political parties.
- Where appropriate in the circumstances, to provide for or regulate the funding of political parties and electoral campaigns, with a view eventually to promoting equality of opportunity.
- To ensure the separation of party and State.
- To establish the conditions for competition in legislative elections on an equitable basis.
- To ensure that electors have a free choice by maintaining the viability of political parties, for example, by public funding and/or guaranteed free time in the media.
- To allow parties and candidates equality of access to government- controlled media.
- To ensure, through national programs of civic education, that the population become familiar both with election procedures and issues. In addition to implementing measures, States should also take the necessary policy and institutional steps to ensure the achievement of democratic goals and the progressive strengthening of democratic traditions, for example, by establishing a neutral, impartial or balanced mechanism for the management of elections.
- To ensure that those responsible for the administration of the election are trained

and act impartially.

- To ensure that coherent voting procedures are established and made known to the voting public.
- To ensure the registration of voters, updating of electoral rolls and balloting procedures, with the assistance of national and international observers, as appropriate.
- To encourage parties, candidates and the media to accept and adopt a Code of Conduct to govern the election campaign and the polling period.
- To ensure the integrity of the ballot through appropriate measures to prevent double and multiple voting and fraud.
- To ensure the integrity of the process for counting votes.
- To announce the election results and facilitate any transfer of authority. The principle of the secret ballot implies certain minimum conditions, ranging from the supply of booths and other voting materials, to the location of polling stations and the orderly organization of vote casting. Experience confirms that elections are more likely to be free (that is, the internationally required objective is more likely to be reached), if all major parties have monitors or poll watchers. The State should therefore ensure that,
  - o Voters are able to cast their ballots freely, without fear or intimidation; the authorities should take such steps as are necessary to protect voters from threats or other violence
  - o The secrecy of the ballot is maintained
  - o The ballot is conducted so as to avoid fraud or other illegality, and so as to ensure its own security
  - o The integrity of the process is maintained, and that ballot counting is undertaken by trained personnel, subject to monitoring and/or impartial verification Under international law, States are obliged to respect and to ensure the human rights of all individuals within their territory and subject to their jurisdiction. This general obligation is particularly important at election times, when the exercise of certain rights is directly related to the goal of a free and fair election at which the will of the people can be expressed. Through its laws and policies, the State and its organs should therefore ensure,
- To ensure that freedom of movement, assembly, association and expression are respected, with particular reference to the holding of political rallies and meetings.
- To ensure that parties and candidates are free to communicate their views to the electorate, and that they enjoy equality of access to State and public service media, which should also provide non-partisan coverage of election campaigns.
- To ensure that parties and candidates, so far as practicable, enjoy reasonable opportunities to present their electoral platform.
- To ensure that parties, candidates and supporters enjoy equal security, and that the authorities take the necessary steps to prevent electoral violence. Governments, even unelected ones, also have responsibilities to the communities of which they are a part. In the interests of peaceful change and to protect the rights and freedoms

of citizens, governments may therefore have the right and the obligation to limit the rights and activities of those whose conduct constitutes an incitement to violence or otherwise undermines the democratic process. In accordance with the general provisions of international law, however,

- Election rights should only be subject to such restrictions of an exceptional nature which are in accordance with law and reasonably necessary in a democratic society in the interests of national security or public order, the protection of public health or morals or the protection of the rights and freedoms of others and provided they are consistent with States' obligations under international law.

- Permissible restrictions on candidature, the creation and activity of political parties and campaign rights should not be applied so as to violate the principle of non-discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Finally, a free and fair electoral system must also be able to deal effectively with the different types of complaint that will inevitably arise. The principle of effectiveness of obligations and the human right to a remedy for violations require.

- To ensure that complaints and challenges in electoral matters be determined by an independent and impartial authority, such as an electoral commission or the courts, that decisions be reached promptly, within the timeframe of the election, and that procedures be open and known to the electorate and the parties.

A successfully commissioned and discharged Electoral Management Body goes a long way in creating acceptance and confidence in all participants. Political leaders in Africa will advance democracy in their country to the extent they appreciate and allow this independent system to operate unfettered. A good example on this is what happened in Ethiopia at the writing of this chapter. The new Prime Minister, Dr. Abiy Ahmed, nominated and the House of Peoples Representatives approved Ms. Birtukan Mideksa, a Harvard educated young lawyer who previously was imprisoned for political reasons by same government in Ethiopia and later lived in exile in the United States, who then was invited back to Ethiopia days before the nomination to become Chairperson of the Ethiopian National Election Board for the upcoming 2020 elections. This demonstrates and builds confidence in the Prime Minister and the system.

EMBs prepare and propose an annual budget and get it appropriated through Parliament. The preparation of an electoral budget is a very critical phase of the electoral process in a developing democracy. Budget lines must be provided for all the phases of the process and may include recurrent and capital expenditures. The breakdown may cover emoluments, equipment and materials, printing of registration, election and statutory forms, ballot papers, statutory posters and publicity materials, advertisements, utility bills and hiring of services. Transportation and equipment, such as computers, biometric machines, communication facilities, polling booths and ballot boxes, may create huge problems for an electoral body, especially if it is new machinery. Registration and polling staff may, depending upon the number of registration and polling centers, take a great chunk of the allocation for salaries, wages and allowances (Miezah 2018).

7.5 African Peer Review Mechanism

The real challenges notwithstanding, African leaders have made serious strides toward advancing electoral practices. Through the African Union, African statesmen established the African Peer Review Mechanism (APRM) in 2003 to serve as a tool for "sharing experiences, reinforcing best practices, identifying deficiencies, and assessing capacity-building needs to foster policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration" (website).

APRM is intended to benefit member States in all aspects of governance and socio-economic endeavours. This self-monitoring assessment experience provides the opportunity to examine all branches of government, the private sector, civil society and the media against pre-designed governance and socio-economic indicators and allows leaders to conduct national dialogue and build consensus on how to move forward.

Successes of the African Peer Review Mechanism include commitments African Heads of State and Government have entered to monitor the implementation of the AU Agenda 2063 (discussed below), the UN Sustainable Development Goals, Agenda 2030 (discussed below), and the adoption of APRM as an early warning tool for conflict prevention in Africa.

To advance the objectives of APRM, member States adhere to the mandatory reviews conducted every four years, or as needed. The five-stage country review process involves consultation, completion of APR questionnaires, peer review mission visits and drafting of reports that are finally made available to the public.

APRM practices are another attempt to push the African electoral and development trajectory in the direction of true democracy, thus further promoting voter participation.

VIII. The Role of Media - the "Fourth Estate"

In years gone by, African politicians relied in public rallies to pass their message and gain public support. Those days are fast disappearing now. While rallies still play important roles, mass media coverage presents a much wider net of reaching supporters.

Besides, it is the right of all citizens to be properly informed about choices available to them on parties, ideas, candidates and serious analysis. A voting citizen needs to be properly informed in order to be able to decide who will best represent his or her interests and views. For elections to occur under democratic conditions, this information has to be honest, impartial, fair, and delivered in a responsible manner. The media can fulfil this mission if they are free, diverse and aware of their responsibilities. For an electoral process to qualify as 'free and fair', not only must the election take place under appropriate political and administrative conditions, but citizens must also have access to adequate and timely information about the parties, candidates and voting procedures to ensure that they make informed and valid choice (Frere 2011).

Elections will not be free unless all parties involved can express themselves - candidates, political parties, citizens, civil society and, of course, journalists. Democratic elections are

inconceivable without a free press. The media are the main platform through which candidates and parties can make their views and programs known to the public. It is through the media's coverage of election issues and their analysis of contenders' proposals that voters can distinguish between differing views, candidates and parties. The media also give voters practical information on the electoral process and on the progress of the campaign and the polling (Frere 2011).

Access to diversity of views from all parties, citizens, civil society, experts, opinion leaders, media personalities and so on is the right of citizens. Equal treatment of ideas, parties and candidates is expected from all public and private media. The quality and timing of coverage are important as they can affect candidates, parties and outcomes.

In the last 30 years, African countries have conducted many elections across the continent. According to Deegan (2003 as cited in Teshome 2009), between 1989 and 1994 almost 100 elections have taken place in Africa. Moreover, in the 1990s alone, 42 out of 48 African countries made democratic reforms and held elections (Eid 2002 as cited in Teshome 2009). In a more recent finding, between 1989 and 2007, more than 140 legislative and 120 presidential elections were held in 43 African countries, the overwhelming majority of which were emerging from decades of single-party regimes and dictatorships. Not only are there more elections than ever before in Africa, but these elections are being reported and discussed to an unprecedented degree (Teshome 2009).

In any democratic country, the media serves as a watchdog of events and decisions and assists citizens to be informed about what is going on in the country. Berger (2002 as cited in Teshome 2009) notes that during elections the role of the media includes: scrutinizing parties and candidates, exposing electoral irregularities, and educating the public to participate in free and fair elections. The media can perform these roles by: educating the electorate about the electoral system; reporting on the election campaign; serving as a platform for the information flow from the parties to the public and from the public to political parties; serving as a debate forum for political parties, and monitoring the vote counting and reporting of election results.

A free and independent press will help keep the election honest and democratic, and democratically elected governments protect the media freedom. Free or unrestricted media can help to challenge or even remove dictatorial regimes and facilitate the establishment of democratic institutions. An active and informed citizenry is necessary for democratic governance. During elections, a State media is required to give fair coverage and equitable access to opposition parties. At present, the major problem of the media in emerging democracies is the incumbent governments' unwillingness to adhere to the rule of law. In many instances governing parties too readily intervene through direct censorship, physical threat and attack, imprisonment, intimidation, and even outright murder (Coliver and Merloe 1997 as cited in Teshome 2009).

In Africa, access to both radio and television affects the election process. Stations owned by politicians, as in the 1991 Zambian election, for instance, could reject opposition election campaign material by offering lame excuses (Teshome 2009). Sometimes, African governments impose martial law during elections with the aim of getting extraordinary powers to censor the media. In the 2005 election, for example, which was the most contested multi-party

parliamentary election in the history of Ethiopia, the EPRDF government declared martial law on the night of the voting day, sensing the electoral victory of the opposition parties. The martial law, in addition to curbing the activities of the opposition, seriously affected the free press (Teshome 2009).

Governments need to create an environment conducive to a free press so the public can be educated, informed and exercise its free will.

8.1 Roles and Responsibilities of Journalists

Journalism is one of those professions on which society places high value. It is a profession where personal integrity plays a significant role. As such, journalists are expected to defend the public interest in their news coverage and programming. Journalists are expected to submit to very high international standards and practices. As defenders of public interests, journalists with high professional standards offer reliable information; distinguish facts from opinions; produce clear, timely, verifiable, substantiated, accurate and complete information; use news worthiness as basic principle ruling editorial policies; avoid prejudice, bias, discrimination, and sensationalism; refrain from using any hate speech; respect privacy; protect confidential sources of information; defend the rights of the individual; refuse to receive bribes; and defend their independence from the pressures of advertisers and political peddlers.

According to Ekpu (1990 as cited in Frere 2011), *"Journalism is an endeavor in service of the public good;"* and therefore, *"journalists must be just as dedicated to that good as they are to high professional standards."* According to Norris and Merloe (2002 as cited in Frere 2011), *"Television, radio and newspapers owned or controlled by the State should be held to the highest standards of accuracy and fairness, objectivity and balance."* This is because, *"Government in a democracy is by definition derived from the people, and the will of the people is the basis of authority for democratic government."* They further, and correctly, argue that the State media are the property of citizens and they should be always used in support of public interest. Moreover, the state media have an obligation to provide citizens with accurate, complete, balanced and impartial information.

Journalists must always refrain from abusing their privileged position by remaining fair, open, direct, non-combatant, balanced and with public interest at heart. Similarly, journalists should stay clear of the potential structural bias ever present in favor of incumbent politicians and governments overcoming the temptation and staying true to their professional calling of defending the interest of the public at all times (Coliver and Merloe 1997 as cited in Teshome 2009). As in any industry, to avoid abuse and confusion, the mass communications industry needs to be regulated to ensure that the interests of the public are always protected. Again, it may be interesting to reflect on the need to regulate social media as well. Social media, as much as beneficial, has also become a nuisance, as there is much unregulated fake news and 'alternative facts' shared with impunity. Care must be exercised by every citizen in consuming information transmitted over social media as no one appears to be accountable.

As is the case with most democratically advanced societies, current modalities of media owe their shape and practice from the particular religious, traditional and cultural backgrounds of

the country's social milieu. Thus, for example, from one country to another, style and emphasis may naturally vary owing to historical background of that society. Nevertheless, the general tenet of openness, fairness, honesty, integrity and respect for diversity reign supreme.

IX.   Non-participation

Voter participation is highly desired in all democratic elections. Everything within the power of government must be done to ensure the highest possible turnout at all elections. Voter turn-out can be encouraged or hindered depending on the vigilance exercised by government. It is clear that not every citizen is eligible to vote. Even all adults are not eligible to vote given that there are eligibility requirements in all countries, though they may be different from country to country. It is most common to use age and citizenship status as criteria for eligibility. In some countries, sex, race and/or religion may determine eligibility. In any event, all eligible citizens are required to register to vote prior to exercising their voting right. Under all circumstances, democratic principles urge the participation of as many citizens as practically feasible since those elected must resemble and reflect the interests of the voting public. Elected officials must derive their authority and legitimacy from the will of the people as expressed by free and fair elections. Absent this, elected officials may be considered dictatorial denying them claim of public support.

High turnout is considered evidence for the legitimacy of the system. Thus democratic governments need to understand the reasons for non-participation and take action to remedy possible hindrances. For example, some people may opt not to participate on philosophical, moral or religious grounds. Here, the government may only provide necessary information and allow individuals to live by their convictions. However, there are times when citizens elect not to participate if they sense the election is a farce and not legitimately operated. They refrain from taking part because they believe the outcome is predetermined by fraudulent actions of politi-cians in power. It is in these circumstances that journalists are highly needed to uncover and publicize any potential tampering.

It is also possible that in some advanced-democracies, low-turnout may reflect contentment with the process and the likely winners. In developing democracies, however, low-turnout is discouraged since it may lead to underrepresentation.

Interest in participation emanates from citizens' sense of civic duty. As discussed above, edu-cation of citizens and cultivating a sense of civic responsibility rests with a responsible gov-ernment. Certain political conditions such as trust in government, general interest in politics and popularity of voting in the community, sense of safety and security among the public, sense of political allegiance, voters perception of fairness, sense of ease in voting, and confidence in the system play significant role in voter turnout and participation. African governments, jour-nalists, the public and interest groups should all continue their vigilant efforts to understand and overcome these silent detractors and increase turnout and participation in fragile democra-cies.

From international experience, high turnout is dependent on such factors as: education level, current and accurate information, family and community tradition, political allegiance, ease of

access to polling places, weather on voting day, cultural factors and the like. Some high turnout results may have been achieved in some countries because voting is compulsory. However, so many countries have demonstrated that high turnout can be achieved without making voting mandatory. African countries are well advised to consider and emulate such successes.

X.   Africa Forward

10.1 Agenda 2063: The Africa We Want

Agenda 2063 is the vision African leaders have articulated for transformation of Africa in the next 50 years. This is the vision for Africa narrated by Africans portraying "The Africa We Want" in the not too distant future. It acknowledges the importance of past initiatives, programs and sustainable development goals and builds on those to create the new Rising Africa. "The Africa We Want" asserts that the continent will practice the principles of democratic elections with its people freely participating in elections to express their will in accordance with internationally enshrined declarations, conventions and laws.

The AU developed Agenda 2063 to design "An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in international arena" (website).

Agenda 2063 is anchored on the following seven aspirations for 2063 (website):

1.   A prosperous Africa, based on inclusive growth and sustainable development;
2.   An integrated continent, politically united, based on the ideals of Pan Africanism and the vision of Africa's Renaissance;
3.   An Africa of good governance, democracy, respect for human rights, justice and the rule of law;
4.   A peaceful and secure Africa;
5.   Africa with a strong cultural identity, common heritage, values and ethics;
6.   An Africa whose development is people driven, relying on the potential offered by people, especially its women and youth and caring for children; and
7.   An Africa as a strong, united, resilient and influential global player and partner.

Agenda 2063 not only has reclaimed the African continent, but it has also provided the inspiration to the UN Global Agenda 2030 and its Sustainable Development Goals.

The approach, orientation, accountability measures, policy coherence, financial plan, strategic commitment and the continent's prevailing capacity make these aspirations more realistic compared to past initiatives and declarations and thus likely to be effectively implemented. Africa watchers are keenly anticipating the success of its First-Ten Year Implementation Plan.

No doubt that these aspirations enhance democratic values and traditions along with the concomitant improvements in electoral practices.

10.2 Sustainable Development Goals

As part of Resolution 70/1 of the UN General Assembly on 25 September 2015, the Sustainable Development Goals (SDGs) collectively serve as blueprint for achieving sustainable future by addressing global challenges including poverty, inequality, climate, environmental degradation, prosperity, peace and justice. The globally hailed 17 sustainable development goals are presented here (website):

1. No Poverty
2. Zero Hunger
3. Good Health and Well-Being
4. Quality Education
5. Gender Equality
6. Clean Water and Sanitation
7. Affordable and Clean Energy
8. Decent Work and Economic Growth
9. Industry, Innovation and Infrastructure
10. Reduced Inequalities
11. Sustainable Cities
12. Responsible Production and Consumption
13. Climate Action
14. Life Below Water
15. Life on Land
16. Peace, Justice and Strong Institutions
17. Partnerships for the Goals

The SDGs aim to correct past ills and drive for sustainable future for society, economy and the planet by 2030, thus also known as "Agenda 2030".

On most of these sustainable goals, African States might prove most challenged. With resolve and global partnerships, however, positive movements can be achieved, paving the path for a democratic future.

10.3 Mo Ibrahim Foundation

Anytime we find an organization or individual engaged in activities that advance democracy and good governance, we must acknowledge and promote them. Mo Ibrahim Foundation is one such organization.

Established on January 1, 2006 and based in London, the Mo Ibrahim Foundation aims to "bring about meaningful change on the continent of Africa by providing tools to support progress in leadership and governance" (website).

Mo Ibrahim is a Sudanese billionaire businessman and philanthropist who earned his name to fame through his telecommunication company Celtel International. His foundation operates through four major initiatives:

- Ibrahim Index of African Governance
- Ibrahim Prize for Achievement in African Leadership

- Ibrahim Forum
- Ibrahim Fellowships and Scholarships

The Foundation "celebrates excellence in African leadership" by providing prizes to model former executive head of State or Government. The selection is done through an independent committee with preeminent members, and the prize (website):

- Recognizes and celebrates African leaders who have developed their countries, lifted people out of poverty and paved the way for sustainable and equitable prosperity;
- Highlights exceptional role models for the continent; and
- Ensures that Africa continues to benefit from the experience and expertise of exceptional leaders when they leave national office, by enabling them to continue in other public roles on the continent.

The Mo Ibrahim Foundation uses the following criteria to select winners for the prize (foundation website):

- Former African executive head of state or government
- Left office in the last three years
- Democratically elected
- Served his/her constitutionally mandated term
- Demonstrated exceptional leadership

The winners receive the sum of $5 million initial payment and $200,000 per year for life thereafter. This makes Mo Ibrahim Prize the world's largest, surpassing even the Nobel Peace Prize at $1.3 million.

Winners include:

2007	President Joaquim Alberto Chissano of Mozambique
2007	Honorary, President Nelson Rolihlahla Mandela of South Africa
2008	President Festus Gontebanye Mogae of Botswana
2011	President Pedro De Verona Rodrigues Pires of Cape Verde
2014	President Hifikepunye Pohamba of Namibia
2017	President Ellen Johnson Sirleaf of Liberia

Winners were not selected in 2009, 2010, 2012, 2015 and 2016.

XI.   Conclusion

This chapter espouses the fundamental belief that all human beings are endowed with inalienable human rights that encompass democratic rights. It promotes the idea that authority of any government or elected representatives derive legitimacy only from the will of the people expressed in genuine, free, fair and transparent elections held at regular intervals on the basis of universal, equal, and secret ballot. It broadly defends the conviction that human existence is not to be ruled by anyone except through civilized consent expressed through direct and informed participation.

Popular political participation is beyond mere involvement of citizens. It involves adherence to international conventions enshrined in UN and AU declarations, national constitutions and other agreements and laws intended to defend and protect the freedoms, rights and dignity of people everywhere.

Among other things, participation requires: dependable and reliable voter registration; genuine, free, fair and transparent election; all-inclusive processes; right to organize, lead, become member of political party and be elected; responsible action and unbiased behavior from incumbent ruling party; vigilant civic education and timely voter information; free, responsible and independent mass communication media; effective electoral management system with competent and well-trained personnel; efficient balloting, monitoring and preparation of results; fair dispute resolution mechanism; and establishment of independent and impartial Electoral Management Body.

Indeed, it is time for Africa to rise. Democratization is the undisputed engine to development. While the basics of democratic elections are presented here, it must be underscored that true democracy blossoms as ordinary citizens exercise their God-given rights and participate willingly and unencumbered in the governance of their country.

To that end, African political leaders must recognize the special privilege they have been granted to occupy positions of authority and power. They must also know that they are expected to diligently discharge their responsibilities and obligations entrusted to them by non other than the people they are to unceasingly serve.

Bibliography

Abbink, J. (2000). The organization of elections in Federal Ethiopia: Retrospect and Prospect. In Abbink, J. and Hesseling, G. (Eds). *Election observation and democratization in Africa* pp. 150-179. London: MacMillan Press.

Adebayo, A. G. (2012). *Managing conflicts in Africa's democratic transitions.* New York: Lexington Books.

Adejumobi, S. (2015). Beyond authoritarianism: Elections and the changing dynamics of state-society relations in Africa. In Adejumobi, S. (Ed). *Democratic renewal in Africa: Trends and discourses* pp. 43-62. New York: Palgrave Macmillan.

Adekoya, O. (2006). Psychopaths in power: The collapse of the African dream in *A Play of Giants*. In Beckman B. & Adeoti, G. (Eds), *Intellectuals and African development: Pretension and resistance in African politics* pp. 11-30. Pretoria: UNISA Press.

Adeleke, F. (2018). The role of access to information for democratization and governance in Africa. In Adejumobi, S. (Ed). *Voice and power in Africa's democracy: Institutions, participation and accountability* pp.199-217.London: Routledge.

Albuyeh, A. (2013). Regime change, succession politics, and the language question. In Nyamanga, A. & Nasong'o, S. (Eds). *Regime change and succession politics in Africa* pp. 173-191. New York: Routledge.

Arriola, L. R. (2013). *Multiethnic coalitions in Africa: Business financing of opposition election campaigns.* Cambridge: Cambridge University Press.

Austin, D. (1984). *Politics in Africa (2nd ed).* London: University Press of New England.

Barkan, J. D. (1998). Rethinking the applicability of proportional representation for Africa. In Sisk, T. D. and Renolds, A. (Eds). *Elections and conflict management in Africa* pp. 57-70. Washington, D.C.: United States Institute of Peace Press.

Berhanu, K. (2003). Party politics and political culture in Ethiopia. In Salih, M.A. (Ed). *African political parties: evolution, institutionalization and governance* pp.115-187. London: Pluto Press.

Boas, M. and Dunn, K. (2013). *Politics of origin in Africa: autochthony, citizenship and conflict.* London: Zed Books.

Bogaards, M. (2007). Electoral systems, party systems and ethnicity in Africa. In

Basedau, G. E. and Mehler, A. *Votes, money and violence: political parties and elections in sub-saharan Africa* pp. 168-193. South Africa: University of Kwazulu-Natal Press.

Burchard, S. M. (2015). *Electoral violence in sub-saharan Africa: Causes and consequences.* Boulder, Colorado: First Forum Press.

Cambridge Studies in Comparative Politics. (2013). *Multiethnic coalitions in African: Business financing of opposition election campaigns*. Cambridge University Press. New York, New York: Arriola, L.

Chachage, C.S. (1999, September). *Nation-building and ethnicity: towards a reconceptualization of democracy in Africa.* Presented at the Pan African Civic Educators Network Conference, Tanzania.

Cheeseman, N. (2009). Kenya since 2002: The more things change the more they stay the same. In Mustapha, A. R. & Whitfield, L. *Turning points in African democracy* pp. 94-113. Rochester, New York: James Currey.

Cheeseman, N. (2015). *Democracy in Africa: Successes, failures, and the struggle for political reform.* Cambridge: Cambridge University Press.

Daniel, J. and Pankhurst, D. (1999). Electoral corruption and manipulation in Africa: the case for international monitoring. In Daniel, J., Southall, R. and Szeftel, M. (Eds). *Voting for democracy: watershed elections in contemporary Anglophone Africa* pp.37-56. Sydney: Ashgate.

Daniel, J. and Southall, R. (1999). Electoral corruption and manipulation in Africa: the case for international monitoring. In Daniel, J., Southall, R. and Szeftel, M. (Eds). *Voting for democracy: Watershed elections in contemporary Anglophone Africa* pp. 37-56. Hamphshire, UK: Ashgate Publishing.

Development Policy Management Forum/Ethiopian International Institute for Peace and Development (2002). 2002 *workshop report*. Addis Ababa, Ethiopia: Bujra, Abdalla.

Doorenspleet, R. and Nijzink, L. (2014). Do party systems help or hinder democracy in Africa. In Doorenspleet, R. and Nijzink, L. (Eds). *Party systems and democracy in Africa* pp.171-187. New York: Palgrave MacMillan.

Doorenspleet, R. and Nijzink, L. (2014). Do party systems matter for democracy in Africa? In Doorenspleet, R. and Nijzink, L. (Eds). *Party systems and democracy in Africa* pp. 1-21. New York: Palgrave MacMillan.

Earl, C.M. (1997). *Democratization in Africa: The theory and dynamics of political tranistions.* London: Praeger.

Eboh, S. O. (2005). *Inalienability of land and citizenship in the African context.* Frankfurt: IKO – Verlag fur Interkulturelle Kommunikation.

Edozie, R. K. (2009). *Reconstructing the third wave of democracy: comparative African democratic politics.* New York: University Press of America.

Ethiopian Constitution (1995) The Constitution of the Federal Democratic Republic of Ethiopia. Addis Ababa: Negarit Gazeta.

Eifert, B., Miguel, E. and Posner, D. (2013). Political competition and ethnic identification in Africa. In Bratton, M. (Ed). *Voting and democratic citizenship in Africa* pp.61-77. Boulder, Colorado: Lynne Rienner Publishers.

Fawole, W. A. (2005). Voting without choosing: interrogating the crisis of 'electoral democracy' in Nigeria. In Lumumba-Kasongo, T. (Ed). *Liberal democracy and its critics in Africa: Political dysfunction and the struggle for social progress* pp. 149-171. Dakar: Codesria Books.

Forje, J. W. (2009). *Here the people rule: political transition and challenges for democratic consolidation in Africa.* New York: Nova Science Publishers.

Forje, J. W. (2009). *State building and democracy in Africa: A comparative and developmental approach.* New York: Nova Science Publishers.

Frere, M.S. (2011). *Elections and the media in post-conflict Africa.* London: Zed Books.

Friedrich Ebert Stiftung (FES)-Kenya and Centre for Governance and Development (Kenya). (2008). *Political parties and regional integration in Africa.* Nairobi.

Ghana Center for Democratic Development. (2010). *Enhancing the conflict prevention role of elections in Africa*. Accra: Frazer, J. E.

