



Edited by  
Almami Cyllah



# Elections Worth Dying For?

A Selection of Case Studies from Africa

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Almami Cyllah,  
IFES Regional Director for Africa



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Chapters by

Elizabeth Côté  
Almami Cyllah  
Dr. Staffan Darnolf  
Sidi Diawara  
Carl W. Dundas  
Christian Hennemeyer  
Robert David Irish  
Greg Kehailia  
Dr. Magnus Ohman  
Jide Ojo  
Michael Yard



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International Foundation for Electoral Systems  
1850 K Street, NW, Fifth Floor  
Washington, D.C. 20006  
E-mail: [editor@ifes.org](mailto:editor@ifes.org)  
Fax: 202.350.6701

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*Page 84: Thaddeus Menang*

*Page 104: Kate Stanworth*

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# Acknowledgements

First, I wish to thank all of the authors who provided valuable insight and information on the many forms electoral violence can take, as well as recommendations on how to best monitor, resolve and prevent such violence. Every one of these case studies, containing both thematic and geographical focuses, has helped shed light on some of the types, causes and prevention strategies of electoral violence. In a continent where democracies are evolving, peaceful elections are a priority.

I further would like to thank Stephanie Buell for her work co-editing and revising this publication, as well as Maite Hostetter, Elizabeth Reiter, Abigail Wilson, Gray Mitchell, Parvinder Singh, Gabrielle Bardall and Alafi Isaac Alfred for their invaluable contributions.

This publication is the culmination of over a year's work – from the conception of the idea, to the revisions and updating of information and case studies to reflect real-world electoral events as they unfolded, to the final product you are reading here. So again, thank you to the authors, editors and reviewers whose dedication to the complex and important issue of electoral violence has allowed this project to become a reality.

This publication and the important information within will no doubt have an enduring usefulness for election practitioners in Africa and around the world.

*Almami Cyllah, Editor*

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# Foreword

Elections are a cycle, a process and a national event where the goal is peaceful resolution of societal differences while building citizen trust in the capacity of collective decisions and institutions to govern. Violence undercuts the entire investment. Every voter, candidate, civil society organization, elected official, political party, interest or faction and all other stakeholders know the voting process is fatally flawed and the outcome is suspect when poisoned by violence; trust is diminished or lost. The national implications for both democracy and governance of a country are fatal, often for generations.

At the International Foundation for Electoral Systems (IFES), we define electoral violence as “any harm or threat of harm that is aimed at hindering or disrupting any part of the electoral process or political process in and around the election period.” Election management bodies (EMBs) can play a fundamental role in preventing and mitigating such violence. Throughout the case studies provided in this book, there is a particular emphasis on EMBs, with a variety of important lessons learned that EMBs in Africa and around the world can utilize as guideposts in their election management duties.

I traveled to Kenya for its 2013 general elections and saw firsthand the critical role that election administration can play in curtailing electoral violence. As IFES Chief of Party for Kenya Michael Yard notes in his case study on technology, the Electoral Commission of Kenya’s failure to provide a transparent, accountable report of vote counting was the primary trigger of the violence that marred the country’s 2007 vote. In contrast, Kenya’s new EMB, the Independent Electoral and Boundaries Commission (IEBC), formed in 2011, executed their election management duties in a highly-professional manner and the 2013 elections saw dramatically lower levels of electoral violence. My experience in Kenya personally reinforced how important election administration and adequate planning are in preventing and mitigating electoral violence.

Preventing electoral violence requires a multistep approach that takes into account the full electoral cycle. There are a number of important activities that EMBs should engage in during the pre- and post-election phase. In other words, preventing electoral violence does not begin or end on Election Day; it requires

a phased, continual engagement. In this book, you will find analysis, prevention, mitigation and resolution methods that can be applied throughout the electoral cycle. IFES has developed context-specific electoral strategies to enable EMBs, civil society organizations, political parties, community leaders and security agencies to better manage risk.

Since the early 1990s, African countries have made substantial democratic progress, with many notable success stories in the last decade alone. In 2012, Senegalese President Abdoulaye Wade conceded defeat in run-off vote after a heated controversy over the constitutional validity of his candidacy for a third term. Liberia's first post-conflict election (2005) and Sierra Leone's first election in the absence of peacekeeping troops (2007) were conducted in peaceful atmospheres and widely hailed as credible. In Ghana's 2008 presidential election, which was notably competitive, the ruling party's candidate – after winning the first round and losing in a subsequent run-off vote – handed power over to the opposition, reaffirming the country's place as one of the most successful democracies in Africa.

Indeed, democracy has increasingly become entrenched in many African societies; 29 of the continent's 54 countries will hold elections in 2014 or 2015. While competitive elections – once unheard of in many African countries – have become more frequent, they pose a heightened threat of electoral violence, particularly in countries without the necessary political and technical infrastructure in place to prevent or mitigate election-related violence. Despite the remarkable democratic advances African countries have made since the early 1990s, electoral violence has been an unfortunate reality in many African elections.

IFES has been engaged in democratic efforts in Africa for more than twenty years, beginning with our work in Ghana where we spent two and a half years assisting in the planning for the 1996 presidential and parliamentary elections, setting up mechanisms to register 9.2 million voters and to train tens of thousands of election officials. IFES also assisted the Electoral Commission of Ghana in developing its voter registration system. This was IFES' first election support work in Africa, spearheaded by the late Joe C. Baxter, a former IFES

Senior Adviser. Over the course of the last three decades, IFES has worked in 21 countries in sub-Saharan Africa, and more than 135 countries worldwide. This book represents yet another step in IFES' ongoing effort to support democracy in Africa and we believe that the lessons taken from this study can support the prevention of electoral violence and encourage free and fair elections in Africa and around the world. To borrow from Malcolm X, choosing ballots over bullets provides the best opportunity for societies to progress and establishes a framework for redressing grievances without resorting to violence.

A handwritten signature in blue ink, reading "William R. Sweeney, Jr." in a cursive style.

William R. Sweeney, Jr.  
IFES President and CEO





Uganda





*Burundi*

# Introduction

*By Almami Cyllah*



Elections and their administration are some of the most complicated, time-sensitive activities undertaken by any country. At every step of the electoral cycle, election management bodies (EMBs) should engage and encourage the population to participate, allowing citizens the opportunity to make informed decisions about the leaders who will govern them.

However, since the early 1990s, elections in many African countries where competitive elections were once unheard of have become increasingly contentious.

Elections with closer results have an increased risk of electoral violence and increased tension throughout the process. Incumbents who feel threatened by their opponent are sometimes driven to abuse the opposition and their supporters, and/or, more often than not, innocent bystanders. The violence in some countries has led some to suggest that elections and multi-party democracy in Africa can only lead to bloodshed.

In taking a closer look at those making such statements, one may conclude they are the same people who would like to see this status quo continue.

While elections are often a threat to political stability and may result in violence, no other method has resulted in a nonviolent transition of power with the same consistency and acceptance as voting. Even in countries that have suffered electoral violence, citizens have responded not by abandoning elections and democracy, but by demanding accountability, transparency, legal

reform, and independent and impartial EMBs. The implementation of a transparent electoral process provides a way to achieve governance without violence through political competition; this has proven to be successful over time.

In Africa, some of the conflicts and violence that occur around elections are the result of a breakdown in the electoral process with the old attitude of “win at all costs.” This tension is rarely random, and it is frequently orchestrated by politicians who feel threatened by their opponents. Those selfish politicians use the misfortunes of the population to agitate for violence. They fail to place the interests of the population above their own; instead, they manipulate people and use them to take up arms, thus destabilizing the country.

The correlation between good governance, transparency and prosperity is real. It is widely proven that African nations that experience free and transparent elections and consolidated democracy have governments that respect and maintain the rule of law, fight corruption and integrate African traditional values into governance and other institutions. Many of these countries are among the most stable across Africa.

In this publication, IFES experts present a variety of issues linked to electoral violence and country case studies inspired by IFES’ extensive experience supporting democratic development in Africa. Electoral violence is not a simple matter and this study is by no means exhaustive. Rather, it is a collection of issues and experiences tied to elections and violence in Africa.

This study begins with a high-level examination of how EMBs can curtail electoral violence, followed by an examination of the role civic education plays in countering these tensions, using the Democratic Republic of the Congo as a case study. From there, election technology’s role in mitigating violence in Kenya is profiled, and an overview of how political finance plays a part in countering electoral conflict is provided. Media and electoral violence is then reviewed, followed by a look at the place of women and youth in electoral violence, with a close examination of their experiences in Guinea and Sierra Leone. Finally, a specific case study of Mali’s struggle against electoral violence; South Sudan’s history with conflict; and Nigeria’s credible, yet violent, 2011 election

cycle round out this compilation. Authors were given the freedom to define “electoral violence” as it best matched the context of their chapter.

Electoral democracy and good governance are the foundations on which growth and development are built. A country with strong electoral and democratic institutions – effective in governing its people – sees less violence and better respects human rights.

Therefore, we urge all democracy and peace-loving people in Africa, and around the world, to take a firm stance against electoral violence.

I thank IFES and my colleagues who contributed to this publication.

### **About the Author**

*Almami Cyllah, a native Sierra Leonean and IFES Regional Director for Africa, has more than 25 years of experience in conflict resolution, political affairs and democracy development. As former IFES Chief of Party in Liberia, he provided technical assistance to the National Election Commission at every stage of the electoral process. Cyllah previously served as IFES Chief of Party in Haiti. He has field experience in Kenya and Côte d’Ivoire, and has previously worked in Washington, D.C., as Director of African Affairs for Amnesty International. His thought pieces have been published in the Washington Post, the Christian Science Monitor and Africa Report.*



**Say No  
To Violence**



Southern Sudan Referendum Commission

مفوضية استفتاء جنوب السودان



*South Sudan*

# EMBs and Electoral Violence

***By Dr. Staffan Darnolf and  
Almami Cyllah***



## **Electoral Management Bodies: The Missing Link in Handling Electoral Violence**

Regardless of where an election takes place, there are security implications. In some countries, the main challenge might be ensuring the personal security of government heads on the campaign trail. In others, it might be crowd control during rallies – something that normally falls within the purview of the regular police force. A country's military or paramilitary forces are almost never affected by an election in an established democracy, as that is not part of their formal mandate.<sup>1</sup> However, conditions might be significantly different in countries lacking a tradition of organizing democratic elections within the framework of a stable political system.

Research shows the frequency of political and electoral violence is closely related to the level of democracy in a country.<sup>2</sup> The more democratic a country is, the less likely citizens will be exposed to electoral violence. In more democratic countries, the electorate and other stakeholders, such as politicians and political parties, have confidence in the institutions charged with upholding the rule of law.

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1 Kingseed, C. C. (1992). *Peacetime engagement: Devising the army's role*. Parameters (Autumn 1992) 96-102.

2 Zeev, M., and Russett B. (1993). *Normative and structural causes of democratic peace, 1946-1986*. American Political Science Review, 87, 624-638; James Lee, R. (1995). *Democracy and International Conflict*. Columbia: University of South Carolina Press.

However, most people in established democracies overlook the most critical institution in charge of managing political and electoral violence: the electoral management body (EMB).

If the electoral process is not managed professionally and impartially by a trusted institution, the risks associated with organizing elections increase drastically. Unfortunately, history has shown discredited election commissions are incapable of managing a competitive electoral environment, and often find themselves at the core of controversy.<sup>3</sup> In many cases, governments and donors focus on treating the symptoms of crises involving EMBs (such as victims of violence and mediation) rather than the root cause, which results in a temporary mitigation of violence rather than a longterm solution. A recent case in point is Uganda. The Electoral Commission of Uganda is appointed by the president, who, in the 2011 election cycle, was also the ruling National Resistance Movement's (NRM) presidential candidate. The opposition was vehemently critical of all actions taken by the electoral commission, even the ones improving the electoral process in Uganda. This mistrust fueled political tension leading up to the 2011 election.<sup>4</sup>

All too often, elections are seen as one event, Election Day, rather than as a cyclical process that requires extensive and strategic security throughout each period. Viewing elections through a lens in which they are cyclical will help societies and electoral authorities manage threats associated with the electoral process.

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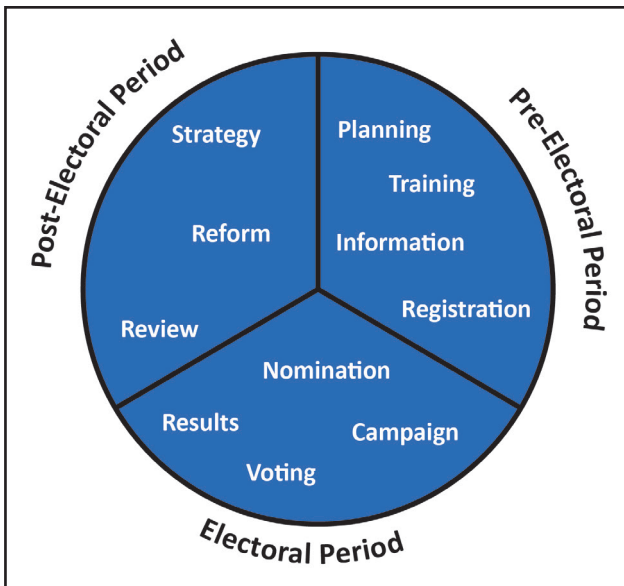
3 Kriger, N. (2011, August 12). *Foreign aid dilemmas under Zimbabwe's inclusive government*. Retrieved from: <http://www.solidaritypeacetrust.org/1092/foreignaid-dilemmas/> and Gourevitch, P. (2010, October 11). *Alms dealers: Can you provide humanitarian aid without facilitating conflicts?* The New Yorker.

4 European Union Election Observation Mission. (2011, March 10). *Final Report on The Uganda General Elections, 2011*. Retrieved from: [http://eeas.europa.eu/eueom/pdf/missions/eueom\\_uganda2011\\_final\\_report\\_en.pdf](http://eeas.europa.eu/eueom/pdf/missions/eueom_uganda2011_final_report_en.pdf)

## The Electoral Cycle

One of the most common misconceptions about elections is a misunderstanding of the amount of time required to organize a credible one.<sup>5</sup> Peace agreements and other political documents often stipulate that elections should take place within the 12-18 months following their signing/ratification. In environments with limited electoral experience and no prior preparatory work, anything less than two years is highly unrealistic. For example, challenges related to conducting a credible voter registration exercise and agreeing on the electoral systems delayed the first transitional elections in Afghanistan in 2003. In fact, depending on the level and needs of information, type of communications technology and procurement, a voter registration process alone often requires 12-18 months.

**Figure 1: The Electoral Cycle**



<sup>5</sup> ACE Electoral Knowledge Network. *Building resources in democracy, governance and elections (BRIDGE) election operations module*. Retrieved from: <http://www.aceproject.org/>

The electoral cycle has three broad components: the pre-electoral period, the electoral period and the post-electoral period (see Figure 1). This approach visualizes the key, distinct, yet linked, steps that must be taken before voters can go to the polls and results can be certified. The electoral cycle also shows the large number of actors involved in the electoral process who perform key functions at one or more stages of the electoral process. Voter registration, for instance, directly impacts who has the right to cast a ballot on Election Day and is, therefore, critical to participation in the poll. However, given the importance of the voter registration process, this exercise could become a flashpoint if not conducted professionally and fairly; segments of society will feel deprived of their fundamental rights and thereby could decide to prevent elections from moving forward using violent means. A low quality voter register can also have ripple effects on Election Day, if citizens cannot find their names on the voter lists and are turned away from polling stations, which sometimes results in violent protests.<sup>6</sup>

### The Three Electoral Periods: A Discussion

The pre-electoral period is characterized by the need to finalize the regulatory framework governing elections. This framework should clearly detail and dictate the roles and responsibilities within this period. Deadlines must be outlined, such as when the voter register must be finalized; candidate eligibility criteria must be defined; campaign durations must be established; and election results must be made public. Apart from finalizing the regulatory framework, the pre-electoral period is also oriented around the often monolithic and politically delicate task of voter registration. This activity entails registering a significantly large number of potential voters, and/or providing large sections of the electorate the opportunity to check and verify their registration data. Much of Election Day planning takes place during this pre-electoral period as the operational plan

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6 International Crisis Group (2010, November 25). *Côte d'Ivoire: Finally escaping the crisis? Africa Briefing*, 77. Retrieved from: <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/> and International Crisis Group (2013, February 18). *Guinea: A way out of the election quagmire. Africa Briefing*, 199. Retrieved from: <http://www.crisisgroup.org/en/regions/africa/west-africa/guinea/199-guinea-a-way-out-of-the-election-quagmire.aspx>



is developed and approved. Another large and critical activity launched during this period, which continues throughout the election cycle, is the education campaign. This type of campaign informs the electorate about voter registration and how and where to vote.

The electoral period does not only involve Election Day itself, but also the nomination of contestants (candidates and/or political parties), campaigning and the tallying of results. Result tabulation and the announcement of winners are also often included in this segment. Electoral dispute resolution activities normally fall under the electoral period, even though cases can drag on for months or even years.<sup>7</sup>

The post-election period is characterized by review, reform and strategic planning. Following the completion of an electoral process, most EMBs organize both an internal lessons-learned exercise and a similar external exercise with its main stakeholders, such as political parties, domestic observer missions and civil society organizations (CSOs). Based on these activities, the EMB will have a good understanding of areas in which they performed well and where there is room for improvement. In some instances, improvements can only be obtained once legal amendments are in place; in other cases, it is a matter of internal reform within the EMB and its own purview. Based on these lessons learned and identified areas of improvement, a strategic plan can be developed. A strong strategic plan will clearly outline the goals, objectives and strategies to be fulfilled in the coming three to five years, which will enable the election authority to hold more credible elections next time.

### **Preventing Electoral Violence: The Conflict Cycle Method and EMBs**

It has taken international organizations that support electoral processes a significant amount of time to realize how important understanding the electoral cycle is to successful elections. Therefore, it is not surprising that non-election

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<sup>7</sup> Darnolf, S. (2010). *Pakistan's justice sector: Defending or diluting the constitution? Contested sovereignties constitutional arrangements and their relevance for democracy: European and Middle Eastern perspectives*. Istanbul: Swedish Research Institute

focused institutions and their representatives often view elections as a single event, not a process.<sup>8</sup> To complicate the matter further, election administrators and security personnel also view electoral security narrowly. In IFES' 2010 piece, *A Conflict Cycle Perspective on Electoral Violence*, author Gabrielle Bardall notes that, while “practitioners readily support the holistic approach to enhancing electoral management, they have traditionally not been as quick to adopt holistic conflict cycle approaches to address election violence.”<sup>9</sup> Instead, Bardall writes that some electoral support providers revert to sector-specific responses that fail to address larger issues and all stakeholders. Thus, election security has often been focused on securing venues for political rallies; ensuring personal security of individual high-profile politicians and electoral officials; securing polling locations on Election Day; and securing the national tallying center. If authorities fear post-electoral violence once results are announced, security forces are often deployed to secure strategic locations with swaths of police, riot police and paramilitary to discourage violent behavior and unrest.<sup>10</sup> In order to overcome this deficiency, an EMB must recognize its pivotal role as *the* coordinator of a holistic conflict cycle approach that addresses electoral violence. An EMB is the natural custodian of this responsibility, since it is usually the only institution actively involved in all segments of the electoral process.

Rarely, if ever, will the EMB conduct a proper risk assessment of the entire electoral process. With only a cursory risk analysis at its disposal, EMB leadership may fail to identify and act on warning signals, as they are unaware of what these are and/or they do not know how to respond appropriately. However, a

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8 ACE Electoral Knowledge Network. *The electoral cycle approach*. Retrieved from: <http://aceproject.org/ace-en/focus/focus-on-effective-electoral-assistance/theelectoral-cycle-approach>

9 Bardall, G. (2010, March). *A conflict cycle perspective on electoral violence*. Retrieved from: <http://www.ifes.org/Content/Publications/Articles/2010/AConflict-Cycle-Perspective-on-Electoral-Violence.aspx>

10 See, for example, the use of security forces during transitional elections in Bosnia in the mid-90s, municipal elections in Kosovo 2000, Afghanistan 2010 and Kenya 2013.

holistic approach helps EMBs identify constructive and efficient ways to manage conflict. The holistic conflict cycle features four components:

1. Identification
2. Deterrence
3. Detection
4. Mitigation

Identification is the most important, yet most overlooked, part of the conflict cycle. EMBs often lack the capacity and time to analyze the security situation beyond the physical security of its premises, warehouses and transportation of sensitive material. The standard operating procedure often tasks only security agencies with supplying sufficient manpower to safeguard these properties and logistical requirements. Hence, no realistic and professional analysis of the risks covering the entire electoral process is developed to guide the planning, which could be a significant oversight by the EMB. Undertaking a competent conflict analysis requires both time and resources, something the EMB must address in its strategic planning, subsequent budget allocations and calendar.

Deterrence, or conflict prevention, is the area in which EMBs have enormous opportunity to proactively reduce the risk of electoral violence and improve security by, for instance, sharing its deep understanding of the triggers during the various electoral processes with the security apparatus. We often think of deterrence solely from a policing perspective – physical presence of security forces on the ground that are effective, mobile and willing to take action. However, EMBs that work to instill confidence in the electoral process can reduce or eliminate many triggers of political violence and unrest. This, of course, does not imply that the sole responsibility rests with the EMB. On the contrary, religious, cultural and traditional leaders and their respective organizations all have important roles to play, as they can proactively advocate for peaceful elections based on a rational and non-violent public discourse instead of using an “us-against-them” mentality. Given the electorate’s ever-increasing reliance on

mass media for information, including responsible reporting by journalists and other media practitioners, it is becoming increasingly important for the EMB to set the tone for public debate. In particular, social media is making a significant impact in the political and electoral processes in many countries and should not be ignored; it can effectively mobilize people on short notice. The impact of social media was seen in the 2009 parliamentary election in Moldova and the 2009 presidential election in Iran.<sup>11</sup>

Low levels of violence are sometimes difficult to detect, especially if they do not involve bodily harm or physical destruction of property. Intimidation or threats of violence can go unnoticed if the information-gathering mechanism is inadequate. If this type of violence is left simmering, it can suddenly erupt, causing irreparable damage to lives, property and the electoral process.<sup>12</sup> This can be avoided if voters, political parties and civil society are aware of how to report such incidents.

The EMB should not simply delegate conflict management and mitigation responsibility to security forces and the judiciary. The election authority can, and should, play a key role in resolving conflicts stemming from the electoral process. Actions taken by an EMB often reduce tension and result in the identification of an amicable solution acceptable by both parties.<sup>13</sup> Security forces can pacify perpetrators of the violence, confiscate weapons, impose curfews and temporarily incarcerate individuals, but that rarely removes the source of the violence.<sup>14</sup> Sufficient coordination between an EMB and security forces can be achieved by formalizing cooperation between these institutions in a Joint Elec-

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11 The Organization for Security and Co-operation in Europe. (2009, April 5). *Moldova, Parliamentary Elections Final Report*. Warsaw; Carafano, J. J. (2009) *All a Twitter: How social networking shaped Iran's election protests*. Retrieved from: <http://www.heritage.org/research/reports/2009/07/all-a-twitter-how-socialnetworking-shaped-irans-election-protests>

12 The highly delayed and protracted electoral processes in Guinea and Côte d'Ivoire are two cases in point.

13 Recently the Independent National Electoral Commission (INEC) in Nigeria has availed itself of the JEOC concept not only at federal level, but also State. This has improved security preparations and coordination enabling it to more expeditiously react to security threats and incidents.

14 See, for instance, the 1996 election in Sierra Leone and 1997 election in Liberia respectively.

tion Operation Center (JEOC). The mandate of a JEOC is usually to enable the EMB and relevant security forces to jointly develop an election security plan, define roles and responsibilities, actions to be taken should an incident occur, and establish an information-sharing protocol. Bureaucratic obstacles to effective information sharing and decision-making can often be avoided, resulting in timely and appropriate responses to security threats and incidents, by having a JEOC manned by senior officials and officers from the participating institution. The JEOC approach is the norm in countries where international security forces are present; however, it is still novel in other volatile societies holding elections.<sup>15</sup> Experience has shown that where JEOCs are established early and with a clear mandate and support of leadership within respective membership organizations, they are able to effectively tackle election security challenges, be it by mitigating violence or through better response to an outbreak of election-related violence.<sup>16</sup> Joint trainings and replication of the national JEOC at the subnational level are also important, contributing success factors.

### **EMBs: The First and Most Effective Line of Defense**

The electoral cycle and conflict cycle illustrate the pivotal role of the EMB, without which proper elections could not be organized, nor a secure electoral environment established. The most valuable asset any EMB can possess is credibility, which can significantly increase election security. The credibility of the electoral process often leads to increased legitimacy of the government and, thereby, reduced risk of political turmoil.

EMB credibility builds on two intertwined components: public perception of the organization and realities behind the perception. As a public institution advocating transparency, the EMB cannot afford any discrepancies between public perception and the reality behind the headlines. Electoral issues are sometimes

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<sup>15</sup> See, for instance, elections organized under a U.N. mandate in Cambodia 1993, numerous elections in former Yugoslavia in the mid-90s, Afghanistan 2004 and Iraq 2005.

<sup>16</sup> See, for instance, the collaboration between Kosovo's Peacekeeping Force (KFOR) and the Central Election Commission in 2000 and 2001, and the equivalent set-up in Bosnia following the Dayton Accord.



highly technical and legalistic, which can cause genuine misunderstandings between stakeholders. These misunderstandings are sometimes exploited for political reasons. An EMB that proactively engages its stakeholders and shares relevant, timely information – free of jargon – is more likely to dispel rumors and avoid misunderstandings, which is why EMBs are establishing political party consultative forums with increasing frequency.<sup>17</sup> With proper sharing of information, the EMB holds the key to promoting peaceful elections via a broad base of understanding of the electoral process by stakeholders. Equally important, by being transparent and inviting political parties, civil society and media representatives to regular meetings, these groups can be present while voter registration forms are processed; ballot papers are printed; and polling station materials are packed. This inclusion can overcome suspicion and build confidence in the process.