Gofie, S. M. (2016). The state and the "peoples": citizenship and the future of political community in Ethiopia. In Hunter, E. (Ed). *Citizenship, belonging, and political community in Africa: dialogues between past and present* pp. 240-255. Athens, Ohio: Ohio University Press.

Groenmeyer, S. (2014). Rethinking gender and citizenship in a global age: A south African perspective on the intersection between political, social and intimate citizenship. In Amri, L. and Ramtohul, R. (Eds). *Gender and citizenship in the global age* pp. 317-335. Dakar, Senegal: CODESRIA.

Gustavson, M. (2014). *Auditing good governance in Africa: Public sector reform, professional norms and the development discourse.* New York: Palgrave MacMillan.

Hulterstrom, K., Kamete, A. Y., and Melber, H. (2007). *Political opposition in African countries: The cases of Kenya, Namibia, Zambia and Zimbabwe.* Uppsala, Sweden: Nordiska Afrikainstitutet.

Institute for Education in Democracy. (2007). *Pre-election observation: Registration of voters in 2007: An audit.* Nairobi: Kenya.

International Institute for Democracy and Electoral Assistance. (2007). *Political parties in Africa: Challenges for sustained multiparty democracy.* Stockholm, Sweden.

Jinadu, L. A. (2011). *Managing elections: The winner takes-all rule, democracy and Development.* Accra: Ghana University Press.

Keller, E. (1995). Remaking the Ethiopian state. In Zartman, I. W. *Collapsed states: The disintegration and restoration of legitimate authority* pp. 125-139. London: Lynne Rienner Publishers.

Kimemia, D. (2016). *Africa's social cleavages and democratization: Colonial, post-colonial, and multiparty era.* New York: Lexington Books.

Kiruthu, F. (2014). Masculinities, femininities and citizen identities in a global era: The case study of Kiambu district in Kenya, 1980-2007. In Amri, L. and Ramtohul, R. (Eds). *Gender and citizenship in the global age* pp. 99-119. Dakar, Senegal: CODESRIA.

Kpaduwa, A. (2014). African politics and the mass media: Evidence of the role of the media in elections. In C. U. Nwokeafor & K. Langmia (Eds), *Media role in African changing electoral process: A political communication perspective* pp. 16-28. New York: University Press of America.

Lebas, A. (2011). *From protest to parties: party-building and democratization in Africa.* Oxford: Oxford University Press.

Lindberg, S. I. (2004). *The power of elections: democratic participation, competition, and legitimacy in Africa.* Sweden: Lund University.

Lumumba-Kasongo, T. (1998). *The rise of multipartyism and democracy in the context of global change: The case of Africa.* London: Praeger.

Malan, M. (2000). Civil-military relations in Africa: soldier, state and society in transition. In Solomon, H. and Liebernberg, I. (Eds). *Consolidation of democracy in Arfica: A view from the South* pp. 139-170. Sydney: Ashgate.

Manby, B. (2009). *Struggle for citizenship in Africa.* London: Zed Books.

Miezah, H. A.A. (2018). *Elections in African developing democracies.* London: Palgrave Macmillan.

Mngomezulu, B. R. (2013). Playing the ethnicity card: President Kenyatta and Arap Moi. In Mngomezulu, B. R. (Ed). *The president for life pandemic in Africa: Kenya, Zimbabwe, Nigeria, Zambia and Malawi* pp. 45-61. London: Adonis & Abbey Publishers.

Mutharika, B. (1995). *One Africa, one destiny: towards democracy, good governance and development.* Harare, Zimbabwe: Sapes Books. Nwabueze, B. (Ed.). (2003). *Constitutional democracy in Africa* (Vol. 1). Abuja: Spectrum Books Limited.

Ndegwa, S. N. (1996). *The two faces of civil society: NGO and politics in Africa.* West Hartford, Connecticut: Kumarian Press.

Ndulo, M. (2006). Decentralization: Challenges of inclusion & equity in governance. In Ndulo, M. (Ed). *Democratic reform in Africa: Its impact on governance & poverty alleviation* pp. 79-98. Oxford: James Currey.

Ngetich, K. A. (2015). Toward a people-driven constitution: Opportunities, constraints, and challenges of the Kenyan Example. In Adejumobi, S. (Ed). *Democratic renewal in Africa: Trends and discourses* pp. 133-152. New York: Palgrave Macmillan.

Nijzink, L. and Doorenspleet, R. (2013). Why one-party dominance endures in some democracies but not others. In Doorenspleet, R. and Nijzink, L (Eds). *One-party dominance in African democracies* pp.195-207. Boulder: Lynne Rienner Publishers.

Norris, P. and Mattes, R. (2013). Does ethnicity determine support for the governing party? In Bratton, M. (Ed). *Voting and democratic citizenship in Africa* pp.41-60. Boulder, Colorado: Lynne Rienner Publishers.

Nuvunga, A. and Sitoe, E. (2013). Party institutionalization in Mozambique: 'The party of the State' vs the opposition. *Journal of African Elections,* 12(1), 109-142.

Okoye, C. (1999). Blocked transition in Nigeria: democracy and the power of oligarchy. In Daniel, J., Southall, R. and Szeftel, M. (Eds). *Voting for democracy:*

Watershed elections in contemporary Anglophone Africa pp. 158-182. Hamphshire, UK: Ashgate Publishing.

Open Society Institute. (2010). *Citizenship law in Africa: A comparative study (2nd ed).* New York, New York: Manby, B.

Poluha, E. (2002). Beyond the silence of women in Ethiopian politics. In Cowen, M. & Laakso, L. (Eds). *Multi-party elections in Africa* pp. 60-74. Oxford: James Currey.

Rose, J. D. (2017). Leading the way in battling corruption. In Patternson K. and Winston, B. (Eds). *Leading an African renaissance: Opportunities and challenges* pp. 63-74. Switzerland: Palgrave McMillan.

Sarakinsky, I. (2015). Party political finance and multi-party democracy in South Africa's 2014 election. In Fakir, E. and Lodge, T. (Eds). *Political parties in Africa* pp. 183-195. South Africa: EISA.

Southall, R. (2006). Troubled visionary: Nyerere as a former president. In Southall, R. and Melber, H. (Eds). *Legacies of power: leadership change and former presidents in African politics* pp. 233-255.Uppsala, Sweden: The Nordik Africa Institute.

Spiess, C. (2015). Party systems and their effects on political parties: tales of one-party dominance and multi-party competition. In Fakir, E. and Lodge, T. (Eds). *Political parties in Africa* pp. 1-19. South Africa: EISA.

Tegegne M. Political marginalisation vs. good governance: The case of pastoralists in Ethiopia (2002). In Abdalla B. & Said A (Eds), *Breaking barriers, creating new hopes*: *Democracy, civil society and good governance in Africa* pp. 331-348. Asmara, Eritrea: Africa World Press, Inc.

Teshome B., W. (2009). Media and multi-party elections in Africa: The case ofEthiopia. *International Journal of Human Sciences* [Online]. 6:1.

Tlemcani, R. ((2005). Reflections on the question of political transition in Africa: the police state. In Lumumba-Kasongo, T. (Ed). *Liberal democracy and its critics in Africa: Political dysfunction and the struggle for social progress* pp. 26-45. Dakar: Codesria Books.

Uddhammar, E., Green, E., and Soderstrom, J. ((2014). Political opposition and democracy in sub-Saharan Africa. In Green, E., Soderstrom, J., and Uddhammar, E. (Eds). *Political opposition in sub-Saharan Africa* pp. 1-11. New York: Routledge.

Udogu, E. I. (2016). *Leadership and the problem of electoral democracy in Africa: Case studies and theoretical solutions.* Newcastle upon Tyne, UK: Cambridge Scholars Publishing.

UNDP and the Electoral Commission of Kenya. (2007). *The informed voter: My vote, my future: A voter's handbook.* Nairobi.

UNGA Resolution (2000). Promoting and Consolidating Democracy"

UN Millennium Declaration (2005). *In Larger Freedom.* Report of the Secretary General. New York.

UN Universal Declaration on Democracy (1994). 154th UN Session adopted in Paris.

Van Eerd, J. (2017). *The quality of democracy in Africa: opposition competitiveness rooted in legacies of cleavages.* Switzerland: Palgrave MacMillan.

Zahorik, J. (2013). Ethnicity and regime change in Ethiopia. In Nyamanga, A. & Nasong'o, S. (Eds). *Regime change and succession politics in Africa* pp. 48-58. New York: Routledge.

Zuern, E. (2000). The changing roles of civil society in Arfican democratization processes. In Solomon, H. and Liebernberg, I. (Eds). *Consolidation of democracy in Arfca: A view from the South* pp. 95-137. Sydney: Ashgate.

Websites
https://au.int/en/organs/aprm
https://en.wikipedia.org/wiki/National_Human_Rights_Action_Plan
https://au.int/en/agenda2063/about
https://en.wikipedia.org/wiki/Sustainable_Development_Goalshttps://mo.ibrahim.foundation/
https://en.wikipedia.org/wiki/Voter_turnout
https://www.wwnorton.com/

Chapter Four

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"The most prevalent challenges in democratic participation, transparency and accountability of media use in Africa are: poor ICT infrastructure, inequitable access, unaffordable cost, digital illiteracy and infancy of technology use culture, domination of self-serving elites and diasporas, state monopoly and surveillance."

Berhanu Beyene Tessema

"The contemporary fifth estate – the online social media, need to be reconfigured and transformed into the 'sixth estate' with special emphasis on social responsibility and legal accountability of all actors, so that opacity gives way to transparency."

Berhanu Beyene Tessema

From Opacity to Transparency: The Role of the Sixth Estate in Electoral Governance

Berhanu Beyene Tessema

I. Introduction

This chapter discloses the prevalence of opacity in electoral governance and the role of digital social media as a sixth estate in shaping open, transparent and democratic election systems. It underscores that transparency in governance in general and in election governance in particular, is an upshot of the "New Public Management" (NPM). Transparency promotes the principles of open and networked governance systems enhanced by the ubiquitous and pervasive information and communication technologies (ICT). Serious effort is made to thoroughly discuss the role of social media and level of transparency and accountability as the highest level of democratic governance. The overall discussion highlights the role of ICT on democratic elections to reveal fundamental driving forces and major stakeholders to advance transparency.

The discussion begins by highlighting the dawning of NPM (Gow and Dufour 2000, Hood 1991) and the emergent new public governance reforms (Osbone 2010) in public service delivery. Further enhancement was achieved through the path of Business Process Reengineering (BPR), an ICT-enabled process that optimizes the delivery of digital services through government portals and social media. This paradigm shift has altered the government-citizen communication and political discourse.

In participatory governance, open, free, fair and transparent election is the featured characteristic of democracy. Politicians derive their authority and legitimacy only through such competitively contested elections (KAS, 2011). Equitable and effective access to good election information via the new digital social media is fundamental (DFID, 2010).

It is evident that the development of social media was derived and shaped by the rapid development of ICT. The Internet and Web 2.0 technology are citizen-centred socio-technical systems that allow journalists, activists, professional pundits and citizens to write and disseminate information online. This approach is cost-effective and provides just-in-time alternative media outlet to reach a myriad of audiences. As a result, Web 2.0 technology has transformed the long-standing dominant print media, known as the Fourth Estate, into the Fifth Estate - online digital social media.

Social media - the Fifth Estate - played tremendous role in firmly networking and empowering citizens locally and globally. It has transformed the course of political communication and discourse towards open, transparent, participatory and responsive citizens-government communication platform. Furthermore, social media have inspired and empowered citizens at grassroots levels to participate in electoral governance systems (Penney, 2017). Due to their power in political discourse and democratisation process, social media are considered the Fourth Pillar (Deo, 2014) in any governance system; next to the legislative, executive, and judiciary.

Despite advances of digital online social media in revolutionizing networking of government-citizen dialogue; mediating communication, interaction and information exchange; they have posed several challenges and paradoxes (Dutton, 2004)). Though social media are free and open, where users enjoy freedom of information and expression, they nevertheless are not accountable for content. There is no law or power locally or globally to stop or control content producers, where most remain anonymous. As a result, the credibility and trustworthiness of social media is decreasing (Moturu and Liu, 2010)) due to fake information (Shuy et al, 2017)), disguised nature of publishers, and lack of universally agreed legal measures to make authors and content holsters responsible or accountable. In some cases, social media blunder civilities have moved toward Cyber-war-like discourse and self-serving media affair, including by political candidates (contestants) and their supporters. As a result, contemporary social media, as Fifth Estate, has reached a level where their transparency and accountability have become questionable. Similarly, political discourse and election campaigns on social media are considered less trustworthy. Therefore, governments, political candidates, election management bodies, as well as citizens will be obliged to reinvent the system and devise a way to make the social media more responsible, transparent and accountable.

To this end, this chapter argues that the Fifth Estate shall be transformed into a new and higher order - the Sixth Estate – where the public can trust the social media as socially responsible, transparent, accountable and freely accessible, without any barrier. The chapter also recommends that the electoral governance system should be considered as complex system of networks of socio-technical systems involving human and non-human actors.

II.   New Public Management and Election Governance

In contemporary government systems, the transformation of public administration processes into new public management (NMP) system has introduced global reforms. Furthermore, new public governance (NMG) systems evolved reshaped by successive reforms in public service delivery increasingly adhering to basic principles of good governance. Primary motives of NPM and NPG are enhancing citizens' participation in governance systems and holding democratic elections. This section through multi-level analyses highlights the concepts and roles of NPM and NPG, open government and networked governance, and E-Governance. These are the foundations for transparent and accountable electoral governance.

2.1 New Public Management and Governance

Towards the end of 1970s, the concept of the new public management (NPM) was codified by Hood (1991) as a paradigm evolved out of the old reign of public administration. Since then, the concept of NPM was much enriched. NPM is a new transformative reform that aims to achieve efficiency and effectiveness in public policy implementation and public service delivery, focussing on entrepreneurial leadership within public service organizations. In doing so, it gives due emphasis to input and output audits and performance management (Osborne, 2010).

With the elapse of time, it was necessary to intermingle the NPM with the principles of good governance to manage the public sphere. Diffusion of principles of good governance into election governance systems achieved great acceptance within the political discourse and public

management and increasingly dominating and ultimately became the bedrock principle of sustainable socio-economic development (ibid).

A steady reform in public management created a new paradigm shift in public service delivery and political discourse. The paradigm shift brought a tide of changes in NPM (Hughes, 2003) that transformed political governance, including election governance from opacity to transparency. It also redefined the role and interaction between government and citizens. The basic features included reorganization of the public service delivery, enhancing good governance and democratic elections.

The public service reforms and process automation increased networking and strengthened participation of citizens in public processes (Stern et al, 2018). Such participation put public authorities under pressure to digitize public services offered, systematize workflows and internal processes, similar to private business ventures. This reinforced government to open up windows for citizens to consume huge government information resources, considered fundamental for democratic societies.

Parallel to the paradigm shift in public management, the new digital social media, driven by information and communication technologies, particularly Web Technology, paved the way for citizens' transparent and active participation in political discourse. It is also a breakthrough to uncover the obscurity and opacity in political communication.

The NPM led not only to better policies and services, but also to increased accessibility to public services and information; active public participation and transparency. This also encouraged public sector integrity, which is essential to regaining and maintaining citizens' trust in the neutrality and reliability of government.

In a nutshell, the advancement in the new public management and new democratic governance and their role in crafting democratic and transparent elections and election governance are depicted in Figure 1.
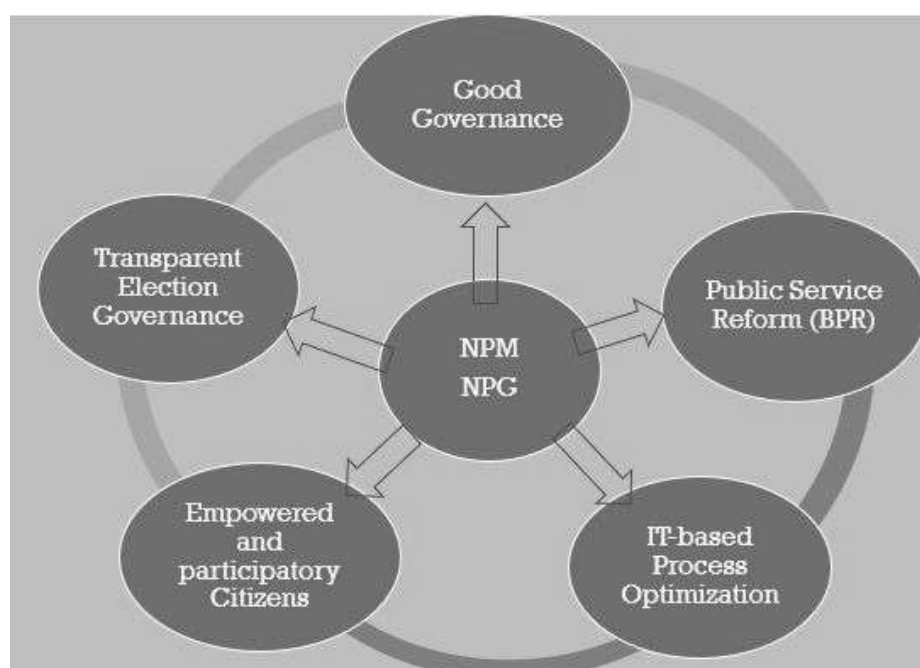
Figure 1: Features of New Public Management and Governance

The basic features of NPM and NPG, as depicted in Figure 1, are:

- Democratic governance based on the principles of good governance, open government and networked governance systems;
- Tremendous public service reform, including business process re-engineering (BPR);
- Business process optimization, digitization followed by establishment of E-Governance and ad provision of integrated E-Services;
- Empowering and engaging citizens to participate in the governance system; and
- Transparent and democratic election governance.

While NPM focuses on public service reform towards process reengineering to enhance the efficiency of individual agencies, NPG logic represents a transition towards growing recognition of citizens' role as a wider and more proactive involvement in decision-making and provision of quality service, contrary to one-sided emphasis on efficiency and economic performance improvements (Wiesel and Modell 2014). This new pheromone requires coordination of multiple agencies and digitization of public services and well-integrated   E-Services portal. The portal can transform not only networking citizens-to-government and organizations, but it will also serve as communication and knowledge sharing platform and political discussion. These factors can ensure a government system to be transparent and accountable as well as trusted when campaigning for elections.

2.2 Open Government and Networked Governance

The concepts of open government and networked governance aim at making government more accessible to everyone, collaborative in decision-making and transparent to stakeholders. In line with this, the Organisation for Economic Co-operation and Development (OECD, 2017) emphasizes that the fundamental element of a democratic society is opening up government processes, its documents and data for public scrutiny. This ensures greater transparency and public participation leading not only to better policies and services, but also to public sector integrity, which is essential to regaining and maintaining citizens' trust in the neutrality and reliability of public administrators (ibid).

As citizens are increasingly demanding government for more transparency, accountability, access to information and competent service delivery, governments are not only opening their governance systems and resources, but also are steadily forming a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy towards inclusive growth (ibid). Consequently, with digitalization and open data, citizen participation and political communication and discourse are increasing. This in turn increases trust in the governance system.

On the other hand, since digitizing public service interactions is complex and challenging requiring coordination between different levels, governments have become more networked with stakeholders to collaborate and fulfil joint accomplishments (Stern et al, 2018). The emergence of network collaboration has substantially refurnished political space within the State,

undercutting critical voices and functions of civil society actors within policy processes and created possibilities for new relations of domination that the current pluralist approach to network governance has not yet taken into consideration. The United Nations (2006) acknowledges that public problems are best solved by combining societal efforts, which opens up enormous new innovative possibilities and opportunities that have not only made governments more effective but also more citizen focused. This has led to re-conceptualization of government as new governance system that is no longer a top-down hierarchy, but mesh of integrated networks of vital actors, including citizens.

According to OECD (2017) recommendations to open government and network governance, networks seek to:

- Connect reformers from government, civil society, business associations, and other relevant multilateral institutions;
- Identify good practices of open and innovative governments; and
- Provide examples and recommendations to network members on how to sequence open government reforms and support their implementation

Moreover, the recommendation underlines that open government strategies and initiatives are needed more than ever to regain citizens' trust in governments. Countries are increasingly acknowledging the role of open government as a catalyst for good governance, democracy and inclusive growth (ibid). Open government principles – i.e. transparency, integrity, accountability and stakeholders' participation - are progressively changing the relationship between public officials and citizens in many countries.

Vividly, for the last few decades, government institutions have become more interconnected to strengthen effective networks of governance, which resulted in specific institutional arrangements for managing public problems (Klijn and Koppenjan 2016). These involve informal and self-regulated set of public and private actors who together address various political and social problems. Furthermore, the networking between government and business, aimed primarily at complementarity in resource mobilization, capacity building and knowledge exchange, brought a public-private-partnership. This substantially altered the institutional landscape concerning formation and implementation of public policy (Mervis, 1989).

The spread of open government and networked governance systems stimulated innovations in public management to encourage governments to use augmented experiences and knowledge to build better and stronger election institutions. As a result, it has become part of the democratic governments to empower, mobilize and engage citizens in the governance system and election of representatives. Open governments and networked governance systems have enabled to widen the political space so that opposition parties can participate in elections, expanded the role of electoral management bodies, as well as independent observers to manage open, free and fair elections regularly.

2.3 E- Governance and Integrated E-Services

NPM is cornerstone for many public reforms and optimization of public service delivery and citizen-government relationships. Furthermore, the swift development in ICTS has

increasingly moulded structure of government and continuously optimized the efficiency of government and governance systems. This led to birth and development of open and networked digital government systems, later named e-Governance.

The last three-decade have witnessed growing use of e-Government portals as channels of interactive communication connecting citizens and the State, facilitating both the delivery of government information and services 'downwards' to citizens and also public feedback 'upwards' to government thus strengthening good governance and deepening democracy around the world (Norris, 2003). The remarkable advancement in e-Government portals and e-Governance systems is the principles of designing major pillars like government-to-government (G2G), government-to-business (G2B), and government-to-citizens (G2C) as collaborative systems and integrating them as government e-Portal. The basic features of e-Governance systems are their power to integrate various public digital services (i.e. e-Services) into unified complex government portal. The digital government portal (E-Government websites with immense resources) integrates different digital services that deal with different actors.

One of the pillars of e-Governance is citizens-to-government communication, interaction and service delivery. Public service delivery enhanced by ICT has necessitated the integration of various E-Services into a unified government portal. The government portal has essentially become a hub for all government communication, service delivery as well as political discourse and electoral governance.

When government addresses citizens on election related issues, it engages them to actively participate in the governance system, by laying down mechanisms for transparent participation in the election process. According to Hale and Mossberger (2017) and West (2000), E-Government[75] is an administrative reform that involves the use of technology to deliver digital services and to modernize electoral systems; increase the effectiveness, transparency and accountability of electoral processes.

On the other hand, Hale and Mossberger (2017) citing Hibbing and Theiss-Morse (2002) and Thomas (1998), argue that, "one of the goals of E-Government reforms at all levels is to improve trust and confidence of citizens in government as well as feel that government processes are open and transparent. Furthermore, one of the promises of E-Government is its potential for improving the relationship between institutions of government (G2G) and citizens (G2C), where greater transparency, more effective administration, increased accessibility and responsiveness to citizens' needs, as well as promotion of citizens' participation in democratic systems (ibid).

In sum, E-Governance systems, as depicted in Figure 2, consist of immense digital assets and integrated E-Services that empower and engage citizens (C2G), network and collaborate with

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[75] Note that E-Government connotes use of ICT to improve government activities and process, with aim of increasing efficiency, transparency, and citizen involvement. On the other hand, E-Governance is meant to use ICT to govern or administer government institutions.

business sectors (G2B) (partnering for efficient resource mobilization), as well as strengthen intergovernmental (G2G) organizations network for effective coordination.
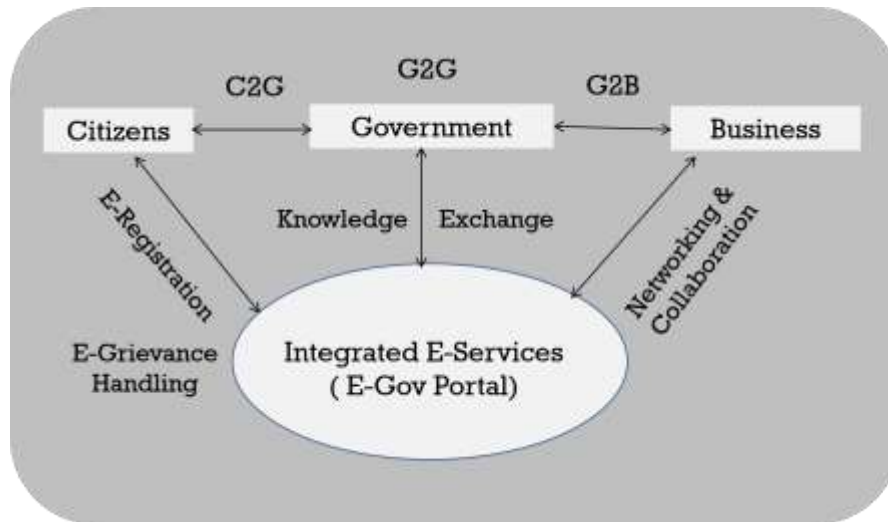

Figure 2: E-Governance and Integrated E-Services

The promises of government digital platforms (E-Government portal) are beyond providing integrated E-Services. They can as well serve to register voters and build databases as well as administer E-Voting systems. The E-Government portal can also be re-conceptualized as communication and information (knowledge) exchange platform. What is more interesting is that the platform can be used as E-Grievance handling system, where citizens can convey their complaints over election processes and governance. This can create transparency, strengthen accountability and promote trustworthiness.

III.   Web 2.0 Technology and Social Media

The main driving force for the new public management governance and democratic, transparent and accountable election governance is Web 2.0 Internet technology. Web 2.0 technology is a concept used to describe a variety of web technologies and applications that allow anyone to create and share online information as well as collaborate and communicate readily. With the advent of Web 2.0 technology, social media was radically transformed into a universal platform to facilitate communication, knowledge-sharing and transparent political dialogue as well as election campaigns. This part throws light on the role of Web 2.0 on participatory and transparent digital social media development.

3.1 Web 2.0 Technology

The ubiquitous and pervasive Information and Communication Technologies (ICT), particularly Internet and Web 2.0 have inundated the entire walk of human activity and heavily influenced how information is disseminated and transformed life without leaving any room for exceptions. **"Web 2.0 is the business revolution in the computer industry caused by the move to Internet as a platform, and an attempt to understand the rules for success on that new platform" (**Reilly, 2006).

There is no technological innovation other than the new media driven by Web 2.0 technology that became increasingly colossal empowering all citizens to actively participate in governance and socio-economic affairs. The trend for citizens to produce and share information continued from the turn of the century through Web 2.0 technology-enabled online social networking, mediating communication and sharing information through e-mail, the Web, blogging, texting, tweeting, and others. More specifically, Web 2.0 technologies inspired and continuously empowered the use of digital social media (like Facebook and folksonomies) and content hosting services; search engine applications (Google), file exchange (Google Docs, and Flickr); video sharing (You Tube), publishing and creating Blogs (WordPress), and Microblogs (Twitter); podcasting, user content generation wikis (Wikipedia) and many more.

Therefore, the successes of Web 2.0 technology involve, among other things: enabling self-paced digital online publishing, disseminating information, and strengthening local and global networking and communication systems (ibid). This resulted in the development of new media and empowered citizens to increasingly participate in political and socio-economic issues. This rapid development of Web 2.0 technology revolutionized communication, multimedia information processing, interactive publication and searching global information through intelligent search engines. Furthermore, digital channels and services enable networked individuals to reconfigure their access to alternative sources of information, people, and other resources (Dutton, 2012).

3.2 Social Media

Social media, as new and emerging technology, provides an avenue and long-lasting impact on public administration, mainly through reducing constraints of time and space. Digital social media is, as underlined by Baruah (2012), grounded in its ability to support real time information dissemination and interactive dialogue across various media platforms. This has empowered users and changed political communication and discourse as well as altered citizen-government communication. Moreover, the use of collaborative technologies and social media tools like blogs, YouTube, Facebook, Twitter, and many more are reshaping, not only the media landscape and communication, but also government–citizen interactions (Reddick and Aikens, 2012).

Government portals become main information dissemination platforms. Many business entities started providing a variety of Web-based platform applications, and technologies that exploit the Internet's connectivity to support networking of people and content. The breed and spread of digital social media enhanced more access to citizen and opportunities of communication and a platform for social-economic and political discourse (ibid). This has immensely empowered citizens as producers of digital information rather passively consuming what journalists and politicians customarily disseminate. Social media have also been used as the main instrument in mobilizing against government corruption, political campaigns, for participatory democracy and governance processes (ibid).

3.3 The Role of Social Media in Elections

Cognizant of the power of digital media, political parties and election campaigners have embarked on aggressive use of social media. This has not only enabled election campaigners to

reach many citizens, but also at reduced cost. In line with this, Dahl (1971) argues that communication technology could be harnessed to promote democratic values by making information available to the public in a timely and easy manner. Besides, scholars have begun to study how political information flows among citizens, with limited attention to the role of new media under organizational units of analysis - party and campaign organizations.

The role of social media as platform for election governance has become paramount. Major actors in electoral governance are citizens (voters), government (maintaining the balancing act of actors through inducement of rule of law), independent observers, election candidates (political entities with their programs and plea for election), and the election management bodies, a legal and independent body with firm apparatus and authority.
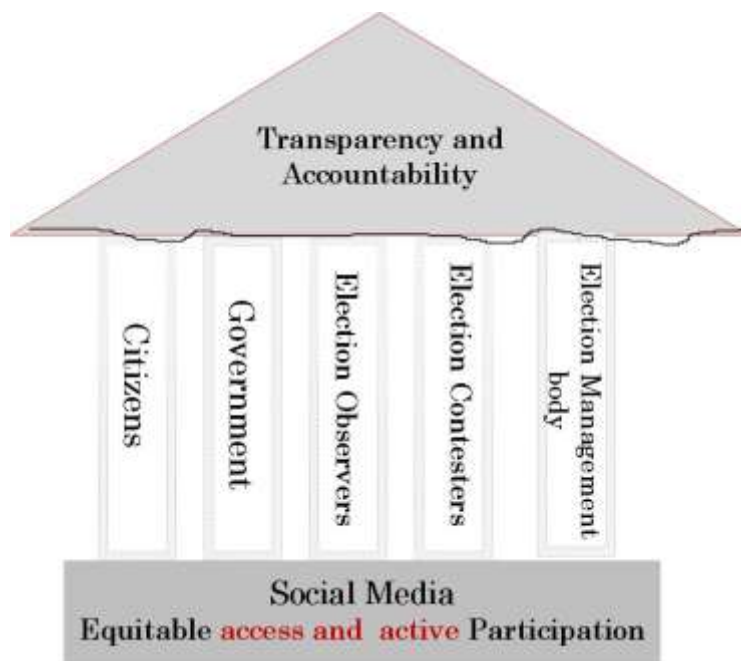

Figure 3: Pillars of Election Transparency and Media Use

The foundation for transparency and accountability is depicted in Figure 3. It shows interaction communication among actors and the equitable access to social media, and active participation in the political discourse and election campaign. In other words, the battleground is the media, the fourth arm in governance system, while actors form the building block. Overall actions and interactions among actors have diverse roles and interests, but mutually coexist to achieve a common goal i.e. a democratic, transparent and socially accountable election process.

The role of social media has great impact in almost every aspect of life; as recently shown in the major influence over the election process (Brown, 2018). Actors in the election governance such as citizens, governments, election contestants and election management bodies strive to conduct accountable and transparent elections. Active participation in political discourse and election campaigns is facilitated mainly over social media. Transparency is ensured through the use of open, free and fair communication, while accountability is checked by the degree of transparency, participation and interaction.

Election campaigns using social media have impressed the world when first used during the 2008 presidential election in the United States. Presidential candidate Barack Obama's

campaign heavily depended on the use of social media such as Facebook, MySpace and YouTube, along with other social media such as podcasting and mobile messaging (Dahri, 2018). The potential of social media campaigning became evident and real as stated by Dahl (ibid),

> *The election, dubbed by some the 'Facebook election', saw nearly 70% of the vote among Americans aged 25 years and younger going to Obama. The number of his Facebook and Twitter followers increased on a daily basis, and the sites allowed users to publish activities and send postings to one another. By 2011, Obama's Twitter account–***@BarackObama***, which he used to promote legislation and support for his policies – was the third Twitter account in the world to have at least 10 million followers*

Social media use in election campaigns in Africa is a recent phenomenon. According to Dahri (2018), a Blogger social media use in an election campaign to engage young voters became one of the key tools during the 2013 Kenyan general election, especially as President Uhuru Kenyatta indulged in the use of social media and digital communication in his election campaign. Moreover, Dahri argues that influence of social media in African elections has increased in 10 elections across nine African nations that took place between June 2017 and March 2018 (ibid).

IV.   Transparency in Election Governance

Democratic governance of any system is primarily revealed by the degree of its transparency in the governance system, including the election governance. Transparency and accountability in the governance system and empowering citizens' participation are thus key items in the generation of social cohesion and in improving the quality of democratic governance (Mas, 2013). This section highlights the concept and principles of opacity and transparency in elections and election governance. At the end, it sums up and concludes that transparency in elections and election governance is the highest level of democratic governance.

4.1 Transparency

Transparency has become a buzzword and people use it often but it is rarely defined (Hall, 2008). The normative concept of transparency as a notion of open governance came up in the Freedom of Information Act[76]. It is mainly covered in the public system of governance, to purport and create promises of democratic and accountable State (Fenster, 2013) in all spheres of government actions. In a nutshell, transparency is simply defined as "The quality or condition of being transparent; perviousness to light[77]". However, "transparency is, similar to rule of law or democracy, difficult to capture with single empirical indicators" (Bauhr and Grimes, 2012). On the other hand, according to Grigorescu (2003) transparency is often conflated with

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[76] Freedom of Information Act is a federal law that allows US citizens access to records and data held by national governments and this act is enforceable in court.   Retrieved from https://www.foia.gov 9 September 2018

[77] Oxford dictionary

'good governance' more generally that limits its applicability and leads to difficulties in finding good operationalization of the term.

The importance of transparency seems to be growing uninterruptedly, and transparency has become the norm (Koivisto, 2016) for any action-interaction communication and for governance systems.

Transparency theory flaws result from simplistic model of linear communication that assumes that information, once set free from the state that creates it, will produce an informed, engaged public that will hold officials accountable (Fenster, 2006). To the extent that this model fails to describe accurately the state, government information, and the public, as well as the communication process of which they are component parts, it provides a flawed basis for open government laws. It also proposes institutional alternatives to the current default regime in open government laws, which relies on weak judicial enforcement of disclosure mandates, and offers substantive suggestions that would improve efforts to establish a more accountable state and an informed public.

A transparent election process is one in which each step is open to scrutiny by stakeholders (political parties, election observers and voters alike), who are able to independently verify that the process is conducted according to procedures and no irregularities have occurred.[7] Providing transparency in an election helps establish trust and public confidence in the process, as voters have a means to verify that results are accurate reflection of the will of the people (NDI, 2013).

World Bank index of transparency contains indicators of freedom of speech, political competition, press freedom and regulations concerning disclosure of political funding

In this case Mulgan (2013) underscores that

> *"While transparency always entails a core meaning of openness to public scrutiny it also sometimes connotes other aspects of good governance, including government according to known rules and regulations (on the basis that government that is predictable is therefore knowable) and public deliberation (on the ground that the purpose of information is to stimulate debate and feedback)"*

The assumptions taken for granted are that transparency is abiding by the legislation, applicable to all actors. Effective, transparent and participatory institutions and acceptable governmental institutions cannot be established in environments without legislation that reinforces transparency and accountability.

According to Mas (2013), transparency, accountability and participation are key elements in implementing public policies that favour more cohesive societies and they are also core components for good governance. Mas (ibid) further underlines that the idea of *good governance* consists of three key decisive factors that are aimed at improving democratic governance systems, which are: transparency, accountability and citizen participation.

4.2 Opacity of Transparency

Transparency and accountability in governance systems have been considered as the highest level of democratic governance (OECD, 2017). Both elements have been attained through metamorphic development of the new public governance - namely, empowering citizens and providing access to information, participation in governance system and knowledge exchange, as well as shared responsibilities in governance. This process has inundated the globe, without exceptions (Sayare, 2013). However, the enacting and implementation of democratic and good governance systems peaked and then started to be compromised and even retarded (ibid).

The transformative power of transparency laws, such as access to information legislation, lie not only in citizens' increased capacity to observe misdeeds, but also to secure evidence to substantiate them (Bauhr, 2010). Even in contexts of considerable secrecy surrounding public affairs, citizens may witness strong indications of misappropriation of funds, not least if public officials live well beyond the means of a reasonable salary. Many Western and African countries have been compromised where transparency eroded for the last two decades with pretexts such as 'war on terrorism' and 'defending the interest of citizens' (Donnelly and Mellon, 2005).

While there are new potential political openings, salient among Africa's serious predicaments are problems of incompetence and irresponsible leadership, given they many stick to traditional trends of autocratic governance and monopolization instead of sharing power (Ottaway, 1997). New-style autocratic rulers often use electoral procedures as ritual tools to divide and rule or stay in power. And often, social and legal conditions for consolidation of democratization remain weak.

4.3 Election Governance

Emboldened by NPM, citizens have been increasingly challenging election results, political leaders, citizens' representatives and the election process itself. The more citizens become aware, the more they become interested in influencing the decisions about how their country is governed.

Election governance in the 21st century is accepted as democratic governance that incorporates, transparent government, electoral institution political parties who contest for election and empowered citizens who actively participate in the decision-making processes on matters that affect their lives. Moreover, as highlighted by KAS (2011), election governance shall maintain accountability, respect for rule of law and political tolerance towards accommodating minorities. Equality, without regard to one's race, gender, age, ethnic background, or religion, ensures participation by all in free and fair elections where multiparty campaigns vie for state power and at the end of the process promote a culture of accepting the results. However, it is highly recommended that there be independent and neutral institutions, for checks and balances against potential abuse of power. According KAS (ibid), election governance and rule of law shall ensure:

- Communication and dialogue among actors in the election governance;
- Participation of citizens by inspiring, engaging and mobilizing them to cast votes

- Transparency in the election process at all phases – pre (creating awareness, boosting knowledge, and about contesters); during (mobilising voting stations, providing friendly services, etc.), and post (audit process, maintain transparency, release results as quickly as possible);
- Neutrality of managing bodies, rule of law, and safety of contestants.

Regular democratic and well-run elections are not only vital to ensure popular participation (Beetham, 1994; Dahl 1971), but they are also considered as bedrocks for solidifying democratic systems across the world (Riedl, 2014). All too often, however, the quality of elections is compromised. Electoral systems might be poorly designed so that voters do not have equal voice or boundaries are blurred giving some political parties an unfair advantage.

To consolidate and sustain democratic electoral governance, it requires a democratic culture and institutions that strengthening good governance and universal values and principles of democracy, such as: inculcating political pluralism and tolerance, respect for rule of law, accountability, equity, responsiveness, efficiency, effectiveness, participation, consensus, predictability, and transparency. In democratic elections, citizens shall express their will and consent on who shall govern them and how they should be governed through regular, free and fair elections of their representatives or through referenda' (ibid). State public servants shall ensure that citizens enjoy fundamental freedoms and human rights.

4.4 Opacity of Election Governance

Various national regional and international organisations have taken election and election governance to heart and endeavor to empower citizens to exercise their rights to elect their representatives. They also must strengthen government capacity, political parties and independent electoral bodies to run elections that are transparent, accountable, responsive, and respect rule of law. Although there are immense improvements in governance of elections, experiences still show that there are still obscurities in the process starting with campaigning practices through acknowledgement of outcomes.

Compromising transparency, breaking rule of law and breaking accountability standards have become common in African countries that undertook elections in recent years. Western elections, for example the one where Donald Trump and Hilary Clinton contested, have become dubious, riddled with opacity, controversial, and unaccountable where the media failed to act as the trusted watchdog and in the end, it remains unclear whether or to what extent external forces interfered. With such globally shocking records, transparency is outright suffering stagnation or even reversal.

A degree of transparency in election can be afforded through the design of the voting and counting using modern technology. End-to-end verification systems allow elections to be conducted where all votes can been accurately recorded and tabulated. E-Voting system can increase transparency due to the fact that voters submit electronically, where counting is less probable to be manipulated (Council of European, 2011).

Electoral contestants and election observers have critical role to play in ensuring the transparency of election processes. It is therefore essential that stakeholders, including election observers and candidates have access to the process.

Trust is the other key component that must be established and strengthened. Institutional trust is a conceptual subcomponent of political trust, which means trust in politicians as well as trust in implementing public agencies (Rothstein and Stolle 2007). Political trust can vary depending on specific support for the rulers at any given time. Trust in institutions is, in comparison, more stable as public institutions remain to a greater extent unaffected by political colours (ibid). A decrease in institutional trust may therefore signal a more substantial fluctuation in state legitimacy (Lühiste 2006; Hetherington 1998; Miller and Listhaug 1999).

V.   The Sixth Estate

Media as one of the key institutions that stands parallel to the executive, judiciary, and legislative bodies balancing and checking the democratic nature of governance over centuries, starting from the 'third estate' to the fifth estate in the 21st century. This section gives a brief overview of the development of the digital social media, arguing that the media has advanced intensely that the 'fifth estate' designation can no longer correctly explain the media we are using today. Therefore, effort is made to substantiate that this paper argues that we have entered into the sixth estate.

5.1 Media Development

The concept of a 'fifth estate' is understood to describe the use of Internet networking people to network with other individuals and with information, services, and technical resources in ways that support social accountability across many sectors. This includes business, government, politics, and the media. Just as the press created a 'fourth estate' in the eighteenth century, the Internet is enabling a 'fifth estate' in the twenty-first century (Dutton, 2012).

Media as a fourth pillar next to legislative, executive and judiciary bodies of government has played immense role in challenging the autocratic government since the 18th century. Media development is swift and radically changes the communications landscape permanently. Since the beginning of the 18th century, print media emerged as the 'third estate' – while in the end of the 18th century the 'fourth estate' – broadcasting media, radio TV revolutionized the media landscape. After two centuries of reign, the 'fourth estate' gave ways to the 'fifth estate' – digital media (digital online news) used by journalists and media and political communication in the 21st century is a new phenomenon, arising with the dawning of the Internet and Web 2.0 Technology.

Rapid development and extensive use of Internet, Web 2.0, mobile communication and other digital online capabilities have created another new "literal fact" (Dutton, 2007) i.e. networked individuals. The network has permeated across traditional institutional and physical boundaries into what Castells (2001) called a "space of flows," rather than a "space of places," reflecting contemporary perspectives on governance processes as "hybrid and multi-jurisdictional with plural stakeholders who come together in networks.

Therefore, the 'fifth estate' has surpassed the previous three estates, i.e. the third estate,- classical 'third estate' and the 'fourth estate', essentially print media and the mainstream press. At the verge of the 20th century, Web-based technologies totally altered the role of printed media, far beyond the modest and boutique conditions of its beginnings. The 'fifth estate's' role has been felt as a digital social media to mobilize voters (ibid).

Media researcher Stephen D. Cooper (2005) argues that bloggers are members of the 'fifth estate'. William Dutton has argued that the 'fifth estate' is not simply the blogging community, nor an extension of the media, but 'networked individuals' enabled by the Internet, i.e. social media, in ways that can hold the other estates accountable.

A common feature of previous estates was, information and news were produced and delivered by professional clergies or journalists or activists; and later, with the 'fifth estate' the digital social media empowered online journalists, activists and citizens locally and globally. However, this paper argues that, the 'fifth estate' social media remained merely as a digital media dominated by journalists, political pundits and activists. Whereas currently, there are newly minted citizen journalists – every citizen has begun to play journalist (delivers information, news, and shares knowledge of all types). Even mainstream 'fifth estate' players are now dependent on information published by citizens.
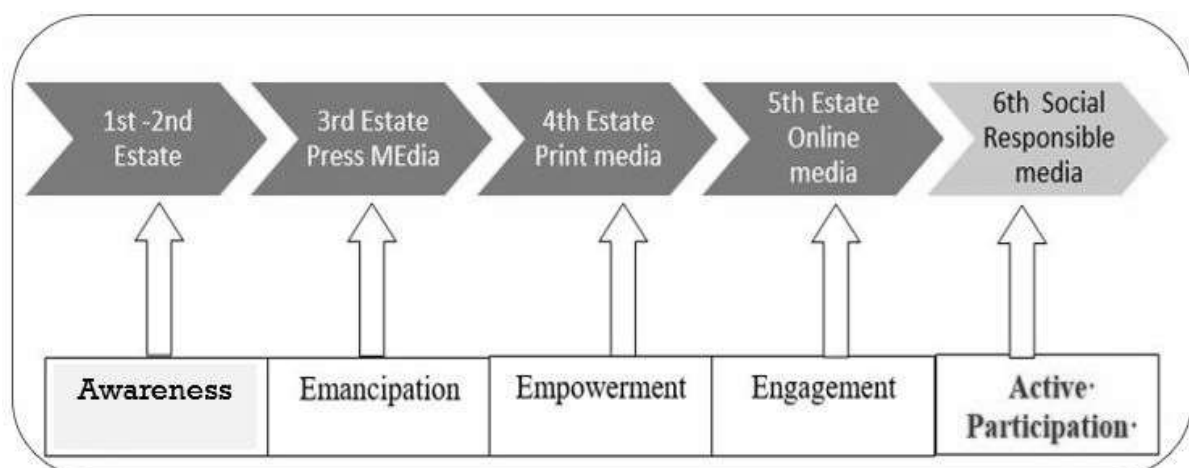

Figure 4: Metamorphic Development the Sixth Estate

This chapter acknowledges the new higher-level estate as 'sixth estate'. The contemporary social media has reached a higher stage, where empowered citizens take the lead. This section features the 'sixth estate' and transparency in election governance.

5.2 Empowering and Engaging Citizens

Social media as a 'fifth estate' has enabled citizens to globally network and has empowered them to access tremendous sources of information, independent of geographical location. This enhances the communicative power of networked individuals and enables them to challenge and make government accountable for any misbehavior. Whether this potential is realized in a particular context depends on myriad of factors. The Web 2.0 Technology and Internet can empower citizens, and can be used to reinforce and extend networks that support individuals

and local communities as well as institutional actors to develop culture of political communication and dialogue.

Information technology has played a significant role in campaign organizations of major parties since the 1970s, but it is only less than two decades since adopting new technologies became an occasion for organizational restructuring within political parties and campaigns (Howard, 2006). The result of this restructuring is the hypermedia campaign, an agile political organization defined by its capacity for innovatively adopting digital technologies for expression of political viewpoints and its capacity for innovatively adapting its organizational structure to conform to new communicative practices (ibid).

The rapid development in the Internet, particularly the Web 2.0 Technology greatly enhanced citizens online communication and interaction, though, it is to a limited extent in Africa because of access disparities on the one hand, and its appropriation by liberal social movements whose configuration is elitist, on the other (Moyo, 2011). One of the witnesses of technology empowered citizens that shook repressive political regimes is the Arab Spring, as Jamali (2015) puts, social media empowered civic society, institutions and citizens and created the sense of freedom and increased social participation to play a determining role in the revolution.

VI.   Opportunities and Challenges

The digital social media, as a communication and interaction platform, paved a new venue and brought immense opportunities as well as challenges that need to be properly disclosed and measured. This section briefly discusses the advantages and pitfalls.

6.1 Opportunities

One of the positive changes brought by the social media is networking citizens to collaboratively use the new media for communication, mobilization, interaction, discussion and links with groups and individuals via interactive virtual networks (Anderson, 2009). Citizens, such as bloggers, disseminate information and gain followers who forge new communities that may be spurred to take offline action (Weiss, 2012). The mass virtual and global communication and full interactive potential Internet has not only networked citizens locally and globally, but it has also empowered them to active participation in political discourse impacting policy and decision-making (Bailey et al, 1995).

The communication and interactions have created myriads of network of participants collectively known as online community. The online community grows in size and value, it contributes to educating and informing society, fulfilling to some extent, the notion of a networked society that Castells (1996) suggested would be a social outcome of the Internet. In addition, Web 2.0 has the ability to harness not just crowd power but, its collective wisdom (O'Reilly, 2006). With emergence of the Web 2.0 technology and social media, individual citizens, government political parties, and business organisations become not only consumers of information, but also, active producers. Scholars (Banerjee, 2014) believe that the Internet and digital social media driven by the Web 2.0 technology brought about major changes in democratic governance and political discourse, where the networked social institutions, public

participation and the information dissemination produced a more transparent electoral governance system.

Beside communication and networking, the social media has contributed to rapid digitization of large amount of information that has become a repository of knowledge. The Internet, with its open access to specialised knowledge, is said to represent a new form of egalitarian democratic ideal. As underscored by Negrine (2008), accessing the digital sources has increased knowledge-based and decision-making. Increased availability of information meant that more people can be informed (Rudolph and Lim, 2002) and can make informed and knowledge-based decisions. In this way, the new media play greater role in democratisation of information transmission as users, namely, citizens, political parties, civil society organisations and election contesters bypass stringent structures of political organisations and traditional media to reach individuals or each other (Light 2000).

Internet users shift from being recipients to information providers with instant feedback opportunities; anyone with online access and limited skills can become information producer by creating web pages, and participating in chat rooms, discussion forums and interactive sessions. The New media have been setting the political agenda, influencing political behaviour and triggering participation, a hallmark of democracy, persuade government and election governance to be transparent and participatory. As Canetti (1962) and Cox (1999) argue, democracy is about numbers and crowd power and a powerful political tool that can be easily mobilised using interactive Web 2.0 environments.

The new media has not only empowered citizens and other actors in the democratic governance and election system, but they have also created critical thinking, communicative and collaborative digital culture. The digital culture is considered material practices of appropriation, and new media objects as material assemblages of hardware, software, and wetware. They are 'society made durable assets (Latour 1991), that is, material artefacts and facts, configured by human actors, tools and technologies in an intricate web of mutually shaping relationships. Hence, Internet is often said to dramatically enhance democratic processes and practices due to its ability to facilitate access to vast amount of information. Previously, elite gatekeepers and institutions of power monopolized and controlled traditional media, with citizens being passive information recipients. Knowledge was owned and disseminated in an unequal hierarchy but the Internet's non-hierarchical feature broke this barrier and equalised global information sharing. Robles (2001) said that the Internet transformed and broke down of the information hierarchy. This enabled citizens to bypass hierarchical traditional media gatekeepers to obtain information about political, social and economic life (Press & Williams, 2010) as well as communicate, connect and deliberate online directly with governments, parties, social movements and political leaders (Negrine, 2008).

A study by Kluver and Soon (2007) on Internet and online political communities in Singapore found that political parties and political expression groups use hyperlinks to create and forge alliances with each other, forming like-minded communities. New media technology enables Singaporean political groups to circumvent certain controls to advance their cause, which they may not be able to fulfil in the offline world due to stringent rules and regulations, resulting in "a subtle form of cyber-activism" (ibid).

Although radio communications, seconded by TV, are dominant in Africa, especially in rural areas, the social media have also inspired young people and elites alike as it did in the western world. The opportunities for the spread of social media exists through the rapidly expansion of mobile communication and adoption of social media use for mobile and smart phones.

6.2 Challenges

Despite the fact that there are tremendous opportunities and advantage that the new digital media affords the democratization of public governance and electoral process, there are also several inhibiting factors and stumbling blocks. The most prevalent challenges for Africa are equitable access to media, due to poor ICT infrastructure and affordability issues, as well as digital illiteracy and infancy of technology use culture. Besides, media, especially in the African context is grossly monopolized and controlled by the State. This makes media restricted for citizens, civil society organisations, and political opposition parties. Whenever there are windows of open communication and interaction over social media, in African case, it is often a business for and battleground among elitists and the diaspora. Other challenges involve surveillances that weaken or even shut down proponents.

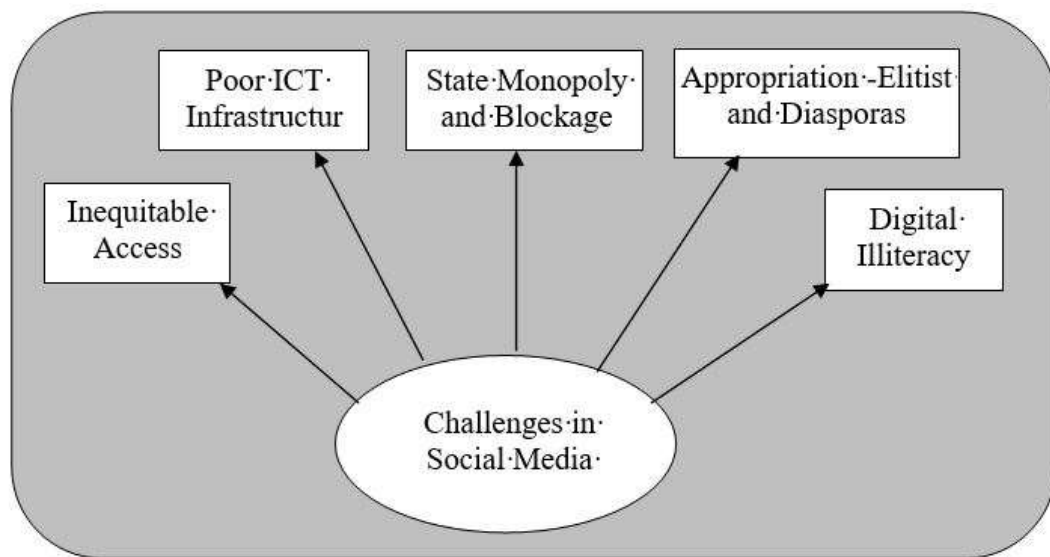Major challenges are depicted in Figure 4 with elaborations following:

Figure 5: Challenges of Social Media in Developing Countries

6.2.1 Digital Divide and Digital Illiteracy

Currently, access to Internet in emerging and developing countries is by far beleaguered than in industrialized countries. Even in advanced countries, it is more skewed towards urban and higher income groups. While the world is becoming more urban, the share of the poor living in rural areas in developing countries is over three fourths and depend mainly on agriculture-related activities (Picot and Lorenz, 2010). Therefore, it is not only urban-rural life differences, but it is equally gaps in access to ITC. Whereas the innovative technologies such as cellular telephones and wireless broadband are now reaching many parts of the developing world (ibid), the digital divide is still a challenge. All in all, the "3Cs" are crucial for advancing ICTs for

development: affordable and equitable connectivity, capability to effectively use the new tools, and relevant content provided in accessible and useful forms (ibid).