### **True Credibility: An Antidote to Electoral Violence**

#### *EMB Appointment*

The predominant international trend during the last 20 years among emerging democracies has been to opt for an EMB that is independent from the government, since ministries and civil servants are sometimes close to the government of the day, or perceived to be politicized.<sup>18</sup>

Independence from the government should be clearly spelled out in the laws of the land. In some instances, the EMB is a constitutionally mandated body; in other cases, its mandate forms part of the electoral act, or the EMB has its own dedicated legislation. The formal independence of an EMB rests on three pillars:

1. Parameters that are upheld by legislation, and a mandate that includes all key aspects for preparing and holding elections.

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<sup>17</sup> See, for instance, the EMBs in Liberia, Sierra Leone, Nigeria, Kenya, Tanzania and Uganda.

<sup>18</sup> Several former Soviet Union republics seem to have opted for an EMB managed by commissioners appointed based on political party affiliation instead. In some cases, ad hoc polling station staff is apportioned based on political party affiliation. Moldova is one example.

2. Appointment of EMB decision makers without partisan perception.
3. Budgetary independence.

The person who ultimately appoints the EMB chairperson and fellow commissioners is the factor that has the greatest effect on the perceived independence of an EMB. Time and again, an EMB's appointment process has been an extremely controversial issue, as politicians are quick to accuse the EMB of partisanship, which was the case leading up to the Ugandan elections in 2011 and Zambia in 2009.<sup>19</sup> Opposition groups claim an election commissioner's appointment by the executive is an extension of the ruling government. Although there are many cases when an EMB decision favored the opposition, not the ruling party, a truly effective countermeasure is hard to establish. Subsequently, this very argument was used with great success by the opposition in countries such as the Democratic Republic of the Congo, Uganda, Afghanistan, Nigeria, Zimbabwe and Moldova. However, there are several successful models that illustrate how an EMB can appoint commissioners without creating a cloud of suspected partisanship. In Botswana, for example, the Judicial Service Commission selects five members from a list recommended by an All-Party Conference, while the chairperson is a judge of the High Court. This creates an appointment model that is more open and, therefore, viewed more favorably.<sup>20</sup>

### *Budgetary Independence*

An EMB cannot be completely independent when it comes to its fiscal actions, as it must be answerable to someone, especially as elections are a significant drain on public accounts. An election commission must often abide by government procurement rules and regulations, accounting regulations and disclosure; it must also comply with labor laws for both its permanent and ad hoc staff. The EMB cannot be at the mercy of the executive, or minister of finance,

19 Kachingwe, K. (2009, November 25). *Zambia: Electoral Commission Accused of Bias*. *Inter Press Service*. Retrieved from: <http://www.globalissues.org/news/2009/11/25/3649>

20 European Union Election Observation Mission to Kenya. (2013). *General elections final report*. Kenya. Retrieved from: [http://eeas.europa.eu/eueom/missions/2013/kenya/pdf/eu-eom-kenya-2013-final-report\\_en.pdf](http://eeas.europa.eu/eueom/missions/2013/kenya/pdf/eu-eom-kenya-2013-final-report_en.pdf)

for the approval and timely disbursement of funds. Should this be the case, they will soon find their work compromised if funds are not made available in time for it to complete necessary preparations for the poll, unless certain concessions are made.<sup>21</sup>

### *Internal Organization*

Much focus is placed on the appointment of the election commission's chairperson and fellow commissioners. Still, the everyday planning and managing of the electoral process by an EMB is usually done by a chief electoral officer who is in charge of the Secretariat. Hence, there is a need for a professional election administrator who is also a competent manager. An EMB Secretariat also needs departments, such as field operations, or an ad hoc task force focusing on the voter register. It is highly plausible the credibility of an EMB will be called into question if administrative issues arise and the EMB is deemed unprepared.

An organizational structure reflecting the election commission's mandate is only part of instilling trust in the EMB. Much of the EMB's trust comes from its ability to fulfill its directive professionally. This can only be achieved if the Secretariat's departments are staffed with professionals who have the necessary tools and resources to perform successfully. Unfortunately, internal human resource development programs are often a low priority, with staff lacking sufficient skills required to fulfill their respective duties. At the same time, high performers are often headhunted by other State institutions or the private sector.<sup>22</sup> The EMB's human resource strategies must also include necessary incentives to recruit and retain high performers. Only then can the brain-drain plaguing many government institutions be overcome.

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21 López-Pintor, R. (2000). *Electoral management bodies as institutions of governance*. Bureau for Development Policy, United Nations Development Programme. Retrieved from: <http://www.lk.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/electoral-management-bodies-as-institutions-of-governance/Elections-Pub-EMBbook.pdf>

22 López-Pintor, R. (2005, July 25). *Post-election strategy group (PESG) preliminary report*. Kabul, Afghanistan. Retrieved from: <http://aceproject.org/eroen/regions/asia/AF/PESG%20preliminary%20report%20ENG.pdf>

### *Internal Coordination, Communication and Asset Allocation*

Holding credible and peaceful elections requires more than competent and sufficiently resourced EMB headquarters. Once an EMB has made a policy decision, actual implementation rests with the EMB's field structure. The working conditions for EMB field-based staff vary dramatically from country to country; unfortunately, the conditions are dire in many cases. A poorly resourced field structure can compromise even the bestplanned election. For example, due to insufficient funds, a local election officer might decide to cut the training from two days to one, or collapse multiple training sessions of 30 poll workers each to one training session for 100 poll workers. Training materials can be scarce or unsuitable, and basic tasks such as securing sufficient transportation to move polling station material and staff to open polling stations on time on Election Day can be grossly obstructed.

A more proactive provincial election officer might approach the local governor for assistance to overcome the urgent resource shortage. A governor's office can often find the required trucks, training venues, fuel and cheap personnel to man voter registration sites or polling stations. This might seem like a sensible solution. However, this kind of assistance will often, in the end, require the local EMB official to "accommodate" the governor when he or she calls in a favor. Leading up to Chairman Attahiru Jega's appointment, this had been a persistent problem within the Independent National Electoral Commission (INEC) of Nigeria and something the new Chairman set out to overcome. As a result, several of its resident electoral commissioners were compromised, as they were forced to deliver election results that favored incumbent governors.<sup>23</sup>

An under-resourced field operation is not only a direct threat to the credibility of the election, but it could undermine the field staff's morale and further undermine their ability and willingness to withstand political intimidation and

23 EU Election Observation Mission. (2007, April 14). *Final report: Presidential, national assembly, gubernatorial and state house of assembly elections*. Nigeria. Retrieved from: [http://www.eods.eu/library/FR%20NIGERIA%202007\\_en.pdf](http://www.eods.eu/library/FR%20NIGERIA%202007_en.pdf)

offers by local politicians, businessmen and government officials.<sup>24</sup> By nurturing a sense of collegiality, the EMB can boost its field staff's capacity to remain loyal. Such resilience can be developed and strengthened by involving various levels of field staff in developing core activities and by basing decisions on information and recommendations coming from provincial and district field staff.

### *Honesty and Integrity among EMB Personnel*

The temptations and pressure on election officials are considerable; election years require election officers to work extraordinarily long hours without proper compensation. Free meals from politicians, invitations to weddings and help with transportation and school fees are very tempting, but could jeopardize the integrity of the EMB official and put the credibility of the EMB into question.

A code of conduct signed by all permanent and ad-hoc EMB staff can reduce this vulnerability. However, the code of conduct will only be an effective deterrent if personnel are aware of its existence and understand the content and ramifications of non-compliance. Thus, a code of conduct written in the form of a complex legal document and never enforced will be of limited use. A non-enforced code of conduct could be exploited in the media as an indication that EMB leadership are not taking their responsibility – to root out corruption and partisanship within its rank-and file – seriously.<sup>25</sup>

### *Transparency and Inclusiveness*

In an environment inundated by mistrust, allegations and suspicion, generating credibility to organize elections acceptable to both winners and losers at the

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24 See, for instance, experiences from field-based election officials in Nigeria (2007), Kenya (2007) and Uganda (2011); EU Election Observation Mission. (2007, December). *Final Report on the General Elections*. Kenya. Retrieved from: [http://eeas.europa.eu/eueom/pdf/missions/final\\_report\\_kenya\\_2007.pdf](http://eeas.europa.eu/eueom/pdf/missions/final_report_kenya_2007.pdf); EU Election Observation Mission. (2011). *Final Report on the General Elections*. Uganda. Retrieved from: [http://eeas.europa.eu/eueom/pdf/missions/eueom\\_uganda2011\\_final\\_report\\_en.pdf](http://eeas.europa.eu/eueom/pdf/missions/eueom_uganda2011_final_report_en.pdf)

25 Darnolf, S. (2011, March). *Assessing electoral fraud in new democracies: A new strategic approach*. White Papers Series Electoral Fraud. Washington, D.C.: International Foundation for Electoral Systems (IFES).

poll is no small feat. One of the more effective tools at the disposal of an EMB to overcome this mistrust is transparency. By showing it has nothing to hide, an EMB can dispel rumors and counter allegations at political rallies, press conferences and through the media.

The Electoral Commission of Ghana (EC) has a well-established and effective tool governing its consultations with political parties. It uses the Inter-Party Advisory Committee (IPAC), which includes both the ruling party and opposition parties.<sup>26</sup> IPAC is a mechanism enabling the EC to inform political parties of current events planned by the commission. The EC can also consult parties about potential improvements to the electoral process, such as the introduction of a biometric voter registration methodology. Consultation with leading politicians prior to introducing changes to the elections will not only demystify suggested changes and reduce the risk of parties accusing the EMB of having a hidden agenda, but it could also actually improve suggested reforms as parties evaluate them from a user perspective.

Most EMBs realize the importance of consulting with political parties, but they are less inclined to constructively and consistently engage two other critical stakeholders – the media and civil society. EMB leaders often feel journalists are excessively critical, if not outright hostile, to commissions. This is particularly true when it comes to private media.<sup>27</sup> The same holds true for CSOs, especially those engaged in election observation. An EMB choosing not to engage a country's civil society can actually undermine its ability to educate and inform the electorate on electoral-related matters, as CSOs often perform critical functions during the elections, especially civic and voter

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26 Ghana Elections 2008. [Web log post]. (2009, May 13). *Biometric voters register key mechanism against multiple voting*. Retrieved from: <http://ghanaelections2008.blogspot.com/2009/05/biometric-voters-register-keymechanism.html>

27 Dundas, W. C. (2011). *The lag of 21st century democratic elections: In the African Union member states*. Bloomington, IN: AuthorHouse.



education.<sup>28</sup> If these organizations are not an integral part of the EMB's information sharing strategy, then these organizations could inadvertently convey an erroneous message to the electorate, or confuse voters and stakeholders, which was one reason why Gambia's Independent Electoral Commission decided to formalize its engagement with the media.<sup>29</sup> Naturally, traditional and new media, public and private, are also of paramount importance when it comes to informing the electorate. Hence, it's equally important that EMBs establish a constructive dialogue with these representatives. A similar concept to the political party consultative forum has proven successful for the EMB-CSO engagement.

EMB's interactions with the media often, however, remain more ad hoc. As a result, EMBs tend to withdraw and hold only a few formal press conferences driven by the official election calendar. Applying such a strategy rarely benefits the EMB's media profile and, by extension, the public's perception of the EMB. Journalists will be forced to rely on unofficial sources and rumors; as a result, coverage will most likely contain many mistakes, confusing politicians and voters. An EMB's unwillingness to interact with journalists also runs the risk of antagonizing reporters, thus making them more inclined to produce critical pieces.

## Conclusion

Election security and election-related violence are not one-dimensional. However, solutions involving a host of in-depth analyses with actors representing a gamut of interests at different levels could also become counterproductive. People are simply overwhelmed by the complexity and either choose not to engage at all or provide insufficient support to election security engagement.

28 IFES has successfully engaged a large number of CSOs by enabling and empowering them to design, develop and distribute effective civic and voter education campaigns in a large number of countries on the African continent, such as Burundi, Guinea, Sierra Leone, Liberia, South Sudan, Mali, Côte d'Ivoire and the Democratic Republic of the Congo. For more information, see: <http://www.ifes.org/Content/Projects/Africa.aspx>

29 ACE Project. (2012). *Gambia: The independent electoral commission of the Gambia develops a communication plan*. Media and elections. (3rd ed.) Retrieved from: [http://aceproject.org/ace-en/topics/me/mey/mey\\_gm](http://aceproject.org/ace-en/topics/me/mey/mey_gm)

Hence, balance must be achieved between paying attention to the election security challenge and managing a cumbersome and exhaustive security plan.

It is critically important that EMBs use the electoral cycle and holistic conflict cycle approach to prevent and mitigate electoral violence and enhance electoral security. The EMB is clearly the one pivotal institution in the web of organizations and institutions playing its part in this process. While various national security agencies also play an important role, experiences have shown that the main mistake is to defer the lead on combating electoral violence to the security apparatus.

A credible election authority is the most efficient guarantor to an acceptable electoral process. Achieving this objective is neither easy nor cheap, but it is the most effective tool to prevent electoral violence from materializing in the first place. The first step will be to reaffirm the EMB's pivotal role and act on this recognition.

### About the Authors

*Staffan Darnolf, IFES Director of Program Development and Innovation, has 20 years of experience as a scholar and practitioner in the field of democratization and electoral processes. He specializes in electoral reform in emerging democracies and post-conflict societies and has published books, articles and chapters in peer-reviewed scholarly journals throughout his career.*

*Almami Cyllah, a native Sierra Leonean and IFES Regional Director for Africa, has more than 25 years of experience in conflict resolution, political affairs and democracy development. As former IFES Chief of Party in Liberia, he provided technical assistance to the National Election Commission at every stage of the electoral process. Cyllah previously served as IFES Chief of Party in Haiti. He has field experience in Kenya and Côte d'Ivoire, and has previously worked in Washington, D.C., as Director of African Affairs for Amnesty International. His thought pieces have been published in the Washington Post, the Christian Science Monitor and Africa Report.*





*Democratic Republic  
of the Congo*

# Countering Electoral Violence with Electoral Education

*By Greg Kehailia*



## **The Diversity of Electoral Violence and its Solutions**

Although electoral processes are often represented as an alternative to political violence, violence often becomes a tactic in electoral competition. Observers and election stakeholders often consider that these electoral conflicts are caused by a lack of citizen awareness harnessed by “election spoilers,” rioters or insurgents. The causation made between electoral conflict and lack of electoral knowledge leads many to believe that voter education is the cure-all to electoral violence. The reality of electoral violence is far more complicated.

With the Democratic Republic of the Congo (DRC) as a central case study, this chapter describes eight types of political violence and demonstrates that properly designed voter education can only partially address electoral violence, with the understanding that several forms of electoral violence are not impacted by prescriptive voter education.

## **The Democratic Republic of the Congo’s 12 Decades of Violence in Brief**

The DRC’s history is mired in violence. As the Congo Free State since 1885, it endured forced exploitation and slavery as Belgian King Leopold II’s personal colony for two decades. Following this, the DRC experienced five decades of brutal colonization by Belgium and 30 years of dictatorship under Joseph-Désiré Mobutu. During the first Congolese War, Mobutu was replaced by Laurent-Désiré Kabila. A second Congolese War, lasting from 1998 to 2002, saw the involvement



of nine African nations and 30 armed groups. Today, this conflict still rages in the eastern part of the country. Also known as the Great War of Africa, the conflict has occurred in relative international silence, while considered the deadliest conflict worldwide since World War II, with over five million casualties.<sup>1</sup>

Despite these 12 decades of tragedy, the 2006 general elections were widely considered free and fair. Credit is due to Congolese will power and strong involvement and support by the United Nations. Joseph Kabila, interim president of the country since the assassination of his father Laurent- Désiré Kabila in 2001, became the democratically elected president of the DRC.

Five years later, on Nov. 28, 2011, the DRC held its second presidential and legislative elections in accordance with the constitution. Unlike 2006, these elections were marked by a lack of transparency and independence of the DRC's electoral management body (EMB), the Independent National Electoral Commission (CENI).<sup>2</sup> There were widespread accusations of fraud and a glaring degradation of human rights in the country, including abusive use of force and arbitrary arrests targeting opposition groups and journalists.<sup>3</sup> The Congolese political environment quickly degraded in the run-up to Election Day, and the rise in election-related violence marked the beginning of another chapter of instability that continues today.<sup>4</sup>

The 2011 Congolese elections are interesting, not only because they offer an example of elections in a country with a legacy of long and intense phases of

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1 International Rescue Committee. (2007). *Mortality in the Democratic Republic of Congo, an ongoing crisis*. Retrieved from: [http://www.rescue.org/sites/default/files/resource-file/2006-7\\_congoMortalitySurvey.pdf](http://www.rescue.org/sites/default/files/resource-file/2006-7_congoMortalitySurvey.pdf)

2 The Carter Center. (2011, November 28). *The Carter Center International Election Observation Mission's Preliminary Post Election Statement*. Retrieved from: <http://www.cartercenter.org/resources/pdfs/peace/democracy/Carter-Center-Preliminary-Statement-DRC-Elections-113011.pdf>, and The Carter Center. (2011, December 10). *DRC presidential election results lack credibility*. Retrieved from: <http://www.cartercenter.org/news/pr/drc-121011.html>

3 Human Rights Watch. (2012). *Human Rights Watch World Report*, 104-109. Retrieved from: <http://www.hrw.org/sites/default/files/reports/wr2012.pdf>

4 Human Rights Watch. (2013). *Human Rights Watch World Report*, 96-102. Retrieved from: <http://www.hrw.org/world-report/2013>

political violence, but also because they illustrate almost exhaustively the various forms of electoral violence that can mar an election.

### **Classifications of Electoral Violence**

Understanding the different types of electoral violence is key for stakeholders who wish to eliminate it.

In a 2002 IFES white paper on electoral violence, Jeff Fischer defined electoral conflict and violence as “any random or organized act or threat to intimidate, physically harm, blackmail or abuse a political stakeholder in seeking to determine, delay or to otherwise influence an electoral process.”<sup>5</sup> This chapter adheres to this definition, as it effectively describes the physical and psychological facets of electoral violence.

However, this definition cannot fully embrace the diverse nature of electoral violence. It lumps together demonstrators, who clash with antiriot forces of authoritarian regimes in a desperate attempt to preserve democracy, with radical activists, who commit acts of terrorism against civilians in order to destabilize free and fair elections.

To better understand electoral violence in its diversity, it appears useful to establish a typology of such events to better inform interventions aimed at preventing and mitigating electoral violence. The eight categories presented below are based on two questions: Who are the perpetrators of electoral violence, and why is the violence occurring?

#### **Type 1. *Party-on-Party Electoral Violence***

This type of violence can be defined as any action or threat of violence exerted by an organized political group on another organized political group in response to electoral results or to influence the electoral process in favor of the inciting

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5 Fischer, J. (2002). *Electoral conflict and violence: a strategy for study and prevention* (White paper). Retrieved from: <http://www.ifes.org/Content/Publications/White-Papers/2002/Electoral-Conflict-and-Violence-A-Strategy-for-Study-and-Prevention.aspx>



group. It can take shape in attacks on militants of a party by militants of another party or through the destruction of political party premises/resources.

In the DRC, during the electoral campaign of October 2011, major clashes, leading to several casualties, occurred between supporters of the ruling People's Party for Reconstruction and Democracy (PPRD) and supporters of the main opposition, the Union for Democracy and Social Progress (UDPS). These clashes took place on the streets of Kinshasa and in other major cities across the country. The UDPS party headquarters were looted. On Election Day, agents of minority parties were intimidated, assaulted and driven out of several voting stations across the country.<sup>6</sup>

#### Type 2. *Party-on-Voter Electoral Violence*

Party-on-voter violence constitutes any action or threat of violence exerted by an organized political group on a citizen or group of citizens for reasons other than their political affiliation. This type of violence aims at influencing the electoral process or serves as a reaction to electoral results. Such violence can take the shape of attacks on villages by political party militias, hate speech or other forms of intimidation by a political party directed at social classes, ethnic groups, religious communities or other segments of the population.

The electoral campaign seen in the DRC in 2011 provides a poignant example of the manipulation of community-based hatred by political parties. In October and November of that year, Human Rights Watch and other observers noted a surge in hate speech during the last months of the campaign, with representatives from an organization allied to the ruling party<sup>7</sup> referring to members of an ethnic minority loyal to the opposition as “mosquitoes” and advocating to “spray some insecticide.”<sup>8</sup> Likewise, some militants of opposition parties con-

6 Human Rights Watch. (2011, December 2). *DR Congo: rein in security forces*. Retrieved from: <http://www.hrw.org/news/2011/12/02/dr-congo-rein-securityforces>

7 Jeune Afrique. (2011, November 7). *Violence entre partisans de l'opposition et de la majorité à Lubumbashi*. Retrieved from: <http://www.jeuneafrique.com/Article/ARTJAWEB20111107163958/>

8 Stearns, J. K. (2011, November 7). *Congo's election season gets rough start with hate speech, violence*. Retrieved from: <http://www.csmonitor.com/World/Africa/Africa-Monitor/2011/1107/Congo-s-election-season-gets-rough-start-with-hatespeech-violence>

tested the “Congolese ethnicity” of the candidate of the ruling party and circulated documents cultivating a racial version of national identity.<sup>9</sup>

### Type 3. *Party-on-State Electoral Violence*

This type of violence includes any action or threat of violence exerted by an organized political group against the representatives, employees, properties or symbols of the State, in seeking to influence the electoral process or as a reaction to electoral results. Such violence can be observed in cases where defeated political parties form guerilla movements to contest election results.

Between Election Day on Nov. 28, 2011, and the proclamation of provisional results on Dec. 9, 2011, many in the DRC were concerned that neither of the two main competitors in the presidential race would accept defeat, leading to violent actions against the State. Following the declaration of the results, the losing candidate, while refraining from calling for violent action, refused to accept defeat and proclaimed himself as the winner. He issued calls for civil disobedience and for civil servants to recognize him as the duly elected president. At the same time, numerous civil society organizations and the Catholic Church called the official electoral results into question, resulting in a crisis of legitimacy for the current government.<sup>10</sup> In 2014, the ruling party seems enticed to tempt fate and to seek a constitutional revision in order to enable Kabila’s reelection in 2016 for a third term against the current provisions of the constitution, or to postpone for an indefinite period the next presidential elections to enable President Kabila to remain in power.<sup>11</sup> Given the crisis of legitimacy shaking the DRC regime since the 2011 elections, the attempts of the ruling party to maintain Kabila in power after 2016, if successful, would likely be perceived as a

9 BBC News Africa. (2011, December 9). *Joseph Kabila: DR Congo’s president in profile*. Retrieved from: <http://www.bbc.co.uk/news/world-africa-16120557>

10 Dizolele, M. (2012, July 23). *DRC’s crumbling legitimacy*. Retrieved from: <http://www.osisa.org/hrdb/blog/drcs-crumbling-legitimacy>

11 Mashala, C. (2014, March 18). *La prochaine élection n’est pas en 2016*. Radio Okapi. Retrieved from: <http://radiookapi.net/actualite/2014/03/18/claude-mashala-la-prochaine-election-nest-pas-en-2016/>

legal coup d'état by both the opposition and the international community, and could therefore escalate into party-on-State or voter-on-State violence, which would bear serious risks of civil war.

#### Type 4. *Voter-on-Voter Electoral Violence*

Voter-on-voter violence covers any act of violence between citizens during the electoral process. Such violence can be seen in incidents between religious or ethnic groups that take place without political party control. Although often reported, it is difficult to “certify” concrete examples of spontaneous voter-on-voter electoral violence. Political violence and social violence are frequently connected, and tensions between groups for competitive access to resources can quickly erupt under the pretense of ethnic rivalry.<sup>12</sup> The issue of access to resources and decision-making power, coupled with feelings of frustration, is well illustrated by Ted Gurr in *Why Men Rebel*<sup>13</sup>, his reference work on political violence. However, it seems correct to consider that the outbreak of voter-on-voter violence in the context of an electoral process is more often the result of deft political manipulation, harnessing ethnic identity or religious affiliation. As such, voter-on-voter violence is often actually party-on-voter violence, where political parties spread hatred surreptitiously, often through the use of discriminatory community organizations, politicized religious associations and party-affiliated media.

During the 2011 DRC elections, civilians queuing at voting stations in the province of Katanga were attacked by men armed with assault rifles. These men remain unidentified. If, on the one hand, some observers considered that such an operation could only be organized by a political group (type 2 violence) given the heavy weapons involved, the indiscriminate targeting of voters means that there likely were both opposition and majority supporters among

12 Despres, L. (1975). *Ethnicity and Resource Competition in Plural Societies*. See examples of Highland Peru, Guyana, Nigeria, Tibetan refugees in South India; and Premdas, R. (Fall 1989). *The political economy of ethnic strife*. *Ethnic Studies Report*. Retrieved from: <http://www.unesco.org/most/premdas.htm>

13 Gurr, Ted. (1970). *Why Men Rebel*. Princeton, NJ: Princeton University Press.

the victims, which makes it possible that the mass shooters were not connected to a political party.

#### Type 5. *Voter-on-State Electoral Violence*

Voter-on-State violence is any action or threat exerted by an individual or a non-organized group of people against the representatives, employees, properties or symbols of the State, to influence the electoral process or as a reaction to electoral results. This can take shape, for example, in election-related rioting, insurrection or in the destruction/ looting of equipment or premises of an election management body. During elections, such violence often targets electoral commissions and security forces.

As is the case in voter-on-voter violence, voter-on-State violence is often a pretense for party-led electoral violence, and frequently converges with party-on-State electoral violence. However, genuinely spontaneous voter-on-State violence may occur more often than genuine voter-onvoter violence. Spontaneous political violence, referred to as “turmoil” by Ted Gurr,<sup>14</sup> generally manifests itself in disorganized and sporadic actions, such as general urban disorder. Although some might consider this hypothesis naïve, several revolutions, including the Jasmine Revolution of December 2010 in Tunisia, which constituted the founding event of the Arab Spring, appear to have genuinely begun with an outburst of spontaneous, nonpartisan violence.<sup>15</sup>

Voter-on-State violence in a non-democratic regime has even been recognized as a right and duty by several constitutions and bills of rights worldwide,

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14 Gurr, T. (December 1968). *Causal Model of Civil Strife: A Comparative Analysis Using New Indices*. The American Political Science Review, Vol. 62, No. 4. Gurr organized civil strife in three categories: “(1) Turmoil: relatively spontaneous, unstructured mass strife, including demonstrations, political strikes, riots, political clashes, and localized rebellions. (2) Conspiracy: intensively organized, relatively small-scale civil strife [...] (3) Internal war: large-scale, organized, focused civil strife [...]”