It is not merely about access to ICT infrastructure, but skills to effective use and self-efficacy to Internet use and social media. The challenges revolve around accessibility and affordability of network and computing infrastructure, and especially services tailored to the needs of the people in their specific countries and situations.

Citizens lacking widespread access to information and communication—a situation most common among social sectors such as the poor and illiterate, women, and minorities—are effectively excluded from full and equitable participation in the public sphere (Norris and Odugbemi 2010).

Finally, the existence of information without opportunities for communication and expression of social needs, priorities, and concerns is also not sufficient for a robust deliberative democracy. An effective public sphere depends on opportunities for participation and interaction within the civil society. Diverse arenas and social spaces should be open to all citizens and viewpoints in any society, without excluding any sector, group, or persuasion. The notion emphasizes the role of public engagement in a variety of deliberative forums (ibid).

6.2.2 Social Responsibilities

The overall development of the new digital social media is driven basically by journalists pondering alternative, free and open media; as well as citizens inspired to self-researcher their convictions. The digital social media and online publication of information have been considered most innovative media that transformed the 'fourth estate' (print media) into 'fifth estate' (the digital social media). Print media were published by certain traceable institutions, while information providers and news publishers on online digital media are anonymous, due to the right to remain protected or anonymous. This has indeed resulted in questioning the ethics of media developers and users. Accountability, transparency and social responsibility of the new media can hardly be monitored and subject to legal consequences for wrong doings.

The paradox and the dilemma of social media, as stated by Howell (2018), are self-defined spots as "agnostic" distributors—that is, neutral carriers not responsible for the content published through their channels and networks. The main driver for avoiding responsibility is that users have unchecked freedom of speech and writing/reading, that a few short years ago was unimaginable. However, flares of increasing criticisms is rapidly growing demanding for purveying of content that is perceived as damaging, even dangerous, by global community of users (ibid).

The flaw with social media begins over its characteristics, namely, a virtual platform open to anybody who is anonymous, as well as legally unaccountable. The space of social media is composed of input infused by numerous users who are far beyond the control of any single entity. The information flow is multidirectional, interconnected, and difficult-to-predict (Friedman 2002). Moreover, as Benkler (2006) and Manovich (2002) argue, once digitized and connected to the Internet, all contents are transformed into shared data objects that are freely accessible, searchable, and traceable to the originator. These characteristics, combined with the

increased availability of information to stakeholders, as described by Lee, Oh and Kim (2013), may be positioning to take action against any sign of misinformation or manipulation. And this will pose different kinds of challenges to different firms depending on their perceived (and/or actual) potential of a backlash.

Therefore, the time has come to rethink the social responsibility of the digital social media on legal accountability and content responsibility. There is hope that the era of anonymity following distribution of unethical or fake information may be coming to an end. If social media owners cannot take responsibility for the source on their platform, some agency of the public may be in a position to enforce laws on socially responsible and legal accountability.

6.2.3 Surveillance

Surveillance on the Internet is hidden and unseen. So is the vast trail of electronic signs that we leave behind as we go about our daily affairs—in banks, shops, trade centres, and everywhere else, every day of the year. Surveillance becomes a system, or a set of systems, which "silently silences" you, groups, categories, or large populations (Mathiesen 2004).

The mushrooming social media, such as Facebook, YouTube, MySpace, Blogspot and/or Blogger, Wordpress, Twitter, Flickr, the Blogs, wikis and file-sharing platforms have become a popular Internet-based online social media. Scholars, such as Fuchs (2010) argue that the Internet has become more social, participatory, and democratic. These claims might be overdrawn, techno-optimistic ideologies. E-mail technology was created in the early 1970s, and has for a long time been the most popular and widely used Internet technology, which shows that the Internet was social and communicative right from its beginning.

Many webs 2.0 sites combine older applications such as forums, guest books, e-mail, multimedia, and hypertext in one user-friendly platform, which increases appeal and ease of use and so supports increased usage. Increased bandwidth and cheaper production technologies (digital cameras, etc.) now allow the easy, fast, and cheap transmission and sharing of audio and video files and has resulted in increased popularity of user-generated content. The discussion of surveillance in web 2.0 is important because such platforms collect huge amounts of personal data in order to work (ibid).

Turow (2006) argues that privacy policies of commercial Internet websites are often complex, written in turgid legalese, but formulated in a polite way. They would first assure the user that they care about his/her privacy and then spread over a long text advance element that mean that personal data is given to (mostly unnamed) "affiliates". The purpose would be to cover up the capturing and selling of marketing data.

Dataveillance is as Clarke (2004) underlines the "systematic monitoring of people's actions or communications through the application of information technology". On the other hand, Clarke (2004) distinguishes between personal dataveillance that monitors the actions of one or more persons and mass dataveillance, where a group or large population is monitored in order to detect individuals of interest. Bogard (2006) argues that the computer is a technology that simulates surveillance.

VII. Framework for the Sixth Estate and Electoral Governance

7.1 Actor-Network Theory and Election Governance

According to the famous actor-network-theory developed by Michel Callon, Bruno Latour (1986), and John Law (1987), actors build networks combining technical and social elements, who have engineered, constituted and shaped the network through continuous interactions and actions to fulfil individual interests, but abiding to the common goals of the network. Callon (1991) has eloquently stated that the purpose of network of actors is a strongly aligned and coordinated as a Tower of Babel, where "everyone would speak their own language, but everyone else would understand them". Moreover, one has to understand the power relationships and the way in which each actor is positioned, associated, and obliged to remain faithful to their alliances (Stanforth, 2007). Thus, each actor in the network is forced to adapt continually to the changing context shaped by one another's movements.

Although, details of critical analysis are beyond the scope of the is chapter, effort is made to provide a framework concerning the realities of the network of actors in election and interactions to endeavour transparency in election process and governance,

Actors in the network are human (citizens) and non-human actors (institutions, i.e. government and technology). The network among these actors exists and is sustains by continuous interaction and active participation based on the content they deal with, specifically fulfilling individual's goal entering into the collaboration. Thus, technology enables government, election management body, election candidates and citizens a platform for communication, interaction and collaboration to attain transparency in election governance. Government exercises accountability, while citizens pursue to actively participate, exercise right for information and ensure voicing in governance system.

Transparency in elections and election governance enhanced by the new digital social media is a complex socio-technical system that involves diverse mutually co-existing network of actors with diverse interests. The socio-technical systems in the election process and governance are the technological infrastructure (the social media), people (voting citizens, election candidates (Contestants)), and organizations (election management body, observers, and the incumbent government). Transparency in elections and election governance is considered as aggregate outcome of actions and interactions of the network of these actors. Social media, as the 'sixth estate', is also socio-technological multifaceted system, that serves as a coordination platform for all human non-human actors. Hence transparency is reflected by the action and interactions of actors using the platform social media.

7.2 Framework

Cognizant of the importance of relating the theoretical and philosophical analysis of network of actors to the new public management, democratic governance, social media, and transparency in election governance, a framework is designed for the interaction of actors in election and election governance aiming at achieving transparency. The framework reveals the

complexity and real nature of transparency and analyses it from the point of view of the inter-
action of network of actors that constitute a socio-technical system.

The framework highlights how diverse actors with different interests communicate and inter-
act, while the overall actions are coordinated to achieve a specific common goal, i.e. transpar-
ency in election governance. Different actors have different views and assignments. The social
media, ICT-enhanced 'sixth estate', are actors that facilitate democratic communication, inter-
action and serve as source of information. From the point of view of technological innovation,
social media enterprises provide open and equitable platform. But from the socio-cultural and
political point of view, social media should be accountable and socially responsible, as depicted
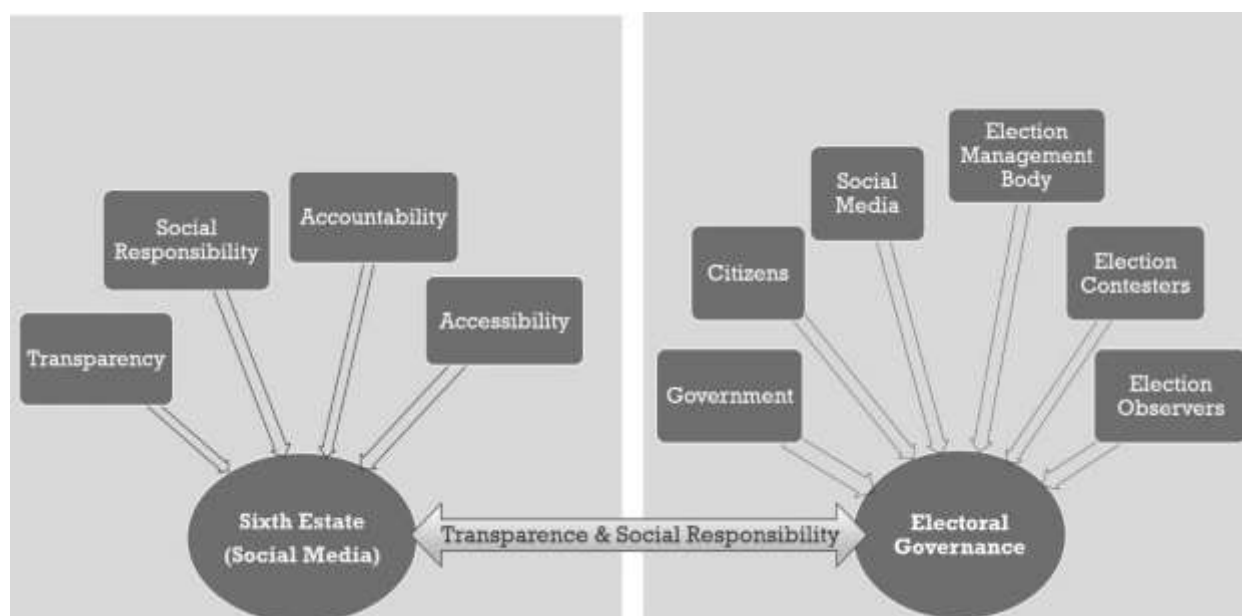in Figure 5.

Figure 6: Integrated Network of Actors in Election Governance

The integrated network of actors in electoral[78] governance emanates from the social media (i.e.
the 'sixth estate' in this context) and the network of electoral governance. While the desired
features of social media (the platform) are accessibility, transparency, accountability and social
responsibility[79], actors in electoral governance are government, citizens, social media, election
management body, political candidates and independent election observers. The interaction
between the socio-technical system, social media and the electoral governance shall be trans-
parent and socially responsible. Thus, when we think about the democratic governance of elec-
tion, one has to identify the socio-technical (human and non-human) actors and basic charac-
teristic features of interaction, media use and mobilization of voters.

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[78] Synonymously used for election governance
[79] What has been added to qualify the fifth estate to the higher level, i.e. sixth estate

VIII. Conclusion

This chapter has briefly discussed the new public management (NPM) and the new public governance (NPG) alongside open government and networked governance. These are the foundations for the new democratic governance that has been founded on the solid ground of election and the will of citizens. On the other had, ICT in general and the Web 2.0 Internet technologies are the driving forces for the advancement of governance systems, empowering citizens, mediating citizen-government communication and collaboration. The technological innovation has brought about digitization and a platform, i.e. digital social media for political discourse.

The social media digital enabled journalists, politician, activists as well as citizens to communicate over the Internet, publish and exchange information. This is a radical transformation from print media (the 'fourth estate') to the 'fifth estate'. However, due to the fact that the digital media is open, free, easily accessible, uncontrolled and unaccountable to any legal system, the trustworthiness has declined. Although election campaigns are more often conducted on the social media, the election governance has remained opaque. When it comes to election governance in African countries, even social media are curtailed with the pretext of avoiding escalations and unrest.

Therefore, the chapter concludes that the 'fifth estate' is gradually undergoing transformation towards giving birth to the 'sixth estate', which will transform the 'fifth estate' into a socially responsible and legally accountable social media. The contemporary social media needs to be reconfigured as the 'sixth estate' with special emphasis on accountability and social responsibility of actors, where opacity gives way to transparency.

Bibliography

Al-Rodhan, and Nayef R.F. (2007); The Emergence of Blogs as a Fifth Estate and Their Security Implications, Geneva, Slatkine.

Andersen, T. B. (2009). E-government as an anti-corruption strategy. Information Economics and Policy, 21(3), 201–210.

Andriantsoa, P. N. et al 29005): Media proliferation and democratic transition in Africa: The case of Madagascar.' World Development Barry James. Ed. 2006. Media development and poverty eradication. Paris: UNESCO; Roumeen Islam. 2003. Do More Transparent Governments Govern Better? Washington, DC: World Bank.

Androgenic (2004): The Work of Being Watched: Interactive Media and the Exploitation of Self-Disclosure Lakoff and Johnson 1980 Critical Studies in Media Communication Vol. 19, No. 2, June 2002.

Apojove, Ifeoma (2018): Media Reforms and Democratization in Emerging Democracies of Sub-Saharan Africa, Springer International Publishing; Palgrave Macmillan.

Axelrod, R. and Cohen, M.D. (2000), Harnessing complexity: organizational implications of a scientific frontier, Basic Books, New York.

Bailey, N., Barker, A. and MacDonald, K. (1995) Partnership Agencies in British Urban Policy, London: UCL Press. (from Book, S. Osborne, 2010)

Banerjee, S, Chua, AY. Applauses in hotel reviews: genuine or deceptive?. In: Science and Information Conference (*SAI*), London, UK, 27–29 August, 2014. IEEE; 2014, 938–942.

Baruah, T.D. (2012). Effectiveness of social media as a tool of communication and its potential for technology enabled connections: A micro-level study. International Journal of Scientific and Research Publications, 2(5), 1–10.

Bauhr, Monika, Marcia Grimes and Niklas Harring (2010): Seeing the State: The Implications of Transparency for Societal Accountability QoG Working Paper Series, Department of Political Science University of Gothenburg Box 711 SE 405 30 GÖTEBORG June 2010 ISSN 1653-8919

Beetham, David, ed. (1994). Defining and measuring democracy. London: Sage. Beetham, David. 1996. Theorising Democracy and Local Government. In Rethinking Local Democracy, edited by D. King and G. Stoker. London: Macmillan.

Benkler, Y. (2006). The wealth of networks: How social production transforms markets and freedom. Yale University Press.

Birch, Sarah (2012): Electoral Malpractice: Comparative Evidence of Change in the Quality of Elections', paper presented at the Political Studies Association conference, 3-5 April, Belfast, 2012

Bogard, William (2006): Surveillance assemblages and lines of flight. In Theorizing surveillance, ed. David Lyon, 97–122. Cullompton, UK: Willan

Brown, Lee (2018): How UK elections are influenced by social media followers' in 2018, June 29, 2018, http://www.tacomexboston.com/how-uk-elections-are-influenced-by-social-media-followers-in-2018/(15 August 2018)

Callon, M., and J. Law (1989): "On the Construction of Sociotechnical Networks: Content and Context Revisited." Knowledge and Society.

Callon, M. (1991). "Techno-Economic Networks and Irreversibility." In A Sociology of Monsters: Essays on Power, Technology and Domination, ed. J. Law, 132–61. London: Routledge.

Cannataci, J. A., Zhao, B., Torres Vives, G., Monteleone, S., Mifsud Bonnici, G., & Moyakine, E. (2016). Balancing Privacy and Transparency and Redefining Their New Boundaries in the Internet Ecosystem. UNESCO Internet Study

Castells, M. (2009): Communication power. Oxford: Oxford University Press. century? Available online at http://www.portalcomunicacion.com/bcn2002/n_eng/programme/prog_ind/papers/o/pdf/o005se04_okunn.pdf (15 August 2018)

Castells (1996) The Information Age: Economy, Society and Culture, vol. 1: The Rise of the Network Society (Vol. 1). Oxford: Blackwell..

Chomsky, N. (1999): Necessary illusions: Thought control in democratic societies. London

Clarke (2004) Democracy and New Communication Technology: The Asian Struggle. In S. Gan, J. Gomez & U. Johannen (Eds.), Asian Cyberactivism: Freedom of Expression and Media Censorship. Singapore: Friedrich Naumann Foundation in association with Journalism and Media Studies Centre, University of Hong Kong.

Cooper, Stephan D. (2005) Watching the Watchdogs: Bloggers as the Fifth Estate. Spokane, Washington: Marquette Books.

Council of European (2011): Guidelines on transparency of e-enabled elections, Project 'Goood Governance in the Information Society' Directorate General of Democracy and Political Affairs, GGIS (2010) 5 fin. E, Strasbourg, 16 February 2011

Cox (1999The Digital Crowd: Some Questions on Globalisation and Agency. MA: MIT Press

Dahir, Abdi Latif (2018): How social media bots became an influential force in Africa's elections, July 18, 2018, https://qz.com/africa/1330494/twitter-bots-in-kenya-lesotho-senegal-equatorial-guinea-elections/(15 August 2018)

Dahl, Robert A. (1971): Polyarchy: participation and opposition. New Haven: Yale University Press

Deo, Rahul, CNLU Patna (2014): Freedom Of Press: Pillar Of Democracy, On December 19, 2014, https://www.lawctopus.com/academike/freedom-press-pillar-democracy/

DFID (2010): How to note: On Electoral, VERSION 1.0: DECEMBER 2010, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/67651/how-to-on-elect-asst.pdf(15 August 2018)

Donnelly, Jack and Andrew Mellon (2005): Human Rights and the War on Terror Introduction, HUMAN RIGHTS & HUMAN WELFARE 1 Graduate School of International Studies, University of Denver

Duncan, J. 2014. Communications surveillance in South Africa: the case of the Sunday Times newspaper. Global Information Society Watch: Communications surveillance in the digital age.

Dutton, William H. (2012): The Fifth Estate: A New Governance Challenge Oxford Handbook of Governance Political Science, Public Policy, Comparative Politics Online Publication Date

_____ (2007): The Fifth Estate Emerging through the Network of Networks', Prometheus, Vol. 27, No. 1, March

_____ (2004): Social Transformation in an Information Society: Rethinking Access to You and the World, UNESCO 2004

Fackson Banda (2010): Citizen Journalism and Democracy in Africa - An Exploratory Study, Highway Africa 9780868104614

Fenster, Mark (2006):The Opacity of Transparency, 91 Iowa L. Rev. 885 available athttp://scholarship.law.ufl.edu/facultypub/46

Friedman, S. "Democracy, Inequality, and the Reconstitution of Politics," in Democratic Governance and Social Inequality. J. S. Tulchin with A. Brown (eds.) Boulder and London: Lynne Rienner, 2002: 13-41.

Fuchs, Christian, et al Eds. (2012): Internet and surveillance: the challenges of Web 2.0 and social media, Routledge270 Madison Ave, New York, NY 10016

_____(2011): New Media, Web 2.0 and Surveillance. Sociology Compass 5/2 (2011

_____(2007): Africa and the digital divide. *Telematics and Informatics* 24 (3).

Gow, J. and Dufour, C. (2000): "Is the New Public Management a Paradigm? Does It Matter?", International Review of Administrative Sciences

Grigorescu,Alexandru. (2003) International Organizations and Government Transparency: Linking the International and Domestic Realms. International Studies Quarterly47 (4): 643–67.

Habermas, J. (2006): Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research. Communication theory

Hale, Kathleen and Karen Mossberger (2017): E-Government as a Tool for Reform in Election Administration November 2017.https://www.researchgate.net/publication/254083323 (25 August 2018)

Hall, Joseph Lorenzo (2008): Policy Mechanisms for Increasing Transparency in Electronic Voting, A dissertation submitted to the Graduate Division of the University of California at Berkeley in partial fulfilment of the requirements for the degree of Doctor of Philosophy in Information Management and Systems, University of California, Berkeley, Spring 2008

Hetherington, MJ (1998) The political relevance of political trust. American Political Science Review 92 (4): 791–808. Google Scholar, Cross ref, ISI

Hirst, P., & Thompson, G. (1995): Globalization and the future of the nation state. Economy and Society, 24(3), doi: 10.1080/03085149500000017 (20 August 2018)

Hood, Christopher and David Heald (eds) (2006): Transparency: The Key to Better Governance? (Oxford University Press for The British Academy, Oxford

Hood, C. (1991) "A Public Management for All Seasons?", Public Administration

Howard, Philip N. (2006): New Media Campaigns and the Managed Citizen, University of Washington

Howell, John (2018) Brands Taking Stands™: What Is the Social Responsibility of Social Media?,http://www.3blforum.com/brands-taking-stands-newsletter/brands-taking-stands-newsletter-10 (23 September 2018)

Hughes, Owen E (2003): Public management and administration, 3rd Ed, Palgrave Macmillan

Huntington, Samuel P. (1991) Democracy's Third Wave Journal of Democracy Vol.2. No.2 Spring 1991): 134–147

Hyden, Goran, Michael Leslie and Folu F. Ogundimu. Eds. (2002):.Media and Democracy in Africa. Uppsala: Nordiska Afrika Institutet.

Jamali, Reza (2015): Online Arab Spring: Social Media and Fundamental Change, Chandos Publishing is an imprint of Elsevier, Amsterdam

KAS (2011): Concepts and Principles of Democratic Governance and Accountability: A Guide for Peer Education, Konrad-Adenauer-Stiftung (KAS),

Kiljae Lee • Won-Yong Oh • Namhyeok Kim (2013): Social Media for Socially Responsible Firms: Analysis of Fortune 500's Twitter Profiles and their CSR/CSIR Ratings

Klijn, Erik Hans and Joop Koppenjan (2016): governance networks in the public sector. ISBN 978-0-415-70701-5 Publisher: Routledge

Kluver and Soon (2007)The Internet and Online Political Communities in Singapore. Asian Journal of Communication, 17(3),

Koivisto, Ida (2016):The Anatomy of Transparency: The Concept and its Multifarious Implications Working Paper MWP 2016/09

Latour, B. (1987):Science in Action: How to Follow Scientists and Engineers through Society. Milton Key (nes, UK: Open University Press

Leong, Pauline (2015):Political Communication in Malaysia: A Study on the Use of New Media in Politics ,JeDEM 7(1): 46-71, 2015 ISSN 2075-9517 http://www.jedem.org

Light (2000)The Private Life of Websites: British Information Providers on the Web and their Audience. Paper presented at the International Symposium on New Competencies for the Production and Consumption of Computer-based Media, Bornholm, Denmark

Lindberg, S I (2006) *Democracy and Elections in Africa* Baltimore: The John Hopkins University

Lister, M., Dovey, J., Giddings, S., Grant, I., & Kelly, K. (2008). New media: A critical introduction (2nd ed.). New York, NY: Taylor & Francis.

López-Pintor, Press R. (2000): Electoral Management Bodies as Institutions of Governance, New York: United Nations Development Programme

Lühiste, K (2006) Explaining trust in political institutions: Some illustrations from the Baltic states. Communist and Post-Communist Studies 39: 475–96. Google Scholar, Crossref

Macintosh, Ann, (eds.) (2005): E-Government: Towards Electronic Democracy: International Conference, TCGOV 2005, Bolzano, Italy, March 2-4, 2005. Proceedings

Marx, G.T. (2002): 'What's new About the "new Surveillance"? Classifying for Change and Continuity.' Surveillance & Society

Mas, Joaquín Tornos (2013): Transparency, accountability and participation: a common agenda for social cohesion and governance in Latin America, Collection of Studies into Local and Regional Public Policies on Social Cohesion Diputació de Barcelona

Mathiesen, Thomas (2004):Silently silenced: Essays on the creation of acquiescence in modern society. Winchester, UK: Waterside

McQuail, Denis (2001): Political Communication Theory. London: Sage

Mervis, Joel (1989). The Fourth Estate: A Newspaper Story, Johannesburg: Jonathan Ball

Miller, AH, Listhaug, O (1999) Political performance and institutional trust. In: Norris, P (ed.) Critical Citizens: Global Support for Democratic Governance. Oxford: Oxford University Press, 204–16. Google Scholar, Crossref

Mingers, John. (2002). Real-izing Information Systems: Critical Realism as an Underpinning Philosophy for Information Systems.. Information and Organization. 14. 27. 10.1016/j.infoandorg.2003.

Montenegro, Ludmilla, Meyer and Sergio Bulgacov (2014): Reflections on actor-network theory, governance networks, and strategic outcomes, BAR, Braz. Adm. Rev vol.11 no.1Rio de Janeiro Jan./Mar. 2014 http://dx.doi.org/10.1590/S1807-76922014000100007(12 August 2018)

Moturu, Sai T. Huan Liu (2010):Quantifying the trustworthiness of social media content, Springer Science+Business Media, LLC 2010

Moyo, Last (2011): Blogging down a dictatorship: Human rights, citizen journalists and the right to communicate in Zimbabwe, Sage pub. co.uk/journalsPermissions.nav DOI: 10.1177/1464884911405469

Mulgan, Richard (2013) : Transparency and the Performance of Outsourced Government Services Occasional Paper No. 5, Crawford School of Public Policy, Australian National University

Mutasah, Tawanda (2006): Beyond Southern Africa: Electoral Politics and the New Pan-Africanism, in Media Institute of Southern Africa, Outside the Ballot Box: Preconditions for Elections in Southern Africa, 2005/2006, 51, 51-52 (Jeanette Minnie, ed., 2006), available at http://www.comminit.com/en/node/278921 (12 August 2018)

NDI (2013) Transparency, https://www.ndi.org/e-voting-guide/transparency

Negrine, Ralph (2008): The Transformation of Political Communication: Continuities and Changes in Media and Politics. London: Palgrave/Macmillan

Nichols, John and Robert W. McChesney (2013): Dollarocracy: How the Money-and-Media Election Complex Is Destroying America, Nation Books, A Member of the Perseus Books Group, New York, NY 10003 (eBook Downloaded

Norris, Pippa, and Sina Odugbemi (2010): Evaluating Media Performance, In: Pippa Norris (ed.). Public Sentinel: News Media and Governance Reform, The World Bank Washington, D.C. 20433, U.S.A.

Norris, Pippa (Ed.) (1999): Critical Citizens: Global Support for Democratic Government. Oxford: Oxford University Press; Jonas Linde and J. Ekman. 2003. 'Satisfaction with democracy: A note on a frequently used indicator in comparative politics.' European Journal of Political Research 42(3): 391-408.

_____ (2018): Harvard Kennedy School, RWP18-022 Do Public Perceptions of Electoral Malpractice Undermine Democratic Satisfaction? The U.S. in Comparative Perspective Faculty Research Working Paper Serie, July 2018

OECD (2017 "Open Government" http://www.oecd.org/governance/open-government.htm

Osborne, Stephen P. (ed.) (2010): The New Public Governance? Emerging Perspectives on the Theory and Practice of Public Governance, Routledge, 270 Madison Ave, New York, NY 10016

Ottaway, Marina (1997): Democracy in Africa: the hard road ahead / edited by Marina Ottaway, Johns Hopkins University. School of Advanced International Studies, Boulder, Colo. L. Rienner Publishers, 1997.

Paletz, D., Lipinski, D. (1994): Political culture and political communication. Working paper no. 92, Duke University, Barcelona.

Penney, Joel (2017): Social Media and Citizen Participation in "Official" and "Unofficial" Electoral Promotion: A Structural Analysis of the 2016, Bernie Sanders Digital Campaign, International Communication Association

Reddick, Christopher G., and Stephen K. Aikens (Eds.) (2006):Web 2.0 Technologies and Democratic Governance Political, Policy and Management Implications

Reilly, Tim O' (2006What is Web 2.0: Design Patterns and Business Models for the Next Generation of Software. Retrieved 7 February, 2012, from http://oreilly.com/web2/archive/what-is-web-20.html

Riedl, R. (2014). *Authoritarian Origins of Democratic Party Systems in Africa*. Cambridge: Cambridge University Press

Robles ,A. C. (2001). The Internet and Democracy. Panorama, 3(2001).

Rothstein, B and Stolle, D. (2008). *Political institutions and generalized trust*. Retrieved September 08, 2015, from http://www.researchgate.net/publication/247152024

Roumeen Islam. (Ed.) (2002): The Right to Tell: The Role of Mass Media in Economic Development. Washington, DC: World Bank; Roumeen Islam. 2003. Do More Transparent Governments Govern Better? Washington, DC: World Bank

Rowbotto, Jacob (2018): 'Digital Communications, Social Media and the Integrity of Elections', U.K. Const. L. Blog (31st Jul. 2018) (available at https://ukconstitutionallaw.org/)(12 August 2018)

Rudolph, J & T. Tin, L. (2002). Can the poor get richer and freer? The internet, development and democracy in Asia. Asia Pacific Media Educator.

Sayare, Francis Nangeviel (2013): Decentralised Local Governance and Community Development: Empirical Perspectives from Northern Ghana A thesis submitted to The University of Manchester for the degree of Doctor of Philosophy in the Faculty of Humanities Institute for Development Policy and Management (IDPM) School of Environment and Development, 2013

Sen, Amartya (1999): Development as Freedom. New York: Anchor Books; Timothy Besley and Robin Burgess. 2001. 'Political agency, government responsiveness and the role of the media.' European Economic Review. 45(4-6): 629-640.

Shaheen ,Sardar Ali (2011): Behind the cyberspace veil: online fatwas on women's family rights. In From transnational relations to transnational laws: Northern European laws at the crossroads, ed. Anne Hellum, Shaheen Sardar Ali, and Anne Griffiths. Farnham, UK: Ashgate

Sheptycki, W. E., J & Marx, Gary & Fijnaut, Cyrille (1997): Undercover: Police Surveillance in Comparative Perspective. Contemporary Sociology. 26. 621. 10.2307/2655656.

Shuy, Kai et al (2017):Fake News Detection on Social Media: A Data Mining Perspective, ACM SIGKDD Explorations Newsletter, 2017

Stanforth, Carolyne (2007): Using Actor-Network Theory to Analyze E-Government Implementation in Developing Countries, The Massachusetts Institute of Technology Information Technologies and International Development Volume 3, Number 3, Spring 2006, 35–60

Stern, Sebastian et al (2018): Government 4.0 – the public sector in the digital age: Leading in a disruptive world, McKinsey & Company, March 2018

Teshome B., W. (2009). Media and multi-party elections in Africa: The case of Ethiopia. *International Journal of Human Sciences* [Online]. 6:1. Available: http://www.insanbilim-leri.com/en

van den Boomen, Marianne et al Eds. (2008): Digital Material: Tracing New Media in Everyday Life and Technology, Amsterdam University Press, Amsterdam, 2009

van Eerd, Jonathan (2017): Challenges to Democracy in the 21st Century Palgrave Macmillan ISBN: 978-3-319-50837-5, 978-3-319-50838-2

Wallsten, Kevin (2007): Agenda setting and the blogosphere: An analysis of the relationship between mainstream media and political blogs, Review of Policy Research

Walsham, G. (1997), "Actor-Network Theory and IS Research: Current Status and Future Prospects", in Lee, A.S., Liebenau, J. and DeGross, J.I. (Eds), *Information Systems and Qualitative Research*, Chapman & Hall,

Weiss, M. L. (2012)Politics in Cyberspace: New Media in Malaysia. Berlin, Germany: fesmedia Asia.

Wiesel, Fredrika and Seven Modell (2014): From New Public Management to New Public-Governance? Hybridization and Implications for Public Sector Consumerism, Financial Accountability & Management, 30(2), May 2014, 0267-442

Won, Kiljae Lee, Yong Oh and Namhyeok Kim (2013): Social Media for Socially Responsible Firms: Analysis of Fortune, In: J Bus Ethics,   Journal of Business Ethics 118(4) · December 2013 Springer Science+Business Media Dordrecht 2013

Zaller, John (1999): A Theory of Media Politics How the Interests of Politicians, Journalists, and Citizens Shape the News, Draft October 24, 1999

Chapter Five

Chapter Contents

The Africa We Want:

"An Africa of good governance, democracy, respect for human rights, justice and the rule of law Consolidate a democratic and people-centred Africa, through the universal application of the normative framework of the African Governance Architecture, and all elections on the continent are free, fair and credible."

**Africa Union Commission, Our Aspirations
for the Africa we Want**

"Electoral violence slows economic growth, undermines durable peace and stability, and the consolidation of a democratic culture. Countries with strong authoritarian legacies and/or deep ethnic cleavages find it difficult to manage multi-party politics, and as social, political and economic tensions increase during elections, they become vulnerable to violence."

Fisseha Mekonnen Alemu

Consensus – Minimizing and Managing Contestations after Elections

Fisseha Mekonnen Alemu

OUR ASPIRATIONS FOR THE AFRICA WE WANT:

An Africa of good governance, democracy, respect for human rights, justice and the rule of law consolidate a democratic and people-centred Africa, through the universal application of the normative framework of the African Governance Architecture, and all elections on the continent are free, fair and credible[80].

I.   Introduction

Elections are an essential part of the democratic process and organization, and a means to manage political competition and conflict in a peaceful way, provided the process is transparent and credible. As has occurred in several African countries, however, when the political processes fail, elections can spark violence, resulting in, in the worst case, significant loss of lives. On too many occasions across the continent, electoral processes are meant to peacefully select peoples' representatives. As such, election-related violence is, most fundamentally, a form of political violence with root causes of political violence most often systemic, long standing and unresolved grievances, either real or perceived, and a conviction that they cannot be resolved through the existing political order; and means of last resort by governments, political or community leaders to attain victory at the polls. Signs of violence before, during, or after the polls often accompany African elections.

In African context, electoral violence can take many forms, such as intimidation of adversaries, voters or electoral agents, assault of opponents, or even assassinations. Over the years, there has been an increasing focus on the issue of elections and violence, with much attention paid, by election practitioners and politicians, to improvements in the election process and its monitoring, with a view to reducing the potential for violence. Most studies indicate that elections are not, as such, the primary source of violence. However, given that the fundamental goal of the electoral process is to gain political power, often against a background of long-standing grievances or sentiments of exclusion and disenfranchisement, they can be a catalyst or trigger of violence in response to underlying conflicts. Going forward, deterring risks of violence is the only way to conclude the election process peacefully. This includes:

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[80]Africa Union Commission, *Our Aspirations for the Africa we Want, 2015*

a) assessing the pertinent long-standing political and societal grievances;

b) making efforts to address, to the extent possible, such underlying grievances before elections;

c) limiting the potential of mobilizing those grievances into political violence;

d) fine-tuning electoral processes; and

e) encouraging peaceful protests electoral outcomes and ultimately accept final election results.

This chapter examines presidential and legislative elections held in Africa from 1960-2015, and attempts to present a modest conceptual framework to look at the issue of elections and violence; discusses elements that have the potential to raise the risk of election-related violence; analyzes the role and elements of the electoral process in reducing the incidence of violence; provides a few examples of African countries that have recently held peaceful elections; and, shares thoughts on ways of ensuring peaceful elections in Africa.

Electoral politics in principle offer no guarantees against political tensions, rather it provides free and fair political playground to all in competition to publicly bargain on policies addressing public concerns. Electoral politics dealing with concerns of individual political leaders and major group claims have greater likelihood of leading to sustained conflict, shocks and political turbulence.

Elections in Africa are more than just the goal of a transition toward democracy or merely a formal procedure. The inception of multiparty elections usually initiates liberalization, and repeated electoral activities create incentives for political actors, fostering the expansion and deepening of democratic values. In addition to improving the democratic qualities of political regimes, a sequence of elections tends to expand and solidify *de facto* civil liberties in society. It is a well noted fact that repetitive elections are an important causal factor in the development of democracy and democratic behavior produces democratic values.

Violence is unfashionable in modern electoral politics and cannot be accepted as a normal feature in African elections, especially given all efforts being made by national, regional and continental institutions. A fundamental shift needs to be made, where violence is no longer the norm. Elections are meant to pacify the political game by focusing on more effective measures to prevent violence in electoral processes with lower temperature of political competition and diminish the 'do-or-die' or 'winner takes all' attitude.[81]

The challenge for Africa is how to prevent the degeneration of conflict arising from election, which in many African countries is taken as a principle but not practiced. Contesting elections before, during and after electoral processes has become part of the electoral cycle and taken as

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[81] http://www.idea.int/publications/ies/upload/6.%20Electoral%20Management%20Bodies.pdf

normal feature of human interaction in the African continent associated with electoral contestation and violence.

Moreover, the discourse around electoral violence and its management raises debatable issues in addition to contributions to policy development with causal effect on democratization. In the context of democratizing countries, elections are core institutions of liberal democracy. Every modern definition of *representative* democracy includes contested elections as the fundamental legitimate procedure for the translation of rule by the people into workable executive and legislative power.

II.   Conceptual Framework

Elections are an essential part of the democratic process and organization, and a means to manage political competition and conflict in a peaceful way. However, when the political process fails in this regard, elections can be the spark that leads to violence, resulting, in the worst case, in significant loss of lives and property. Violence around elections is not only dangerous for those trying to vote but has broader repercussions that contribute to national instability. It has been a usual practice in many African countries that depressed voter turnout and rigged election processes affect electoral outcomes.

On too many occasions across Africa, hypothetically, electoral processes are meant to peacefully select peoples′ representatives. As such, election-related violence is, most fundamentally, a form of political violence with systemic root causes inferring primarily to long-standing and unresolved grievances, and covertly it is a means considered by governments, political or community leaders to attain victory at the polls. Hence, it is not surprising that political culture in most African countries is violent and cutthroat.

Electoral violence could also indicate violence generated by the exclusion of losers from a newly formed government. Given its myriad of definitions, the causes of electoral violence can be proximate – such as a dispute over a poll's balloting – or may be years in the making as a winner-takes-all political culture manifests and offers benefits to supporters while excluding opponents from resources or basic rights. In some cases, a riot may be engineered to polarize the voters a few days, weeks or months before the elections on communal, caste, tribal or regional basis.

Electoral violence can take many forms, such as intimidation of adversaries, voters or electoral agents, assault of opponents, or even assassinations. Acts of violence can be targeted against people (communities, candidates, organized groups, etc.) or symbols (campaign materials, vehicles, offices, polling booths, etc.). Electoral violence can be distinguished from other types of violence, as its goal is to influence the electoral process. It may be aimed at the conduct of

voters, candidates, officials, or other players, or be carried out to delay or otherwise disturb the polling process, to affect the end results.[82]

Over the last few years, there has been an increasing focus on the issue of elections and violence, with much attention paid, by election practitioners and politicians, to improvements in the election process and their monitoring, with a view to reducing the potential for violence. Most studies indicate that elections are not, as such, the primary source of violence.[83] However, given that the fundamental goal of the electoral process is to gain political power, often against a background of long-standing grievances or sentiments of exclusion and disenfranchisement, they can be a catalyst or trigger of violence in response to underlying conflicts. The causes of election-related violence are multifaceted and vary from country to country. The presence of some of these factors, singularly or in combination, though not predictable, means that the risk of election-related violence could be higher. Salient factors are outlined here.

a) The risk of election-related violence is higher in countries in transition. These countries especially passing from authoritarian or single-party rule to multi-party politics, from political uncertainty to stability, and from uneven democratic rule to consolidation can make a country more vulnerable to outbreaks of electoral violence.

b) Weak or inadequate state structures including a poorly developed political party system, weak democratic institutions, dysfunctional judicial system, and systemic corruption, overly politicized and ethnically biased security forces may enhance insecurity, compromise law and order, and encourage the proliferation of small arms and the hiring of militias by political actors, raising the potential for electoral violence.

c) Lack of adequate power-sharing policies, arrangements and institutions responsible for balancing power adequately amongst diverse groups to ensure inclusive participation in decision-making lead to inherent instability, enhance sentiments of exclusion and discrimination negatively influence electoral process leading to violence.

d) Excessive inequality in all its forms can produce discontent and clear grievances among marginalized groups. Inequalities often go hand in hand with mob politics, unemployment among youths feeling disenfranchised susceptible to recruitment with the intent of fomenting violence or threatening opponents.

e) Electoral systems determine how power is allocated among contenders. There is no one single system considered "best". However, proportional systems appear to be better

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[82] Goodwin-Gill, Guy S. (1994). "Free and Fair Elections: International Law and Practice." Geneva: Inter-Parliamentary Union. Cited in Birch, Sarah. (2007).

[83] http://www.ifes.org/~/media/Files/Publications/White%20PaperReport/2011/IFES_Tunisia_Briefing_Paper_Jan2011.pdf

suited for countries affected by social divisions, especially along ethnic, regional or religious lines, as they tend to reflect more accurately the diversity of society. In this context, elections, when lacking ventilation capacities for deep-rooted grievances, can result-in violence.

f) Contestants, whether instigated by real or perceived intentions and outcomes, disappointed by electoral outcomes or misunderstood election processes often claim they have been robbed of their win. Outcomes can spark violence, orchestrated by parties and candidates, or carried out by their supporters or fringe elements. When there is uncertainty about the outcome of an election, particularly when margins of victory are small, there is a greater likelihood that allegations of fraud will lead to frustration and, potentially, to violent clashes.

g) Winning elections can be important to maintain patronage networks, control resources, and dispense jobs, public services, or lucrative government contracts. Fear of losing these can lead to highly factionalized politics, often along regional, sectarian or ethnic lines, where the control of the State provides economic opportunities and entrenches social cleavages. In a worst-case scenario, it can result in a refusal to hand over power after defeat at the polls. When political parties and groups in society fear loss or exclusion, especially if they expect to lose repeatedly and become "permanent minorities", they may turn to disrupting elections. These challenges are particularly acute where being in opposition is seen as being excluded from access to resources.

Outcomes of elections are shaped by the management of the overall 'electoral cycle,' which includes processes before the elections, during the actual voting day and afterwards. The importance of citizens' trust in electoral process activities (such as voter registration), the credibility of electoral management bodies and how results are released are key in electoral cycle which cause violence if mistrust formed against a part or the whole electoral process.

The fragility of many democracies is created by the tendency of leaders to cling to personal and ethnic interests. In some instances, these interests are pushed through the manipulation of voter lists or delineation of voter districts that then create political tensions and contestations. Democracy is not perfect, it cannot be imposed, and, in this respect, Africa should reflect on what it has learned after four hundred years of slavery, one hundred years of colonialism and its independence since the 1960s.

During the 1990s, many African countries were convinced to democratise to receive development aide. The advent of democratisation came with challenges that lead to the contestation of results. These challenges include the multi-party system and the levels of citizens' awareness. Other factors that contribute to contestations are the inconsistency of political parties in keeping campaign promises and confusion raised by high number of political activities in most countries. The way results are released often raises questions about the credibility of the political system.

Most electoral contests in citizens' votes are no longer an expression of hope. People vote but they no longer have faith that their expectations will be met. Some cases of African elections (2015 Nigerian election and the 2005 Ethiopian election) are seen as a choice between the collapse of the country or an attempt to claim some hope that conditions in the country will improve. This choice leads to active participation in elections.

There are various threats to the democratic system including ethnicity, youth, and the exclusion they experience used as tool to fuel instability. Issues of women's exclusion are obstacles they face to fully participate in political processes. Security forces are especially important as they often play a role in how responses and election outcomes are managed. A case in point is Niger where in 2004 the ruling party controls the army and security forces and was able to impose its will through the armed forces. This also transpired in Chad in 2011.

Beyond the influence of ethnic and regional conflicts in electoral processes, prejudiced and unfair electoral management bodies lead to violence. The role and responsibility of electoral management bodies as democratic institutions is instrumental in ensuring credibility for institutional decisions and citizens' confidence in its management of elections. The balance of forces in a national context is key. It can have positive or negative influences on electoral processes and its outcomes. Citizens are uncertain on the capabilities of political contestants and those responsible for managing democratic institutions and processes including how national and international observers validate elections.

Absence of strong judiciary with separated constitutional powers leading to declaration of ruling party wins and retains its power fuels electoral violence. The issue of capacity to resolve the governance and development challenge must also be of concern. Are political parties able to play their roles effectively? It should be noted, however, that there has been a positive shift whereby pre-electoral violence has diminished. This is due to measures put into place before elections. These include international observers, mediation instruments such as inter-party dialogue, codes of conduct for political parties, and greater citizen engagement. However, in terms of post-election violence, the issue of power sharing, between losers and winners still warrants more attention.

Research systems and experiences of other political systems that withstand a fragmented society could offer useful lessons. More evidence-based lessons are needed to help strengthen electoral democracy in Africa. Indigenous electoral system should also be explored, to identify ways to promote models of 'shared governance' to accommodate the ethnic and regional diversity that often characterise African countries.

III.   Contested Elections in Africa

Common themes of African elections emerge based on which comparisons are used to help answer the following broader issues about election related violence in Africa:

I.   Patterns of past electoral violence and how these changes give recent alterations in political structure;
II.   Underlying causes of electoral violence, and how election actors most effectively support peaceful elections; and
III.   Appropriate sequencing and timing for institutional reform and conflict mitigation mechanisms and how peaceful and fair elections are promoted in the longer term.

For instance, in the 1996-2006 decade, countries in sub-Saharan Africa held 44 elections. Between 2005 and 2007, at least 26 Presidential and 28 Parliamentary elections were held across Africa, while 25 Presidential and 33 Parliamentary polls were held between 2011 and 2016. The African Union reported that 31 Countries were to hold elections by the end of 2016. By the end of 2017, another 14 countries were scheduled to hold Presidential and general elections.

Notable gains have been recorded in consolidating stable democracies. Countries emerging from conflict such as Sierra Leone have held credible elections and become increasingly stable. In Senegal (2012), Nigeria (2015), and Benin, Cape Verde, Sao Tome and Principe, Zambia and Ghana in 2016, the incumbents have conceded defeat and peacefully handed over power. Ghana has particularly become a rare symbol of countries in Africa where the principle of peaceful transfer of power is taking root after losers in the 2008 and 2016 elections peacefully handed over power to the winners. This has guaranteed stability despite the challenges that the electoral management system may be facing. According to the Brookings Institution, over 60 per cent of the elections held in 2016 were conducted in a free and transparent manner with satisfactory citizen involvement.

Across Africa, elections have become more frequent and the accepted mechanism of choice for popular expression, choice and change of leaders, and political accountability. They are increasingly touted as the avenue to a 'second liberation' from oppressive and corrupt regimes - after the first liberation from European colonialism. Political transitions are increasingly more participatory, peaceful and constitutional, a trend attributed to citizens' awareness that their votes matter and demand for transparency, greater independence of Electoral Management Bodies (EMBs), a clear move towards issue-based politics and regional ownership of electoral processes.

Despite the progress, democratization in Africa is a paradox. The democratic experiment remains fragile and susceptible to instability and violent conflict. In several countries, presidents faced with constitutional term limits have refused to leave power gracefully, opting to change the constitution to extend their stay in office. In recent times, Burkina Faso, Rwanda, Burundi, Namibia, Zimbabwe, Uganda and the Democratic Republic of Congo have amended the law, appealed to the judiciary or refused to call elections. However, some countries like Rwanda have taken efforts to seek the opinion of the voters by holding referendums. Holding on to power has caused instability and violence in Burundi and Burkina Faso and undermined the quality of democracy elsewhere. Elections themselves do not necessarily improve the value or quality of governance or ensure political stability. 'Routine elections', parodied by Terry Karl

as 'electoralism' predispose Africa's nascent democracies to violence before, during and after elections. The resurgence of military coups and the threat of terrorism and violent extremism have stalled democratic progress in Northern Africa. Elections in Africa tend to widen long-standing social, political and tribal fault lines. By their very nature, elections are adversarial and divisive, triggering violence notably in countries that lack strong democratic institutions or struggle to manage diversity. Elections have generally failed to nourish cohesion: polls have divided people rather than unite them.

Ethiopia elects its legislature at the federal level to constitute the Council of People's Representatives, elected for five-year terms in single-seat constituencies; and the Council of the Federation. The country is a one party dominated state in that a coalition, the Ethiopian People's Revolutionary Democratic Front (EPRDF), dominates politics. Opposition parties are allowed to operate, however.

Elections were first held in Ethiopia under the provisions of the current constitution of June 1994 to elect the membership of local governments; general elections have since been held in 1995, 2000, 2005, 2010 and 2015. The 2020 election is expected with much anticipation as the political atmosphere has shifted drastically and positively since April 2018 with the election of the new Prime Minister, Dr. Abiy Ahmed.

The 2005 general election, of all the elections held in Ethiopia, resulted in thousands of political arrests across the country. As in other African after election protests, it was another post-election crackdown. Violent clashes erupted where close to 200 young protesters were gunned-down by police. Many more were incarcerated as well. Human Rights Watch said student activists and opposition supporters had been rounded up in a crackdown after the fighting. "Opposition rhetoric may well have contributed to last week's unrest, but the government must take responsibility for the conduct of its own security forces," said Georgette Gagnon, the deputy director of the New York-based group's Africa division."

Ethiopia's ruling party, which had pledged to introduce democratic reforms showed blunt authoritarian tendencies, and claimed victory in the 2005 parliamentary elections, followed by complaints in 299 of the 527 voting districts. The violence that followed threatened to destabilize Ethiopia, one of the poorest countries in the world. Many observers said that Ethiopian security forces used excessive force in dealing with post-election violence[84].

The Ethiopian electoral system can be characterized as being wholly dominated by the Ethiopian People's Revolutionary Democratic Party (EPRDF). For a single political entity to control the Ethiopian political landscape is not unique, it is deeply rooted in the history of the nation. This analytical brief will seek to expound on the historical factors which laid the foundations for single party dominance, the structures of the EPRDF and its relationship with the state security apparatus and lastly, the implications this relationship has had on Ethiopian electoral

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[84] Associated Press, Thursday, June 16, 2005

governance practices. A tentative assessment of the implications and consequences of the relationship will be attained by assessing government practices during sequential election cycles.

The political structures in place today can be traced to the reign of Menelik II (1889-1913). During his rule, the state was administered and controlled through a centralized system that was both exclusionary and reliant on securitized approaches of governance due to the volatility of the region (Van Veen). This form of governance continued through the Mengistu regime and very little change occurred following EPRDF's takeover of the state in 1991. Furthermore, from the reign of Menelik to hitherto, the geographic location of Ethiopia has made the state prone to cross border violence, cross border claims on resources, territory and calls for autonomy from ethnic groups in the periphery of the state, taken together these have all translated into the state maintaining centralized political and security affairs (Ibid).

As stated before, when the TPLF/EPRDF came to power they further promulgated already existing systems of governance inherited from the Mengistu regime. However, the EPRDF differed in that it was rooted in a militarily oriented revolutionary movement that later transitioned into a political party. It is important to note that the remnants of the movement's military wing never transformed or integrated into, or with, an independent institution but rather became guardian of the party as a nucleus of the armed forced.

Prior to analyzing the impacts of prevailing structures of government on electoral governance practices it should be stressed that elections have several effects on government structures. In federal systems where elections results are not in the interest of the ruling party it causes a scattering out of control from the center and secondly, elections are viewed as an an approval or a rebuke of government. The history of exclusionary politics, geographic origin, and links between government and security apparatus, have all undermined contemporary electoral governance practices in Ethiopia. The EPRDF remains reluctant to allow control to dissipate from the center because regional volatility continues to pose a threat and their only expertise in tackling it has historically been to keep power centralized. As such, it could be said that the government trepidation at decentralizations stems from a lack of expertise or capacity at putting in place decentralized structures. Regarding the states exclusionary history, the wealth of the agriculturally rich Ethiopian highlands inhabited by the Tigray and Amhara people led to empire building through centralization and coercion which etched a collective memory of violence in a number of ethnic groups particularly those residing in the low lands of Ethiopia. The remnants of exclusionary politics in the state remains to this day, the dominance of the Tigray is pervasive in the highest echelons of economic, military and political structures (Van Veen). This has created a deep resentment within the Oromo and Amhara communities towards Tigrayan elites, therefore, a contributing factor to the ruling regimes continued efforts at undermining decentralization and inclusion during elections is a fear of backlash or a tyranny of the majority (**Woldemariam, LSE Blog**). These conditions are further aggravated by the state security apparatus whose interests are intertwined with party interests, as a result, they have been quick to disavow, at times through violent means, any critique or competition against the ruling party usually manifested through election results. This is starkly visible when examining events leading up to and following consecutive election cycles. In 1995 multiple opposition parties boycotted the elections because the government impeded their ability to participate in the political

process (1997 Human Rights Watch Report). Similarly, in the 2005 elections independent opposition parties faced restrictions on their ability to compete freely in the elections and the Ethiopian Human Rights Council (EHRCO) reported that several instances of abuse against opposition candidates and supported, including killings, arbitrary detention of opposition candidates and their transfer or dismissal from employment (2005 Human Rights Watch Report). Furthermore, serious irregularities took place that undermined the ability of Ethiopians of Eritrean background and persons from the Southern Nations, Nationalities and Peoples Region (SNNPR) to partake in the elections. The 2005 elections saw a continuing pattern of political repression against opposition parties, citizens of Oromia descent experienced the harshest measures of impunity as the government prior to the elections subjected them to intense levels of surveillance and restrictions on their freedom of movement, association and speech (2006 Human Rights Watch Report). In addition, in post-election protests at least 200 protesters were killed, many victims of excessive use of force by the police. The elections of 2010 were no different to previous elections. Here, Human Rights Watch reported a continued clamp down on government dissent and independent political activity. In rural areas government supplied agricultural assistance was used to punish and prevent dissent, or to compel individuals to joining the ruling party (Ibid). During the elections of 2015 the government continued with arbitrary arrests to silence journalists, bloggers, protesters and supporters of opposition political parties and the police responded excessively to peaceful protests (2015 Human Rights Watch Report). Undoubtedly, the government's ability to institute such repressive electoral practices is rooted in the political structures under which they function. Although these issues are interconnected strides need to be made, at community and political levels, towards national reconciliation, inclusionary nation-building and political structural reforms to ensure that Ethiopian electoral practices become free, fair and transparent.

IV.   Tracking Disputed Elections, Violence and Conflict in the Whole Electoral Cycle

Elections are in theory democratic means of resolving disputes and making collective decisions, yet too often force is employed to distort the electoral process. Africa, as part of the global dynamics, is affected by changes and development of post-cold war upsurge in the number of electoral authoritarian and hybrid states. Africa has been enjoying in recent years both technical and financial support for the prevention of electoral violence. This has played an increasingly significant role in the democratic transformation undertaken by national governments and international agencies.

No systematic evaluation of the success of different electoral violence prevention strategies is put in place to determine peace during the electoral period. However, national governments and international agencies often apply two commonly used methods for electoral violence prevention. Capacity-building strategies reduce violence by non-State actors, whereas attitude-

transforming strategies are associated with reduction in violence by state actors and their allies[85].

Electoral violence – understood as coercive force, directed towards electoral actors and/or objects, that occurs in the context of electoral competition – can occur before, during or after elections and it can target a variety of actors, including candidates, activists, poll workers, election observers, journalists and voters. Recent analysis of patterns and trends in electoral violence have found that it is a global phenomenon affecting mainly electoral authoritarian or hybrid States, particularly those in Asia, the Middle East and Africa.[86] These are not the only strategies that could have been used, but they reflect theoretical focus on capacity building versus attitude transformation.