15 Nachi, M. (Spring 2011). *Spontaneous revolution in Tunisia: Yearnings for freedom, justice, and dignity*. Retrieved from: <http://www.ias.edu/about/publications/ias-letter/articles/2011-spring/tunisia-revolution-nachi>

generally under the “right to insurrection,” “right to rise-up” or “right to resistance.”<sup>16</sup>

During the DRC 2011 elections, thousands of voters were not able to find their names on the posted voter lists, nor were they able to find their voting centers. This was largely due to major technical mistakes in the way the electoral commission displayed the voter lists and in mapping voting centers. This resulted in major incidents of violence across the country, including manhandling of election personnel and torching of several voting centers.

#### Type 6. *State-on-Voter Electoral Violence*

This type of violence is defined as any abusive action or threat of violence exerted by representatives of the State, be they civil servants or members of security forces, to intimidate, physically harm, blackmail or abuse a citizen or a group of citizens in an attempt to influence the results of an election or to punish citizens for the results.

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16 This vision of the rebellion as a fundamental right played an important role in the political thought of several United States’ Founding Fathers, for instance reflected in Benjamin Franklin’s statement of 1776 that “Rebellion to Tyrants is Obedience to God,” and in a letter of the Founding Father Thomas Jefferson, dated November 13, 1787, which states, “And what country can preserve its liberties, if its rulers are not warned from time to time, that this people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to the facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure.” In the post-revolution French Declaration of the Rights of Man and Citizen from the Constitution of the Year I (1793), the rights to resistance and to insurrection are spelled out in Articles 33 (“resistance to oppression is the consequence of the other rights of man”) and 35 (“When the government violates the rights of the people, insurrection is for the people and for each portion of the people the most sacred of rights and the most indispensable of duties”) – the latter quoting Marquis de Lafayette’s Speech to the Constituent Assembly of 1790). Some fifty years later, on January 12, 1848, Congressman Abraham Lincoln suggested that the U.S. president had not been telling the truth about the justification of the war in Mexico, and affirmed the right to selfdetermination of Texans in these words: “Any people anywhere, being inclined and having the power, have the right to rise up, and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right, which we hope and believe is to liberate the world.” Lincoln, who 13 years later, as the third president of the United States, stated in his 1861 inaugural address: “This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it.”

Such violence can be seen in the violation of free speech by security forces or in ethnocide committed by a State seeking to modify the sociological profile of a constituency. State-on-voter violence and party-onvoter violence largely converge when the perpetrator is the ruling party. For this same reason, State-on-voter violence can overlap with State-on-party violence (described next) in authoritarian multi-party regimes.

In the run-up to Election Day in the DRC in 2011, Congolese police and security forces attempted to limit freedom of expression of Congolese human rights defenders, and several arbitrary arrests were reported.<sup>17</sup> In the meantime, Congolese authorities appeared to be retaining information and deliberately slowing down investigations into the case of the disappearance and murder of the famous Congolese human rights activist Floribert Chebeya, on June 1, 2010 – the date he had been asked to meet Congo’s Inspector General of Police.<sup>18</sup>

#### Type 7. *State-on-Party Electoral Violence*

State-on-party electoral violence is characterized by any illegitimate action or threat of violence exerted by representatives of the State – civil servants or members of security forces – to intimidate, physically harm, blackmail or abuse leaders or members of a political party. This violence seeks to discourage the political party from participating in the election, censor it or eradicate it. This violence can be seen in cases where force is used to suppress peaceful political demonstrations, arrest opposition party members or prohibit opposition parties.

While the Congolese constitution does not require permits for political demonstrations, security forces – sometimes with support from young militants of the

17 Human Rights Watch. (2012). *Human Rights Watch World Report*, 104-109. Retrieved from: <http://www.hrw.org/sites/default/files/reports/wr2012.pdf>

18 Frontline Defenders. (n.d.) *Floribert Chebeya Bahizire*. Retrieved from: <http://www.frontlinedefenders.org/FloribertChebeya>



ruling party – cracked down almost systematically on opposition demonstrations during the pre-electoral period of 2011. This culminated on the last day of the political campaign, Nov. 26, 2011, at Kinshasa’s airport, where opposition supporters gathered to escort their leader to an election rally. Across from them were supporters of the incumbent president, also waiting for their candidate. When the presidential convoy arrived, soldiers of the Garde Républicaine (presidential special forces) fired at the crowd of opposition supporters. At least 12 opposition supporters and bystanders were killed, and 41 others suffered gunshot wounds.<sup>19</sup>

#### Type 8. *State-on-State Electoral Violence*

State-on-State violence is rarely classified as “electoral.” However, an action or threat of action exerted by a sovereign nation against another sovereign nation to influence the result of a democratic electoral process or to cancel this result is a form of electoral violence. This can take shape in a military’s attempt to overthrow a democratically elected leader, acts of sabotage during a foreign electoral process, covert operations to support violent actions of non-democratic forces during elections in foreign countries or other forms of hostile interference in the electoral process of a given country by another nation.

Activities of guerilla and paramilitary groups (such as the M23) and armed groups (including the Democratic Forces for the Liberation of Rwanda (FDLR), Mai Mai militias and the Forces Nationales de Liberation (FNL)) have continued and – for some of them – intensified in the Eastern DRC since January 2012, less than two months after the presidential and legislative elections. The role played by neighboring states in this intensification due to the re-election of Joseph Kabila, and the ensuing controversy, is unclear. However, there is no doubt that these groups were supported by foreign governments, as observed by prom-

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<sup>19</sup> Human Rights Watch. (2011, December 2). *DR Congo: rein in security forces*. Retrieved from: <http://www.hrw.org/news/2011/12/02/dr-congo-rein-securityforces>

inent nongovernmental organizations (NGOs),<sup>20</sup> the United Nations<sup>21</sup> and the United States.<sup>22</sup>

### What Electoral Education Can and Cannot Do

With these eight types of electoral violence in mind, it becomes apparent that, in some instances, electoral education – defined as an awareness-raising tool about theoretical and practical aspects of citizenship and elections – can be a remedy for electoral violence, while in other instances it would remain unsuccessful.

When electoral violence erupts, it is often the easiest analysis to blame the perceived inadequacies of electoral education programs. This response is somehow convenient for all stakeholders of the electoral process.

It is convenient, first, because electoral education is a shared responsibility. The electoral commission, local civil society, international NGOs, political parties and media all take part, or should, in conducting electoral education. For this reason, justifying violence by blaming a lack of electoral education allows all parties, in particular the electoral management bodies, to clear or at least minimize their responsibility in the electoral crisis.

Second, to blame a lack of electoral education does not question the legitimacy of the results, nor does it indicate a need for investigation into the transparency

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20 Human Rights Watch. (2012, June 4). *Rwanda should stop aiding war crimes suspects*. Retrieved from: <http://www.hrw.org/news/2012/06/03/dr-congorwanda-should-stop-aiding-war-crimes-suspect-0>

21 United Nations Security Council. (2012, November 28). *Resolution, 2078*. Demanding end to outside support for M23 rebels, Security Council adopts resolution renewing Democratic Republic of Congo sanctions regime. Retrieved from: [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2078.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2078.pdf) and Reuters. Military officers from Rwanda and Democratic Republic of Congo are fueling violence in Eastern Congo despite pledges by the countries to foster peace, according to a confidential U.N. experts' report. Retrieved from: <http://www.reuters.com/article/2013/06/28/uscongo-democratic-un-idUSBRE95R0X720130628>

22 Reuters. (2013, October 3). *U.S. sanctions Rwanda, others, over child soldiers*. Retrieved from: <http://www.reuters.com/article/2013/10/03/us-usa-africachildsoldiers-idUSBRE9920SJ20131003>

of an electoral process. Blaming electoral education cannot lead to the cancellation or revision of results.

In truth, it is not so simple, and, as seen above, the causes of political violence often go beyond a lack of awareness.<sup>23</sup> As such, electoral education cannot prevent all forms of electoral violence. Indeed, of the eight types of electoral violence described, only two can be mitigated through voter education: voter-on-voter electoral violence and voter-on-State electoral violence.

State-on-State violence cannot be addressed by voter education by virtue of the parties involved. Such violence must instead be handled through appropriate diplomatic channels and military mechanisms.

State-on-voter violence and State-on-party violence cannot be addressed by voter education, either. While civic education programs can contribute to an environment of public intolerance for such violence, security force abuse and crackdowns on opposition supporters are most effectively addressed through programs that defend and promote human rights and through diplomatic dialogue on governance.

Party-on-party violence, party-on-voter violence and party-on-State violence cannot be directly addressed by voter education, given the perpetrators. However, actively engaging political party leadership on the importance of peaceful elections is useful. Such a task typically involves technical trainings on party leadership and a measure of diplomatic influence. Likewise, the involvement of political parties in supporting campaigns against political violence can play a significant role in the success of a voter education campaign. Any voter education campaign that does not secure, at a minimum, the buy-in of political parties, may face significant hurdles and risks in day-to-day implementation.<sup>24</sup>

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23 Gurr, T. (1970). *Why Men Rebel*. Princeton, NJ: Princeton University Press.

24 In 2011, IFES had, for example, to provisionally freeze the implementation of electoral education sessions related to decentralization and elections, as the topic of decentralization was perceived by local separatist political groups as going against their secessionist political agenda.

Moreover, since party supporters are citizens, voter education can and must try to extricate them from the grips of extremist political leaders. Large-scale voter education campaigns can help limit the likelihood of supporters following their party leaders should these figures call for violence. However, counting on voter education alone to convince a party supporter not to follow a violent leader would make the wrong assumption that the supporter is passively driven into violence by the party. In reality, for many party supporters, joining a political party that uses violence as a part of its political strategy, is an informed choice driven by shared ideology or socioeconomic motivation.<sup>25</sup> Being able to address reasons why supporters join such a party would take much more than disseminating information about the importance of voting through a voter education campaign. It would require understanding and addressing the contextual or structural drivers that lead to electoral violence, which could be a complex combination of very different issues, such as weak rule of law, impunity, inequitable distribution of power and resources, high levels of unemployment, the availability of weapons (especially in post-conflict societies) and corruption, among others.

### **For the People, by the People: How to Tackle Electoral Violence with Voter Education**

From the above, it is clear that, while electoral education cannot address all electoral violence issues, it is a relevant tool for at least two types of electoral violence, and should therefore be part of any holistic electoral conflict transformation program.

In the two types of electoral violence that are directly influenced by voter education – voter-on-voter violence and voter-on-State violence – violence often results from a misunderstanding of the electoral process. Or, even more dramatically, it results from sheer ideological refusal of the electoral process. In such violence, citizens are the perpetrators.

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25 Institute for Homeland Security Solutions. (2009, September). *Rational choice models of political violence: The role of injustice and retribution*. Retrieved from: <http://sites.duke.edu/ihss/files/2011/12/IHSS-RBv7.pdf>

Citizens are also the target of voter education.

Voter education is effective at mitigating the risks of violence when designed to reach citizens at the grassroots level, the population most prone to using violence as an expression of dissatisfaction or as a result of misunderstanding the system (including less educated voters, young voters and electors in conflict areas). Such voter education strategies should include the following specific messages: emphasis on social cohesion; refusal of ethnic or religious discrimination; acceptance of results; and use of legal dispute mechanisms to contest results, if needed.

How to implement these strategies depends on the audience. In the DRC, for instance, media campaigns are efficient in urban and semi-urban areas, while reaching more isolated areas or illiterate groups is more effectively accomplished through face-to-face education sessions.

The key is to adapt voter education messages and their delivery mechanisms to the audience and context. For example, using television spots in areas prone to frequent power outages would not have the desired reach. Using academic concepts for illiterate groups would not always be appropriate. Civil society organizations, by virtue of their micro-level approach and roots in society, can play a fundamental role in voter education programs. Virtually any form of social gathering, whether a theatrical performance, a classroom discussion or a street demonstration can be a suitable venue for voter education. Using local opinion leaders may also be beneficial, as without them, entire populations may remain untouched by the campaign; however, one must be careful not to reinforce non-democratic power systems, since local opinion leaders may support specific candidates or be candidates themselves.

The media can play an important role in the prevention of electoral violence by facilitating the widespread dissemination of electoral education and conflict prevention messages. Such dissemination could involve articles in the printed press, radio and television spots and social media. In a country such as the DRC, which is one-fourth the size of the United States and having a low percentage of families with televisions and/or computers, effective voter education via media

involves broadcasting spots through local community radio stations – often the unique source of information for citizens in remote areas. An added benefit of using community radio for voter education is that it reduces the likelihood these stations would broadcast hate speeches, a major risk in Central Africa illustrated by the role played by “Radio Mille Collines” during the Rwandan genocide.<sup>26</sup>

A voter education campaign aimed at preventing violence should involve two key strategic pillars: get-out-the-vote strategies and awareness-raising about rights and duties of voters. Some experts contend that these are two very different things, and that get-out-the-vote activities are not voter education. However, lack of understanding and voter abstention are two sides of the same coin, and a willingness to participate is the best driver for learning. Therefore, it is useful to include both types of messages in any voter education effort.

IFES’ experience has indicated that get-out-the-vote efforts like registration drives are more efficient as short-term activities, as their effects do not last long. Awareness-raising is more effective as a long-term approach.

Ideally, voter education should be a permanent fixture in any democratic system and should fit into broader national civic education programs and conflict transformation programming.

This continuity of voter education efforts is made even more desirable by a general and important side effect of voter education: presence in the field. Voter education programs – implemented by international NGOs – demonstrate that the electoral process is being monitored, and the concerns of the people and their ability to freely participate in the electoral process are recognized by the broader international community. Indeed, this is particularly important for individuals or groups who may be or feel isolated and abandoned by the authorities in their country. Such a presence in and of itself creates a *de facto* – though not official or accredited – observation of the elections and can help appease tensions.

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<sup>26</sup> Smith, R. (2013, December 3). *The impact of hate media in Rwanda*. Retrieved from: <http://news.bbc.co.uk/2/hi/africa/3257748.stm>



Finally, voter education can be a fundamental contribution to a general improvement of the political offer in a country: by reinforcing voters' understanding of the electoral competition, it encourages an electoral choice based on candidate platforms, it helps to combat "bigmanism" (a single person's corrupt and abusive ruling) and it reduces "votecatching."<sup>27</sup>

### Conclusion

It would be naïve to suggest that electoral violence will not occur in a given context once a vigorous voter education campaign has been carried out. Indeed, as demonstrated, effective electoral education can only address, in part, voter-initiated violence. The likelihood of electoral violence depends largely on factors beyond the control of the electoral educator.

In 2002, an IFES study demonstrated that most cases of electoral violence in 2001 occurred in elections deemed "partly free" or "not free" by a Freedom House survey.<sup>28</sup> While correlation is not always causation, one can assume that the lack of fairness, transparency or credibility in an electoral process constitutes a sure road to electoral violence. Electoral violence can take place even in credible elections, but when it does happen, it is statistically the exception, not the rule.

In this context, electoral education helps prevent violence simply by being one of the electoral assistance instruments contributing to a greater transparency. Electoral education is a useful tool to generate an informed and participatory population in an election. Voter education ensures that citizens have a sound understanding of the components of a functional democracy and can make claims on their awareness. From a wider perspective, ongoing electoral education establishes an expectation of performance from an EMB, a government,

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27 "Vote-catching" generally refers to ruses used by electoral candidates to secure the votes of a political clientele by other means than programmatic platforms, such as bribes and distribution of gifts, defamation, hate speeches, etc.

28 Fischer, J. (2002, February 5). *Electoral Conflict and Violence: A Strategy for Study and Prevention*. Retrieved from: <http://www.ifes.org/~media/Files/Publications/White%20PaperReport/2002/265/EConflictPaper.pdf>

political parties, candidates, voters and citizens. Such expectations undoubtedly reduce the likelihood that actors will seek to corrupt the system, thus reducing the likelihood of violence.

However, the pacifying effects of effective voter education are drastically reduced if an electoral commission is unable to ensure a low number of technical flaws and a robust communication strategy, both of which would build civic trust in the electoral process. If the work of the EMB is perceived as biased, fraudulent or excessively flawed, then an informed citizenry that is aware of its rights may see violence as a last remaining avenue to protect these rights against abuses due to electoral mismanagement or fraud.

As diverse as electoral violence is, so are the solutions. Any incidence of election-related violence should be investigated thoroughly and holistically in an attempt to understand how that violence is classified according to the typology identified earlier. Such classification will inform the development and implementation of effective solutions. In transitional, young democracies, it is important for voter education to fit into a comprehensive scheme of technical assistance provided in a holistic package that will help guarantee a country's votes are mediated by free and fair elections. Ultimately, freedom and fairness constitute the best tools to prevent electoral violence. Electoral peace requires electoral justice.

### **About the Author**

*Greg Kehailia, Senior Governance and Civil Society Advisor at IRES, has over 15 years of experience as a field practitioner in governance, democratization and electoral processes, mostly in war-torn, post-conflict and transitional countries. He has worked on voter education, empowerment of civil societies, defense and promotion of human rights, and reconciliation-related issues, with IFES, the UN, the EU and the Euromed Foundation for Dialogue between Cultures, in the Middle East and Africa. Political violence and its prevention have been at the center of his work for the past 15 years.*



Kenya

# Technology and Electoral Violence

***By Michael Yard***



## **Introduction**

This chapter focuses on a particular aspect of assistance that the International Foundation for Electoral Systems (IFES) has provided to the Kenyan Independent Electoral and Boundaries Commission (IEBC): implementation of effective election technologies.

The causes of election-related violence are many and complex, so it would be naïve to assume any single approach could eliminate the risk of violence. Studies on the failed 2007 election and its aftermath in Kenya attributed the violence to ethnic conflict, weak avenues for justice, a winner-takes-all political environment, a culture of cheating in elections, hate speech and irresponsible reporting, among other causes.

These root causes of violence must be addressed to increase the chances for lasting peace in Kenya, but most lie outside of the scope of IFES' involvement in Kenyan elections. In order for IFES to maximize its impact in Kenya, we must focus on the distinction between *causes* of violence and *triggers* that can set off waves of election-related violence. The *causes* of violence are many and complex and can be traced back to years of real and perceived injustices including land issues, ethnic tensions and extreme poverty. The *triggers* are the more immediate and more identifiable stimuli that provoked the eruptions that immediately follow the announcement of election results.

While there are many theories about the causes, there is consensus about the specific triggers of Kenya's post-election violence in 2007-2008:

"...[the violence] was triggered by the anger of opposition supporters at what they perceived as the theft of the presidential election."<sup>1</sup>

"This is not an ethnic conflict; this is a political conflict with ethnic overtones ... caused by the lack of transparency in the elections."<sup>2</sup>

"...deficiencies in the management of the electoral process contributed to the violent aftermath of the elections."<sup>3</sup>

"Although the trigger of the violence is clearly the presidential election in 2007, there are various hypotheses as to its root causes."<sup>4</sup>

Basically, a failure of election management caused a breakdown of trust in the electoral process, triggering post-election violence. The goal of IFES' assistance in Kenya is to support the election management body (EMB) as they institutionalize good management practices and procedures. This encompasses a wide variety of assistance that includes developing a strong legal framework, defining election-related procedures, training election workers, educating voters and establishing dispute resolution mechanisms.

This focus does not pretend to believe that technology alone can solve Kenya's political problems. Even the best technology in the world cannot transform what Johann Kriegler referred to as a "culture of electoral lawlessness" in his

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1 United Nations, Office of the High Commissioner for Human Rights. (2008). *Report from OHCHR fact-finding mission to Kenya February 6-28, 2008*. Geneva, Switzerland. Retrieved from: <http://www.ohchr.org/Documents/Press/OHCHRKenya-report.pdf>

2 Kiai, M. (2008). *Kenya: A post-election assessment* [Video]. Washington D.C.: Woodrow Wilson Center. Retrieved from: <http://www.wilsoncenter.org/event/kenya-post-election-assessment>

3 Electoral Institute for the Sustainability of Democracy in Africa. (2009). *Preventing and managing violent election-related conflicts in Africa: Exploring good practices*. South Africa. Retrieved from: <http://www.content.eisa.org.za/pdf/symp09cp.pdf>

4 Yamano, T., Tanaka, Y. and Gitau, R. (2010 September). *Haki yetu (It's our right): Determinants of post-election violence in Kenya*. National Graduate Institute for Policy Studies. Retrieved from: <http://www3.grips.ac.jp/~pinc/data/10-20.pdf>

post-election report on Kenya's 2007 poll, which is commonly referred to as *The Kriegler Report*:

Though the Electoral Commission of Kenya (ECK) is primarily responsible for the flaws in the 2007 general elections, Kenyan society has long condoned, if not actively connived at, perversion of the electoral process ... This culture of electoral lawlessness has developed over many years and cannot be reversed without ... a concerted, non-partisan commitment to electoral integrity on the part of political leaders, which commitment will need to be sustained and monitored over time.<sup>5</sup>

A 2009 study by the United Nations Development Programme (UNDP) identified a large number of indicative causes of electoral violence categorized into eight broad groups: 1) electoral context; 2) process; 3) relationships; 4) political factors; 5) media; 6) corruption; 7) security; and 8) administrative inadequacies. IFES' work in Kenya falls focuses on that last category, administrative inadequacies. The UNDP details administrative inadequacies as:

- EMBs without adequate capacity or lacking in impartiality and transparency
- Unresolved issues from previous elections, such as the failure to record and learn from past mistakes
- Logistical flaws and inaccurate databases and voter lists
- Failure to secure and tighten operational procedures, such as tallying and announcement of the results
- Poor communication between election commissions and parties and between those entities and voters

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<sup>5</sup> Kriegler, J., et al. (2007, December 27). Report of the Independent Review Commission on the general elections held in Kenya on 27 December 2007. *The Kriegler Report*. Retrieved from: [http://www.dialoguekenya.org/Commission reports/December-27-2007 - Executive Summary of the Report of the Independent Review Commission on the General Elections held in Kenya.pdf](http://www.dialoguekenya.org/Commission%20reports/December-27-2007%20-%20Executive%20Summary%20of%20the%20Report%20of%20the%20Independent%20Review%20Commission%20on%20the%20General%20Elections%20held%20in%20Kenya.pdf)

- Lengthy and inadequately explained delays in the announcement of election results
- Absence of transparency in election result tabulation
- Lack of transparency in procurement of election-related resources, including supplies and personnel
- Absence of an effective and impartial judiciary or other system to resolve and provide remedies for complaints<sup>6</sup>

Clearly, many deep issues must be addressed, and a focus on election technology can only address part of the problems of administrative inadequacies.

In identifying appropriate technologies, we began with the problems that were already known. Recurring themes within administrative inadequacies included: lack of transparency, lack of impartiality, inaccuracies, poor communications and delays in announcing results. Technology can provide effective tools to address most of these issues, with lack of impartiality as the sole exception. But even then, technology can help build accountability, which may counterbalance concerns about bias.

IFES identified five administrative processes within Kenya's electoral preparations that can be improved with proper application of technology:

- Voter registration
- Election Day voter identification and validation
- Transmission and dissemination of election results
- Election dispute resolution
- Campaign finance tracking

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6 United Nations Development Programme. (2009). *Elections and conflict prevention: A guide to analysis, planning and programming*. New York, NY. Retrieved from: [http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/electoral\\_systemsandprocesses/elections-and-conflict-prevention-guide/](http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/electoral_systemsandprocesses/elections-and-conflict-prevention-guide/)



To achieve significant improvements, technologies must be implemented in such a way as to improve efficiency and enhance transparency, accountability and accuracy. Again, technological solutions cannot solve political problems, but when implemented properly, they can address the administrative inadequacies identified.

### **Technologies to Improve Administration of Elections**

#### *Voter Registration*

*The Kriegler Report* identified voter registration as one specific area of concern, citing a number of problems with the register. These included:

- Missing voters
- Underrepresentation of women
- Underrepresentation of youth
- Failure to delete deceased persons from the list

Problems with the voter register can erode trust in the competence of the EMB and raise doubts about whether conditions exist for credible elections. However, contrary to frequent criticism of EMBs around the world concerning the accuracy of the voter register, most EMBs face significant limitations in producing an accurate voter register and are frequently criticized for issues beyond their control. These limitations include legal requirements for making changes to any voter's data, lack of resources, voter apathy and inadequate sharing of responsibility with other stakeholders.

Because EMBs are so often criticized about the quality of the voter register, they are frequently defensive about registration data. This defensiveness may be reflected in claims about accuracy, such as statements by election officials that the register is "99 percent accurate," or in a reluctance to make the register accessible out of fear of increased criticism.

EMBs should be cautious about making any claims on accuracy without an established, precise metric for measurement. For example, does 99 percent

accurate mean 1 percent of voters has misspelled names or contains inaccurate data? Does it mean 99 percent of eligible voters are included? Or, does it mean that 99 percent of voters are assigned to correct constituencies? Without a well-defined metric for measuring accuracy, it is impossible to understand what a percentage indicates.

Perhaps even more importantly, such defensiveness can reflect an underlying assumption, common among EMBs, that the EMB is primarily responsible for accuracy. This assumption should be challenged wherever and whenever possible. Indeed, while EMBs are typically legally responsible for accuracy, there are frequently contextual restraints. In most environments, electoral authorities depend heavily on other stakeholders – such as political parties, media and civil society – to safeguard the registration process, motivate voters to register and scrutinize the voter list for inaccuracies. Without responsible participation by these other stakeholders, and by voters themselves, the EMB has limited control over accuracy.

Rather than being defensive about the accuracy of the registry, the EMB would do better to focus on creating a credible process for registration. In his report *Managing Conflict: The Role of Electoral Dispute Resolution Mechanisms in Africa*, Altan Butt warns that:

Electoral authorities need ... to ensure that voter registration is an accessible, accurate and transparent process if pre-poll disputes based on controversies over voter registration and the possibility of rigging are to be avoided. As such, voter rolls should be updated regularly and should be available for public inspection.<sup>7</sup>

This is a great starting point for any attempt to introduce new technologies to voter registration.