Some scholars have argued that more "technical" approaches to Electoral Violence Prevention (EVP) such as capacity building can engender confidence in electoral authorities and increase the ability of security services to manage potentially violent situations. Others have held that capacity building alone is insufficient to prevent violence, and that "political" approaches that alter attitudes are also needed. The effectiveness of the two strategies in curbing violence is tested here by means of a new dataset of EVP strategies undertaken by the United Nations Development Programme (UNDP) between 2003 and 2015. The reality is more nuanced than either of these positions: while technical training is linked to a reduction in non-state violence, attitude-transforming approaches are most likely to be associated with a reduction in violence by state actors.[87]

Interventions designed to prevent and/or mitigate electoral violence include a range of activities targeted at electoral actors: police training, security planning, electoral management body capacity building, peace messaging, codes of conduct, stakeholder fora and grassroots peace advocacy by civil society groups.[88]

Electoral violence prevention and management should distinctively address electoral conflict through bringing a conflict dimension to electoral assistance programming or an electoral dimension to conflict management and mitigation. This approach aimed at filling what has been described as a "yawning gap of knowledge about how programming can more consistently and effectively address the causes, manifestations, and consequences of election violence." Hence,

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[85]http://ifes.org/Content/Publications/White-Papers/2009/Election-Management-Bodies-and-Public-Confidence-in-ElectionsLessons-from-Latin-America.aspx

[86] Birch and Muchlinski, "The Dataset of Countries at Risk of Electoral Violence"; Birch and Muchlinski, "Electoral Violence."

[87] United Nations Development Programme

[88] Beaulieu and Hyde, "In the Shadow of Democracy Promotion"; Von Borzyskowski, "Sore Losers?"; Daxecker, "The Cost of Exposing Cheating"; Kelley, Monitoring Democracy; Hyde, "The Observer Effect in International Politics"; Hyde, The Pseudo-Democrat's Dilemma; Sjoberg, "Autocratic Adaptation." It is not possible to elaborate a full typology of EVP strategies here; for relevant typologies, see Claes, Electing Peace; Höglund and Jarstad, "Toward Electoral Security"; UNDP, Elections and Conflict Prevention.

this model is a diagnostic instrument that profiles electoral conflict for the development of program strategies and activities to prevent, manage or mediate this conflict.

As such, it is applicable in various kinds of scenarios: otherwise stable environments where elections may trigger conflict (i.e. Ethiopia, Egypt); and conflict or post-conflict environments (i.e. Sudan). The development of sustainable electoral security systems provides a framework organized around the following steps[89]. The steps serve as tracking framework for tracking disputed elections, violence and conflict in elections.

Electoral security assessment is fundamental in tracking disputed elections. It is an assessment of based on contextual analysis, analysis of historical factors, and the role of stakeholders including the State and non-State actors in elections. It applies both to desk review and information gathered from the field. The outcome of the assessment should provide a comprehensive picture of electoral conflict risk factors found in the security, political, economic, social and public administrative sectors such as the type of electoral or political party system. Learning from the past, it offers lessons from elections conducted mostly in the immediate past. Noting the role of stakeholders, the assessment, based on characteristics of each stakeholder, and their role in electoral security, delivers stakeholder analysis to determine potential perpetrators of electoral conflict, their motives, the potential targets for such conflict, and the tactics utilized in conflict.

Electoral security planning is the second step that provides refined entry areas of intervention through identifying local change agents. The planning process and its outcomes should include domestic actors having interests aligned with priority areas identified for intervention but ensuring their willingness to work with other stakeholders. Moreover, local change agents should be accessible with the existing political space for programmatic interventions and clear coordination mechanism of stakeholders including international communities.

The third step is *electoral security programming*. This step, using findings from the planning phase, provides programming strategies. As a last step, it combines programming activities implemented by and with commitment of both State and non-State stakeholders. The outcome of this phase is a targeted electoral security program responsive to the needs of any given country context in Africa.

V.   Electoral Anger Management and Post-Election Stability

Election-related disputes and tensions are the main causes of instability and violent conflicts in contemporary Africa. It was observed that while democratic institutions are often too weak to support a culture of democracy, poor management of diversity has become a major source of unhealthy competition, conflict and instability. Moreover, even as elections are promoted as instruments of resolving differences emanating from the diversity of identities and interests, in Africa regular polls have turned into triggers of violent conflicts. The problem of poor

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[89] USAID, Electoral Governance Handbook

management of diversity is accentuated by new bouts of extremism and populism now surging across the world and widespread disregard for the rule of law. This mix has made diversity the greatest pitfall and the bane of African democracies. It has also led to the decline in civic citizenship and the preponderant rise of sectarian mobilization, violence and intimidation.

African countries should adopt appropriate measures at the level of institutions, norms and management of diversity with the aim of transforming elections into an asset. To ensure post-election stability in countries like Kenya, efficient and strong institutions and mechanisms are urgently needed to underpin credible elections. Furthermore, electoral integrity is necessary to turn elections into instruments of promoting social cohesion and inclusion, creating political legitimacy and effective management of diversity. Countries should also adopt a wide range of measures to promote internal democracy within political parties as the best guarantee of entrenching democracy. Electoral management bodies have a role to oversee free, fair and transparent party nomination processes and to settle disputes arising from such nominations.

Since the 'Third Wave of Democratization' that swept across Africa in the late 1980s and early 1990s, democracy has steadily gained root across the continent. Even regimes that were opposed to multiparty politics have embraced pluralism, and competitive elections have become the norm across the continent.

Still, elections are marred by a remarkable decline in civil citizenship resulting from the preponderant rise of sectarian mobilization, violence and intimidation. In the context of populism, disregard for the rule of law and extremism, elections have become a liability for emerging democracies in Africa. As the UN former Secretary General, Ban Ki-Moon rightly observed, "diversity may be a source of creativity and growth" but when poorly managed, it "often becomes a source of unhealthy competition, conflict and instability. Free, fair and peaceful elections are possible where mandated institutions can ensure integrity of the electoral process.

As the political crises in Kenya (2007/2008), Zimbabwe (2008), Ethiopia (2010) and Zambia (2016) demonstrate, electoral violence is more likely to occur when the electoral process lacks integrity, when there is perceived critical departure from the accepted rules that govern the process. Efficient and strong African mechanisms are needed to underpin credible elections and transform elections into an asset. Electoral integrity is necessary to turn elections into instruments for promoting social cohesion and inclusion, creating political legitimacy and effective management of diversity. Internal democracy within political parties is becoming necessary in entrenching democracy and electoral management bodies are increasingly called upon to administer free, fair and transparent party nomination processes. Credible election management system is central to democratic stability.

Lessons and good practice from across Africa will go a long way in improving electoral management systems and practices to deliver results with integrity. However, preventing electoral violence requires a multistep approach that considers the full electoral cycle and the multiplicity of actors involved in the process. It also requires taking specific measures to eliminate

loopholes identified from previous elections, guaranteeing inclusivity and the rights of both minority and majority, and responding to vulnerability to divisive political rhetoric and violent extremism.

Elections should not signify periods of divisions, pain, suffering and anger, but in much of Africa, elections are perilous times characterized by violence and disruption. Although these challenges are not unique to Africa as even developed economies are vulnerable to the same challenges, elections in Africa are violent about 25% of the time.

Electoral violence tends to recur in the same regions of affected countries. Electoral violence slows economic growth, undermines durable peace and stability, and the consolidation of a democratic culture. Countries with strong authoritarian legacies and/or deep ethnic cleavages find it difficult to manage multi-party politics, and as social, political and economic tensions increase during elections, they become vulnerable to violence. South Africa and Ghana are shining examples of electoral management and peaceful leadership transitions and offer many useful lessons for the rest of Africa. Indeed, many admire and applaud Ghana for its successful elections and aim to emulate its election management practices in future elections[90].

Recent elections in Africa present novel and interesting observations about what works to yield free, fair and credible elections. In Gambia, for instance, using marbles instead of ballots raised important questions about the cost of elections, innovation and the role of technology. In Ghana, a combination of biometric and manual systems to forestall challenges that might have emerged from failure to vote or delayed submission of results showed that dependence of technology should be complemented with more traditional systems.

The high investment in elections to create the perception of credibility and transparency, results in expensive elections. While heavy investment reflects the high-level of mistrust in elections, it makes elections a liability for fledgling economies, particularly when technology fails, or the process is marred by other electoral irregularities. It is important to link elections with the rule of law and development to nurture a democratic culture. It is also important to support efforts that strengthen the credibility and capacity of electoral institutions and the electoral process to ensure elections are credible and the outcome legitimate and acceptable to all stakeholders.

Experiences in electoral management in Africa are mixed. For every good example like Ghana, there are countries that subvert the purpose of elections. Rigging to predetermine the winner, violence and irregularities to undermine the legitimacy of the process. Nonetheless, Africa is safer today than it was two decades ago. The guns are going silent and the number of military coups is reducing. More and more countries are adopting democratic elections as the preferred system for the future.

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[90] http://www.pogar.org/publications/other/undp/elections/electoralmgmtbodies-e.pdf

Most elections in Africa are taking place in a very undemocratic space. It is a space that is going through a democratic transition. Judging elections as conducted on Election Day as free and fair ignores the broader environment within which elections are taking place.

Democracy operates in divided societies. In Africa, ethnicity and clannism are crucial factors shaping political mobilization, public participation and overall quality of democracy. There are many experiences in Africa where governments interfere with the electoral process to influence the outcome. The concern in such contexts is how to preserve the integrity of the electoral process, and what should be the role of external actors. Some people argue that incumbents cannot lose an election that they have organized, but others believe that it is possible if there is integrity in the system. It is therefore important to build and support institutions that mediate and manage diversities in a manner that elections become a solution rather than a problem.

There are two contradictory interpretations of democracy that drive policy by States and the international community. The first is the celebratory notion of democracy that sees regular elections and liberal institutions as the panacea to a complete range of issues affecting divided societies, including conflict and poverty alleviation. This notion is the premise of the Democratic Peace Theory, which holds that democracies seldom go to war. Therefore, introducing democracy in Africa will end all civil wars. The second view is that elections lead to violence and exclusive politics. Where there are conflicts, elections exacerbate tensions and increase the number of deaths in their aftermath. For example, before the elections in Kenya, at least 300,000 people were displaced from their homes in 1992, and in 2008 over 1,300 people were killed and 600,000 others displaced. In Nigeria, at least 500 were killed in the 2011 elections. Several countries have restricted democratic rights to stifle political opposition and weakened institutions to rule in their favor. From this assessment, some argue that it is better to address the causes of conflict first then introduce competitive politics thereafter. The problem is not necessarily the electoral process itself but the unresolved grievances within which elections take place.

There is no consensus yet on whether or not elections provide solutions to Africa's governance problems. However, there is an agreement that liberal democracy as a one-size-fits-all for all African contexts is erroneous. For example, election outcomes can be predetermined if political mobilization is conducted along ethnic lines. In Rwanda and Burundi, a Hutu can be always expected to win if it is purely about numbers. Voting along ethnic lines only worsens existing cleavages. The need to re-engineer democracy away from exclusive and divisive mobilization to issue-based campaigns is clear, and countries such as Ghana are showing the way. However, it is difficult to do so in many African contexts because lack of a national ideology relegates a country to ethnic mobilization. Racial, ethnic or clan labels are the tools for electoral victory. Democratic elections can promote exclusion. In Kenya, for instance, 5 ethnic groups constitute 73% of the population and, by extension, the voting power.[11] If you add 2 more middle-tier communities,[12] you have 85% of the population. Therefore, to win an election emphatically in Kenya you need a minimum of 3 ethnic groups converging.

While Africa is too diverse to generalize the challenges to democracy and electoral management, there are specific challenges that emanate from the electoral system: countries with First-Past-the-Post electoral systems are more prone to violence than those using Mixed Member Proportional Representation. The former is about the winning candidate attaining the highest - not necessarily the majority vote. In this system, the winner takes all while the loser gets nothing. The latter is more responsive to issues and representation of various categories of the population in government. Critics of the FPTP system, which is most common in Africa, argue that it is 'bad for voters, bad for government and bad for democracy. One approach of assessing the system in place is to conduct post-election audits and develop a realistic action plan to implement recommendations of the audit.

Democratization in Africa is a paradox. While democracy has steadily gained roots, in recent decades, African democracy has stalled or is facing serious reversals. Since the end of the Cold War and the onset of the "Third Wave of democratization" that washed over Africa from the late 1980s, democracy has flourished. This is what has been touted as "second liberation" after the first liberation from European colonialism. Elections have become regular, and widely accepted as the mechanism of choice for popular expression, choice and change of leaders and political accountability. Elections are increasingly the norm across the continent. Holding elections in Africa has grown exponentially in the last two decades.

Africa's nascent democracies are everywhere at risk of violence before, during or after elections. Countries like Mali, earlier praised as a showpiece of democratic success, have succumbed to military coups, violent conflict and invasion by terrorists. In 2016, Zambia, one of the first African countries to undergo democratic transitions in the 1990s, faced post-election paralysis and violence. Democratic transitions in North Africa have stalled, giving way to instability in Libya, Algeria, and Egypt and creating fertile grounds for violent extremism. While surveys by both the Freedom House and Ibrahim Index of African Governance have indicated that the overall state of governance in Africa has improved over the last two decades, majority of African citizens live in countries that are either "partly free" or "not free."

However, safety and rule of law remain the biggest issues facing the continent today. Elections have contributed in large measure to the challenge of instability on the continent. African democracies are not yet out of the woods for a variety of reasons. Democratic institutions are too weak to entrench the culture of democracy.

Africa faces a fundamental problem of managing diversity. Even though elections are widely perceived as instruments for resolving differences, they have everywhere become triggers of violent conflict. Polls have divided people rather than unite them. Elections are marred by a remarkable decline in civil citizenship resulting from the preponderant rise of sectarian mobilization, violence and intimidation. In many ways, diversity in the context of extremism populism and disregard for rule of law has become a liability and the salient bane of African democracies.

Efficient and strong African mechanisms are needed to underpin credible elections and to transform elections into an asset. Electoral integrity is necessary to elections into instruments of promoting social cohesion and inclusion, creating political legitimacy and effective management of diversity. Internal democracy within political parties is becoming necessary in entrenching democracy, and electoral management bodies are increasingly called upon to administer free, fair and transparent party nomination processes. In Kenya, the IEBC has a role in adjudicating disputes presented by candidates from various parties. Credible election management system is, therefore, central to democratic stability.

Lessons and good practices Africa has acquired in recent elections will go a long way in improving electoral management systems and practices to deliver election results with integrity as a surest way of managing diversity (ethnic, class, race, gender, age or religion) to ensure stability. Ensuring electoral stability in Africa also demand managing diversity. Election-related violence is aggravated by the complex multi-ethnic nature of African states where voting tends to take the form of ethnic identity or clan and rarely follow class or class identity. The rights of both the majority and minority need to be guaranteed. Kenya has adopted the country system to ensure that groups are not locked out of the benefits of state resources and opportunities irrespective of which side they voted. Political parties must avoid electoral strategies and populist political campaigns that play on tribal grievances and sensibilities in a manner that can ignite violence. The vulnerability of the state to violent extremism is also at its highest during elections. Similarly, the resilience of communities to radicalization to violence, especially among populations with deep sense of grievance is at its highest during electoral seasons. But as history has shown, prosperous and just societies are better suited to resist extremism and terrorism.

A credible and efficient electoral management system can guarantee democratic stability in Kenya in 2017 and beyond. The forum will be an in-depth account of electoral processes in Kenya and the rest of Sub-Saharan Africa and continuing challenges in the democratization process particularly in the region. The report that will derive from the debate is intended to inform national actors, development partners, regional and sub-regional institutions on the progress, common problems, workable solutions and good practices. The electoral stakeholders in Kenya are expected to benefit from the dialogue considering the country's general elections holding in August 2017.

VI. The Role of Media and Civil Society in Minimizing Electoral Violence

Elections represent key milestones in every democracy and are often events to be celebrated. In some countries without strong democratic traditions and a history of peaceful political transitions, elections can be deeply polarizing events that lead to violence, conflict, and, potentially, atrocities. Problems with election processes, such as procedural failures or insufficient security force planning can also trigger violence. The media, as an influential institution, plays critical role in the prevention of electoral violence.

The media in ideal situations do honest and candid analyses of contentious elections, focusing on the drivers of violence and their most likely victims. Through analysis, the media identifies influential individuals and groups with the motive and means to carry out violence, as well as positive actors whose moderating voices can be mobilized to reduce tensions. When free and balanced, media (print and broadcast) foster transparency and the dissemination of important electoral information.

The media based on analysis can implement programs to prevent or mitigate electoral violence. Media analysis supports mapping of potential violent spoilers and reduce their ability to foster violence before, during, and after elections. It can amplify peaceful messages of religious, business, and civil society leaders in communities with the highest risk for election violence.

Prevention and mitigation of electoral violence should start by earnest planning which helps various stakeholders determine risks for violence and devise strategies to counter spoilers. Furthermore, media supports government and Election Management Bodies on upcoming elections by determining key risks, identifying vulnerable populations, and developing actionable plans to mitigate vulnerabilities. As an influential body, the media works again with stakeholders of election processes, particularly those who should be engaged in the prevention and management of electoral violence, to use negotiation and programming to dissuade perpetrators and encourage positive actors to promote peaceful participation in elections.

Free media have long been recognized as a cornerstone of democracy and play a significant role in influencing political discourse during elections. The media can report not only election processes and outcomes but also provide key information and advisory support to enhance risk analysis, planning, coordination, and response efforts. The media in partnerships with other stakeholders such as CSOs, academia and research institutions should cooperate on election support and develop actionable best practices and lessons learned.

The rise of new media – such as social media sites, blogs, email and other new media platforms - provide further avenues and possibilities for participatory citizenship, information and knowledge sharing, and inclusion and empowerment. Both traditional and new media can play a vital watchdog role, and serve as a campaign platform, a forum for public debate and as a public educator, ultimately strengthening democracy. Recognizing the evolving role of media in elections, governments have a role to provide space for media in its programming to support credible and transparent elections.

To be sure, the media can also play a dramatically negative role in the electoral process. Many observers often point to the role media played during the 2007 Kenyan presidential election and subsequent outbreak of violence, which led to 1,133 people killed and more than 600,000 Kenyans driven from their homes, as a prominent example of the negative effects media can have during elections. A private or biased media can shape elections and issue coverage to

support corporate interests or provide propaganda for authoritarian regimes, subverting important democratic principles like freedom of speech and the press.[91]

On the other hand, media have changed the way that candidates and their campaigns interact with citizens, providing unprecedented opportunities for two-way dialogue and interaction. Media can play a significant role in social change and political mobilization, with almost all African elections, the 2011 Arab uprisings and then- Zimbabwe's 2018 presidential campaign and election as salient examples.

Citizens are increasingly turning to social media platforms to follow election news and developments. African voters use social media platforms like Facebook and Twitter to get political information and follow elections. Additionally, more and more Africans are also using cell phones to follow political news.

With increasing access to the Internet around the continent, many candidates and citizens in Africa are also turning to media, which played a key role in African elections.

In Nigeria's recent general elections, both major presidential candidates and their parties maintained active Twitter and Facebook accounts and the Independent National Electoral Commission proactively engaged with citizens on social media to address inquiries related to the electoral process. Social media is widely credited with playing a significant role in promoting transparency ahead of the vote that led to the first election of an opposition candidate for president in Nigeria's history.

Democracy promoting organizations have implemented activities supporting traditional media in developing democracies for decades. With the media landscape evolving, from workshops to strengthen election coverage and journalism standards in Kenya and South Africa, to manuals for journalists on how to accurately represent the voices of citizens with disabilities participating in political life in Nigeria, to supporting the establishment of media centers for election commissions in Tunisia, African media have a track record of supporting free media in developing democracies.

At its best, the media should embody the spirit of democracy, enabling citizens to hold candidates and representatives accountable, expose electoral fraud, and engage in political debate. However, this vehicle of participatory citizenship is not without challenges, among which are issues of ethics and integrity. The media can serve as a platform for the dissemination of false or misleading information, lacking the gatekeeping processes and expertise of traditional media. The convergence of traditional and modern media as means of information dissemination has raised questions regarding where to draw the line between regulation and censorship and,

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[91]http://www.ifes.org/~/media/Files/Publications/White%20PaperReport/2011/IFES_Tunisia_Briefing_Paper_Jan2011.pdf

relatedly, how to protect freedom of expression while safeguarding against inflammatory speech. What's more, despite the dramatic expansion of new media and technology throughout the world, there are still many vulnerable groups, such as the elderly, the illiterate and the poor, with limited or no access to these resources.

Media can be successful or exacerbate tensions depending on how it is used. In multiple cases, strong Electoral Commissions have worked with the media to prevent inflammatory coverage and broaden voter education to reduce attempts to spark identity-based political violence suggesting that media-based educational initiatives may help build credibility and respect for elections and divergent views, possibly reducing violence.[92] Scholars found that a radio show in Rwanda that focused on promoting tolerance enhanced listener's willingness to express dissent while encouraging them to resolve community problems without deferring to officials, suggesting that positive changes in political culture can be made in the short run.

However, media have also been used to exacerbate communal violence in numerous cases, most graphically in Rwanda's genocide, showing the ugly and increasing use of "paid" media.[93]

Nonetheless, media have increasingly become an integral component of the media landscape and an important outlet for candidates, political parties, election management bodies, and citizens. Despite some of the drawbacks detailed above, increased worldwide Internet access will only further the importance of new media in democracy and elections. Citizens have more avenues to reach candidates and campaigns and share information than ever, presenting new opportunities and challenges for democracy promotion and new possibilities for democratic consolidation around the world. Electoral Commissions in some African countries have used a voluntary electoral conduct code combined with media and civil society pressure to reduce violence.

Civil society engagement to undertake specific activities to reduce violence starting well ahead of elections and throughout the election cycle may prevent electoral violence.[94] Such a strategy proved useful in Ghana in 2008, unlike Kenya in 2007, where violence was prevented because civil society groups mobilized and coordinated well ahead of the elections, making specific plans to prevent both a fraudulent election and the possibility of violent fallout.[95] In 2011, Ghana continued to rely on civil society groups to institute a series of peace-building initiatives that included high-level dialogue and grassroots forums. For instance, the media worked with UNDP and the election commission to create and abide by a new voluntary code of conduct. However, Ghana's parties were also less active in using ethnic identity as a wedge issue in these elections than was the case in Kenya in 2008.

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[92] Chaubey 2011; Majeed 2010; Scharff 2011; Quraishi 2014. Paluck and Green (2009

[93] Quraishi, 2014

[94] Chaubey, 2011, Varshney, 2002

[95] Hoffman and Smith, 2010

Inter-group civil society efforts show mixed results. Daily contacts in inter-communal associations had an important effect in reducing communal violence and in pressuring politicians not to foment violence. However, civil society engagement across party and identity lines does not always prevent violence, as election violence has emerged in places with strong bi-partisan communal life. Kano and Kaduna in Nigeria have had strong inter-communal associations but have recently experienced bouts of electoral violence along communal lines[96] However, in places that face significant communal tension, civil society groups are more likely to be created - but also face steeper paths to success.

VII.   Modern and Traditional Dispute Mechanisms for Resolving Contestations

African institutions including governments and traditional mechanisms have increasingly focused on election disputes in recent years. This attention results from the political controversy and sense of distrust surrounding the complaints and appeals procedures in many countries. Not only have judicial systems and electoral bodies often been at odds with each other, but there have also been instances of discrepancies and loopholes in domestic laws that have resulted in dual appeals processes, confusing time-limits, duplicative complaints filed with different bodies, an absence of clear sanctions for non-compliance with the law, and enforcement problems. One indication of the seriousness of these concerns is the number of complaints left unresolved months after the ballot.

There are no African or other international election disputes resolution standards per se. Resolving election disputes, however, involves international standards that are to be found across the wider spectrum of election related rights and rules and those associated with due process of law requirements and judicial independence.

The recognition of rights associated with voting requires a judicial or administrative response to their potential denial. The right to challenge decisions, actions or failures to act in connection with an election, may therefore be considered as part of these rights. However, the right to seek redress is of little value without, among other things, an impartial and independent judiciary that can enforce the laws equitably and efficiently. This also infers that the requirements of due process of law are met by fair procedures, including notice to the defendant and an open trial before a competent tribunal with the right to counsel.

National institutions should ensure universal and equal suffrage, as well as impartial administration. There is need for independent supervision, appropriate voter registration, reliable balloting procedures and methods for preventing electoral fraud and resolving disputes.

In post-election phases, Complaints and Review Processes[97], both national and international observers should follow all judicial and other processes regarding complaints filed about the

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96 Varshney, 2002; Wilkinson, 2005

97 http://eci.gov.in/eci_main/dj/internationalconf/Nepal.pdf

election process and any possible reviews specifically called for. In most cases, complaints are presented to the court as legal cases. In such cases, conditions under which justice can be maintained to achieve international co-operation in promoting should be established and encouraging respect for human rights and fundamental freedoms without any discrimination. The Universal Declaration of Human Rights enshrines the need to establish independent and impartial tribunal established by law. Both the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights also guarantee the exercise of those rights, and in addition, the Covenant on Civil and Political Rights further guarantees the right to be tried without undue delay. Courts should aim at enabling judges to act independently in accordance with those principles as they are charged with the ultimate decision over life, freedoms, rights, duties and property of citizens. Judiciary independence and the selection, professional training and status of judges and prosecutors will require training and conduct.

A rich understanding of the historical patterns of electoral conflict, as well as emerging dynamics in situations of political change, is necessary for the effective mitigation of electoral violence. International standards combined with traditional dispute resolution mechanisms effectively support peaceful conflict resolutions emanating from the process of election.

African states will become more democratic if they simply keep holding elections, irrespective of the degree of 'freeness and fairness of the elections', by using new empirical evidence from countries that held peaceful and non-violent elections like Ghana.

Interventions required for the non-violent dispute mechanisms include thoughtful policy interventions by governments that appear to be quite successful in tackling electoral violence, particularly if a strong and neutral Electoral Commission can be created. However, interventions become more difficult when parties have incentives to engage in electoral violence. Interventions to create apolitical and effective Electoral Commissions where they are not present require further research. A strategic policy guide is agreement reached by contestant parties to abstain from violence during elections.

Establishing Electoral Dispute Committees is another prominent step in deterring violence when it is not integral to party electoral strategy, based on several studies on African election. Multiple African countries have instituted electoral dispute committees to mediate disagreements between parties and serve as an early warning system to identify electoral violence. These committees may be composed of general citizens or elites, such as traditional leaders. Case studies on South Africa's 1999 elections, Sierra Leone's 2007 and 2008 elections, and Zambia's 2011 elections suggests that these committees were effective in reducing conflicts caused by misunderstandings or after someone had been wronged. However, the deliberate use of violence to influence electoral outcomes was generally out of their purview (Jackson 2011, Jackson 2013). Training, use of traditional leaders, and inclusion of political party stakeholders assisted efficacy.