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<sup>7</sup> Butt, A. (2011 November). *Managing conflict: The role of electoral dispute resolution mechanisms in Africa. Electoral Reform in Africa: Challenges and Opportunities, the Kenyan Section of the International Commission of Jurists.*

The process for registering voters in Kenya was refined through a 2010 pilot project funded by the UNDP that relied on digital registration kits consisting of a laptop computer, digital camera and fingerprint scanner at every registration center. Voters were enrolled and data was captured during an interview. This process gave the voter an opportunity to review all data as it was entered. The photo and fingerprint capture were subject to quality controls built into the system.

In 2012, IFES conducted an analysis of voter registration data. We compared the data from the older registration process that used optical mark recognition (OMR)<sup>8</sup> forms with data from the new registration process that used electronic voter registration (EVR) kits. The final report on the comparison revealed that “the EVR data is more accurate than the OMR data as attested to by the unique names and form number length test, the acceptable values and demographics tests.”<sup>9</sup>

The IEBC further refined procedures for voter registration and renamed the EVR process to biometric voter registration (BVR) to emphasize the reliance on fingerprint capture and the use of automated fingerprint identification systems (AFIS) to detect duplicate registrations. IEBC applied this improved methodology throughout Kenya in its 2012 Biometric Voter Registration, registering 14.4 million voters. Subsequent audits conducted by IFES showed significant improvement in the quality of registration data.

This new technology addresses the need for accessibility and accuracy; however, it does little to address other administrative deficiencies the UNDP identified as indicative causes of electoral violence, such as a need to increase transparency and accountability.

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8 Optical mark recognition systems require the user to shade in bubbles corresponding to letters and numbers. They were originally designed for multiple-choice tests, and most students throughout the world are familiar with the process, as well as with the common instruction to “use a #2 (or HB) pencil.”

9 Chege, B. (2012 April). *Voter Register Database Audit*. Washington D.C.: International Foundation for Electoral Systems (IFES).

The IEBC must address a number of weaknesses in the voter registration process to improve accessibility to other stakeholders. Among other things, a credible process should ensure that:

- Registration is open and accessible to all eligible voters;<sup>10</sup>
- The register is transparent and accessible to stakeholders and the public for regular scrutiny; and
- Simple procedures are in place to report and correct errors when they are detected.

If the EMB has provided accessibility and transparency in the registration process, then other political stakeholders bear at least as much responsibility for accuracy as the EMB.

IFES implemented a program in Uganda in 2010 that made the voter register available online in PDF format, allowing all voters to send queries via SMS to determine whether they were registered and where they could go to vote. Following the 2013 voter registration in Kenya, voters could verify the accuracy of the voter register in one of three different ways. They could:

1. Visit the registration center where they registered to verify their name and information
2. Send an SMS query with their identity card or passport number to a specific short code
3. Check their information on the IEBC website to verify their registration status using their identification documents

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<sup>10</sup> We note there is a significant obstacle to accessibility beyond the reach of any technology the IEBC might implement. Several million Kenyans still do not have an ID card from the National Registration Bureau, a legal requirement for both registration and voting. Addressing this obstacle is beyond the scope of this study, but it is hoped the government of Kenya will develop an effective solution to this problem.

These options provide very good transparency to individual voters, but they are less useful to other stakeholders. The IEBC made the entire register available to the Elections Observation Group (ELOG), a consortium of civil society organizations and other stakeholders, to allow an audit of the register. This was a significant step to increase stakeholder confidence, but IFES continued to advise that the IEBC make the entire register available in PDF format, similar to the Uganda model, to increase cooperation among all partners in improving the accuracy of the register.

### *Election Day Voter Identification and Validation*

One of the most undemocratic trends that developed over multiple election cycles in Kenya was the concept of *zoning*. The Centre for Conflict Research reports on an entrenched “reluctance to accept legitimate political competition or pluralism. This led to political parties, notably the Kenya African National Union, to start zoning some areas and claim sole and exclusive right to operate and campaign there.”<sup>11</sup> This type of political exclusion grew to the point where, according to Kriegler:

Agents of rival political parties were expelled from polling stations, in some cases at the time of counting ... Results from polling stations in areas dominated by one political party were not always reliable ... [as] polling personnel and party agents from the dominant party in the area would obviously agree on the desirability of a good result for that party.<sup>12</sup>

This resulted in many cases where voters in a block of polling stations unanimously supported a single candidate or party. In its most blatant manifestations, up to 120 percent of eligible voters in a polling station were reported to have voted for the same candidate.

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<sup>11</sup> Stiftung, F. E. (2001). *Political and electoral violence in East Africa*. Oxford, U.K.: Centre for Conflict Research (CCR).

<sup>12</sup> Kriegler, J., et al. (2007, December 27). *The Kriegler Report*.

Although technology cannot overcome a reluctance to accept competition and pluralism, technology can help to mitigate potential damages. Electronic poll books (EPB) have been around since at least 2006, when they were first implemented in the United States (Maryland and Colorado); the understanding of what an EPB is has been evolving ever since. Although originally envisioned as a replacement for paper voter lists, their functionality has grown.

### **Electronic Poll Books**

An EPB can be configured many different ways. A brief description of one typical setup will illustrate the basic functions of this technology.

#### *Before the Election*

The voter list is loaded onto the device before the election. This may include only voters for a specific polling station, or a larger number of voters. The advantage of having all voters from a ward, or even an entire precinct, is that the device can be used to direct lost voters to the correct polling station where they can cast their ballots. The EPB sometimes includes software to manage data about polling stations and presiding officers.

#### *Election Day*

On Election Day, the official in charge of verifying the identities of voters at the polling station searches the EPB for each voter by name, voter ID or by using advanced search functions. Optionally, the voter may touch a fingerprint scanner, and the system will do an automatic search. The system will then display the status of the voter, which may include any of the following information:

- The voter is registered to vote at this polling station and is allowed to vote.
- The voter is registered at this polling station but has already voted; this requires a configuration that allows recording when a voter was given a ballot.

- The voter is registered at another polling station, with full details of the location of that polling station, and is allowed to vote at the specified polling station.
- The voter is registered at another polling station but has already voted; this requires a configuration that allows recording when a voter was given a ballot and a modem to maintain a connection to a central database.
- The voter is not registered to vote. Depending on the configuration, this may indicate the voter is not registered at this polling station, within this ward, within this constituency or at all.
- The voter's fingerprint does not match the fingerprint of the person the voter claims to be. Depending on the configuration, the voter may be required to provide a signature on an electronic keypad.

#### *During or After the Election*

The system can provide reports throughout the day if it is configured with live data networking, or after the election, showing:

- The number of voters who have voted, broken down by hourly progress;
- The number of voters who have been redirected;
- The number of voters who have been rejected as not on the list;
- The number of voters whose fingerprint did not match the fingerprint of the person the voter claimed to be; and
- Demographic breakdown of voters by age and gender.

EPB implementation for Kenya can reduce the damage done by zoning on Election Day through enforcing a “one person, one vote” rule. When integrated into the vote reporting and tabulation system, the polling station cannot report



more votes than the actual number of legitimate registered voters who physically came to the polling station and had their fingerprint validated by the machine, as the machine will report this number to county and national tally centers. The number of voters can then be used to confirm that the number of votes plus rejected ballots does not exceed the total number of voters reported by the EPB.

This technology provides greater efficiency by speeding up the validation of voters against the voter register while increasing the transparency and accountability of the voting process.

### **Transmission and Dissemination of Election Results**

The most visible breakdown in Kenya's 2007 election was the failure of the vote counting and reporting system. This issue was called out by almost every report on the elections, including the *Report from the UN Office of the High Commissioner for Human Rights' Fact-finding Mission to Kenya* and *The Kriegler Report*:

At first, national and international election observers concurred that the polls went relatively smoothly ... However, suspicion of electoral fraud grew by the hour as presidential vote tallying appeared to be increasingly delayed.

The overall conclusion is, therefore, that conduct of the results transfer from polling stations to constituencies, the tallying in constituencies, the transfer of constituency-level presidential election results and the tallying at national level is — generally speaking — of incredibly low quality: it is actually not acceptable.

Complaints against the counting, tabulation and reporting system coalesced around two major issues: reporting was unacceptably delayed, and, when the numbers were finally reported, they were highly inaccurate. This did not have to be the case.

In March 2007, IFES offered to design a computer program to tally results at the national and constituency levels and proposed methods for improving the transmission of results from polling station to constituency. However, as pointed out in *Counting the Vote: Kenya 2007 — Overview* in April 2007:

There is still no plan for timely transmission of results from polling station to constituency, with some ECK [the new defunct Election Commission of Kenya] staff still favoring physical transfer of result forms as the only viable method. It is strongly recommended that ECK make plans for use of more efficient transmission methods for provisional results, including mobile phones (voice) and SMS messaging. Without such a plan it is easy to envision a repeat of a 2002 scenario in which the political parties, the media and even the public know the results of the elections before the ECK announces them. In 2002, this led to widespread threats of violence and even some cases of violence with growing mistrust of ECK.<sup>13</sup>

This deficiency was one of the first the Interim Independent Electoral Commission (IIEC) set out to remedy. With IFES assistance, in 2010, the IIEC designed the Election Results Transmission and Display System (ERTDS). This system allowed transmission of provisional results to the tabulation and reporting center immediately after counting was completed in the polling station. The system relied on a hybrid approach that maximized the advantage of available equipment. In the 18 constituencies where electronic voter registration was piloted, every polling station received one laptop computer. In the remaining constituencies, the system relied on unstructured supplementary service data (USSD) technology to put a simple menu on inexpensive mobile phones that prompted the presiding officer for the count for each candidate, plus the number of rejected ballots and the total number of votes cast. Once entered, the device transmitted the data. The ERTDS included a number of built-in validations to detect errors before the results were actually accepted into the system. Red flags marked obvious, exceptional reporting, such as check-

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13 Yard, M. (2007 April). *Counting the Vote: Kenya 2007 — Overview*. Washington D.C.: International Foundation for Electoral Systems (IFES).

ing to ensure the number of votes did not exceed the number of voters, and the total number of votes reported was mathematically consistent with the number reported for each candidate. Once the results data passed these preliminary validation rules, it was displayed publicly, meaning all stakeholders had access to polling station results data at the same time as IEBC staff and commissioners.

The ERTDS addressed the needs for efficiency, accuracy, accountability and transparency. Political candidates and their agents could compare hand-written forms from the polling station with the results displayed in the tally center. Although these were only provisional results, it was critical they were made available immediately. It was generally accepted that some transcription or addition errors could occur, but the errors would be explained and corrected publicly. When the results were finally tallied, the IEBC should publish all results by polling station, and then show aggregated totals.

IFES continued to assist the IEBC in expanding the ERTDS system to support multiple simultaneous elections in 2013. The 2013 contest elected officials at six different levels: president, governor, senator, member of Parliament, women's representative and county assembly ward representative. This required the IEBC to manage the election of 1,882 officials in a single day, with more than 12,000 candidates running for these positions. With this added complexity, the IEBC needed a system capable of ensuring the consistency and integrity of a variety of data, including candidate nominations and vetting, ballot production, results reporting forms and final declaration of results. In addition to the transmission and display of provisional results, IFES created another system, the Results Reconciliation System, to allow returning officers at every constituency to enter official results as the signed declaration forms came in from polling stations and to reconcile these against the provisional results. The integrated system was relabeled as Election Management System (EMS) and consisted of the following three components:

1. Nominations System: received nominations, tracked vetting of candidates and created ballot masters ready for printing

2. Election Results Transmission and Display System (ERTDS): managed the transmission of provisional results from polling stations to consolidation centers at the constituency and the national tally center
3. Results Reconciliation System (RRS): aided returning officer in entering official results and reconciling these results with any discrepancies in the provisional results

The first two components were implemented for the March 4, 2013 elections. There were significant problems with the second component, deployment of the ERTDS, as servers were not available until March 3, allowing only a single day for testing. In addition, phones were distributed late to the presiding officers, and some were missing SIM cards. The IEBC did not have time to implement the third component. Despite the deployment problems, the system successfully received results from 49 percent of polling stations.

### **Election Dispute Resolution**

Kriegler noted that the responses given by ECK Chairman Kivuitu and Minister Martha Karua directed challengers to the courts. But according to *The Kriegler Report*:

During the 2007 general election period in Kenya, a material contributor to the tension at the Kenyatta International Conference Centre (KICC), broadcast live to the country, was the absence of an effective electoral dispute resolution (EDR) mechanism to resolve the mounting challenges to the integrity of the results from Kibaki strongholds.

Without a satisfactory mechanism to deal with election disputes, tensions flared. Sections 10 and 44 of the Kenyan Constitution, read with sections 19-23 and 28-30 of the National Assembly and Presidential Elections Act dealing with challenges to presidential and parliamentary results, stipulate that challenges can be made only after results have been announced.

The new legal framework for elections addresses EDR by vesting responsibility and authority with the IEBC to resolve election-related disputes, including

“disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to the declaration of election results.”<sup>14</sup> Disputes within the mandate of the commission must be resolved within seven days of the lodging of the dispute. If the dispute relates to a prospective nomination or election, the dispute should be resolved before the date of the nomination or election, whichever is applicable.

The timeframe is critical to provide an effective remedy for complainants. In many, if not most, electoral disputes, a ruling that takes place after the election does not improve an electoral environment that has no process for addressing disputes. However, the new authority of the IEBC comes with substantial demand. IFES assisted the IEBC in 2012-2103 in developing a case management system to allow it to handle disputes efficiently. The system can generate letters related to the case to all parties, notify persons of scheduled hearings and final rulings, create custom reports and include a calendar function to facilitate the prioritizing of cases.

The system should also publish details of election dispute cases online. Lisa Kammerud described the dispute resolution process that IFES implemented in East Timor in 2007 in *An Integrated Approach to Elections and Conflict*, noting, “publicly releasing lists of resolved cases as complaints were heard proved highly beneficial. This unprecedented effort dramatically increased the effectiveness, credibility, accessibility and transparency of the system.”<sup>15</sup> Unfortunately, there was not enough time to develop this online publishing capability before the 2013 election, and this remains one of IFES’ recommendations for future support to IEBC.

### Campaign Finance Tracking

Elections in Kenya, as elsewhere, are big business activities with winners and losers, financially and politically. A financial monitoring report authored by the

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14 Ongoya, Z. E. and Otieno, W. E. (2012 April). *A handbook on Kenya’s electoral laws and system*. South Africa: Electoral Institute for Sustainable Democracy in Africa.

15 Kammerud, L. (2012 April). *An Integrated Approach to Elections and Conflict*. Washington D.C.: International Foundation for Electoral Systems (IFES). Retrieved from: [http://www.ifes.org/~media/Files/Publications/White PaperReport/2012/Integrated\\_Approach\\_to\\_Elections\\_and\\_Conflict.pdf](http://www.ifes.org/~media/Files/Publications/White PaperReport/2012/Integrated_Approach_to_Elections_and_Conflict.pdf)

Coalition for Accountable Political Financing attempted to put a price tag on the campaign for the 2007 general election and estimated that, “In total, parties and candidates mobilized nearly 4.8 billion KES (\$56.6 million USD) and spent over 5.6 billion KES (\$66 million USD).”<sup>16</sup> In this same report, data indicated that over 50 million KES (\$589,000 USD) came through party nomination fees and levies, and approximately 1 billion KES (\$11.8 million USD) came from foreigners — most likely the Kenyan diaspora. Another 1 billion KES (\$11.8 million USD) came from individual Kenyans in donations and contributions, and over 500 million KES (\$5.9 million USD) came in from other sources.

With stakes this high, the consequences of political defeat could well include financial ruin. It is difficult for parties and candidates to take a long-term view and mobilize support for the next electoral contest when they have exhausted all funds on one electoral cycle. The report also analyzes the cost/benefit ratio of the election for contestants.

Most politicians in the last general election spent an average of 7-8 million KES (\$82,500-94,300 USD) ... The cumulative benefits out of remuneration and allowances is 80 million KES (\$942,800 USD), besides other retirement benefits awarded upon completing the first parliamentary term.<sup>17</sup>

These figures are on top of other perks for those appointed as ministers and assistant ministers. For those who invest in a campaign and find their way to Parliament, this deal makes sound business sense. For those who do not, the money lost in a failed campaign could result in bankruptcy.

Beyond the obvious problem of politicians resorting to corrupt practices to secure adequate funding, the heavy risk of a loss may contribute to a willingness to resort to violence, rather than face the dire financial costs of losing. The new legal framework for Kenya’s elections includes provisions to regulate and track campaign finances. This is done through the Kenyan Constitution,

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<sup>16</sup> Nairobi: Coalition for Accountable Political Financing (CAPF). (2008). *The money factor in poll race: a monitoring report of the 2007 general election*. Nairobi, Kenya.

<sup>17</sup> Ibid.

the Political Parties Act and the Campaign Finance Bill that was finally passed in December 2013. This new set of legal mandates creates a requirement for the IEBC to implement a system that will capture incoming financial reports and scan them for violations. Specifications for such a system cannot be developed until the IEBC regulations are written and approved. However, the system should include the following:

- Online and offline data entry capability to be used by political parties
- Income capture, including date, source, amount and category
- Expense capture, including date, recipient, amount and category
- Report capability, to consolidate income by source and category, with multiple sort options
- Report capability, to consolidate expenses by source and category, with multiple sort options
- Immediate publication of all data and reporting capabilities to the IEBC website

Ideally, the capabilities of this system would be extended to allow media and others to conduct investigative analysis and report who is supporting which politicians, and later to compare campaign contributions with public expenditures to detect any undue influence; however, the law as currently enacted does not allow public disclosure of the financial information provided to IEBC.

### Conclusion

Electoral violence in Kenya has been studied for decades, and many programs have attempted to both understand and address the underlying causes of tension that trigger election-related violence. Although the causes are many and varied, the primary trigger of the violence that followed the 2007 Kenyan elections was the failure of the ECK to provide a transparent, accountable report of vote counting.



In 2013, everything about the electoral process was overhauled:

- A new constitution
- Five new pieces of major legislation providing a framework for elections
- A newly appointed EMB
- New guidelines for the conduct of political parties
- Three new technologies for biometric registration of voters, use of the biometric data to validate voters at the polling stations and electronic transmission of election results

The elections were conducted in an environment of great risk because of the huge amount of work required to create an entirely new electoral process, the introduction of new technologies and intense political pressure. The IEBC overcame incredible challenges in the schedule and political demands to implement new technologies and to successfully conduct the 2013 elections. Despite some glitches on Election Day, the technologies were largely successful and have been proven so in 11 subsequent by-elections as of October 2013.

IFES continues to work with the IEBC to improve its capacity to administer elections. One focus of this partnership is the implementation of appropriate technologies. The guiding criteria for determining the appropriateness of these technologies is the extent to which they can address deficiencies in the transparency, accountability, accessibility, accuracy and efficiency that plagued Kenya in 2007 and again, to a lesser extent, in 2013.

### **About the Author**

*Michael Yard is a recognized international election administration and technology expert. Yard is currently the IFES Chief of Party in Kenya and has consulted on election projects in more than 40 countries on five continents, providing assistance on election technology and systems for voter and candidate registra-*

*tion, political finance tracking and reporting, procurement, logistics, fleet management and vote tabulation and results dissemination. He has been involved in Kenya's elections since 2002.*

010	YOPOUGON	50	16
011	ANYAMA	43	14
012	BINGERVILLE	31	10
013	SONGON	31	10

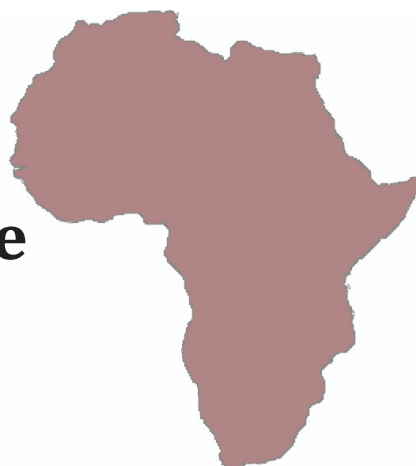




Liberia

# Money and Electoral Violence

*By Magnus Ohman*



## Introduction

This chapter explores an issue that has received little attention in discussions about electoral processes and conflict on the African continent – the connection between money and electoral violence. While it is acknowledged that both money and violence are closely connected to elections in many African countries, the two are seldom associated consistently. Discussions about electoral violence often fail to take into account the role played by money, focusing instead on issues such as ethnicity. Debates about African political finance often highlight the devastating impact of corruption, but less frequently acknowledge the detrimental role money can have on peaceful elections. This chapter is intended to reflect on money and electoral violence in Africa, with the hope that it may serve as a starting point for further conversation. Recommendations are also offered for ways to weaken, and perhaps break, the link between money and electoral violence.

When considering the connection between money and electoral violence in Africa, two points become clear. The first is that electoral contests and electoral violence are multifaceted concepts that must be understood from a holistic perspective. The second point is that electoral violence is often not spontaneous. It is, in many cases, orchestrated by political actors who use resources (private or public) to buy violence that serves their ambitions.<sup>1</sup>

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<sup>1</sup> See, for example, the developments in Kenya in 2007 and in Zimbabwe in 2008, discussed later in this chapter.

A central argument in this chapter is that money can function both as a cause of and a tool for electoral violence. In the first case, money is the cause of electoral violence, either relating to the state of the electorate in general or in affecting the incentive structures of political actors. In the second case, political actors may use money as a tool to trigger electoral violence they believe can serve their goals.

This chapter consists of three parts:

1. Scenarios through which money can be related to electoral violence. Different connections between money and electoral violence can occur in different situations and can be countered in different ways.
2. Limits of formal political finance oversight systems (spending limits, disclosure rules, etc.) in breaking the link between money and electoral violence.
3. Recommendations for reforms that prevent and mitigate conflict.

### Scenarios Connecting Money and Electoral Violence

Several scenarios connect money and electoral violence in African countries, such as violence used to access the resources of the State or as a response to abuse of State resources. These scenarios are discussed later in this chapter. Observers of individual electoral processes should consider whether or not any of these scenarios are likely to occur in a particular electoral process, and, if so, how these risks can be addressed to preempt electoral violence.

#### *Poverty as a Cause of Electoral Violence*

While poverty in Africa has declined somewhat since the 1990s, the percentage of the population living in poverty is still very high, from 21 percent in Cape Verde to 84 percent in Liberia.<sup>2</sup> If poverty itself was a sufficient criterion for

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2 United Nations Development Programme. (2011). *Human development report 2011, sustainability and equity: A better future for all*, (144). New York, NY. Retrieved from: <http://hdr.undp.org/en/reports/global/hdr2011/download/> (The poverty line is defined as having an income of less than \$1.25 USD per day, using purchasing power parity).

violence, the African continent would be awash with conflict. However, even though poverty and violence are often closely connected, poverty can also prevent violence in the short run if it leads to apathy or if people are simply too hungry and focused on finding their next meal to take part in protests.<sup>3</sup> Reduced levels of poverty are clearly a welcome development in human wellbeing, but observers should be aware that the impact on the prospects for electoral violence is uncertain. Increased development can bring higher expectations and dissatisfaction with the speed of progress.<sup>4</sup>

In certain circumstances, poverty *can* lead to electoral violence. An unusually high level of economic inequality has been cited as a potential cause of electoral violence.<sup>5</sup> This is especially likely if a certain group feels it has been disadvantaged by development efforts of the State, and that a particular election can be pivotal in improving, or worsening, this situation. The risk for such violence is increased if national development is unevenly spread, either through political design or for reasons such as the availability of national resources, like the oil reserves in southern Nigeria.<sup>6</sup> The risk can also increase if an actor emerges on the electoral scene who is considered as the only hope of a particular group, thereby raising the political stakes and lowering the group's willingness to accept electoral defeat.

*Insufficient Funds for Election Administration Undermine Credibility and Confidence in Electoral Process*

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3 United States Agency for International Development. (2010). *Electoral security framework, technical guidance handbook for democracy and governance officers*, 9. Washington, D.C.

4 There has been much research about the relationship between democratic development and levels of conflict; it is possible that violent conflicts are more prevalent in countries with a low to medium level of democratic freedom. In strict dictatorships, the State often maintains control, while, in established democracies, violent conflict is not seen as acceptable by the people.

5 United States Agency for International Development. (2010). *Electoral security framework, technical guidance handbook for democracy and governance officers*, 10. Washington, D.C.

6 In this sense, electoral violence caused by economic inequality can seem, at first glance, like ethnic conflict.



In this scenario, there are insufficient funds to organize credible electoral processes, and the subsequent lack of confidence in the results leads to violence.<sup>7</sup> An extreme example of this scenario took place in recent years in Guinea and Guinea-Bissau; there were insufficient funds for holding elections, causing significant delays.<sup>8</sup> Even when elections are held, an absence of anti-fraud or other confidence-building measures can reduce credibility in the process and the willingness to accept electoral defeat, thereby increasing the risk for electoral violence, especially after an election. In such situations, an increase in funding for election administration may reduce the risk for electoral violence.

However, there is also a risk that high levels of spending on election administration may have a counterproductive impact in the long run. Many African countries now have electoral systems that cost much more than those in established democracies, including biometric voter registration, satellite phones at polling stations and fraud-protected election materials.<sup>9</sup> Costly solutions can increase confidence in the system and reduce the risk for electoral violence in the short run, but such measures typically do little to counteract the main ways that the quality of African elections are undermined, such as vote buying and abuse of State resources.<sup>10</sup> In addition, these solutions are seldom sustainable, as they lead to expectations of similar (and improved) systems being used in future elections, even though the national budget simply cannot

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7 I want to thank Erik Asplund who raised this issue in the ACE Practitioner's Network for drawing my attention to this point. Retrieved from: <http://aceproject.org/electoral-advice/archive/questions/replies/387166641> (Online forum comment).

8 Admittedly, threats and decisions to postpone elections for financial reasons may be hiding a political agenda.

9 Electoral Institute for Sustainable Democracy in Africa. (2012, April 21). *Cost of elections. South Africa*. Retrieved from: <http://www.eisa.org.za/WEP/comcosts.htm>

10 For a discussion about spending on electoral administration and technology in African elections, see Ohman, M (2010). Sierra Leone: When less is more - Solutions in candidate and party registration, in Yard, M (Ed.). *Direct democracy: Progress and pitfalls of election technology*. Washington, D.C: International Foundation for Electoral Systems (IFES).

afford them.<sup>11</sup> Unrealistic expectations can increase the risk for electoral violence later on. Observers of elections should note there will almost always be demand for additional spending on the electoral process; failing to meet such demand does not necessarily mean an increased risk for electoral violence.

Whether a low- or high-cost solution is chosen for election administration, the elections management body (EMB) must have the necessary financial independence to organize credible elections, free from accusations of political bias or influence. If the EMB is not seen as autonomous, confidence in the electoral process will decline, and the risk for electoral violence will increase.<sup>12</sup>

### *Political Parties and Candidates Spend So Much Money they Cannot Afford to Lose Elections*

An election campaign costs money for political parties and candidates, and there is no legal way to recoup these funds after the election. While election campaigns in most African countries are less focused on expensive mass media advertising than their counterparts on other continents, the nature of campaigning in many African nations requires significant displays of generosity.<sup>13</sup> In an interview, Samuel Kivuitu, a former head of the Kenyan EMB, argued that "... the voters have come to expect tips and largesse from politicians ...

11 Independent Commission for Aid Impact. (2012). *Evaluation of DFID's electoral support through UNDP*, 13. London, U.K. The UN Secretary General has noted that "... Some of the poorest countries in the world have chosen some of the most expensive electoral processes and technology... I am concerned about techniques and systems that might cause a State, in the conduct of its own elections, to be financially dependent on donors, or technologically dependent on specific vendors for extended periods ..."

12 Campbell, J (2010). *Electoral violence in Nigeria. Contingency planning memorandum*, 9. New York, NY: Council on Foreign Relations. John Campbell writes about Nigeria: "Without fiscal independence from the executive, an incumbent president has latitude to manipulate INEC [the EMB] in his favor, and Nigerians will not trust the results the commission announces. Election outcomes lacking credibility could, in turn, create substantial space for violent opposition by the losing candidate(s)."

13 Van de Walle, N (2003). *Presidentialism and clientelism in Africa's emerging party systems. Journal of Modern African Studies*, Vol. 41, No 2 and Lindberg, S. (2010). *What accountability pressures do MPs in Africa face and how do they respond? Evidence from Ghana. Journal of Modern African Studies*, Vol. 48, No 1. *The focus on mass media campaigning is less in Africa largely since fewer Africans own TV sets.*

elections have become privatized so that voters are free to sell their rights.” Kivuitu called vote buying “peaceful violence.”<sup>14</sup> While the issue is debated, many observers contend that African politicians, more so than their colleagues in some other parts of the world, need to provide benefits to voters as part of their campaigning.

This need not be a major problem if enough money can be raised from public funding or private donations. However, the amount of public funding provided in African countries is normally very small, and private donations are often limited and come with conditions attached.<sup>15</sup> Therefore, political parties expect party leaders and candidates to provide their own or borrowed funds. Those who run in elections and lose will often have spent huge amounts of money.<sup>16</sup> These financial risks increase the stakes; avoiding electoral loss may be sufficient reason for parties and their candidates to trigger electoral violence. The practice of political parties being financed through deducting part of their elected officials’ salaries also “increases the general importance of winning office: if the party loses an electoral race, it also loses a very important source of income. The party thus ‘loses twice.’”<sup>17</sup>

Admittedly, these demands do not disappear if a political party or candidate wins an election. Holding an elected position can provide access to public

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14 Cowen, M and Kanyinga, K (2002). The 1997 elections in Kenya, the politics of communality and locality, 167. *Multi-Party Elections in Africa*. Oxford, U.K.: James Currey Ltd.

15 Ohman, M and Falguera E (Expected 2014). Political finance in Africa. *Funding of political parties and election campaigns*. Stockholm: International IDEA.

16 Reuters Africa. (2011, March 31). An extreme example is Nigeria. While exact figures on election spending are unavailable, it can be noted that the election campaign was claimed to explain the 58 percent increase in car imports in the month before the 2011 elections, and the Central Bank of Nigeria expressed fears of significant inflationary pressures as a result of the campaign. *Election campaign spending boosts Nigeria car imports*. Retrieved from: <http://af.reuters.com/article/topNews/idAFJJOE72U0YT20110331> and Nigerian News Service. (2010, November 24). *Election spending: CBN retains 6.26% interest rate*. Retrieved from: <http://www.nigeriannewsservice.com/nns-news-archive/headlines/election-spending-cbn-retains-626-interest-rate>

17 Helle, S (2011). *Breaking the ‘vicious cycle’: Financial challenges for the opposition parties in Uganda and the role of the international community*, 6. Bergen: Chr. Michelsen Institute. According to interviews carried out by Helle, several Ugandan opposition parties receive “a significant share” of their funding from the salaries of elected officials (typically giving 10-20% of their income).

resources, but constituents will continue to demand benefits in return for their sustained support. In interviews conducted with Ghanaian members of parliament between 2000 and 2003, many of them “talked at length about the demands on them from constituents to provide funds for things such as rent, medical costs and university admission fees.”<sup>18</sup> Those who could not provide such funds were unlikely to even be nominated by their own party as a candidate in the next election.

However, winning an election can lead to substantial access to public funds, which can be used both to recoup expenses in the preceding campaign and to build a war chest for the next election. The extent of such access varies among countries and types of office.

This kind of electoral violence scenario will be more likely in certain types of elections; for example, observers should expect it in elections for resource-rich positions such as presidential races – or gubernatorial, in Nigeria – and less so in elections to Parliament and local government governing bodies.<sup>19</sup> The more resources in the country focused around the State, the greater the price of elections, and the higher the risk that contestants may be willing to take to win. The newfound oil reserves in Ghana are a case in point. In an article titled *Will Oil Build or Break the Back of Ghana’s Democracy?* Harvey argued:

It may be very tempting for an incumbent government to spend oil revenues on whatever it perceives will ensure its continuation in power ... the possibility of unrest remains. Expectations are running high that oil will

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<sup>18</sup> Ohman, M and Falguera, E (Expected 2014). Political finance in Africa. *Funding of political parties and election campaigns*, 151. Stockholm: International IDEA.

<sup>19</sup> *The Report of the Independent Review Commission on the General Elections held in Kenya*, 58 (2008). IREC. Note also that this type of violence can occur before the formal election period, in particular during the candidate nomination process in countries where being nominated by the right party almost guarantees election. For example, note that the political parties “agree that the primaries are the ‘real’ election because, if a candidate is nominated in a constituency by a popular and dominant party, the seat is as good as won.”

bring benefits long denied. Communities are starting to become agitated about the lack of transparency over oil contracts.<sup>20</sup>

### *Using Violence as a Strategy for Winning Elections or Achieving Other Political Goals*

In some situations, political actors may use money to trigger violence aimed at forcing people to either vote in their favor or, at least, not to vote for their opponents. In these cases, money becomes more of a *means* to create electoral violence than the cause. As one report bluntly stated, “Electoral conflict is employed to achieve political objectives. Capture of the electoral process is done through the elimination of political rivals, suppression of voter turnout, coercion of voters or intimidation of election officials.”<sup>21</sup> This type of violence can sometimes be subtle and continue throughout the electoral cycle, gradually changing people’s voting intentions.

Two cases of seemingly orchestrated and well-financed electoral violence occurred in Kenya during the 1997 and 2007 elections. According to reports on the 1997 elections, pro-government militants were given small amounts of money to undergo training by ex-military personnel. They were then engaged in ethnic cleansing in the Coast province with the apparent purpose “to displace potential opposition voters.”<sup>22</sup> Militants were reportedly offered 20,000 KSH (around \$250 USD) for each Luo killed and 10,000 KSH (around \$125 USD) for each Kikuyu.<sup>23</sup> In the violence that followed, more than 100 people were killed and an estimated 100,000 fled the area during the election period.

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20 It is estimated the income from the oil production may increase the national income of Ghana up to 25 percent. Harvey, R (2010). *Will oil build or break the back of Ghana’s democracy?* South African Institute of International Affairs. Policy Briefing 14, 3f.

21 United States Agency for International Development. (2010). *Electoral security framework, technical guidance handbook for democracy and governance officers*, 6. Washington, D.C.

22 Laakso, L (2007) Insights into electoral violence in Africa. Basedau, M, Erdmann, G and Mehler, A (eds). *Votes, money and violence, political parties and elections in Sub-Saharan Africa*, 233. Ann Arbor, MI: Nordiska Afrikainstitutet.

23 Ibid.

The violence that occurred following the 2007 elections was much worse, as it “resulted in the deaths of 1,500 people, the displacement of 660,000 others, widespread destruction of property and land, and a shattered national fabric.”<sup>24</sup> As in previous elections, the causes behind the violence were complex, but it has been argued that it was prompted by political actors and politically connected gangs, such as the Mungiki, prior to elections.<sup>25</sup>

Due to their vulnerable economic situation and frequent frustration with what they see as limited prospects for the future, youth are frequently targeted by political actors who use violence as a political tool. Several scholars have shown that:

Youths have been repeatedly used as instruments of violence: they have participated actively in destructive anti-social behaviors such as violent demonstrations, intra and inter political party fighting and other politically motivated violence, ritual killings, kidnapping and hostage taking, arson and cult related violence.<sup>26</sup>

Political parties in Tanzania have reportedly organized youth wings to engage in violent acts in relation to elections, and similar reports have been received from other countries.<sup>27</sup> In Kenya, the Commission of Inquiry into Post-Election Violence noted how reports from successive elections:

... implicated politicians as the organizers of the violence and killing for political gains, and noted that the warriors and gangs of youth who

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24 Mercy Corps (2011, June 8). *Understanding political violence among youth: Evidence from Kenya on the links between youth, economic independence, social integration, and stability* (Research Brief, 1).

25 Dercon, S and Gutiérrez-Romero. (2010). *Triggers and Characteristics of the 2007 Kenyan Electoral Violence*, 4. Working Paper. Retrieved from: <http://www.csae.ox.ac.uk/workingpapers/pdfs/2010-12text.pdf>

26 Inokoba, P K, Maliki, A E (2011). *Youths, electoral violence and democratic consolidation in Nigeria: The Bayelsa State Experience*. *Anthropologist*, 13(3), 223.

27 Stiftung, F E (2001). *Political and electoral violence in East Africa*. Working Papers on Conflict Management (2), 11.

took action were both paid and pressed into service. Aside from this, youth were sometimes promised land and jobs after evicting up-country dwellers.<sup>28</sup>

Reportedly, youth played a similar role in the 2011 violence in Côte d'Ivoire.<sup>29</sup>

Relationships between political actors and youth can have advantages and disadvantages. For example, observers should note the timing and funding of sports clubs and youth employment plans. Such initiatives are generally positive. They can even play a role in encouraging political engagement among young people. On the other hand, such initiatives can function as markets for politicians buying support, which can result in electoral violence.

Another likely scenario is one in which a political actor may initiate, or at least encourage, violence to achieve political goals other than winning elections. This can happen when actors realize they have little chance of winning an election, due to a lack of popular support or because other actors (normally the incumbent) have tampered with the electoral process. In such cases, violence can be used to undermine the credibility of the electoral process and political competition in the eyes of the population and/or the international community. Such violence is often triggered shortly before or directly after an election. In contrast to violence focused on affecting the electoral outcome, this type of violence aims to be highly visible, sometimes played out before TV cameras rather than in isolated villages.<sup>30</sup>

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28 Commission of Inquiry into Post-Election Violence in Kenya (CIPEV). (2008, October 15). *Report of the Commission of Inquiry into Post-Election Violence*, 26. Nairobi.

29 Olawale, A I (2011). *Explaining post election violence in contemporary Africa*. Paper presented at the 13th General Assembly CODESRIA, Morocco.

30 The Commission of Inquiry into Post-Election Violence in Kenya (CIPEV) found that "In contrast to the 1990s the bulk of the violence in the North Rift followed rather than preceded the elections." The commission failed to make a ruling on whether the violence was orchestrated, though the report does note that in "[s]ome other cases, reports describe what appear to have been simultaneously coordinated attacks from different points and the need for transport to have brought attackers from miles away to gathering points." CIPEV. (2008, October 15). *Report of the Commission of Inquiry into Post-Election Violence*, 73. Nairobi.



### *Abuse of State Resources as a Cause of Electoral Violence*

When discussing the use of money in relation to electoral violence, we must note that both private and public resources may be the cause of electoral violence. Recent discussions about the abuse of State resources go beyond money, to include personnel, institutional, enforcement or coercive resources.<sup>31</sup> In this wider context, an extreme example of electoral violence is Operation *Murambatsvina* (Drive Out Rubbish) in Zimbabwe, where the government used its control over the police and military to displace around a half million people, ostensibly to restore order to the cities, but in practice, to punish opposition voters and control the war veterans' movement.<sup>32</sup> In this case, post-election violence can also be seen as a preemptive move in forthcoming elections, by attempting to disperse the opposition.

Control over the monetary supply can also be a useful resource for those wishing to use violence. In the case of Operation *Murambatsvina*, one report claimed, "To fund the 2008 post-election violence, the government had only to print more Zimbabwean dollars to pay the perpetrators to act."<sup>33</sup> Likewise, abuse of State resources can also play a role in electoral violence originating in opposition circles (see the cases of Senegal and Côte d'Ivoire discussed below). There are many examples of rigged elections in Africa, but open violence is avoided for several reasons, including tacit acceptance, resignation to the incumbent's power and/or the incumbent's control over the security apparatus.<sup>34</sup> The regimes in long-term dictatorships – such as those in Cameroon,

31 See, for example, Part 3 of the 2013 IFES *Political finance oversight handbook* and Ohman, M (2010). *Abuse of administrative resources, regulation in an international context and the Georgian situation*. Tbilisi: International Foundation for Electoral Systems (IFES).

32 Laakso, L, and Basedau, Matthias, Erdmann, Gero and Mehler, Andreas (Eds). (2007). *Insights into electoral violence in Africa. Votes, money and violence, political parties and elections in Sub-Saharan Africa*, 245.

33 United States Agency for International Development (2010). *Electoral security framework, technical guidance handbook for democracy and governance officers*, 10. Washington, D.C.

34 *The power of the angry voter; even bad elections are better than none*. (2010, July 22). The Economist. Retrieved from: <http://www.economist.com/node/16640349>

Gabon and Equatorial Guinea – are able to run successive, rigged elections with little resistance.<sup>35</sup>

In some situations, however, abuse of State resources can lead to violent reactions. This includes cases where sitting presidents bend the rules to bypass mandate limits, as happened in Senegal, where the Constitutional Council ruled that the two-term limit for presidents did not apply to the sitting president, President Wade, who had been elected before the new constitution came into force. Since the members of the Constitutional Council were all appointed by President Wade, their ruling was rejected by many observers. In the end, President Wade lost the election to the main opposition candidate. Violence can also follow if the regime uses its influence over institutions to be declared an electoral victor, as with the Constitutional Council in Côte d'Ivoire. There, electoral violence was perpetrated by both the government and the opposition sides (the latter had by all accounts won the elections). Observers worry that impunity for those on the opposition side who carried out violence can ultimately cause significant damage to long-term Ivorian development.<sup>36</sup> Observers should expect violence when there are clear signs that opposition against an entrenched regime is building momentum before an election.

### **Limits of Formal Political Finance Oversight in Breaking the Connection between Money and Electoral Violence**

All African countries have at least some legal limitations regarding how money can be used in elections. The International Institute for Democracy and Electoral Assistance's (IDEA) global database on political finance regulations shows that, while regulations are somewhat less common in African countries than in the rest of the world, the difference is small. Most African countries have at least some

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35 All three countries are classified as “not free” by Freedom House.

36 International Crisis Group. (2011). *A Critical Period for Ensuring Stability in Côte d'Ivoire*, 10. Brussels. Retrieved from: [http://www.crisisgroup.org/~media/Files/africa/west-africa/cote-ivoire/176\\_A\\_Critical\\_Period\\_for\\_Ensuring\\_Stability\\_in\\_Cote\\_dIvoire.pdf](http://www.crisisgroup.org/~media/Files/africa/west-africa/cote-ivoire/176_A_Critical_Period_for_Ensuring_Stability_in_Cote_dIvoire.pdf)

formal reporting requirements for political parties and electoral candidates, with the exceptions of Gambia, Malawi, Namibia, Swaziland, Zambia and Zimbabwe.<sup>37</sup>

Such political finance regulations will have a limited impact on electoral violence for two reasons. The first is the general weakness of formal political oversight in Africa. It is fair to say that no African country has reached an acceptable level of control of funds used in electoral competitions.<sup>38</sup> At a minimum, we should expect financial reports that reflect the actual situation and are subjected to a minimum level of formal scrutiny. In South Africa, where electoral rules are generally observed, political parties need only report on funds received from the public budget. We see signs that this situation is slowly improving, but we are, at best, decades away from effective oversight in most countries.

The second difficulty is that funding for electoral violence rarely funnels through party machineries. Some scholars have argued that African political parties often do not have the institutional capacity to arrange large-scale violence.<sup>39</sup> Formal political finance oversight systems are notoriously bad at controlling funds that do not pass through actors with an explicit electoral role, such as political parties and candidates. There are different ways to manage this so-called third-party spending, but none are very successful, and certainly not in controlling funds for illegal activities.<sup>40</sup> When funding for violence travels through informal channels outside of the party machinery, it is unlikely to, even in theory, be affected by formal restrictions.

37 Ohman, M (2012) *Political finance regulations around the world, a preliminary analysis of the International IDEA database on political finance regulations in 180 countries*. Stockholm: International IDEA.

38 Ohman, M and Falguera, E (Expected 2014). *Political finance in Africa. Funding of political parties and election campaigns*, 151. Stockholm: International IDEA.

39 Mehler, A, and Basedau, Matthias, Erdmann, Gero and Mehler, Andreas (Eds.) (2007). *Political parties and violence in Africa: Systematic reflections against empirical background. Votes, money and violence, political parties and elections in Sub-Saharan Africa*, 200.

40 Technically, political parties in Nigeria should also report campaign contributions to the EMB that did not go through the party system but that were made “on their behalf” (Electoral Bill 2010 Art 92[4]). However, since political parties with impunity neglect to submit campaign finance reports, this requirement has no effect.

Traditional political finance rules can still have an impact on preventing or mitigating electoral violence. For example, public funding can reduce the level of debt facing many political actors described above.

### Recommendations

Illicit financial flows do not explain the outbreak of all electoral violence in Africa. As other chapters in this volume show, there are many causes. Rumors and misunderstandings can trigger conflict, and the habit of many African politicians of guaranteeing their supporters' success can lead to bitter disappointment. However, money is a crucial factor behind many cases of electoral violence, either as a cause or a trigger.

Short-term interventions can help prevent and mitigate electoral violence in particular situations. However, long-term, sustainable solutions require changing the character of elite interactions and popular attitudes regarding the nature of elections, as discussed in the first two recommendations. The risk for electoral violence will diminish significantly only when political actors can see beyond the next election and be confident that, if they face an electoral loss, they can come back to fight another day.

#### *Reduce Winner-take-all Nature of Electoral Contest through Elite Engagement*

As discussed, a major issue connecting money and electoral violence is the attitude among political elites that each election must be won at all costs. As a recent report noted, "Where elections are 'winner takes all' contests, violence is a cheap and effective electoral device."<sup>41</sup>

Multiple arenas for dialogue must exist among elite actors who can reduce tensions and develop a long-term outlook. Effective and credible procedures for mitigating election disputes may also help to reduce electoral violence by providing alternative routes for expressing frustration when people are unhappy with an electoral process.

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41 Africa Research Institute. (2012 April). *Diehards and democracy, elites, inequality and institutions in African elections*. (Briefing Note 1201, 2). London, U.K.

When actors start to feel that they might lose the upcoming election, but believe they can come back to fight in the next one, then the willingness to use violence as a campaigning tool will be radically reduced. The developments in Ghana since 1992 can serve as a useful example of such a process.

*Build Communal Bonds across Party Lines and a Popular Rejection of Violence*

Popular rejection of violence as a political tool is another crucial key to preventing or mitigating electoral violence. We contend in this chapter that violence is often initiated by elite political actors with a particular agenda, yet this still leaves the question of why the public follows along.<sup>42</sup>

The effectiveness of such rejection can be seen in some post-conflict situations, where avoiding violence becomes the priority in most communities, even if that means the preferred political actor cannot win an election. Post-war elections in Sierra Leone in 2002 and 2004 showed clear indications of this. However, occurrences of violence that took place in certain areas before and after the 2008 elections may indicate that this sentiment is declining.

Concerted efforts to reject violence as a political tool must be long-term, as reversals are a constant threat. Lisa Laakso showed how the 2002 Kenyan elections had been much less violent than preceding electoral contests. She argued that a main reason for the reduction in violence was the efforts of civil society groups and other actors to prevent violent conflicts. She concluded that “[t]his kind of mobilization against violence indicates institutionalization of the nonviolent rules of the game.”<sup>43</sup> Unfortunately, the events following the 2007 elections proved that much remains to be done before electoral violence is part of the Kenyan past.

An example of an effective initiative is the District Code of Conduct Monitoring Committees created in Sierra Leone for the 2007 elections. In these committees,

42 Horowitz, D L (1985). *Ethnic Groups in Conflict* (104). Berkeley, CA: University of California Press.

43 Laakso, L, and et al. (Eds.) (2007). *Insights into electoral violence in Africa. Votes, money and violence, Political parties and elections in Sub-Saharan Africa*, 237.

representatives from all the political parties worked together in each district to show the electorate that election outcomes did not necessarily mean parties could not work together.<sup>44</sup> This work was repeated in the 2008 and 2012 elections.

### *Provide Alternatives for Youth at Risk of Being Targeted by Political Actors Wanting to Use Violence as a Political Tool*

As discussed, youth are targeted by political actors who want to use violence for political purposes. Non-partisan actors can provide alternative activities, potentially including employment, to youth during the pre-electoral period to help reduce the temptation to engage in violence in exchange for money. Such activities must, however, be designed carefully so they do not become examples of vote buying or abuse of State resources.

Working with youth groups on violence prevention can also be a way forward. Naturally, work to prevent youth from engaging in electoral violence must not stop them from engaging in all political activity – successive generations of politically engaged women and men may ultimately be the best antidote to electoral violence.

### *Increase Control Over the Use of Money in Elections*

Formal control over campaign finance is unlikely to remove the possibility of buying electoral violence, but increased oversight will build transparency in African political finance over time. This includes both formal oversight and informal controls by civil society groups and media. Formal oversight should include a gradual increase of reporting requirements for political parties and candidates,

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44 International Foundation for Electoral Systems. (2009). *Supporting democratic Elections in Sierra Leone*, 10-19. (Final Project Report). Washington, D.C.: International Foundation for Electoral Systems (IFES) and Jackson, R. (2013). *Mediating election conflict in a bruised society: Code of conduct monitoring committees in postwar Sierra Leone, 2006 – 2012*. Princeton, NJ: Princeton University. (“The committees served as a dispute resolution mechanism and as an important early warning system to identify electoral violence. Partly because of those measures, the 2007 national elections and the 2008 local council elections were largely peaceful despite pessimistic early warning reports.”)

with an increasing level of control by an independent and dedicated government agency. Prevention and encouragement to comply should gradually be replaced by increasingly punitive sanctions against actors that refuse to comply. Contribution and spending limits should be set only when a reliable reporting system has been established; without transparency, there is no way of knowing if limits are being respected.

Public funding can be used to decrease the dependency on private funds and reduce the stakes in the electoral contest, if applied in a manner suited to the particular country. Systems designed to reduce the risk for electoral violence should have a threshold for funding low enough to cover all relevant actors, but not so low as to encourage the creation of bogus parties to access funds. The allocation should be partly proportional to encourage cooperation among opposition actors and also include a flat rate so the largest parties do not benefit unduly. For example, some of the funds could be distributed based on the share of votes won by each party in the election, while the rest could be distributed in equal amounts to all parties that received a pre-determined minimum share of votes. Indirect public funding in the form of media airtime, assisted transport, etc., can also be used to reduce the advantage of wealthy competitors.<sup>45</sup>

## Conclusion

When studying electoral violence, the role of money must be acknowledged both as a cause and as a resource. As described through these different scenarios, too little or too much money can increase the risk for electoral violence; there are ample examples of politicians using money to trigger violence in their favor.

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45 Ohman, M, Zainulbhai, H (2009, November 19). *Practical solutions for the public funding of political parties and election campaigns. Political finance regulation: The global experience*, 67-68. Washington D.C.: International Foundation for Electoral Systems (IFES). Retrieved from: [http://www.ifes.org/~media/Files/Publications/Books/2009/Political\\_Finance\\_Regulation\\_The\\_Global\\_Experience.pdf](http://www.ifes.org/~media/Files/Publications/Books/2009/Political_Finance_Regulation_The_Global_Experience.pdf) (This can be combined with limits that are easy to enforce. For example, in the Philippines, the number of minutes of airtime each competitor can purchase per day is limited. Admittedly, parties have found ways of creating “ghost parties” to add to their own airtime, but such measures can be avoided with well-considered rules.)



Removing money from the electoral cycle would not remove the risk for electoral violence. However, it would remove the opportunity for pluralistic and engaged election campaigns, since politicians would not be able to engage voters in a dialogue about policy preferences. Instead, efforts must encourage elite actors and voting communities to stop buying and selling violence to influence the electoral process. The challenge is for stakeholders to view the larger political system that will result in credible elections – and to understand the high cost of violence in elections and democracy.