An important electoral body engaged in the whole election processes and resolving issues of election is Electoral Commissions. These commissions can be strong deterrents to violence if they are apolitical and have adequate funding, de jure and de facto authority, and leadership to be effective. When electoral commissions are apolitical and neutral, they can use several techniques to reduce violence, according to case studies from locations as diverse as Lesotho, Liberia, South Africa, Somaliland, Mozambique, and Ghana. These include garnering party agreement on procedures beforehand to lessen disputes[98]; working with the media to prevent inflammatory coverage and broadening voter education to reduce attempts to spark identity-based political violence[99]; ensuring that the technical aspects of elections are run effectively, so that there are fewer problems that parties and supporters can seize on to catalyze violence[100]; and implementing strategies to greatly enhance voter participation across the countries, particularly in marginalized communities[101]. Hiring skilled staff, identifying and staffing potential trouble spots, mediating, and building cooperation among party leaders are all crucial to electoral commission success.[102]

Cycles of violence and international criticism of the electoral commission's handling of the 2015 election in Kenya sparked institutional and technical reforms of the commission, enabling the commission to improve voter registration, decentralize administrative processes, improve field communications and better coordinate security plans. Lesotho's Electoral Commission was critical to peaceful elections in 2002. Liberia's Electoral Commission worked with political parties to develop an inclusive electoral process that built legitimacy and reduced violence in the 2005 elections[103]. South Africa's Electoral Commission maintained political commitment of parties and the public to a relatively peaceful electoral outcome, reducing violence in the first post-apartheid elections[104]. Somaliland's Electoral Commission built consensus and prevented violence amid tense, tight elections from 2002-2005[105]. Mozambique's multiparty National Election Commission succeeded in dampening violence in the 1994 election despite post-conflict party polarization. Ghana's Electoral Commission helped promote a peaceful transition as well as elections in 2008. In nearly all cases, including parties equally in the process of crafting electoral rules was essential to reducing violence. In particularly difficult cases, it may require external intervention, as in Mozambique. When one party gained the upper hand, violence returned in Mozambique.[106]

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[98] Kuris and Mawson 2011; Majeed 2010; Scharff 2011

[99] Chaubey 2011; Majeed 2010; Scharff 2011; Quraishi 2014

[100] Chaubey 2011, Bennet and Woldemariam 2010; Isacharoff 2010

[101] Scharff 2011, Mawson 2010

[102] Quraishi 2014

[103] Kuris and Mawson, 2011

[104] Mawson, 2010

[105] Bennett and Woldermariam, 2010

[106] Mawson 2010, Issacharoff, 2010

Policing, Situational Techniques, and Coercive Responses can work if they are apolitical and move policing to apolitical bodies; politicized policing or militarized attacks on armed political groups exacerbates violence. Apolitical electoral commissions can also reduce party violence by using policing methods. For instance, removing control over the police from levels of government that have a stake in harming minorities, to a level that has an incentive to protect minorities, can diminish violence.[107] However, coercive policing that may be perceived as politicized may increase violence, especially when the public views the military and illegal armed groups as colluding.

No silver bullet has been found due to tradeoffs between exclusion, which can lead to violence, and weak governing coalitions, which can also devolve into violence. Electoral practitioners have long hoped that, particularly in newly emerging democracies, electoral systems could be crafted to facilitate cooperation and moderate tensions that might lead to conflict and violence. However, no electoral system and its design is a clear-cut success, and all involve a tradeoff between the strength of the eventual governing coalition and inclusion. Representational electoral institutions are thought to best ensure a direct translation of popular preferences and cleavages into politics through political parties representing social groups, proportional representative elections to ensure the representation of minorities, and low thresholds and few barriers on the formation of new parties. Ideally, having a representational electoral system should allow for the creation of a multi-party system where all groups are separately represented. By contrast, efficient institutions deliver clear parliamentary majorities to strong and effective political powers and are associated with majoritarian electoral laws and the presence of "catch-all" parties that command strong electoral support across cleavages.[108] Given mixed scholarly views, the need to cooperate with minority parties for votes should also be stressed, given that majority parties are encouraged to moderate their behavior, reducing violence against minorities in cases drawn from South Africa.[109]

Power Sharing Agreements may reduce violence in the short term but can lead to gridlock, institutionalize polarization, and further violence eventually. When violence looms due to close electoral outcomes, power-sharing agreements that force parties to both govern together are often the attempted solution, as is occurring now elsewhere like in Afghanistan. Power sharing agreements have proved promising in some countries, like in Burundi's 2010 elections a power-sharing arrangement negotiated during Burundi's peace process in 2000 reduced election related violence by helping to maintain an inclusive political system, paving the way for successive elections and less ethnic violence in both 2005 and 2010.[110]

VIII.   Conclusion

While political violence is often sparked by a single event, such as an election, the event is rarely the root cause. Electoral violence can manifest itself in various forms (assassination,

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[107] Wilkinson, 2005

[108] Reilly, 2008

[109] Horowitz,1991

[110]Vandeginste, 2011

kidnapping, scuffles and brawls, offence and defamation) that are meant to impact on the electoral process and ultimately influence the results of the polls. It is essential that each concerned individual and institution assume a role to prevent such an occurrence from happening.

To accomplish this, political parties must know that they have a primary role in educating their supporters to promote a culture of peace, dialogue, and consensus. The Electoral Commission, the judiciary, and other republican institutions must be strengthened in the accomplishment of their mission and in the neutrality of their task. Civil society, religious leaders, and traditional chiefs are to be commended for their key role in this national endeavour.

Going forward, in conclusion, reducing the risks of violence should include the following:

a) Assessing the pertinent, long-standing political and societal grievances;
b) Making efforts to address, to the extent possible, such underlying grievances before the election;
c) Limiting the potential of mobilizing those grievances into political violence;
d) Fine-tuning the electoral process, particularly through: building public trust and confidence especially towards the election management body; encouraging a consultative approach that fosters joint responsibility for the process; facilitating a level playing field for participants; ensuring transparency in all aspects of the process; and guaranteeing a dispute resolution process that is fair, expeditious, and accessible;
e) Parliament should form a commission with all relevant stakeholders to conduct a comprehensive review and reform of electoral laws. If Parliament can eventually produce a cohesive, clear electoral legal framework, it will minimize the risk for conflict created by volatile and vague electoral laws[111];
f) Local and international NGOs should increase capacity-building programs for political parties in policy agenda development, effective messaging, building a permanent constituency, and other skills. This support will help combat clan-based politics and mobilization (which increases the risk for conflict) and promote development of parties based on policy issues and ideology;
g) CSOs and the Government should strengthen civic education programs and permit independent media. These efforts will complement capacity-building programs for political parties and further facilitate the maturing of political competition;
h) Government and partners should provide special election security training for police in managing large crowds during demonstrations; and
i) Government should facilitate political reconciliation through dialogue at the executive level and seek justice for both sides of the violence. Government should also commit to decentralization by creating Dialogue, Truth and Reconciliation Committees and assisting local actors who have already initiated the process.

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[111] Elections and Conflict in Sub-Saharan Africa 2013: Somaliland, Côte d'Ivoire, and Kenya

References

Acemoglu, D. & Robinson, J. (2006) Economic Origins of Dictatorship and Democracy, Africa Union Commission, Our Aspirations for the Africa we Want, 2015

Bennett and Woldermariam, in Bertrand, R., Briquet, J. L. & Pels, P. (2007) The hidden history of the secret ballot,

Birch and Muchlinski, "The Dataset of Countries at Risk of Electoral Violence"; Birch an Muchlinski, "Electoral Violence."

Birch, S. (2012) Electoral Malpractice, Oxford University Press, USA.

Boland, P. J. & Hutchinson, K. (2000) Student Selection of Random Digits. Journal of th Royal Statistical Society. Series D (The Statistician). Vol. 49, No. 4 (200), pp. 519-529, Royal Statistical Society, https://www.jstor.org

Dahl, R. A. (1971) Polyarchy: participation and opposition, New Haven, Yale Universit Press.

Deckert J., Myagkov, M. & Ordeshook, P. C. (2011) Benford's Law and the Democracy, 13, 51-65.

Diamond, L. (2002) Thinking about hybrid regimes. Journal of Democracy, 13, 21-35. Efficacy of Domestic Election Observation. Association for the Study of Nationalities.

Eisenstadt, T. A. (2004) Courting Democracy in Mexico: Party Strategies and Electoral election and 2009 referendum. Electoral Studies.

Election Monitoring Organizations. Perspectives on Politics, 7, 59-64.

Election Observation Mission. Warsaw, Office for Democratic Institutions and Human Election-Management-Bodies-and-Public-Confidence-in-ElectionsLessons-from-Latin-America.aspx http://ifes.org/Content/Publications/White-Papers/2009/

Fearon, J. D. (2011) Self-enforcing democracy. The Quarterly Journal of Economics, 126, Fraud. Political Analysis.

Goodwin-Gill, Guy S. (1994). "Free and Fair Elections: International Law and Practice." Geneva: Inter-Parliamentary Union. Cited in Birch, Sarah. (2007).

Greene, K. F. (2007) Why Dominant Parties Lose: Mexico's Democratization in Comparative Perspective, Comparative Political Studies, SAGE Publications.

Herron, E. (2010) The effect of passive observation methods on Azerbaijan's 2008 Presidential elections.

Holland, P. W. (1986) Statistics and causal inference. Journal of the American Statistical http://eci.gov.in/eci_main/dj/internationalconf/Nepal.pdf

Hyde, S. & Marinov, N. (2011) Deterring or Displacing Electoral Irregularities? Indiana University Press,

Jie Bai, Tyler Knarr, Javier Peña, Cabell Willis, and Sibghat Ullah, Jeff Fischer, (2015), Democracy and Governance Studies Program, Georgetown University

Kelley, J. G. (2012) Monitoring Democracy: When International Election Observation Works.

King, G., Ho, D. E., Imai, K. & Stuart, E. A. (2011) MatchIt: Nonparametric

Mebane Jr, W. R. & Kalinin, K. (2010) Electoral Fraud in Russia: Vote Counts Analysis. MPSA Annual Meeting. Chicago

Myagkov, M. G., Ordeshook, P. C. & Shakin, D. (2009) The Forensics of Election New York, Cambridge University Press

Schedler, A. (2002) The menu of manipulation. Journal of Democracy, 13**,** 36-50

Schedler, A. (2006) The Logic of Electoral Authoritarianism, London, Lynne Rienner

Simpser, A. & Donno, D. (2012) Can International Election Monitoring Harm Governance?

Simpser, A. (2012) More than Winning: Why Governments and Parties Manipulate Elections.

Sjoberg, F. M. (2011) Competitive Elections in Authoritarian States: Weak States, Strong

_____ (2012) Making Voters Count: Evidence from Field Experiments about the

Sjoberg, Fredrik, Autocratic Adaptation: The Strategic Use of Transparency and the Persistence of Election Fraud (June 29, 2012). Available at SSRN: https://ssrn.com/abstract=2133565.

Spill over Effects of Observers in a Randomized Field Experiment in Ghana. The Journal of Politics.

Tunisia Briefing paper: USAID, 2010, Electoral Governance Handbook

Wedeen, L. (2008) Peripheral visions: Publics, power, and performance in Yemen, University

Chapter Six

Chapter Contents

"Electoral system reform should be driven by the ambition to achieve the potentially conflicting objectives of inclusive representation and effective governance."

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"Guaranteeing political and ethnic inclusivity without undermining societal unity requires a combination of different electoral mechanisms."

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"The chapter recommends a hybrid electoral system where the proportional component supports the representation of considerable political and ethnic pluralism while the alternative vote component provides incentives for politicians to adopt moderate stances."

Christophe Van der Beken

Electoral System Design and the Accommodation of Diversity in Ethiopia

Christophe Van der Beken[112]

I.   Introduction

The latest Ethiopian federal and regional elections took place in May 2015 and they resulted in an Ethiopian parliament exclusively composed of members of the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) and of EPRDF affiliate parties.[113] In the aftermath of these general elections, the EPRDF and its affiliate parties also controlled all seats in all regional councils (i.e. legislative organs) of the nine member states of the Ethiopian federation. Yet, the focus of this chapter is on the federal parliament and primarily on its first chamber, the House of People's Representatives. The House of People's Representatives is the main law and policymaking institution at federal level whose members are directly elected every five years through popular elections. Members of the second chamber, the House of the Federation, are selected by the regional councils and represent the various ethnic groups of the country. Although non-EPRDF representation in parliament had been nominal in previous elections including 2010,[114] it was the first time since the EPRDF defeated the military regime in 1991 that parliament did not have any opposition representation whatsoever. Even though there have been groundbreaking political changes since 2015, amounting to a considerable opening up of political space, at the time of writing in late 2018, the composition of parliament is still the same. This situation will likely continue until the next general elections, which, pursuant to the federal constitution, should take place in May 2020. Even before political space opened up, which mainly unfolded in the first half of 2018, the EPRDF controlled government acknowledged that the complete absence of opposition voices in parliament was not a scenario to be repeated in the 2020 general elections.[115]

It is obvious that political pluralism in parliament would strengthen democracy, in the sense that it would allow for a more inclusive representation of diverse popular views, so that parliament would enjoy a stronger legitimacy. Under the right conditions, political pluralism in parliament will also be conducive for effective governance and the correlated achievement of socio-economic development objectives. Although the 2015 EPRDF victory was caused by several factors, ranging from advantages of incumbency enjoyed by EPRDF to a restrictive and

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[113] Affiliate parties are not part of the EPRDF coalition but their establishment has been induced by the EPRDF and they follow EPRDF policies.

[114] After the 2010 elections, the EPRDF held all but two seats in the House of People's Representatives.

[115] See the 2016 statement by President Mulatu Teshome cited below.

repressive political and legal environment for opposition parties, as well as the internal weaknesses of the latter, this chapter singles out the role of the electoral system.

The Ethiopian federal constitution as well as the country's electoral law prescribes the first past the post or plurality electoral system, which belongs to the category of the majoritarian electoral systems.[116] For the elections of the House of People's Representatives, this system implies that one seat is allotted to each electoral district or constituency, and this seat will be won by the candidate with the largest number (that is, not necessarily the majority) of votes in the constituency. Although this electoral system holds a number of advantages, such as guaranteeing easy formation and ensuring stability of government as well as ensuring a close link between parliamentarians and their constituencies, it has contributed to the hegemonic political position of EPRDF. Electoral system reform has therefore been high on the agenda of the discussions between the incumbent and some of the opposition parties held in the aftermath of the 2015 elections. The reason why the opposition supported the reform of the electoral system towards a more proportional one was that, *ceteris paribus*, it would lead to a parliament more representative of diverse political views. While political pluralism in parliament would indeed have the positive effect of representing diverse popular views and results in a more inclusive and hence more legitimate parliament, the parliamentary system currently followed by Ethiopia requires that a majority of members of the House of People's Representatives agree to support the executive or government. The first past the post system usually gives rise to prominence of one political party in parliament, which will subsequently form and support the operation of the executive/government, as has been the case in Ethiopia. Proportional electoral systems tend to engender a more politically fragmented parliament without one political party holding the majority of parliamentary seats, which necessitates a coalition government. Considering the large number of political parties currently active on the Ethiopian political stage, most of whom appeal to specific ethnic constituencies , there is a tangible risk that the use of a proportional electoral system for the 2020 general elections would lead to a politically and ethnically fragmented House of People's Representatives. In such a scenario, parliamentarians, emphasizing the particular needs of their respective ethnic constituencies, may be unable to reach consensus on a national program and to forge a majority coalition necessary to form the next government. Such a situation would lead to sociopolitical instability and thus surely be to the detriment of effective governance as well as negatively affect the socio-economic development objectives the Ethiopian government has committed itself to. Further, discussions on electoral system reform, which seem inevitable bearing in mind recent political developments, thus need to consider two objectives: the need for political pluralism as well as the need for compromise among the political actors. The latter objective requires a majority of ethnically moderate parliamentarians willing to compromise for the common, national good. In other words, electoral system

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[116] Article 54(2) of the Ethiopian federal constitution states that "Members of the House (i.e. the House of People's Representatives) shall be elected from candidates in each electoral district by a plurality of the votes cast." Similarly, Article 25 of the electoral law stipulates, "A candidate who received more votes than other candidates within a constituency shall be declared the winner." Proclamation No. 532/2007, "Electoral Law of Ethiopia Amendment Proclamation No. 532/2007," Federal Negarit Gazeta, 25 June 2007.

reform should be driven by the ambition to accommodate political as well as ethnic diversity in the country. This chapter aims to discuss how electoral system design could serve this ambition.

In the next section, the chapter provides an overview of the Ethiopian political setting and dynamics since 2015. It discusses how the first past the post electoral system contributed to the EPRDF's monopoly in the House of People's Representatives and how this election result prompted calls and suggestions for electoral reforms guaranteeing political pluralism in parliament. Although the EPRDF won across the board in May 2015, the popular protests that broke out barely a few months after plainly indicated that this hegemonic position was far from being uncontested. The protestors demanded sweeping political reforms and although the EPRDF first tried to contain the protests by securitization measures – such as the declaration of a state of emergency – it became apparent (to the EPRDF as well) that political reform was indeed the only way forward. EPRDF engaged in discussions with a number of opposition parties, which resulted in concrete proposals for reform of the electoral system. Yet, the limited reforms suggested were unable to stem the "revolutionary" tide. The protests continued and led to the resignation of Prime Minister Hailemariam Desalegn in February 2018. The new Prime Minister, Abiy Ahmed, who was elected by the House of People's Representatives in April 2018, gave the impetus to an unprecedented opening up of the political space. Opposition parties, which had hitherto been labelled as "terrorist" and were therefore forced to operate from abroad, were allowed to operate legally in Ethiopia and the domestic opposition revitalized after thousands of its supporters and members were released from prison. Sociopolitical stability, which is necessary for effective governance and sustainable answer to socio-economic development problems, requires the representation of this political diversity in parliament. Yet, it also requires a majority of parliamentarians willing to find compromise and support the government. In other words, it requires the presence of moderate politicians who are willing to work across party and ethnic lines.

In the third section, the chapter discusses, based on theoretical and comparative research on electoral system design and on an assessment of the political and ethnic setting in Ethiopia, how electoral system design could contribute to the representation of a wide array of political views in parliament without endangering Ethiopia's sociopolitical stability. In other words, the section investigates how electoral system design could support the accommodation of considerable political and ethnic diversity characterizing the Ethiopian political and social scene. The chapter concludes by recommending a hybrid approach, which entails that guaranteeing political and ethnic inclusivity without undermining societal unity requires a combination of different electoral mechanisms.

II.   Political Setting and Dynamics Since 2015

2.1. Accommodation of Political Diversity

The elections for the Federal House of People's Representatives in May 2015 resulted in a complete EPRDF control of this first and law-making chamber of parliament. EPRDF is a coalition of four ethnic-based regional political parties: Tigray People's Liberation Front (TPLF),

Amhara National Democratic Movement (ANDM),[117] Oromo People's Democratic Organization (OPDO),[118] and the South Ethiopian People's Democratic Movement (SEPDM). Through these four parties, the Coalition won 501 of the 547 seats in the House of People's Representatives. Through its affiliate parties EPRDF also controlled – and still controls – the 46 remaining seats in the House.

Yet, barely a few months after the 2015 elections, serious protests erupted in the Oromia and Amhara regions. These protests were initially triggered by uncertainty about the impact of the so-called Addis Ababa Master Plan on the surrounding areas of Oromia region. The Addis Ababa Master Plan—a top-down, poorly communicated plan for integrated development of the city— was perceived to be administrative encroachment and absorption of Oromia territory by the federal government. Yet the protests were rooted in much wider discontent about the performance of EPRDF in the administration of the country. This was evidenced by the subsequent spread of the protests across Oromia and Amhara regions and by the nature of the demands, which called for substantive political reforms. One of the reforms, to which the ruling party consented in 2016, pertained to the electoral system. In his October 2016 opening statement for the Joint Session of the House of Peoples' Representatives and the House of Federation,[119] the Head of State, President Mulatu Teshome, stated the following:

The electoral system in effect left out demands that might have been represented by parties other than the ruling party. Before the next election, we need to widen the political and democratic platforms and provide a legal framework, so the House of Peoples' Representatives can best represent a variety of voices and provide for diverse political interests.

The President thus acknowledged the need for a parliament more inclusive of the diverse political views present in Ethiopian society. Although it would be inaccurate to exclusively ascribe the absolute dominance of the EPRDF in parliament to the electoral system – a discouraging and repressive political and legal environment should share a serious part of the blame – it is clear that the first past the post system has played a role. Whereas EPRDF won all seats in the House of People's Representatives, it obviously does not mean that the ruling party also won all the votes. In Addis Ababa, for instance, the opposition was able to get more than 30 percent of the votes, but because of the first past the post system, this result was not translated into seats.[120]

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[117] One of the outcomes of the ANDM congress held in September 2018 was the change of the party's name into ADP (Amhara Democratic Party).https://www.ena.et/en/2018/09/30/andm-renamed-as-amhara-democratic-party/ (accessed on 03 October 2018).

[118] One of the outcomes of the OPDO congress held in September 2018 was the change of the party's name into ODP (Oromo Democratic Party). https://www.ena.et/en/2018/09/21/opdo-rebranding-itself/ (accessed on 21 September 2018).

[119] Document on File with the author.

[120] Jon Abbink, 'Paradoxes of electoral authoritarianism: the 2015 Ethiopian elections as hegemonic performance'
(2017) 35.3 Journal of Contemporary African Studies 313.

Because of the clear advantages the first past the post electoral system had brought to the incumbent, the opposition strongly argued in favor of a more proportional electoral system. The use of a proportional electoral system would imply that a political party receives a percentage of seats proportionate to its percentage of votes. In a proportional system, political parties present party lists in multi-member constituencies. The voters vote for a party and the party receives seats proportionate to its share of the vote in the electoral constituency. The electoral constituency could either be the entire country (as in Israel or the Netherlands) or the electoral constituencies could be based on existing administrative divisions (such as the regional states in Ethiopia). Concretely, in a proportional system, a political party that wins 30 percent of the votes will receive around 30 percent of the seats allotted to the electoral district/constituency.[121] Making abstraction of the contending arguments surrounding the 2015 elections, the above description illustrates that the use of proportional electoral mechanisms would, *ceteris paribus*, have led to a more politically diverse and thus more inclusive House of People's Representatives. In late 2017, discussions between EPRDF and some opposition parties ushered in a compromise agreement to reform the first past the post system towards a mixed one in which 20 percent of representatives in the House of People' Representatives would henceforth be elected through a proportional electoral system.[122] Yet, it is likely that the substantial political changes that occurred in the first half of 2018, entailing a considerable opening of the political space and the attendant assertiveness of the opposition, will prompt further discussions on electoral system reform.

Although the state of emergency, which was in effect from October 2016 to August 2017, managed to restore a modicum of calm, it could not prevent the recurrence of protests, prompting the proclamation of a second state of emergency in February 2018 (which was lifted in June 2018). The widespread discontent and concomitant protests, threatening the stability of the country, reinforced the internal divisions within EPRDF to the extent that two of its constituent parties, ANDM (the ruling party in the Amhara region) and OPDO (the ruling party in the Oromia region) seemed to side with some of the protestors' demands. The principle of democratic centralism, which had hitherto characterized the EPRDF modus operandi, was furthermore violated when a significant number of EPRDF parliamentarians voted against the approval of the second state of emergency, an action that was inconceivable until recently. The discord in EPRDF came yet again to the fore when the party had to select a candidate for position of Prime Minister after Prime Minister Hailemariam Desalegn resigned in February 2018. The winning candidate (Abiy Ahmed from OPDO), who was subsequently elected as Prime Minister by the House of People's Representatives, could not get the support of a significant number of EPRDF Council members. The cracks in the bonds that tie the EPRDF coalition members together reveal that the four parties are increasingly pursuing their own

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[121] Andrew Reynolds, Ben Reilly, and Andrew Ellis, *Electoral System Design: The New International IDEA Handbook* (Stockholm, International IDEA 2005).

[122] Ethiopian Reporter https://www.thereporterethiopia.com/article/ethiopia-shift-mixed-electoral-rule(accessed on 20 September 2018); https://ethiopianembassy.be/en/2018/02/08/democratisation-in-ethiopia-a-new-chapter-in-the-making/ (accessed on 03 October 2018).

objectives and it remains to be seen whether EPRDF will be able to regain its unity of pur-pose.[123] Although EPRDF Council re-elected Abiy Ahmed as the party's chairman with a near unanimous vote in October 2018, this may not so much reflect the reestablishment of party cohesion as it does the ambition to prevent a party split.[124]

As part of his effort to achieve national reconciliation, Prime Minister Abiy Ahmed – who came to power in April 2018 – took a number of bold political measures. These entailed releas-ing thousands of political prisoners (including high profile ones), unblocking access to oppo-sition websites, and inviting back to the country diaspora politicians and activists, some of whom had until very recently been labelled "terrorist" by the Ethiopian government. This ush-ered in a vibrant political climate with a wide array of political parties jockeying for popular – and ultimately electoral – support. National reconciliation, and the sociopolitical stability it begets, therefore requires the 2020 elections to lead to a House of People's Representatives sufficiently inclusive of this political diversity. Electoral system design should be instrumental towards the achievement of this objective. Yet, it is important to underscore that the large num-ber of political parties in Ethiopia does not so much represent alternative policy views, as it stems from the politicization of ethnicity in the country.

2.2. Accommodation of Ethnic Diversity

The 1995 federal constitution grants extensive minority rights to all of Ethiopia's "nations, nationalities and peoples" (the Marxist-inspired constitutional jargon for ethnic groups) includ-ing the right to territorial autonomy up to secession.[125] To fulfil the right to self-determination, the constitution organized the country into nine ethnic based regions and entitled all ethnic groups without a region of their own (that is, more than seventy ethnic groups) the right to establish such region.[126] As such, ethnicity became an important basis for political organiza-tion. The ruling party itself is a coalition of four-ethnic based parties that are supposed to ad-minister four ethnic-based regions of the federation. This has also transpired and at the time of writing, the four EPRDF constituent parties are indeed administering the eponymous regions. This means that the Tigray People's Liberation Front (TPLF) holds all the seats in the Tigray State Council (i.e. the regional legislative council), the Amhara National Democratic Move-ment (ANDM, since September 2018 rebranded as ADP) holds all the seats in the Amhara State Council, the Oromo People's Democratic Organization (OPDO, since September 2018 rebranded as ODP) holds all the seats in the Oromia State Council, and the South Ethiopian People's Democratic Movement (SEPDM) holds all the seats in the Council of the Southern Nations, Nationalities and Peoples Region (hereafter Southern Region). EPRDF affiliate

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[123] Christophe Van der Beken, *The Challenge of Reform within Ethiopia's Constitutional Order* (London, Rift Valley Institute 2018); http://addisstandard.com/news-eprdf-begins-decisive-congress-reelecting-pm-abiy-least-worries/ (accessed on 29 October 2018).
[124] Rene Lefort, *Climbing Mount Uncertainty* (open Democracy, 21 October 2018) https://www.opendemocracy.net/ren-lefort/ethiopia-climbing-mount-uncertainty (accessed on 29 October 2018).
[125] Article 39 of the federal constitution.
[126] Article 47(2) of the federal constitution.

parties administer the five other regions of the federation. These affiliate parties are similarly ethnic based in the sense that they represent the ethnic groups indigenous (or legally empowered) in the respective regions. It is currently not clear whether the divisions within EPRDF will lead to further fragmentation and eventually cause the disintegration of the coalition into ethnic or regional based factions or whether intra party discussions will lead to stronger integration.[127]

Whatever the case, most of the opposition parties currently active on the Ethiopian political stage are ethnic-based. This emanates from the politicization of ethnicity in Ethiopia, which is presently rampant across the country. Future political stability will therefore also require sufficient parliamentary representation of ethnic pluralism. In fact, although the current parliament lacks political inclusiveness, it is characterized by a high degree of ethnic inclusiveness. While the first past the post system has contributed to the marginalization and even exclusion of alternative political views, it has been instrumental in achieving ethnic inclusiveness. First past the post electoral systems may lead to the exclusion of ethnic groups in parliament if the groups live scattered across the territory of the state. Yet, if ethnic groups live concentrated in a given locality, the first past the post system will rather facilitate their representation. The ethnically inclusive composition of the House of People's Representatives based on the 2015 elections proves this point.[128] The Ethiopian constitution assumes that all nations, nationalities, and peoples (or ethnic groups) of the country inhabit a contiguous territory and it is indeed true that almost all of Ethiopia's ethnic groups have a contiguous, traditional territory. Article 20(a) of the Ethiopian electoral law[129] stipulates that for the purpose of elections, the territory of the country shall be divided into electoral constituencies by taking the administrative level of the *Woreda* (or district) as a basis. Accordingly, the country has 525 regular electoral constituencies, which entails that most ethnic groups are dominant in one or more electoral constituencies that overlap with their traditional territory.[130] In the 2015 electoral context of politicized ethnicity and the political dominance of ethnic based EPRDF, it was expected that the plurality of the votes in a constituency would go to the EPRDF candidate representing the locally dominant ethnic group, and so it happened. Yet, the constitution considers the fact that dozens of ethnic groups in the country are so small that they are not able to numerically dominate a regular electoral constituency. Elections based on first past the post electoral system may therefore lead to the exclusion of these small ethnic groups from parliament. The constitution

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[127] Mehari Tadelle Maru, *The old EPRDF is dead, can its system be saved? Five steps to save the federation* (Ethiopia Insight, 03 October 2018) https://www.ethiopia-insight.com/2018/10/03/the-old-eprdf-is-dead-can-its-system-be-saved-five-steps-to-save-the-federation/ (accessed on 29 October 2018).