### About the Author

*Dr. Magnus Ohman serves as the IFES Senior Political Finance Adviser. He has assisted on initiatives related to money in politics in over 25 countries worldwide. Dr. Ohman has worked with African political and campaign finance since the 1990s, including work in Egypt, Ghana, Liberia, Nigeria, Sierra Leone, South Africa, Tunisia and Zimbabwe. His research often explores issues connected to political participation and money in politics, such as gender equality and electoral violence.*



Guinea





Cameroon

# Media and Electoral Violence

*By Christian Hennemeyer*



## Introduction

“Take your spears, clubs, guns, swords, stones, everything, sharpen them, hack them, those enemies, those cockroaches, those enemies of democracy ...” - *Promoting Peace, Inciting Violence: The Role of Religion and Media* by Jolyon P. Mitchell

This chapter explores the role that media outlets can play in inciting electoral violence in Africa. In nearly all economically-advanced countries, laws forbid hate speech. According to Frederick Schauer, a professor at Harvard University’s John F. Kennedy School of Government, “One uses racial epithets at one’s legal peril, one displays Nazi regalia and the other trappings of ethnic hatred at significant legal risk and one urges discrimination against religious minorities under threat of fine or imprisonment.”<sup>1</sup> The lone outlier, he notes, is the United States, where such speech is constitutionally protected.<sup>2</sup> There are many reasons for this American exceptionalism. For one, Americans believe hate speech can be difficult to define, which heightens the concern about protecting the expression of legitimate political differences, even if the expression is invective.

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1 Shauer, F (2005 February). *The exceptional first amendment*. (Harvard University Working Paper Series). Retrieved from: <http://ksgnotes1.harvard.edu/Research/wpaper.nsf/rwp/RWP05-021>

2 Ibid.

The implicit assumption by Africa's Western friends (and donors) is this: if such restrictions are effective in a relatively placid Europe, then Africa, with its history of chaos and violence, needs them even more. As a consequence, an increasing number of sub-Saharan African countries are putting in place barriers to hate speech. This includes legislation, media monitoring and sensitization campaigns.<sup>3</sup> However, it is up for debate whether legal and administrative restrictions on hate speech can be effective in Africa, where institutions tend to be weak.

Although the West may characterize Africa as uniquely bloodthirsty, an argument can be made that the continent is far more peaceful than given credit. For example, Africa has few equivalents to the casualties seen in Europe during the two World Wars,<sup>4</sup> or to China's "Great Leap Forward"<sup>5</sup> or Stalin's "Great Purge."<sup>6</sup>

As the continent's literacy rates grow alongside the development of a culture that increasingly relies on media for information and opinion, we can reasonably believe that media-influenced violence will increase.

### Hate Speech or Free Speech?

The role of media outlets like Rwanda's infamous *Radio Télévision Libre des Mille Collines* or the *Kangura* newspaper in fomenting horrific violence has become central to understanding violence in Africa.<sup>7</sup>

3 Voice of America. (2012, January 24). *Media group says reporters face restrictions in much of Africa*. Retrieved from: <http://www.voanews.com/content/media-group-says-reporters-face-restrictions-in-much-of-africa-138047743/151100.html>

4 World War I casualties. [Data set]. Retrieved from: [http://www.princeton.edu/~achaney/tmve/wiki100k/docs/World\\_War\\_I\\_casualties.html](http://www.princeton.edu/~achaney/tmve/wiki100k/docs/World_War_I_casualties.html) and Estimated war dead for World War II. [Data set]. Retrieved from: <http://warchronicle.com/numbers/WWII/deaths.htm>

5 National Public Radio. (2012, November 10). Lim, L. *A grim chronicle of China's great famine*. Retrieved from: <http://www.npr.org/2012/11/10/164732497/a-grim-chronicle-of-chinas-great-famine> (Research estimates that at least 36 million died during the famine, with up to 45 million deaths from ideological campaigns.)

6 Ellman, M (2002, November 7). *Soviet repression statistics: Some comments*. *Europe-Asia Studies*, Vol. 54, No. 7, 1151-1172. Retrieved from: [http://sovietinfo.tripod.com/ELM-Repression\\_Statistics.pdf](http://sovietinfo.tripod.com/ELM-Repression_Statistics.pdf) (Estimated deaths from Soviet repression from 1937-1938 ranges from 950,000 to 1.2 million.)

7 Kagan, S (2008, April 24). *The "Media case" before the Rwanda Tribunal: The Nahimana et al. appeal judgement*. Retrieved from: <http://www.haguejusticeportal.net/index.php?id=9166>

Ultimately, in countries with a longstanding culture and tradition of competing media voices, hate speech is often easily recognized and even dismissed as extremist opinions that are appealing only to the fringe. However, in Africa, where educational achievement remains low and exposure to a variety of media outlets is relatively new (and often limited), hate speech may have a disproportionate impact on the populace. For example, in many parts of rural Africa, beyond the reach of commercial FM radio stations, where newspapers are unavailable and Internet penetration is largely nonexistent, the primary source of news and information is often the government broadcaster, which, by definition, has its own political agenda.

### Putting Violence into Context

In his landmark book on the Rwandan genocide, Philip Gourevitch mocks the Western world's unhealthy obsession with African calamity:

The piled-up dead of political violence are a generic staple of our information diet these days, and according to the generic report, all massacres are created equal: the dead are innocent, the killers monstrous, the surrounding politics insane or nonexistent ... The anonymous dead and their anonymous killers become their own context. The horror becomes absurd.<sup>8</sup>

While violence is assumed to be an integral part of African elections, the reality is that most polls are relatively peaceful. As the U.S. Institute of Peace has noted, "Although the media may focus on the horrific violence that followed elections in Kenya and Zimbabwe, studies indicate that violence in Africa's elections affects between 19 and 25 percent of elections."<sup>9</sup> Any violence is unacceptable, but some recent examples demonstrate that it is often limited in scope. There was enormous concern on the part of both the international com-

<sup>8</sup> Gourevitch, P. (1999, September 1). *We wish to inform you that tomorrow we will be killed with our families: Stories from Rwanda*. Picador.

<sup>9</sup> Bekoe, D. (2010, March 10). *Trends in electoral violence in Sub-Saharan Africa*. Washington, D.C.: U.S. Institute of Peace. Retrieved from: <http://www.usip.org/publications/trends-in-electoral-violence-in-sub-saharan-africa>

munity and Ivoirians that Côte d'Ivoire's 2011 post-civil war legislative elections could trigger renewed bloodshed. The death toll was five, compared to the over 3,000 who lost their lives during the violence that followed the presidential elections earlier that same year. In neighboring Liberia, a *New York Times* headline insisted that *Pre-Election Liberia Protests Turn Violent*.<sup>10</sup> As it turned out, there were probably only two fatalities.<sup>11</sup>

This is not to minimize electoral violence — one death is too many — but these examples serve to remind us that electoral violence is the exception, not the rule. However, when it does occur, it can set a country back on its heels, as was the case in Kenya's 2007 elections and in the Democratic Republic of Congo and Nigeria in 2011. Sadly, these examples became emblematic of Africa as a whole, perpetuating the notion there is something uniquely violent about its political culture. This perception has tangential effects, including reduced tourism, decreased investment in the continent and emigration of educated Africans. In Kenya, for example, the anecdotal evidence is that the 2008 post-electoral violence had a significantly negative effect on the economy.<sup>12</sup> Similarly, the political unrest in Côte d'Ivoire was reported by the World Bank to have resulted in “an average 16-23 percent drop in firm total factory productivity, and the decline is 5-10 percentage points larger for firms that are owned by or employing foreigners.”<sup>13</sup>

### The Slippery Nature of Electoral Violence

Observers must tread lightly when establishing a causal link between violence and elections in the African context, as the relationship is often tenuous, with

10 The New York Times. (2011, November 7). Akam, S, Schmall, E. *Pre-election Liberia protests turn violent*. Retrieved from: <http://www.nytimes.com/2011/11/08/world/africa/liberia-protests-turn-violent-on-eve-of-election.html>

11 The Carter Center. (Fall 2011). *National elections in Liberia* – Final report (44.) Retrieved from: [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/liberia2011-finalrpt.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/liberia2011-finalrpt.pdf)

12 Voice of America. (2009, October 27). *Economic Impact of Election Violence on Display in Western Kenyan City*. Retrieved from: <http://www.voanews.com/content/a-13-2008-03-04-voa29-66808832/374161.html>

13 World Bank. (October 2013). *Civil Conflict and Firm Performance: Evidence from Côte d'Ivoire*. Washington, D.C. Retrieved from: [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/10/04/000158349\\_20131004095031/Rendered/PDF/WPS6640.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/10/04/000158349_20131004095031/Rendered/PDF/WPS6640.pdf)



many contributing factors. Regardless of electoral or political processes, chronic resentments over ethnicity, land ownership, poverty and unemployment must be taken into account. Often, it is the election *event* itself that intensifies bitterness over these festering issues, funneling charged emotions into channels that encourage violence. In winner-take-all electoral systems – like in Côte d'Ivoire, Nigeria and Zimbabwe – there is an *ipso facto* presumption that the losers will take little or nothing, which is often a legitimate concern. The stakes are seen as incredibly high, and there is a sense that one's economic future is directly tied to the success or failure of one's candidate.

Unscrupulous political players and criminals seeking votes, economic opportunities or simply settling scores often exacerbate these frustrations. Sometimes their methods are fairly blatant and rudimentary. For example, in the slums of Nairobi immediately following the disputed 2007 national elections, opposition supporters distributed money and machetes to unemployed youths and instructed them to attack a rival tribe or political faction. On the other side of the continent, the United Nations (U.N.) reported in 2011 that partisans of then Ivoirian President Laurent Gbagbo, desperately holding onto power, were arming loyalist-youth militias with “sophisticated arms and machetes.”<sup>14</sup> Other times, inciting violence is more sophisticated and nuanced, with community radio stations, text messaging and the Internet serving as vehicles for mayhem. In the run-up to the 2013 Kenyan elections, some creative musicians were charged with promoting hate speech through the lyrics to their songs. The BBC reported that one song posed the question of “what to do if, for example, someone takes you to The Hague or takes your wife or property – the reply in the song is ‘kill him.’”<sup>15</sup>

Even responsible, mainstream media are sometimes guilty of overstating the implications of the election, generating unrealistic hopes and fears and whipping up popular passions. Media outlets can be as confused as the rest of us as

14 Office of the United Nations High Commissioner for Human Rights. (2011, February 15). *Report of the High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*. Geneva, Switzerland.

15 BBC. (2012, July 4). *Kenya musicians charged with hate speech*. Retrieved from: <http://www.bbc.com/news/world-africa-18712858>

to what truly constitutes electoral violence. Outlets may simply report any violent act occurring before, during and immediately after Election Day as electoral violence, distorting perceptions of its breadth.

These hot button issues exist throughout the world; however, the persistence of deep poverty, raw ethnic divisions and unresponsive governments – along with an increasing reliance on media – in many African nations indicates a greater potential for electoral violence.

Therefore, it is imperative to adopt a tightly restricted definition of electoral violence. American political consultant Robert G. Meadow provides this definition:

While there may be many contending definitions of electoral violence, for our purposes, electoral violence is defined as acts that are used to harm, intimidate, exploit, disrupt, determine, hasten, delay or reverse electoral processes or outcomes, and acts that occur between the registration of a voter and the inauguration of a political regime.<sup>16</sup>

### Africa's Media Revolution

A generation ago, the media landscape of most African countries was extremely limited. Typically, there was one newspaper, one radio station and one television station, all of which were State-run and dedicated to maintaining the political status quo and singing praises of the incumbent. Across the board, with a few exceptions, the landscape has changed significantly in the past 20 years. Tanzania is representative of this trend. Up until 1992, the beginning of the end of the era of one-party rule, the country was served by one radio broadcaster, the state-run Tanzania Broadcasting Corporation. Currently, however, the BBC reported that while “the growth of the broadcast media has been hindered by a lack of capital investment, dozens of private FM radio stations are on the air, most of them in cities.”<sup>17</sup> On the other hand, there remain a few countries (like

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16 Meadow, R (2009). *Political violence and the media*. *Marquette Law Review* Vol. 93, No. 1, 14. Retrieved from: <http://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=4932&context=mulr>

17 BBC. (2013, March 5). *Tanzania profile*. Retrieved from: <http://www.bbc.com/news/world-africa-14095831>

the Gambia, Djibouti and Equatorial Guinea) where a combination of autocratic leadership and a tiny media market results in almost no access to free and unbiased local information.

Media laws have been liberalized and most consumers of news, at least in the capital cities, have a wide variety of sources to draw upon. Sidewalk newspaper vendors sell bundles of publications of every political stripe and of varying degrees of quality. Several private and partisan local television stations can often be found, along with international outlets like CNN, BBC and Al-Jazeera. The same holds true for radio, with a broad selection of private stations. Some have humanitarian objectives, such as those supported by the Catholic Church or international nongovernmental organizations (INGOs) like Search for Common Ground or the Hironnelle Foundation. Others are unabashedly commercial and sound more like urban FM stations in the United States.

According to French NGO Reporters without Borders, this growth of media has been accompanied by greater freedom of expression.<sup>18</sup> Of the 179 countries surveyed on press freedom in 2011, half of the sub-Saharan African countries ranked in the top 100. Of the bottom 10 on the list, only two African nations, Eritrea and Sudan, appeared.

Despite these advances, media content is too often dominated by poor quality, partisan reporting and irrelevant fillers. Further, revolutions entail real risks, even media ones, especially when taking on topics threatening to special interest groups. As the Federation of African Journalists noted, in 2010 “12 journalists were assassinated, five were killed in accidents, 34 were imprisoned and hundreds more were threatened, intimidated and assaulted.”<sup>19</sup>

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18 Reporters without Borders. (2012). *Press freedom index – 2011/2012*. Paris, France. Retrieved from: <https://en.rsf.org/press-freedom-index-2011-2012,1043.html>

19 Federation of African Journalists. *Press freedom in Africa*. (2010). Retrieved from: <http://africa.ifj.org/assets/docs/248/221/457abf8-a4c11dd.pdf>

Although Africa continues to show relatively low levels of Internet usage – less than half of the world average<sup>20</sup> – interest in social media is growing quickly, and the connection of new, high-speed undersea cables in both East and West Africa will accelerate this trend. Already, the growth rate of Internet usage in Africa exceeds any other region of the world.<sup>21</sup> In some countries, like Kenya, over a quarter of the population already uses the Internet.<sup>22</sup> Young people from Côte d'Ivoire to Zambia, who just years ago had only glacially slow dial-up connections, are now tweeting, blogging and sharing on Facebook at a feverish pace. There is no doubt the appetite for greater connectivity will only grow in Africa, as it has everywhere else, for both noble and ignoble purposes.

Cell phones are the other great communication advance in Africa. Although they first appeared on the continent in the early 1990s, at that time they were a rare commodity. According to *Digital Journal*, Africa is now the second largest market in the world, covering more than 600 million subscribers to cell phone services.<sup>23</sup> Leapfrogging old telephonic technologies, most of the continent is now linked by cell phone, and many countries boast several providers. People who cannot afford a new pair of shoes have now decided that owning a cell phone is a necessity.<sup>24</sup> There have even been worrying suggestions that some individuals are forgoing basic needs in order to purchase cell phone credit. The utility of cell phones is mostly economic, primarily for receiving and sending money, as money transfers can now be executed at the touch of a button.

20 Internet users in Africa. (2012). *Internet World Stats*. Retrieved from: <http://www.internetworldstats.com/stats1.htm>

21 Euromonitor International. (2011, October 10). *Regional focus: Africa experiencing fastest growth in Internet users worldwide*. London, U.K. Retrieved from: <http://blog.euromonitor.com/2011/10/regional-focus-africa-experiencing-fastest-growth-in-internet-users-worldwide.html>

22 Standard Newspaper. (2012, May 9). Ohito, D. *Kenya ranked ahead of SA in Internet usage*. Retrieved from: [http://www.standardmedia.co.ke/?articleID=2000057878&story\\_title=Kenya-ranked-ahead-of-SA-in-Internet-usage](http://www.standardmedia.co.ke/?articleID=2000057878&story_title=Kenya-ranked-ahead-of-SA-in-Internet-usage)

23 Digital Journal. (2011, November 21). Bright, P. *Africa is second largest mobile phone market*. Retrieved from: <http://digitaljournal.com/article/314828>

24 The Economist. (2012 November 10). *Kenya's mobile telephones: Vital for the poor*. Retrieved from: <http://www.economist.com/news/middle-east-and-africa/21566022-report-describes-sacrifices-poor-make-keep-mobile-phone-vital>

However, a growing body of evidence suggests that cell phones are being used for electoral and political means, ranging from parallel vote tabulation and civic education to the transmission of hate messages and instructions for violent acts. The *American Political Science Review* recently reported that although “the availability of cell phones as a communication technology allows political groups to overcome collective action problems more easily,” cell phone coverage also “significantly and substantially increases the probability of violent conflict.”<sup>25</sup> As with any technological advance, the increase of cell phone usage is a nuanced, double-edged sword.

In a 2011 interview with *See Africa Differently*, a campaign to showcase under-reported progress taking place in Africa, Kofi Annan said, “Africans throughout the continent have embraced social media as a way to voice their concerns, encourage and mobilize action and bring about change.”<sup>26</sup> But, inevitably, social media has advantages and disadvantages, and many troubling examples of it being used for less-than-laudable purposes have been reported. Kenya, one of Africa’s primary consumers of social media, is unsurprisingly at the forefront of using it for hate speech.<sup>27</sup> Websites, text messaging, Twitter, Facebook and FM radio stations have all served as vehicles for derogatory ethnic slurs. Reuters reported that in the run-up to the 2013 elections, “In the Kenyan blogosphere, online users blast opposing tribe members as “snakes,” “maggots,” “vultures” and more.

However, it remains true that the farther one lives from a capital city in Africa, the less access one has to a variety of media. For the majority of people living in the rural hinterlands, State-run radio is their only exposure to external opinions.

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25 Pierskallah, J H, Hollenbach, F M. *Technology and collective action: The effect of cell phone coverage on political violence in Africa*. *American Political Science Review*, Vol. 107, No. 02, 207-224. Retrieved from: <http://journals.cambridge.org/action/displayAbstract?fromPage=online&id=8919494>

26 See Africa Differently. (2011, December 16). *Kofi Annan speaks exclusively to us!* Retrieved from: <http://www.seeafricadifferently.com/news/kofi-annan-speaks-exclusively-to-us>

27 The Christian Science Monitor. (2013, March 21). Pflanz, M. *In Kenya, social media hate speech rises as nation awaits election ruling*. Retrieved from: <http://www.csmonitor.com/World/Africa/2013/0321/In-Kenya-social-media-hate-speech-rises-as-nation-awaits-election-ruling>

## Manipulating the Media

Despite the amazing strides African media outlets have made over the past 10 years, they remain immature and easily subject to intimidation and exploitation. Like the United States in the era of yellow journalism, Africa's media outlets, particularly newspapers, are not immune to sensationalism and sloppiness if it will sell papers and advertising space.

Many of the vulnerabilities plaguing the media in Africa, and, indeed, developing countries in general, are structural, whether related to pay, training or equipment. Poorly-paid journalists tend to value job security over the quest for truth; they are willing to write whatever they can get paid to produce. Poorly-trained journalists lack the skills to research their stories, present them in a logical form and balance competing opinions. Poorly-equipped journalists lack the tools and budgets to produce professional stories. According to South African journalism professor Guy Berger, quoted in *Africa Renewal*, Africa has the world's lowest number of journalists per capita.<sup>28</sup>

While there is an increasing number of public media watchdog agencies in Africa, they tend to lack capacity, resources and courage to carry out their mandates. Private groups, such as those supported by Reporters without Borders, may do a better job, but they are a poor substitute for what should be a nation's independent and skilled media sector.

Journalism is a tenuous profession in most of Africa during the best of times, but, during an election period, it is even more challenging. According to the Federation of African Journalists' report *Press Freedom in Africa 2010*:<sup>29</sup>

The pre-electoral and electoral periods were also among the most dangerous moments for media workers. There is a tendency to try, at all

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28 Karikari, K. (2010 August). *African media breaks 'culture of silence.'* *African Renewal*, 23. Retrieved from: <http://www.un.org/africarenewal/magazine/august-2010/african-media-breaks-culture-silence>'-0

29 Federation of African Journalists. (2010). *Press Freedom in Africa*, 1-2. Retrieved from: <http://africa.ifj.org/assets/docs/248/221/457abf8-a4c11dd.pdf>

costs, to prevent the media from reporting the electoral processes which are part of any effective democracy. Thus, with the exception of some conflict zones like Somalia, most of the serious violations of press freedom occurred within electoral or pre-electoral contexts.

Ultimately, journalists are also members of their respective communities – political, ethnic and regional. It is astonishing that so many of Africa's reporters are able to do a respectable job, given the pressures on them.

### The Case of Kenya

One of the most memorable examples of recent African electoral violence occurred in Kenya, after the December 2007 election, following the hotly contested presidential run-off between incumbent Mwai Kibaki and challenger Raila Odinga. The violence was shocking for a number of reasons. Despite long-standing tribalism stoked by politicians and ethnic violence during the 1990s, Kenya had a reputation for being a rapidly modernizing country, a haven for tourists and a maturing democracy. Tribalism that would leave 3,000 people dead and hundreds of thousands more internally displaced was unforeseen.<sup>30</sup> A European Union-sponsored report published in 2012 put it this way, "In light of the relative stability experienced over recent years, and compared to other neighbouring countries, the magnitude of the crisis following the 2007 presidential elections was largely unexpected."

Perhaps most shocking to both Kenyans and outsiders were reports that, like Rwanda during its genocide, agitators were using the media as a way to incite ethnic massacres, even communicating via eerily similar code phrases.

Generally speaking, the mainstream media behaved well and did not allow people to share fringe viewpoints; rural radio stations that broadcast in Kikuyu,

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30 Babaud, S and Ndung'u, J. (2012 March). *Early warning and conflict prevention by the EU: Learning lessons from the 2008 post-election violence in Kenya*. Initiative for Peacebuilding – Early Warning project. Retrieved from: <http://www.ifp-ew.eu/pdf/201203IfPEWEWConflictPrevEULearninGLessonsKenya.pdf>



Kalenjin and other vernacular languages fanned the flames.<sup>31</sup> These call-in programs gave people a platform from which to engage in hate speech. Political and ethnic opponents – essentially synonymous in Kenya at the time – were referred to as “snakes,” “weeds” and “outsiders,” startlingly reminiscent of the slurs used against Tutsis in Rwanda who were called “cockroaches,” “dogs,” “snakes” and “Hamitic invaders.”<sup>32</sup>

In a country with some of the highest Internet usage rates in Africa, some individual Kenyans, within the country and abroad, demonstrated their mastery of social media by embracing it to disseminate hostility. Then-Chairman of Kenya’s National Human Rights Commission, Kiai Maina, wrote, “What was astonishing in 2007 was the spread of hate speech via SMS and by ordinary Kenyans rather than leaders, and the complete absence of censure by either side of these comments.”<sup>33</sup>

All this happened despite the existence of tools that might have regulated those media outlets that were prone to divisive speech. In 2007, the Kenyan government created the Media Council of Kenya and the Kenya Information and Communications (ICT) Act, which, theoretically, could have mitigated hate speech. That same year, several NGOs developed the *Guidebook on Election Coverage for Media Correspondents in Kenya* to help media correspondents report responsibly on elections. Among other things, the guidebook affirmed that “media correspondents must refrain from giving space to hate speeches or utterances that might incite violence or cause social turmoil.”<sup>34</sup>

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31 Munyua, A W. (2011). *Perceptions and misconceptions: The role of new and traditional media in Kenya’s post-election violence*. GISWatch. Retrieved from <http://giswatch.org/en/country-report/freedom-expression/kenya>

32 Kenya Daily Nation. (2008, August 27). *Revealed: Secrets of election violence*. Retrieved from: <http://archive.is/9JH13>

33 Kiai, M (2010). *Speech, power and violence: Hate speech and the political crisis in Kenya*. U. S. Holocaust Memorial Museum. Retrieved from: <http://www.ushmm.org/m/pdfs/20100423-speech-power-violence-kiai.pdf>

34 Janak, W. *Guidebook on election coverage for media correspondents in Kenya*. Kenya Correspondents Association. Retrieved from: <http://www.article19.org/data/files/pdfs/tools/kenya-elections.pdf>

Despite the media's prominent role in Kenya's electoral violence from the 2007 elections, it cannot shoulder all the blame. Fundamentally, that lies within a cynical political system steeped in xenophobia and violence for at least 15 years prior to the 2007 elections. A report by the Kenya ICT Action Network put it plainly: "Hate speech in Kenya was not the responsibility of media alone – on previous occasions it has emanated directly from politicians and government offices."<sup>35</sup>

For the past several years, both Kenya and its international partners have made great efforts to avoid a reprise of bloodshed. The March 2013 national elections were deemed relatively successful in that regard; both the government and civil society organizations (CSOs) understood the power of media and took steps to harness its positive powers and mitigate its destructive potential. These steps were confirmed by several media monitoring initiatives that oversaw both traditional and social media. CSOs, in particular, used film, radio messaging, public debates, blogs and other instruments to communicate pre-electoral messages of peace and tolerance. As a result, despite some isolated cases of unrest in the period leading up to polling day, the election itself was largely peaceful.<sup>36</sup>

According to retired South African judge Johann Kriegler, much was at stake. As the man who spearheaded the review of Kenya's disastrous 2007 elections, he warned that, "If Kenyans don't address the need to reform, then the events of January 2008 may well look like a Christmas Party [in comparison to the next elections] in 2012."<sup>37</sup>

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35 Munyua, A W (2007). *Perceptions and misconceptions: The role of new and traditional media in Kenya's post-election violence*. Kenya ICT Action Network. Retrieved from: <http://www.giswatch.org/en/country-report/freedom-expression/kenya>

36 Kimenyi, Mwangi S (2013, April 2). *Kenya: A Country Redeemed after a Peaceful Election*. Washington, D.C.: Brookings Institution. Retrieved from: <http://www.brookings.edu/blogs/up-front/posts/2013/04/02-kenya-peaceful-elections-kimenyi>

37 Trend. (2008, September 19). *Former UN Secretary-General urges Kenya to reform electoral system to avoid violence*. Retrieved from: <http://en.trend.az/regions/world/ocountries/1299324.html>

The new elections management body (EMB) created in 2011, the Independent Electoral and Boundaries Commission (IEBC), took the challenge seriously. Among other things, it partnered with the Media Council of Kenya to train journalists to be more objective in reporting on electoral issues. Like most EMBs, the IEBC's ability to control hate speech is limited by both statutory interpretation and internal capacity. Other Kenyan government institutions also began to play a more activist role. For example, the Chairman of the National Cohesion and Integration Commission issued a warning against hate speech to the Kenyan diaspora. Similarly, the *Star* newspaper quoted the Director of Public Prosecutions, Keriako Tobiko, as saying, "There is usually a dangerous trend of politicians trying to inflame the country ahead of elections, and this time round they will not get away with it."<sup>38</sup> However, progress in translating these statements of principle into action has been spotty. Kenyans were astonished when, in September 2012, police arrested Deputy Minister Ferdinand Waititu for inciting hatred, following a speech he made stating, "We don't want to see any Maasai here in Kayole ... And to all people who employed Maasai, to sack them with immediate effect."<sup>39</sup> Despite the shocking nature of Waititu's public declarations, he was released from police custody shortly thereafter, and the case against him has languished amid suggestions that it could be withdrawn if he issues a formal apology to the Maasai community.

### The Leader of African Political Maturity

Relatively speaking, South Africa enjoys some of the most robust and free media in Africa, with a plethora of newspapers, magazines, radio and television stations and websites. According to the *Global Post*, it also boasts the greatest number of Twitter and Facebook users.<sup>40</sup>

38 The Star. (2012, May 7). Kavila, W. *Tobiko warns leaders against hate speech*. Retrieved from: <http://www.the-star.co.ke/local/northeastern/74430-dpp-warns-politicians-against-incitement>

39 BBC. (2012, September 25). *Kenya MP Ferdinand Waititu accused of 'hate speech.'* Retrieved from: <http://www.bbc.com/news/world-africa-19713466>

40 Global Post. (2012, February 1). Kim, A. *Africa: Facebook users grow by 165%*. Retrieved from: <http://www.globalpost.com/dispatches/globalpost-blogs/africa-emerges/africa-facebook-users-grow-at-165-rate>

This was not always the case. During the apartheid era, media were tightly controlled and viewed as either servants or enemies of the State. There was no middle ground. The new constitution, which emerged from majority rule, guarantees freedom of expression and freedom of the press, and arbitrary sanctions against the media are rare.<sup>41</sup> However, the passage of the Protection of State Information Bill<sup>42</sup> in November 2011 raised serious concern among many South Africans – particularly newspaper editors, CSOs and opposition parties – who feared a return to the stifling atmosphere of apartheid. The government claimed it needed this tool to protect national security, but many worried it would dampen legitimate criticism.<sup>43</sup>

Laudably, the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000<sup>44</sup> specifically prohibits hate speech:

... No person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to:

- (a) be hurtful
- (b) be harmful or to incite harm
- (c) promote or propagate hatred

Despite this unambiguous law, hate speech periodically appears in the press, electronic and social media and public discourse, as it will in most societies with

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41 Republic of South Africa. (1996). *Constitution of the Republic of South Africa No. 108 of 1996*. Retrieved from: <http://www.gov.za/documents/constitution/1996/a108-96.pdf>

42 Republic of South Africa. (2010). *Protection of State Information Bill*. Retrieved from: [http://www.gov.za/speeches/docs/2013/info-bill\\_amendmended.pdf](http://www.gov.za/speeches/docs/2013/info-bill_amendmended.pdf)

43 *South Africa: 'Secrecy bill' improved but still flawed*. (2013, April 29). Human Rights Watch. Retrieved from: <http://www.hrw.org/news/2013/04/29/south-africa-secrecy-bill-improved-still-flawed>

44 *Promotion of Equality and Prevention of Unfair Discrimination Act*, 2000. (2000, February 9). Republic of South Africa Government Gazette. Retrieved from: [http://www.iwraw-ap.org/resources/pdf/South\\_Africa\\_GE1.pdf](http://www.iwraw-ap.org/resources/pdf/South_Africa_GE1.pdf)

a vibrant media. However, today, South African elections elicit little of the hard-line racist rhetoric that was common prior to the era of democratic rule.

The most well-known example of hate speech in recent history was the repeated use of anti-white rhetoric by then-head of the African National Congress (ANC) Youth Wing, Julius Malema. Malema was fond of singing the incendiary political anthem, “Kill the Boer,” during campaign rallies, an act he defended as a symbolic expression of anti-apartheid sentiment, not a literal call for murder. Once one of the most visible and powerful members of the ruling party, Malema was formally charged, found guilty and expelled from the ANC, temporarily forfeiting his political career. This result speaks volumes about the maturity of the country’s legal system, the courage of its media that covered the story relentlessly, and the common sense of South Africans who accepted the outcome. However, Malema has since reinvented himself as the head of the Economic Freedom Fighters party and continues to make divisive statements, such as his 2013 declaration that “[i]f white people want a permanent honeymoon, they must deliver the stolen property,” which some suggest amounts to hate speech.<sup>45</sup>

The Independent Electoral Commission (IEC) of South Africa has played an important role as well, not so much by taking the lead on tempering hate speech, but by the professionalism and seriousness with which it has conducted elections. A public opinion survey commissioned by the IEC in 2005,<sup>46</sup> more than a decade after the end of apartheid, gave the organization high marks for impartiality, efficiency, friendliness and helpfulness – qualities not usually associated with African State institutions.

### A Country in Conflict

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45 Politics Web. (2013, October 17) . *CFCR deplores anti-white rhetoric of Malema and the EFF*. Retrieved from: <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=423970&sn=Detail&pid=71616>

46 Kivilu, M, et al. (2005). *Survey on South African voter participation in elections*. Human Sciences Research Council. Retrieved from: <http://www.hsrb.ac.za/en/research-outputs/view/2343>

A look at the effect of conflict on otherwise free media environments can be instructive. Côte d'Ivoire is an example of a generally free and responsible media culture that transformed dramatically as the country headed toward civil war following the 2010 disputed presidential elections. Suddenly, publications that had traditionally been relatively civil began spewing political, ethnic and xenophobic venom. A telling example was reported by the International Federation for Human Rights:<sup>47</sup>

*Soleil d'Abidjan*, in its February 22, 2011, publication entitled an article: Alassane Dramane Ouattara: "this criminal who wants to govern Côte d'Ivoire." The article further states that: "This citizen from Burkina, who became Ivorian [sic] in the blood, has built his career on lies (...), he continues to kill, rape and massacre innocent people."

The phenomenon was considered grave enough by the U.N. to prompt its Deputy High Commissioner for Human Rights to go before the Human Rights Council to report that the use of national radio and *Télévision Ivoirienne* and some private newspapers to incite hatred and violence and disseminate false information against the U.N. was alarming.<sup>48</sup>

Since the conflict ended, this kind of overt language has disappeared from media outlets, but it has been replaced by the rough and tumble of political disagreement, which, sadly often, still smacks of ethnic tension. A movement is underway to strengthen the government's *Conseil National de la Presse* (National Press Council), and, hopefully, reestablish a balance between media freedom and responsible reporting. In the meantime, the media environment remains much as described by the Media Foundation for West Africa:

Though the constitution provides for free expression and a free press, the government imposes significant restrictions on print and electronic

47 International Federation for Human Rights. (2011, March). *Côte d'Ivoire: It is urgent to prevent the escalation to a civil war*. Retrieved from: [http://www.fidh.org/IMG/pdf/Coted\\_ivoire558a2011web.pdf](http://www.fidh.org/IMG/pdf/Coted_ivoire558a2011web.pdf)

48 *Côte d'Ivoire: U.N. Human Rights Council strongly condemns post-electoral abuses*. (2010, December 23). U.N. News Centre. Retrieved from: <http://www.un.org/apps/news/story.asp?NewsID=37154&Cr=ivoire&Cr1>

media, especially on the state owned media in Côte d'Ivoire. Free expression and media freedom however continues to witness improvement despite records of suppression and violations of media rights by ruling governments. Côte d'Ivoire, like any other country with oppressed media is experiencing major challenges such as lack of professionalism, weak managerial capacity, weak training institutions and low logistical capacity.<sup>49</sup>

Interestingly, the Ivorian Electoral Code has not been amended to add language prohibiting hate speech. However, the first post-conflict elections, held in December 2011, were intended to move the national reconciliation process forward. To that end, the IEC undertook various civic and voter education initiatives designed to promote tolerance and acceptance of the results. With the financial support of international donors, posters, radio announcements, TV spots and billboards were omnipresent encouraging Ivoirian voters to refrain from violence and to "vote in peace for peace."<sup>50</sup>

### **Conclusion: Being Realistic**

The role of the media in promoting electoral violence cannot be separated from the political culture of the country. Indeed, it is often a crude reflection of the simmering grievances that characterize societies that are profoundly unequal, ethnically divided and lacking in responsive and accountable government. To blame elections for sparking violence amid these long-standing tensions misses the point. Equally, to assume EMBs alone can control violence is naïve.

However, EMBs need to recognize that during the run-up to Election Day, they occupy a position of almost unparalleled visibility. By assuming leadership, they can make a positive difference. First and foremost, managing the electoral process with professionalism and evenhandedness can set the bar for political con-

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49 Media Foundation for West Africa. (2014). Ivory Coast. Accra, Ghana. Retrieved from: <http://www.mfwa.org/where-we-work/ivory-coast/>

50 Ivorian Electoral Commission billboard. (2011). Washington, D.C.: International Foundation for Electoral Systems (IFES). Retrieved from: <http://www.ifes.org/~media/Images/Gallery/Another Step Forward Parliamentary Elections in Cote d Ivoire/img07.jpg>



duct nationwide. In addition, seeking broad interpretation of its legal mandate can allow electoral commissions the latitude to aggressively take on those who use the media to sabotage democracy.

Of course, EMBs often lack the time, capacity and skills to carry out their core tasks properly, without taking on additional challenges like media monitoring. However, by partnering with CSOs, media watchdog groups and government enforcement agencies, EMBs can leverage their influence. EMBs can pursue other avenues, too, such as the development and propagation of media codes of conduct, although these are of unproven value, in this author's view.

The English social commentator Matthew Arnold once wrote that "journalism is literature in a hurry." Borrowing that metaphor, electoral commissions are institutions living on borrowed time, particularly in Africa, where they are excessively dependent on political goodwill, subject to constant turnover of leadership and accorded too much importance during election years and too little during non-election years. They are basically expected to perform miracles without the means. Nonetheless, Africa has a growing number of EMBs that perform better than expected. If they can tackle the contagion of media-inspired violence, they will have helped demonstrate to a skeptical electorate that at least some public institutions can be trusted.

### About the Author

*Christian Hennemeyer has worked in and on Africa for over three decades, first as a Peace Corps volunteer in Ghana, then as a Writer-Editor for the Voice of America's English to Africa Service, and for 19 years as a humanitarian worker in various conflicts. These included the Rwandan genocide as well as the civil wars in Burundi, the Republic of the Congo, the Democratic Republic of the Congo, Guinea, Liberia and Sierra Leone. He has also lived in various stable and peaceful parts of the continent. From 2004-2008, Hennemeyer served as IFES' Africa Regional Director. He continues to focus on Africa as an independent consultant based in Washington, D.C.*



Somaliland

# Women, Youth and Electoral Violence

*By Elizabeth Côté and  
Almami Cyllah*



## Introduction

This chapter focuses on the roles women and youth play in both perpetrating and mitigating electoral violence. This chapter features Guinea and Sierra Leone, neighboring West African countries that, despite marked differences, offer similarities worth noting. In each country, close to 52 percent of the population is made up of women, 70 percent of whom are under age 30. Both nations are endowed with exceptional natural resources, yet both suffer from severe poverty, deteriorating economies and rampant unemployment. In this chapter, the role of women and youth in mitigating electoral violence will receive particular emphasis.

### *Guinea and Sierra Leone's Youth in Crisis*

Guinea's and Sierra Leone's youth – as in other African countries – are in crisis. Daily confrontations with corruption and disrespect for the rule of law and human rights are leading today's youth to become increasingly disillusioned and disinterested in political and social development. This path toward political and social disengagement has led to strong destructive tendencies in both countries. As the crisis of governance becomes more acute, the probability that Guinean and Sierra Leonean youth will turn to destructive forms of political expression increases. Guinean youth in the cities have repeatedly taken to the streets to protest against excessive power and water shortages. Smoldering frustrations are exacerbated around election time, due to political manipula-

tions by politicians who fail to consider the consequences of their actions, as experienced during the 2010 presidential elections, 2012 local elections in Sierra Leone and 2013 legislative elections in Guinea.

In 2012, politicians in both the All Peoples Congress (APC) and the Sierra Leone Peoples Party (SLPP) were the primary sponsors of the violence committed during a local election for the Freetown City Council in Sierra Leone, where many people were injured. Unfortunately, the State lacked the steadfastness, and in many instances the morality, needed to convince youth that their future was in good hands.

#### *Women in Guinea and Sierra Leone and Politics*

As in other transitional democracies, women in Guinea and Sierra Leone face many challenges, ranging from acute poverty and illiteracy to gender-related issues, including sexual violence and socioeconomic inequalities. However, in both countries, they have opportunities to advocate for their rights. On the electoral front, women's advocates have experienced victories in promoting the engagement of women in the political sphere, but further efforts are needed to truly make a difference. Women's groups and advocates must support each other and build their leadership and advocacy capacities. Campaigns that bring attention to the challenges women face in these two countries are needed to build awareness of the population in general and decision-makers in particular. Although women are visible in political life at the community-level, they do not yet hold positions of power.

In over a decade of working closely with several groups of women from all sectors in Guinea, we have learned that women resist getting involved in the competitive, divisive and potentially violent world of politics, although they do support male politicians and their agendas. Women from both Sierra Leone and Guinea, acting collectively or alone, have intervened decisively to denounce injustice and acts of violence. After former Guinean President Sékou Touré lost the support of working women in Guinea's capital city Conakry, his regime was forced to introduce immediate economic reforms. His successor, President Lansana Conté, and his political constituency strongly relied on market women

and traders. In 1996, the women of Sierra Leone were determined to have the first multi-party elections in nearly a quarter century. Despite the abuse and indignities they suffered for their efforts, they were persistent in their calls for elections to take place on the dates agreed upon by Sierra Leonean citizens. From 2001-2002, the women of Sierra Leone were very supportive of President Ahmad Tejan Kabbah's government, leading to the ouster of the Revolutionary United Front (RUF) from the country. Following years of civil war, both youth and women advocated for a peaceful election process. When it comes to election-related violence, women – as mothers, sisters, daughters, wives and girlfriends – are key players who can influence their sons and husbands either way.

The International Foundation for Electoral Systems (IFES), as well as other organizations, has carried out several conflict prevention initiatives by engaging women and youth both as implementers and target groups before, during and after elections. It is difficult to measure the impact of these initiatives when little to no election-related conflict is reported. In Guinea, major nationwide women leaders' peace building efforts both for the 2010 and 2013 elections involved large, staged meetings where women representing opposing parties solemnly pledged to promote peaceful elections. It is hard to say to what degree these initiatives helped to prevent electoral violence, but it is believed that measures targeting women and youth, along with appropriate media coverage, increase understanding of the electoral process and encourage nonviolent behavior.

## Political and Electoral Background

### *Sierra Leone*

During Sierra Leone's 10-year civil war, from 1991-2001, the country saw the ouster of President Joseph Saidu Momoh;<sup>1</sup> a military coup and short rule by the National Provisional Ruling Council junta (NPRC); the ouster of the NPRC junta and election of President Ahmad Tejan Kabbah;<sup>2</sup> a third military coup and short

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1 The second President of Sierra Leone, from 1985-1992.

2 The third President of Sierra Leone, from 1996-1997.

rule by the Armed Forces Revolutionary Council (ARFC) junta; and then a final ouster of the ARFC junta by a West African multilateral armed force<sup>3</sup> that reinstated President Kabbah. In 2001, Indian and British forces were deployed to finally defeat the Revolutionary United Front rebels. The United Nations' (U.N.) peacekeeping forces were then able to start disarming the rebels and restore authority to the State. The 2002 elections conducted under U.N. supervision reaffirmed the commitment of the international community and the Sierra Leonean people to democracy. Those elections saw President Kabbah re-elected for his second and final term in office. In 2007, the country solidified its way toward recovery by successfully conducting presidential and parliamentary elections and by peacefully transferring power to the opposition party.

The 2007 elections succeeded for several reasons. Most importantly, the National Electoral Commission (NEC) managed them professionally and received well-deserved credit. In addition, civil society input, sound technical support from the U.N. Integrated Office in Sierra Leone (UNIOSIL) and the diplomatic community also contributed to the successful elections. However, one of the main contributions came from the Political Parties Registration Commission (PPRC).<sup>4</sup>

Sierra Leone's 2007 parliamentary and presidential elections, followed by the 2008 local elections, represented major steps toward a credible, inclusive electoral process. International and domestic observers praised both elections. Given the country's recent history of a brutal and devastating civil war, the low level of electoral violence was remarkable.<sup>5</sup> More importantly, the Sierra Leo-

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3 The Economic Community of West African States Monitoring Group (ECOMOG) was the West African multilateral armed force established by the Economic Community of West African States (ECOWAS). ECOMOG was a formal arrangement for separate armies to work together. Nigeria provided the most armed forces and financial resources, with additional forces from other ECOWAS members.

4 The PPRC's mandate is to register political parties; monitor party affairs and party conduct during elections to ensure they comply with the Sierra Leonean Constitution; promote pluralism and the spirit of constitutionalism; and mediate conflict and disputes between political parties or leaders.

5 In December 2007, the Government of Sierra Leone and the U.N. Peacebuilding Commission adopted a Peacebuilding Cooperation Framework that recognized gender-equality as a cross-cutting peacebuilding issue and listed specific commitments to advance that goal. These commitments included funding for family support units of the police, capacity building of national gender institutions and implementing domestic violence, inheritance and property rights laws.

nean population accepted the results and deemed the elections free, fair and transparent. Sierra Leone saw its first peaceful transfer of power since the end of the civil war with Ernest Koroma (head of the opposition, APC) defeating Vice President Solomon Berewa (head of the incumbent party, the SLPP).

Despite this progress, the 2007 elections were not trouble free. Backsliding remained a concern in a country not yet beyond the shadow of violent conflict. A particular point of contention came from the Sierra Leonean Constitution rule that the incumbent president was not permitted to run for a third term. This rule caused tension within political parties and among their respective supporters. Violence occurred in both the capital city of Freetown and neighboring districts; the West Africa Network for Peacebuilding (WANEP) issued an alarming report in July 2007 warning of dire consequences if proper actions were not taken to restore order. Almost two years later, in March 2009, violence related to local by-elections erupted across the country, including Kenema and Gendema, and spread to Freetown. While the United Nations and the PPRC quickly intervened to facilitate interparty reconciliation, relations among the parties remained tense; there was fear that similar violence could break out yet again around the November 2012 elections.

Fortunately, this was not the case. Presidential, parliamentary and local elections were successfully held in November 2012. Sierra Leone received international acclaim for holding its third election since 2002, which was also its first election since the end of the civil war. Further, the 2012 elections were conducted entirely by national democratic institutions.

### *Guinea*

Under the regime of Lansana Conté,<sup>6</sup> whenever Guinea came close to organizing free and fair elections, clashes between competing forces would inevitably break out. The nature of these clashing forces differed as the transition evolved. The 1991 Guinean Constitution, which the citizens overwhelmingly supported, allowed them to vote in a multi-party system for the first time. Conté barely

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<sup>6</sup> Conté was the second President of Guinea, from 1984-2008.



won the first multi-party presidential election in 1993 with just 51 percent of the votes. He then made sure that such a close election could never happen again. The next presidential elections, held in 1998, were riddled with flaws ranging from stacked urns to meddling with results tabulation. The aftereffects of the previous one-party regime persisted for nearly a decade through a series of rigged and flawed elections, with Conté's repressive regime taking action against any serious opponent.<sup>7</sup>

Parliamentary elections in 2002 were boycotted by most opposition parties as the regime continued to restrain its opponents' political activities.<sup>8</sup> On Election Day, there was little violence to report; opposition party militants had been encouraged to stay home by their leaders.<sup>9</sup> However, a small group of voters turned out under the vigilant control of the armed forces, and pedestrians faced menacing military tanks at the main roundabouts of Conakry. The situation remained unchanged for the presidential elections in 2003 and legislative elections in 2004.

In 2005, the government – in urgent need of international assistance – showed signs of reform by embracing private radio stations and the organization of municipal elections. This reform coincided with the emergence of a well-structured and strengthened civil society; the strong alliance of the four major labor unions;<sup>10</sup> and a relatively united political opposition. However, once again, the government, led by then Prime Minister Cellou Dalein Diallo, manipulated and controlled the process.<sup>11</sup> Elections were peaceful under Conté's army, but the

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7 To that extent, the main opponent and current President of Guinea, Alpha Condé, was arrested and jailed for two-and-a-half years.

8 Alpha Conde's party RPG (Guinean People Alliance) headquarters were ransacked and its meetings forbidden. Opposition party leaders were constantly harassed and not allowed to meet with their constituencies or campaign.

9 In one of the main roundabouts of Conakry, tanks were aimed at voters as they walked to the polling stations. The three main opposition parties boycotted the election.

10 The creation of the *Intercentrale Syndicale* in 2005 (an umbrella structure combining the four main labor unions) in Guinea marked a turning point in Guinea's struggle for change as they orchestrated the first general strike of Guinea's workers under the Conté regime.

11 Election results were rigged during the centralization process in centers installed in all 38 communes; even commissioners, members of the election commission responsible for the supervision and control of the elections, were barred from observing the process.

country was becoming increasingly polarized. On one side were those close to Conté's ailing regime: subservient State representatives, wealthy merchants and military elite who benefited immensely from more than two decades of power. On the other side was a growing and empowered civil society, sensitized labor unions and four main opposition parties united and ready to join forces for change. Cases of electoral violence reported during the 2005 local and communal elections were not ethnically based.<sup>12</sup> Both sides were made up of all the country's ethnic communities.

Social unrest increased as a growing, united social movement, fueled by the main political parties, advocated for democratic reforms and improved governance with a single, strong voice. This led to a popular insurrection in March 2007 that began to destabilize the government. Conté's death in December 2008 brought on a military coup, which marked yet another chapter in Guinea's transition toward democratic rule. The short reign of former President Dadis Camara ended in bloodshed with an assassination attempt by one of his close collaborators in December 2009.

Another transitional government was established under the auspices of the Ougadougou Accords, with General Sékouba Konaté as acting president and Prime Minister Jean-Marie Doré as head of a government of national unity. There was great fear that violence would occur during the 2010 presidential elections, especially during the four-month period between the two rounds. The Malinke and the Sousou, and a majority of the Association of Foresters, sided with Alpha Conde. The Peuhl community, along with a few followers of Sydia Touré's Union of Republican Forces (UFR), aligned with Cellou Dalein Diallo. The manipulation and utilization of youth in the streets throughout the campaign reached its peak during this election period. Efforts to mitigate violence and social unrest focused on youth networks, cross-sector peer groups and women's engagement.

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<sup>12</sup> The party in power at the time, Party for Unity and Progress (PUP), was not ethnic based; violence was mostly perpetrated by overzealous security forces targeting opponents.

## **Mobilizing Youth and Women in Mitigating Election-related Violence**

### *Engaging Youth in Dialogue and Mediation Platforms*

Given the limited time since Sierra Leone's brutal and devastating civil war, the low level of election-related violence in the 2007 and 2008 elections was remarkable; much of the credit belonged to the District Code of Conduct Monitoring Committees (DCMCs). These committees were set up with the PPRC to ensure that political parties adhered to the Political Parties Code of Conduct, which was signed by each political party in November 2006. A DCMC was created in each of the 14 districts with representatives from each of the political parties; civil society, including women and youth groups; the National Election Commission (NEC); and the Sierra Leone police. In July 2007, the PPRC, with support from IFES, held a symposium on conduct during an election campaign to teach students about the election campaign code and emphasized the need for a violence-free, peaceful election in Sierra Leone. At the end of the symposium, the Political Parties Code of Conduct and the Conduct Monitoring Committee's (CMC) work was shared with the students.

IFES supported 61-targeted DCMC interventions throughout the country. Radio programs, with local DCMC members representing different communities, spread the message of nonviolence and reached an estimated 250,000 Sierra Leoneans nationwide during the two election periods. The committees were widely acknowledged by national and international observers for their role in reducing tension in the elections.

To reach all Sierra Leoneans, IFES developed a citizen's pledge with the Independent Youth Forum (IYF). The pledge was printed on posters and shirts, and was distributed as a way to increase active involvement in holding peaceful elections. The IYF worked with several other organizations to bring people together in discussions about the elections. The pledge was integrated into all of these activities.

The DCMCs were reinstated prior to the 2012 elections, with a focus on preventing and mediating conflicts. IFES began engaging the PPRC and relevant

youth associations in revitalizing the DCMCs, taking advantage of their previous experience with DCMCs during 2007 and 2008, but with an increased focus on youth and other at-risk groups, such as women.

In neighboring Guinea, for more than a decade, IFES was able to sustain a nationwide civic and voter education program, while empowering civil society to establish itself as a major player in the country's transition toward democratic rule. Working in close partnership with over 50 civil society networks and organizations, IFES emphasized the engagement of youth and women.

Demonstrations often become violence because of agitators who are known to be paid by politicians to disrupt an election that they might not win. The majority of demonstrators in Guinea are youth and even young boys. They are not necessarily the cause of violence, but they are the actors and, more importantly, they are also victims. We must teach youth to recognize their vulnerability, political and otherwise. In Guinea, as in Sierra Leone, traditional parental education has decreased in the homes, and several generations have suffered from inadequate schooling, leaving a void that must be filled to maintain a stable society. IFES partnered with teachers' unions, which enabled educators to systematically reach all public high schools and colleges in Guinea. The importance of continued civic education cannot be overstated.

Youth caravans and concerts were successful in channeling creative energies of youth in both Sierra Leone and Guinea. Following a resurgence of violence in Sierra Leone in 2007, outreach concerts by Artists United for Peace Building were held in six districts of Sierra Leone, where artists delivered the "Campaign against Violence" message, targeting youth and the community, building trust and promoting peace, particularly among youth.

In Guinea, every sector was engaged as an important stakeholder in maintaining a peaceful electoral process — youth in the military, political parties, universities, the informal sector, the literate and the illiterate. Target groups were led to understand the significance of an election and their right to choose their leaders freely without fear, based on a candidate's capacity.