[128] Adem Kassie Abebe, *The winner shall not take it all: Proposals for electoral reform to ensure inclusive political representation in Ethiopia* (Constitution net, 29 September 2015) http://www.constitutionnet.org/news/winner-shall-not-take-it-all-proposals-electoral-reform-ensure-inclusive-political (accessed on 03 October 2018).

[129] Proclamation No. 532/2007, "Electoral Law of Ethiopia Amendment Proclamation No. 532/2007," Federal Negarit Gazeta, 25 June 2007.

[130] Yonatan Tesfaye Fessha, *Ethnic Diversity and Federalism – Constitution Making in South Africa and Ethiopia* (Farnham Surrey, Ashgate 2010) 215.

acknowledges this risk and its Article 54(3) provides for at least 20 guaranteed seats for "minority nationalities and peoples", i.e. ethnic groups that are too small to dominate a regular constituency. In practice, 22 special electoral constituencies have been established for the purpose of parliamentary representation of these small ethnic groups.[131] The second chamber of parliament, the House of the Federation, is moreover the representative institution of ethnic groups and all of them are entitled to at least one representative in the House. Hence, the 2015 elections resulted in an ethnically inclusive, yet one party controlled parliament.

Nonetheless, the ethnic inclusiveness of parliament does not, for that matter, mean that all ethnic minorities are represented. This is related to the ethnic territorial nature of Ethiopian federalism. The Ethiopian constitution, as mentioned above, assumes that all ethnic groups have a contiguous, traditional territory within which they are entitled to exercise the different components of their right to self-determination. This constitutes the background to the constitutional creation of nine ethnic based regions within which the indigenous ethnic groups (i.e. the groups that have their traditional territory in that region) should exercise the different components of their right to self-determination. EPRDF, with its four constituent and five affiliate parties, offers a political structure that matches this administrative organization by providing one political party for each of the nine regions. These nine EPRDF and EPRDF affiliate regional parties are all ethnic based in the sense that they are established for the ethnic groups indigenous to the respective regions. This means that OPDO (now ODP) has been established for Oromo people in Oromia region, ANDM (now ADP) for peoples indigenous to Amhara region (not only Amhara but also minority groups such as the Agew), TPLF for indigenous peoples of Tigray (Tigrayans, but also the Irob and Kunama minorities), and SEPDM for dozens of indigenous groups of Southern Region. In 2015, candidates selected by these parties won in all electoral constituencies, leading to the absolute dominance of EPRDF in parliament. Although this engendered the "mirror" representation (in this case, the representation of an ethnic group by a member of that ethnic group)[132] of indigenous ethnic groups in the House of People's Representatives, large swathes of non-indigenous ethnic groups were left without representation. The Ethiopian regional states and their constitutions (all nine Ethiopian regions have a constitution of their own) use the label "non-indigenous" for those ethnic groups that live outside "their" region, that is, the region where they have their traditional territory and where they are therefore "indigenous". Although it is true that most Ethiopian ethnic groups have a traditional territory that does not mean that all persons belonging to that group also reside in that territory. In Oromia region, for instance, there are almost two million residents with Amhara identity as well as hundreds of thousands of Gurage and Gedeo.[133] The Oromo, on their part, constitute a sizeable minority group in Amhara region, but also in other regions such as Southern Region and Benishangul-Gumuz. Hence, there is a considerable lack of overlap between ethnic and territorial boundaries, which imply that many Ethiopian citizens live outside the

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[131] Adem Kassie (see note 17).

[132] Andrew Reynolds, *Electoral Systems and the Protection and Participation of Minorities* (Minority Rights Group International 2006).

[133] Summary and Statistical Report of the 2007 Population and Housing Census (2008, FDRE Population Census Commission).

Regional State, established for the group whose identity they share. Recent migratory trends are furthermore fuelling this phenomenon.[134] These persons with non-indigenous identities have hitherto been left without "mirror" representation in parliament because of "ethnic" rather than "regional" nature of EPRDF and its allies.[135] This means that the ruling coalition's constituent parties and their allies are not established for all residents of a given region, but rather for the indigenous peoples of that region. Electoral system reform should therefore also consider the need for representation of these non-indigenous minorities in parliament.

Although political parties appealing to a particular ethnic group are normal phenomena in multicultural federations, the continued existence of the Ethiopian federal polity – which according to this author is the only way for regional peace and stability to prevail in the future – mandates a majority of parliamentarians be willing to support national unity. Although EPRDF and its affiliate parties are ethnic-based, national unity has hitherto not been under threat since the dominant party context has been an impediment to territorial fragmentation and disintegration of the country – albeit that this has come at a high cost in terms of constitutionalism and rule of law. This can be illustrated by referring to the federal government's strong reaction against the request for secession by Somali regional Council in 1994, which led to the removal from office of the then Somali ruling party.[136] EPRDF also resisted claims of Sidama and Berta people to secede from Southern Region and Benishangul-Gumuz region respectively.[137] Yet, as mentioned before, the ruling party is no longer as cohesive as it used to be and the 2020 elections will in all likelihood lead to considerable political pluralism in parliament. Since the country has adopted a parliamentary system of government, the formation and effectiveness of the government requires support by a majority of parliamentarians (i.e. a majority of members of the House of People's Representatives). Extreme ethnic nationalists who vilify other ethnic groups and who promote an ethnic identity to the detriment of an Ethiopian civic identity may not be willing or able to rally around a national program.[138] In fact, recent developments in the country do not augur well for national cohesion and unity. The weakening of EPRDF party discipline and the opening up of political space have led to the (re) emergence of a myriad of

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[134] For an overview of the ethnic composition of Ethiopia's regions, see Christophe Van der Beken, 'Federalism, Local Government and Minority Protection in Ethiopia: Opportunities and Challenges' (2015) 59 Journal of African Law 154-157.

[135] Beza Dessalegn, *Ethnic Federalism and the Right to Political Participation of Regional Minorities in Ethiopia* (Addis Ababa, Addis Ababa University PhD Thesis 2016).

[136] Tobias Hagmann, *Talking Peace in the Ogaden – The Search for an End to Conflict in the Somali Regional State in Ethiopia* (Rift Valley Institute 2014); John Markakis, *Ethiopia – The Last Two Frontiers* (Woodbridge, James Currey 2011) 311.

[137] Lovise Aalen,*Institutionalising the politics of ethnicity – Actors, powers and mobilization in southern Ethiopia under ethnic federalism* (Oslo, University of Oslo PhD Thesis 2008); Asnake Kefale, 'Federalism and Autonomy Conflicts in the Benishangul-Gumuz Region, Ethiopia' in Eva Brems and Christophe Van der Beken (eds), *Federalism and the Protection of Human Rights in Ethiopia* (Zürich/Muenster, Lit Verlag 2008).

[138] For a definition of moderate and extremist ethnic based parties, see Allison McCulloch, 'Does Moderation Pay? Centripetalism in Deeply Divided Societies' (2013) 12(2) Ethnopolitics 115-116.

ethnic demands (the resurgent demands of Sidama to establish a region of their own are emblematic in this regard). While many of these claims are based on constitutional provisions (remember the extensive constitutional rights granted to ethnic groups), that is surely not the case for the massive human rights violations particularly targeting persons belonging to ethnic minority communities. Over the past months, in several regions such as Oromia, Somali, Amhara, and Benishangul-Gumuz, people belonging to non-indigenous ethnic groups have been victims of serious human rights violations forcing them to leave their place of residence and leading to a huge number of internally displaced people.[139] Although human rights violations targeting members of ethnic minority communities have been recurrent incidences over the past decades, ethnic-based violence has recently taken on a new dimension threatening to unravel the social fabric necessary for smooth inter-communal relations, sociopolitical stability, and national unity. It has for instance led to serious intra as well as inter-regional tensions and conflicts, which unless accommodated, constitute a grave risk for the disintegration of the federation. The 2020 elections should therefore engender a majority of moderate (rather than ethnic extremist) politicians who are willing to engage in cross-ethnic cooperation in parliament (either as members of moderate ethnic-based parties or of multi-ethnic parties) so that the new parliament and government can operate in a spirit of compromise and unity of purpose. In the next section, the chapter attempts to demonstrate that electoral system design could assist in this regard, since it could help bring about a politically and ethnically inclusive parliament without undermining the national cohesion necessary for political stability and good governance.

III.   Electoral System Design: Proposals for Reform

A good understanding of the sociopolitical setting of a given country is important for electoral system design. Without it, one may recommend an electoral system that is not only instrumental in achieving the anticipated objectives of the system, but is rather detrimental to it. The Ethiopian sociopolitical setting as outlined in the previous section is characterized by a large number of political parties, most of them ethnic based, a situation that emanates from but simultaneously also fuels ethnic polarization and antagonism. Electoral system reform should therefore be driven by the ambition to achieve the potentially conflicting objectives of inclusive representation and effective governance. For this to happen, the electoral system should on the one hand back inclusive political and ethnic representation, and on the other, it should support the election of moderate politicians willing to compromise and support a national rather than an exclusivist ethnic agenda.

The first past the post electoral system hitherto followed in Ethiopia has played a role in bringing about a parliament characterized by a complete lack of political pluralism. Although the electoral system has been only one of several factors contributing to EPPRDF dominance in parliament, one can safely argue that, even without political and institutional change, a more

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[139] According to a September 2018 report from Internal Displacement Monitoring Centre, 1.4 million Ethiopians had to flee their homes since the beginning of the year: https://reliefweb.int/report/ethiopia/ethiopia-tops-global-list-highest-internal-displacement-2018 (accessed on 03 October 2018).

proportional system would in 2020 lead to political pluralism in parliament. That is why the opposition parties that engaged in discussions with EPRDF in the aftermath of the 2015 elections advocated for the reform of the electoral system towards a more proportional one. As mentioned in the previous section, in late 2017 these opposition parties and EPRDF reached an agreement to create a mixed electoral system with 20 percent of the seats in the House of People's Representatives won through a proportional system and the remaining 80 percent elected according to the existing first past the post system. Without substantive political reform, this would have secured continued EPRDF dominance while ensuring a token opposition representation in parliament. Yet, a few months after this agreement was made, the country witnessed a considerable opening up of political space, which led to a vibrant political environment. In this new environment, EPRDF dominance under the proposed mixed electoral system is far from secure. The 2005 general elections, which took place in a more liberal political environment than in 2015, indicated that the opposition – if well organized – could attract significant popular support. In such scenario, the first past the post system could even work to the disadvantage of the incumbent. For instance, in the 2005 general elections, although EPRDF received some 14 percent of the votes in Addis Ababa, it did not secure any of the 23 parliamentary (House of People's Representatives) seats allotted to the city.[140]

As the preceding discussion indicates, the first past the post electoral system is not conducive for the representation of minority political views and if ethnic groups live scattered across the territory, it is not conducive for the representation of ethnic groups either. In a context of politicized ethnicity, it is likely that the single seat in an electoral constituency is won by the candidate representing the dominant ethnic group in that constituency. Ethnic groups that live scattered across the territory of the state may end up without any representation in the House of People's Representatives. In the Ethiopian context, with an increasing number of people living outside the region established "for them" (the so-called non-indigenous people) this is a tangible risk. Furthermore, the first past the post system does not provide incentives for moderate political views, but rather the opposite. The context of politicized ethnicity encourages parties to mobilize voters along ethnic lines and the first past the post system reinforces this trend since it rewards a candidate who has the support of the largest ethnic group in the electoral constituency. As such, the system creates incentives for political parties and politicians to focus on narrow ethnic interests, which has negative ramifications for the minority communities in the constituency and which additionally makes it difficult to achieve the inter-party and inter-ethnic compromises necessary for effective governance at federal level. The first past the post electoral system may therefore lead to a federal parliament composed of different regional ethnic parties unwilling to make compromises lest they lose the support of their ethnic constituencies. In fact, the current House of People's Representatives is composed of such ethnic based parties, but the centralized decision-making and party discipline that has hitherto characterized EPRDF has ensured unity of purpose, which has made the formation of the federal

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[140] John Ishiyama, *Examining the 2005 Ethiopian Parliamentary Election Results under Alternative Electoral Rules*, https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=1117&context=africancenter_icad_archive (accessed on 03 October 2018).

government/executive a straightforward affair. Yet, in the current much more liberal political environment with its large number of distinct ethnic-based political parties, the first past the post electoral system does not serve the twin objectives of inclusive representation and effective governance.

A proportional electoral system would address some of these weaknesses of the first past the post electoral system. Firstly, as observed before, a proportional electoral system is conducive for the representation of a wide range of political parties. The political parties participating in the elections receive seats proportionate to their share of the vote in the electoral constituency. In Ethiopia, one could recommend the existing nine regional states be used as electoral constituencies. Having one national constituency is not advisable in Ethiopia since it weakens the link between voters and representatives and, consequently, affects the parliamentarians' popular accountability. Using the regions as electoral constituencies guarantees a closer geographic proximity of the parliamentarians with the electorate, which helps the latter to hold the representatives to account in case they do not adequately defend and promote their constituencies' region-specific interests. A proportional electoral system thus leads to a parliament more representative of the diverse political views and interests in the country. A proportional electoral system would also engender a representation of the so-called non-indigenous peoples. In most regions, non-indigenous peoples constitute a considerable part of the electorate so that the proportional electoral system would undoubtedly lead to the representation of parties defending their interests (either ethnic based or multi-ethnic parties) in parliament. A proportional electoral system would therefore beget a much more representative parliament, inclusive of diverse political and ethnic minority views. These advantages of the proportional electoral system have convinced scholars like Arend Lijphart that proportional electoral systems are the best option to guarantee political stability necessary for effective governance in ethnically divided societies. Proportional electoral systems lead to political and ethnic power sharing in the national parliament and by doing so they engender highly representative and therefore more legitimate government institutions.[141] Yet, although the benefits for representation and inclusion of proportional electoral systems are indisputable, in countries characterized by elevated politicized ethnicity such as Ethiopia, it is likely that a proportional electoral system will lead to political parties trying to maximize their votes among their ethnic constituents. In that scenario, the elections may come to resemble an ethnic census with voters rallying behind the ethnic parties representing their ethnic group.[142] The proportional electoral system does therefore not contribute to a reduction of ethnic tensions and antagonisms in a society with serious ethnic divisions such as Ethiopia. It rather leads to political parties exclusively emphasizing the rights and interests of the ethnic groups whose interests they claim to defend, which stimulates further ethnic polarization and negatively impacts national reconciliation and consensus. It also leads to a federal parliament composed of politicians holding narrow ethnic nationalist views, who

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[141] Ben Reilly, 'Electoral Systems for Divided Societies' (2002) 13(2) Journal of Democracy 157; Wolfgang Wagner and Sofie Dreef, 'Ethnic Composition and Electoral System Design: Demographic Context Conditions for Post-Conflict Elections' (2014) 13(3) Ethnopolitics 290.
[142] Matthijs Bogaards, 'Electoral choices for divided societies: Multi-ethnic parties and constituency pooling in Africa (2003) 41(3) Commonwealth and Comparative Politics 60.

may be unwilling or, because of the pressure from their ethnic constituents, unable to make concessions necessary to share power in and constructively support the activities of a coalition government.[143] A proportional electoral system is therefore not apt to support effective governance in Ethiopia. Nonetheless, the benefits the system brings in terms of guaranteeing political and ethnic pluralism in parliament are considerable and this system should therefore not be discarded out rightly.

Bearing in mind the posited objective of reducing ethnic tensions and polarization and, by doing so, improving the country's sociopolitical stability as well as increasing the chances of stable and effective governance, alternative electoral mechanisms should be designed. Because of the benefits it brings in terms of inclusive political and ethnic representation, the proportional electoral system should not be discarded but it should be supplemented with another system that can contribute to political moderation and effective governance. In this regard, the chapter argues in favor of the so-called alternative vote electoral system. This system, which is usually associated with the scholar Donald Horowitz, is less commonly suggested and applied than the proportional system (the alternative vote electoral system has been used for parliamentary elections in Australia, Papua New Guinea, and Fiji), but it could prove to be very useful in Ethiopia. The alternative vote system, which is similar to the first past the post system, belongs to the category of the majoritarian electoral systems, is also based on single seat electoral constituencies. Yet, the difference with the first past the post system is that the alternative vote electoral system requires a winning candidate to win not the relative, but rather the absolute majority (that is, 50 percent + 1) of the votes in the electoral constituency. The first advantage of this system is therefore much less wastage of votes and increased legitimacy for the parliamentarians. In a first past the post system, it is possible for a candidate to win the seat in the constituency with a minority, though plurality of the popular vote. In the alternative vote system, for a candidate to be elected, s/he requires an absolute majority of the votes, which makes the parliamentarian much more representative of the popular will and, hence, much more legitimate. Yet, 50 percent of the votes + 1 is a high threshold, which triggers the question as to what happens if a single candidate is unable to win such majority. In contrast with the two-round electoral system, the alternative vote electoral system does not require a second round of elections in case no single candidate wins the absolute majority of the votes. This avoids the disadvantages of a second round such as increased costs and, because of the longer time it takes to announce the result of the elections, the risk of sociopolitical instability. The alternative vote electoral system requires voters not to choose one single candidate, but to rank order the candidates in the electoral constituency by indicating their first, second, and further preferences, which is why the system is also called "preferential voting". This means that, in case there are four candidates in the electoral constituency, each voter will rank the candidates from one to four according to her/his preference. In case a candidate immediately gets 50 percent + 1 of the first preferences, s/he will be directly elected. In case no single candidate wins the absolute majority of first preferences, the candidate with the lowest number of first preferences will be eliminated from the count and the second preferences of that candidate's voters will then be

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[143] Wolfgang Wagner and Sofie Dreef (see note 30).

allotted to the remaining candidates. This process of elimination of candidates and redistribution of votes is repeated until one candidate gets the absolute majority of first preferences.[144]

The alternative vote electoral system shares with the first past the post system the advantage of establishing a direct link between the constituents and the parliamentarians, strengthening their accountability and responsiveness. In this regard, the alternative vote system is a useful complement to the proportional electoral system with its territorial much larger constituencies and weaker link between voters and representatives. In a context of politicized ethnicity, with voters mainly voting along ethnic lines, the alternative vote electoral system will, similar to the first past the post system, also benefit the largest ethnic group in the electoral constituency. Nonetheless, the system supports the election of parliamentarians who, although they may belong to the largest ethnic group, pay attention to the interests of other ethnic groups in the constituency as well. This is because of the incentives the alternative vote electoral system offers to electoral candidates who look beyond their own ethnic constituency during their election campaign and as members of parliament. Indeed, the alternative vote system, and this is its major benefit, requires politicians to garner support across ethnic lines in order to get the absolute majority of the popular vote and win the seat in the single seat electoral constituency.[145] The use of a first past the post electoral system in a multi-ethnic electoral constituency without a majority ethnic group will induce the candidate representing the largest ethnic group in the constituency to push her/his own ethnic exclusionary agenda since s/he requires the support of her/his ethnic group only. Yet, in an alternative vote electoral system, the candidate needs to get the support of other ethnic groups as well since her/his victory (and re-election) depends on winning the absolute majority of the popular vote in the electoral constituency. In a context of politicized ethnicity, it is likely that voters will give their first preference to politicians from their ethnic group. Yet, a candidate from the largest ethnic group in the constituency can only win the seat allotted to the constituency if s/he is able to get sufficient second preferences and thus to attract voters from other ethnic groups. A candidate with a narrow or extremist ethnic agenda is unlikely to attract such voters and their second preferences. Hence, the alternative vote electoral system, by providing electoral incentives, encourages rational politicians to behave moderately and to appeal to voters outside their own ethnic group as well.[146] This system seems particularly useful for the achievement of inter-ethnic cooperation and for the presence in parliament of moderate politicians, who are, although they may represent ethnic-based parties, are willing to cooperate across ethnic lines and support a national agenda. As mentioned before, the use of the alternative vote electoral system may still lead to the election of the candidate representing the largest ethnic group in the electoral constituency, but that representative cannot afford to ignore or work counter to the interests of the other

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[144] Donald Horowitz, 'Electoral Systems: A Primer for Decision Makers' (2003) 14(4) Journal of Democracy 122-123;Andrew Reynolds, Ben Reilly, and Andrew Ellis, *Electoral System Design: The New International IDEA Handbook* (Stockholm, International IDEA 2005).

[145] Allison McCulloch, 'Does Moderation Pay? Centripetalism in Deeply Divided Societies' (2013) 12(2) Ethnopolitics111-114.

[146] Ben Reilly, 'Electoral Systems for Divided Societies' (2002) 13(2) Journal of Democracy 158.

ethnic groups whose support brought her/him to office in the first place. Furthermore, in Ethiopia, the alternative vote system should not replace, but rather complement the proportional electoral system, which guarantees the mirror representation of minority ethnic groups. Considering the aforementioned theoretical advantages of the alternative vote system, this system is well adapted to the Ethiopian political and social environment since it would discourage political parties and politicians from advocating narrow/extremist ethnic objectives and, hence, reduce ethnic tensions and polarization. Without affecting the political and ethnic inclusivity of the House of People' Representatives, it would also lead to a House with a sufficient number of moderate politicians willing to work across ethnic lines and to support a government with a national agenda.

Yet, for the system to achieve its prime objective of ethnic moderation and inter-ethnic cooperation, it is necessary that the electoral constituencies are not dominated by a particular ethnic group. Indeed, if one ethnic group has the numerical majority in a given constituency, the incentive for the candidate representing that group to appeal to other ethnic groups is not there since s/he can win the seat with the sole support of her/his ethnic group. The use of the alternative vote electoral system in Ethiopia therefore requires the redrawing of the current electoral constituencies to ensure their multi-ethnic composition. New ethnic census results could help in this regard (the last census was conducted in 2007), but it is clear that multi-ethnic electoral constituencies could be easily gerrymandered in regions such as Benishangul-Gumuzand and Gambella with their huge and scattered non-indigenous population. In other regions, such as Oromia and Amhara, multi-ethnic constituencies could easily be created in and close to urban areas. The growing urbanization and inter-regional migration are furthermore gradually reducing the areas/territories dominated by a single ethnic group.

Based on the above, this chapter recommends the reform of the Ethiopian electoral system towards a hybrid system with part of the seats in the House of People's Representatives elected through the list proportional electoral system and the remaining seats elected according to the alternative vote system. This hybrid system combines the benefits of both and makes up for their respective weaknesses. The proportional system ensures a politically and ethnically inclusive parliament, while the alternative vote system avoids political and ethnic fragmentation by encouraging moderation and inter-ethnic cooperation. The hybrid electoral system recommended here acknowledges that sociopolitical stability in an ethnically divided society such as Ethiopia requires both inclusiveness and moderation.[147]

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[147] Stefan Wolff, 'Electoral Systems Design and Power Sharing Regimes' in Ian O'Flynn and David
Russell (eds), *Power sharing: New Challenges for Divided Societies* (Ann Arbor, University of Michigan Press 2006).

IV.   Conclusion

The 2015 general elections with its "100 percent" victory for EPRDF convinced all political actors that a revision of the first past the post electoral system was mandatory. Parliament needed to become more inclusive of diverse political parties in order to enhance the representation of different popular views, which would strengthen democracy as well as the legitimacy of the political institutions. Enhanced democracy and legitimacy contribute to sociopolitical stability that was threatened by the large-scale popular protests that erupted in the aftermath of the 2015 elections. Although an agreement was made between EPRDF and some of the opposition parties in late 2017 to reform the electoral system towards a more proportional one, the groundbreaking political developments that have unfolded in mid-2018 will in all likelihood prompt further demands for electoral reform. While sociopolitical stability and effective governance require the inclusion of political and ethnic pluralism in parliament, they also require the presence of moderate politicians and parliamentarians who are willing to compromise. Politicians, even the ones who are representing ethnic based parties, should not only focus on narrow ethnic demands, but also consider the rights and interests of people outside their ethnic constituency. During both campaigning and while in office, politicians should adopt a moderate behavior and an electoral platform that avoids further ethnic polarization and contributes to inter-ethnic reconciliation. Such moderate attitude should also enable a majority of parliamentarians to rally around a national policy agenda and back the swift formation and effective operation of the government. This chapter therefore argues electoral system reform and design be driven by the objectives of inclusion and moderation. To achieve both potentially conflicting objectives, the chapter recommends a hybrid electoral system where the proportional component supports the representation of considerable political and ethnic pluralism while the alternative vote component provides incentives for politicians to adopt moderate stances.

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Dr. Mohammud has published extensively: In 2015 co-authored a book entitled: 'The Intricate Road to Development: Government Development Strategies in the Pastoral Areas of the Horn of Africa' In 2014, he published a book chapter entitled: "The Interplay between Human Security, Human Rights and Good-Governance in Africa"; in 2010 he published a chapter entitled "From State to Human Security: Institutionalizing and Operationalizing Human Security in Africa" and in 2012 he published "From AMIB to AMISOM: Need for Institutional Clarity in African Peace and Security Architecture." He also published his research on pastoral community rights in constitutional setup including, "The Legal Status of the Communal Landholding System in Ethiopia: The Case of Ethiopian Pastoralists"; "The Changing Nature of Pastoral Conflicts in Southeastern Ethiopia: The Case of Boran and Digodi Pastoralists"; "New initiative of Conflict Resolution for Ethiopian Pastoralists" and "Causes of conflict in Pastoralist Communities: Traditional Institutional Set up, Small Arms and Light Weapons Proliferation." His ongoing research works include: Collective Coercive Measures in the African Union's

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