Local partner organizations were initially engaged to reinforce their understanding of the basic principles of rule of law and the democratic process. They were then technically trained as educators and advocates for fair, peaceful elections. Local civic educators were employed to reach each target group, enabling educators to communicate in every native language spoken in Guinea. Young democracy facilitators were trained and actively engaged in their sector and community in the 33 prefectures and five communes of Conakry. Dialogue platforms were created for all young people to share their views on the importance of their role in the political process, to identify existing obstacles to peaceful elections and to discuss their planned conduct before, during and after Election Day. Young Citizens Groups were spontaneously established following such a platform in each prefecture of Guinea in 2009; to this day, they are actively training to work with stakeholders and partners in areas that include conflict mitigation, election monitoring, transparency in extractive industries, justice reform and civil-military relations. As with the Sierra Leone Citizen's Pledge, consensus was reached among participating Guinean youth from all regions to create a *Guide for the Conduct of Youth during the Election Process*. Young citizens' committees were established in the 33 prefectures and in Conakry to disseminate the guide.

### *Women and Peace Marches*

In Guinea and Sierra Leone, IFES programs promote the participation of women in all aspects of the electoral process, as candidates, poll workers and civic educators. Transitional democracies provide women with a strategically important opportunity to be included in the reform process and to be agents of change to improve their status and promote peaceful societies. However, in order for women's movements in these countries to effectively advocate for improved rights, more respect and less violence, they must reinforce their demands. Their participation in discussions and negotiations about the future of their countries is crucial to their success in achieving greater representation; indeed, participation is a critical component in any successful democracy.

In both countries, women's peace and solidarity marches were held prior to elections in violence-prone areas. The marches were often followed by town hall meetings, where key stakeholders expressed their commitment to violence-free elections and acknowledged the important role that women had in ensuring this outcome. These town hall discussions enabled women to understand how dissension among themselves and a lack of solidarity hindered their progress. Similar views are regularly expressed across the Mano River Union countries such as Liberia and Côte d'Ivoire. Initiatives in those countries resulted in women uniting to achieve common goals put forth by women for women.

Women's advocates in Guinea and Sierra Leone would greatly benefit from improving their advocacy knowledge and skills to promote and establish women's rights policies.

## Conclusion

The stability of these nascent democracies would be enhanced if women and youth took concerted action, building on the achievements of various conflict resolution interventions over the past decade. Clearly, Guinean and Sierra Leonean women and youth can and want to do more. Nonpartisan peace building and national cohesion provide a platform that would appear nonthreatening to established male politicians and would provide the space for women and youth to contribute to the electoral process, unhindered by ethnic and other considerations.

However, intergenerational and gender relations suffer from the weight of cultural and traditional customs. This history must be taken into account when promoting reform. As reported clearly in the *Sierra Leone Truth and Reconciliation Commission Report*,<sup>13</sup> the following is valuable for both countries:

The government does not have any policies or programs, which address the promotion of generation relations. The cultural milieu and traditional

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<sup>13</sup> Sierra Leone's Truth and Reconciliation Commission. (2004). *Sierra Leone truth and reconciliation commission report*. Area 15. Retrieved from: <http://www.sierra-leone.org/TRCDocuments.html>

stereotypes do not allow for young people and women to be heard in the midst of elders.

Young people interact with older people but the interactions are based on the felt needs of the aged. The older people must always dictate the terms of these relations.

These relations are culturally managed and not controlled by NGOs and government.

IFES has been fortunate to support Guinea for over two decades, including the last 12 years as the nation transitioned from military to civilian rule. As most of the international community was forced to withdraw aid during this period, due to the absence of good governance and democratic progress, the exceptional vision of a few donors allowed IFES to strengthen all sectors of Guinean society through dialogue and consensus building.<sup>14</sup>

Be it Guinea or Sierra Leone, women recommend the establishment and support of women practitioners' platforms where practical tips and ideas can be shared so that ordinary women can work together for violence-free elections. We must focus next on bringing on board as many diverse women as possible. Those who feel elections and women's activism are not for them are especially needed. Such platforms could also bridge the gaps and divisions that exist among women based on ethnicity, religion, economic status or educational attainment by presenting issues of vital importance to all women.

Additionally, channeling the energies of youth toward positive modes of political expression, where shared frustrations can serve as a catalyst for reform – rather than a source of conflict – is essential. For youth to play a meaningful

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14 The Democracy and Governance team at USAID in Guinea showed unwavering commitment to building the capacity of civil society. With a timely U.N. emergency peacebuilding grant, IFES was able to conduct a caravan of opinion leaders throughout Guinea to converse with the grassroots population on their preoccupations, views and recommendations aimed at the government, the National Assembly, judiciary, electoral commission and political parties. They were also asked to identify what they thought were the main sources of conflict in their community and what could be done to prevent, mitigate or manage them.



and constructive role in their country's development, they need the tools and support to begin creating positive social change in their communities, as well as an instilled belief that every small contribution of each individual adds substantively to a larger wave of change. Currently, nascent networks of youth organizations in the Mano River Union region could serve as a fledgling platform for awakening youth and developing solidarity. However, many of these organizations lack the necessary tools. They are not empowered to play a leading role in the development of their communities, in the promotion of reforms or in the safeguard of good governance practices. Youth groups are known to have a strong capacity to mobilize members and resources when inspired, but very few are aware of the important role they could play in promoting social, political and economic reform.

If the credibility of an election outcome is in doubt, political parties and voters may be more likely to resort to violence. Continued support of election management bodies and electoral systems will help alleviate suspicion and build trust among voters, thus reducing the chances for electoral violence. Electoral assistance must effectively focus on transferring competence and knowledge in reality – not just on paper. Improvements within the electoral architecture, including the electoral system, legal framework and management structure will contribute to increasing the participation of women in electoral and political processes. Without mature and professional political parties, the main actors of the political process, all these efforts will be fruitless. Instilling democratic principles within their structure and building participatory platforms with clear ideologies, gender guidelines and principles, remains one of the biggest challenges.

As mentioned earlier, it is difficult to measure results when it comes to conflict prevention. When violent conflicts erupt, it is clear that not enough effort was put into conflict prevention and peace building. However, when an election takes place with little or no violence, how can we effectively measure which initiatives played decisive roles in maintaining a peaceful environment? In the case of Guinea's 2010 presidential election, a concerted effort was made by both national and international structures to engage women and youth in initiatives promoting peaceful elections. Despite all predictions to the contrary, these

initiatives demonstrated that consistent, long-term efforts on a national level will succeed in preventing the eruption of passionate, accumulated frustrations into violence. Sustained long-term engagement, at the national and local level; civil society organizations placed at the heart of programs; and competence transferred to women and youth are the main ingredients for achieving long-lasting, stabilizing results.

### About the Authors

*Elizabeth Côté is currently IFES Chief of Party for Nepal after spending over a decade in Guinea, where she worked with stakeholders in networking, advocacy, dialogue, conflict prevention and capacity building to promote rule of law. Côté worked nationwide with the United Nations Peacebuilding Unit and SwissPeace to promote national unity and the participation of youth and women in conflict prevention. She supported the transition process in Guinea through electoral assistance and peace building initiatives. She is the author of two books, one on the access of farm women to agricultural land published in 1989, and one on the transition in Guinea published in 2008.*

*Almami Cyllah, a native Sierra Leonean and IFES Regional Director for Africa, has more than 25 years of experience in conflict resolution, political affairs and democracy development. As former IFES Chief of Party in Liberia, he provided technical assistance to the National Election Commission at every stage of the electoral process. Cyllah previously served as IFES Chief of Party in Haiti. He has field experience in Kenya and Côte d'Ivoire, and has previously worked in Washington, D.C., as Director of African Affairs for Amnesty International. His thought pieces have been published in the Washington Post, the Christian Science Monitor and Africa Report.*



Sierra Leone





Mali

# Mali's Struggle Against Electoral Violence

*By Sidi Diawara*



## Introduction

Observers of international political history would have to recall the colonial era in Western Sudan<sup>1</sup> and the early years of independence to find the most gruesome examples of pre- and post-electoral violence in Mali. When French colonizers granted political rights to Western Sudanese subjects in 1947, political parties emerged. Rivalry among these parties steadily grew during the post-independence era, leading to physical oppression of opposition parties, escalating to the jailing and subsequent assassination of opposition leaders and culminating with a one-party system that lasted from 1961 to 1968.

These events led to the incursion of a military presence onto the political scene through a coup d'état on November 19, 1968. Malians would wait nearly 23 years before again enjoying a multi-party democracy, ironically following another military coup on March 26, 1991. That revolution was sparked by the new policy line of France vis-à-vis former colonies, the fall of the Berlin Wall and events at Tiananmen Square. Malians craved the freedom and democracy they were seeing elsewhere in the world and began staging demonstrations that grew violent and ultimately led to the coup.

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1 Western Sudan was the name used by the French colonizers. At independence, the leaders chose the name Mali in reference to the Empire of Mali that existed in this area covering Guinea, part of Senegal, northern Côte d'Ivoire and the current territory of Mali.

A new era began with Mali's first post-independence, multi-party election in 1992 that was deemed transparent, fair and credible. The environment in which these elections took place was peaceful. For the first time, Malian voters freely expressed their choice by electing a civilian president. However, a successful election does not necessarily mean the days after will be peaceful and much tension followed the elections. The post-election period polarized relationships between the ruling party and opposition and between government and citizens. Arguably, it takes a few electoral cycles to smooth out the inevitable bumps in the process. For a country with French political heritage, elections managed by the government do not always build trust and confidence. Government agencies, due to a long history with a one-party system, were perceived as subservient to the ruling party. Mali was no exception. In 1997, an election year, tensions rose to the point where the entire political process came under serious threat.

### **Elections in 1997: Saving the Democratic Process**

The 1997 elections were conducted by the Independent National Election Commission (CENI), the election management body (EMB) established to build trust in the electoral process. The CENI responded to foreign donors' hopes for a transparent electoral process in Mali.

The CENI ran into administrative difficulties, resulting in a court-ordered annulment of the 1997 legislative elections. A collective of 12 opposition parties also boycotted the presidential poll of 1997, which were administratively flawed but considered generally free and without fraud. The opposition parties claimed the elections were unconstitutional because the government failed to carry out a mandatory annual revision of the electoral list.<sup>2</sup> Nonetheless, some opposition candidates chose to participate by running as independents. President Alpha Oumar Konaré was re-elected for a second five-year term in this election. The exercise demonstrated the overwhelming strength of the Alliance for Democracy in Mali (ADEMA), the country's ruling party, causing other parties to boycott subsequent elections.

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<sup>2</sup> The Electoral Law in Mali requires an annual revision of the electoral list between October 1 and December 31. New registrations are carried out during the month of October and all other corrections, deletions, change of addresses etc. take place within the said three month-period.

Tensions rose with more demonstrations and the arrests of several opposition leaders accused of planning a coup d'état. However, those arrested called on supporters to remain within the confines of the law and avoid further violence. The arrested leaders were soon released, but they lost many of their followers in the process.

In 1997, the CENI turned out to be rather inexperienced. This body was unable to develop the electoral list within the legal deadline, and it was alleged that corruption marred its activities. The overall management of the CENI was opaque; remarkably, major issues surrounding elections did not lead more voters and political leaders into violence, as might have been expected. While concerns with the CENI were not addressed following the 1997 elections, opposition parties eventually accepted the results and joined a national unity government in various ministerial capacities.

## 2002: A Year of Major Shifts

*Our victory was stolen, the people's choice was discarded, but for the sake of peace, we will let it go. I am asking all those who voted for me, who wanted me to lead this country to accept the decision of the Constitutional Court.* — Ibrahim Boubacar Keita, defeated presidential candidate in 2002

The 2002 Malian presidential elections recorded the highest number of candidates in Mali's political history. The Constitutional Court declared 25 candidates eligible to run. Among them, five came from ADEMA, which had ruled the country since the first democratic election in 1992. The high number of candidates was a clear sign of rifts within the body politic.

At the same time, major changes in the country's electoral architecture and management posed a serious threat to the credibility of the electoral process. Following the failure of the CENI in 1997, the government limited its role in simply supervising the electoral process. Instead, the Ministry of Interior began conducting all electoral operations. The General Delegation for Elections was also established to manage the electoral list and public financing of political parties.



The peculiarity of the 2002 election resided in the fact that close to one-third of the votes cast in the first round were nullified by the Constitutional Court. The entire poll could have been nullified, but the court decided to uphold the rest of the results. The two frontrunners were to compete in a runoff, as provided in the constitution, because neither candidate won the required 50 percent plus one of votes cast in the first round. Ibrahim Boubacar Keita, the candidate of Rally of the People of Mali (RPM) and his supporters felt they were “cheated by the court” and “prevented from passing to the second round, which they believe would have given them a clear chance to win the presidency.” Tension rose in Bamako and other regions, and a rally was convened by Keita in the largest football stadium of the region. It drew at least 40,000 people. Keita convinced his supporters to remain nonviolent. He reiterated his desire to be president, but noted that his love for Mali and peace in general was greater than this desire. His supporters were disappointed, but they accepted his call for nonviolence. Following the second round of voting, Amadou Toumani Touré, an independent candidate, won with 64 percent of the vote.

The lesson of 2002 is that violence is never a distant phenomenon; it can erupt at any time. Preventive measures are key to avoiding the damaging consequences of electoral violence.

### **2007: The Year of Compromise**

The 2007 presidential election was not as heated as that of 2002. Several political parties decided not to field candidates, instead throwing their weight behind the incumbent President Amadou Toumani Touré, who came to power as an independent candidate. ADEMA went as far as excluding some of its executive members who opposed the decision to support Touré.<sup>3</sup>

Touré won in the first round, but the legislative elections that took place two months later were marred with fraud. More than 250 complaints were filed by parties contesting the results. In its ruling, the Constitutional Court declared

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<sup>3</sup> Among those who were excluded was Soumeylou Boubeye Maiga, an executive figure in the party, who ended up running against President Touré.

“electoral fraud has become systemic in Mali.” Lack of trust in the process resulted in massive fraud, which was recorded by many observers. This systemic fraud likely led to violence, as some decided to take justice into their hands.

### **Political Party and Gender-based Violence**

Violence between political parties can also be motivated by the gender of the elected official. In 2009, Salimata Dembelé Maïga was elected mayor of Yognogo, a rural community in the Cercle of Koutiala (Region of Sikasso). Mayor Maïga was assassinated during her term, leaving her community in despair. The perpetrator was apprehended, and it was later confirmed that the act was politically motivated. Not only was the mayor's assassinator from a different political party, but he also resented that a woman was managing the affairs of the community.

Another female figure that has faced gender- and political party-based violence is from the Touareg ethnic group. Nina Wallet Intalou was elected to the Municipal Council of Kidal in 2009; she was well-positioned to become mayor in a male-dominated society. However, Intalou was prevented from taking her seat on the council by traditional leaders and many male members of the council who refused to participate in meetings with her. Some male Touareg saw her election as a threat to their domination. Nina eventually sought political asylum in Mauritania.

Intalou is now an influential member of Mali's Touareg rebel movement seeking to secede from the rest of Mali through armed struggle. She has clearly chosen a path that lies outside of the Malian electoral process. It has been well-documented that violence leads to more violence, and it can be perpetrated on behalf of causes that seem righteous. For example, Intalou is currently indicted for sedition by the Malian government. An international arrest warrant has been issued against her and many of her allies of the Touareg rebel movement.

Beyond these few, more prominent cases, constant psychological violence is perpetrated against most women in rural areas who are prevented from exer-

cising their franchise by husbands and relatives.<sup>4</sup> This is a silent but damaging type of violence that will worsen as more women attempt to participate in the political processes. Women remain the backbone of political parties, and their votes make a large difference. Yet, of the 165 parties in Mali, only one is led by a woman, Diallo Aminata Sidibé. Diallo ran for president in 2002 and filed again in 2012, but another military coup brought the 2012 electoral process to a halt. She did not run in 2013. There was only one woman on the 2013 presidential ballot of 26 candidates, Aïssata Cissé, known by her nickname Chato, who was also member of the Parliament. She did not win the presidency but won her seat again in the 2013 legislative elections in the District of Bourem (Region of Gao).

In 2012 we could note that out of 147 members of Parliament, 15 are women. Of 27 cabinet ministers, five are women. There are just seven female mayors out of 703 across the country. Yet, the majority of voters listed in Mali are women. There are no statistics on the number of women who vote, but there is a shared assumption that more women cast their ballots than their male counterparts.

Early in 2012, the International Foundation for Electoral Systems (IFES) helped establish a mechanism to allow accurate counting of men and women who cast their ballots on Election Day. The tally sheets were redesigned for that purpose, so it is expected that votes will be disaggregated during the next elections.

### Youth and Elections in Mali

*Mali has a young population, and political parties must rely on youth for mobilization and votes.*

There are no statistics on the real participation rate of youth in Mali's elections since 1992. However, it is certain that all the political parties are dependent

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4 IFES conducted focus group research in late 2011 in order to understand what may motivate Malian voters or demotivate them. During the discussions many women in the rural areas alleged that they are sometimes prevented from taking part in political rallies and thus lose their motivation to vote since they have no understanding of the issues and do not know much about the candidates. Some fundamentalist Muslims simply prohibit their wives from going out to vote on Election Day. This is a growing trend in Mali.

on this population to win elections due to the high numbers of youth who can vote. Indeed, the political change of 1991 was successful partially thanks to the Students Association (AEEM). The 1991 demonstrations in Bamako were organized by university students and later joined by trade unionists and other social movements. Soldiers opened fire indiscriminately on these demonstrators. Riots broke out briefly following the shootings. Barricades and roadblocks were erected in many areas in Bamako, but soon the movement spread to all major cities.

Moussa Traoré, who had been in power since November 1968, declared a state of emergency and imposed a nightly curfew. Despite an estimated loss of 300 lives over the course of four days, nonviolent protesters continued to return to Bamako each day to demand the president's resignation and the implementation of a multi-party democratic system. Eventually, the army turned against its leader, and Traoré was deposed by an elite unit in charge of his security. This military coup paved the way for a multi-party democracy.

Since Mali's most recent coup d'état in 2012, there seems to have been a surge in the integration of youth and women in important political and transitional discussions. This surge represents a new opportunity to address historic and systematic marginalization of these two important groups. In the current tense environment, however, Mali remains vulnerable to electoral violence. During the first few months of the political crisis, scores of organizations were created. Many supported the military and advocated against the intervention of the international community. A group named the Association of the Legitimate Children placed a podium in front of the legislature for weeks with orators rotating in verbal assaults on members of Parliament.<sup>5</sup> At times, this group prevented members from accessing the parliament building. They recruited youths to perpetrate an attack on interim President Dioncounda Traore, who was almost killed. He was flown to France to seek medical attention following this attempt on his life.

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5 Even though the junta had "dissolved" all the institutions, they were re-instated under pressure from the international community. Yet many youth groups thought that if the country descended back into crisis that the Parliament was to blame for not standing up to the executive branch.

Mali's largest political party, ADEMA, recently selected Dramane Dembele, a 46-year-old candidate to run in the upcoming presidential election. He was the former chairman of the youth wing of the party and was competing against founding members who were, on average, age 60 or older. The selection process was conducted by a Committee of the Wise, which thoroughly screened candidates before selecting the youngest of the group. Nominating the leader of the party's youth wing for president was a sign that some changes are taking place within the party.

When the Touareg movement started attacking government military bases in 2012, it recruited unemployed Touareg youth, a tactic also used by drug warlords who were already roaming the desert and engaging in several types of trafficking with this demographic. The jihadist movements went even further than the drug warlords by recruiting children as young as 14 into their ranks. These boys were responsible for scores of serious human rights violations, including public floggings and assassinations. Most of the war prisoners captured by French and African troops in the combat against rebels turned out to be child soldiers who were recruited forcibly or simply brainwashed. It also became clear that many combatants were young men recruited by leaders of Al Qaeda in the Islamic Maghreb (AQMI) with the promise of eternal heavenly life if they were to die in combat. Combatants who escaped to neighboring countries reportedly continued to intimidate Malian refugees, preventing them from participating in elections via out-of-country voting.<sup>6</sup> The interim government of Mali and the international community are working to help Malian refugees in Niger, Burkina Faso, Algeria and Mauritania to safely exercise their right to vote.

To avoid the upsurge of groups that use intimidation and violence to promote their cause, Mali must undergo a meaningful transition and reform. Otherwise, the country will remain a fertile ground for political unrest.

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6 For the presidential election, the Electoral Law in Mali allows out-of-country voting for Malians in the diaspora regularly registered in the consulates. In an effort to include as many Malians as possible, the government, with the assistance of the United Nations High Commissioner for Refugees, made an effort to reach out to Malian refugees in camps in Mauritania, Niger and Burkina Faso. Government envoys were sometimes met with hostility and some refugees confided that there are combatants among them and they are threatening to "deal" with anybody who participated in the vote

## Recommendations

Violence remains in the background of Malian politics; sometimes it is used to achieve change. Yet, the resort to violence or absence of electoral violence in Africa is now considered a barometer of success. Quite simply, as long as Africans do not pull out machetes during elections, the process is deemed peaceful, fair and credible.

There is no single strategy for dealing with electoral violence; a combination of approaches and consistency in applying various solutions can mitigate this phenomenon that remains a high probability, particularly in Mali. The following approaches could help address and possibly resolve the problem effectively.

### *Creating a Space for Dialogue and Confidence Building*

Elections are important events in the life of a nation. Creating a space for dialogue and confidence building between the EMB and political parties will allow timely resolution of any issue that may lead to crisis.

In Mali, the electoral process has, unfortunately, been characterized by suspicions of fraud, rumors about inflated electoral voter lists that favor a candidate or party and threats and accusations about the conduct of elections. Parties tend to assume that other parties and candidates cheat, especially a ruling party that has access to government resources. In 1997, this distrust almost derailed the electoral process; opposition parties boycotted the elections and the incumbent president was nearly the only candidate on the ballot until another one was nominated. According to reports, the second candidate was paid to run so the election would not appear one-sided.

Mali may be able to learn from the experiences of interparty committees in Ghana, Liberia and Sierra Leone.

### *Addressing Major Legal Gaps*

Electoral violence is separate from and cannot be confused with other behaviors or actions that constitute a felony or a crime.

The Electoral Law in Mali does not address electoral violence, and the Political Party Charter does not provide any preventive measures or sanctions against those who engage in electoral violence. Both laws must be revised to include specific provisions and sanctions against electoral violence. For example, parties that engage in electoral violence could be dissolved. Party leaders who plan and encourage violence should lose their political rights and be barred from running in any Malian election. Such measures will be more effective than signing a code of conduct that is not legally binding. The gap in the existing legislation could also be addressed through additional provisions in the Penal Code.

### *Education by Civil Society and the EMBs*

Citizens are usually manipulated by political leaders who take advantage of Mali's high illiteracy rate and general ignorance concerning important aspects of the electoral process. Therefore, it is imperative to appoint independent, impartial civil society groups to consistently educate the citizenry on electoral and political processes and their rights. An educated population will be difficult to manipulate into electoral violence.

The EMBs in charge of the electoral process must consistently communicate on the electoral process and give citizens the opportunity to submit inquiries and receive responses at every phase of the electoral process. Open channels of communication will increase the transparency of the electoral process and help to restore trust in Mali's political institutions.

### *Binding Engagement Prior to Elections*

Candidate and party applications to the Constitutional Court for permission to participate in an election must contain a solemn declaration that the political party and/or the candidates will not use violence to influence or protest election outcomes. Should any party or candidate have a complaint about the process or the results of an election, they must agree to follow legal procedures.



*Security Forces and Judges Trained to Deal with Electoral Violence*

Security forces should undergo training programs on how to prevent and respond to electoral violence. Magistrates also have a critical role to play in dealing with offenders in adjudicating electoral violence cases; they must be prepared to impartially apply laws and penalties, as prescribed. Modules on electoral violence should be part of their training and regularly revised in light of new experiences and current events in Mali.

*Strict Regulations on Campaign Financing*

There is no campaign finance regulation in Mali; such a gap creates opportunities for abuses, fraud, vote buying and more. Some Malians believe parties can buy votes or judges. To defeat this perception, specific regulations on campaign finance will be critical. By regulating campaign finance, the power of money to subjugate citizens and manipulate them for political gains can be reduced.

*Dealing with the Ethnic Dimension of Politics*

Ethnicity and religion both play major roles in African politics, to the point that conflicts are sometimes perceived, wrongly or rightly, as being between two different groups, such as Muslims versus Christians, or north versus south. A consistent effort must be made to diminish the appearance of such conflicts and transform political parties into unifying forces that promote diversity and multiculturalism.

Even though Mali has not yet experienced electoral violence along ethnic lines, the country is on the verge of a serious ethnic rift. The current crisis will exacerbate the ethnic divide. As part of a national reconciliation effort, political parties must deliberately embrace inclusiveness in their platforms.

**Conclusion**

Electoral violence in Mali has been mild in its expression since its peak in 1991. This is not necessarily because politicians have become wiser, but because the instigators of violence have lost faith in the political process and

are finding it harder to mobilize resistance. That seems to be the case for the general population.

Mali was a few weeks away from presidential and legislative elections when the March 2012 coup erupted. Francis Fukuyama has argued:

Politics emerges as a mechanism for controlling violence, yet violence remains as a background condition for certain types of political change. Societies can get stuck in a dysfunctional institutional equilibrium, in which existing stakeholders can veto necessary institutional change. Sometimes violence or the threat of violence is necessary to break out of the equilibrium.<sup>7</sup>

Indeed, Mali was living in a dysfunctional equilibrium that the rest of the world only came to understand in the aftermath of the March 2012 coup and the subsequent occupation of two-thirds of the country by Touareg rebels and their Islamist allies.

### About the Author

*Sidi Diawara is IFES Chief of Party in Mali. He co-founded a human rights promotion group and was a founding member of the Réseau APEM, a network of civil society groups specialized in domestic monitoring of electoral processes. Diawara was also involved in what is known in Mali as the Democratic Movement that championed change in Mali in 1991, turning Mali into an electoral democracy following a military dictatorship that lasted nearly 23 years. He was also the National Democratic Institute's Country Director for Liberia early in 2004 and then Resident Director for Côte d'Ivoire in 2006, where he worked with political parties. Diawara joined IFES in June 2010 as an Electoral Assistance Specialist in Senegal and was appointed Chief of Party for the Mali General Election Support program in July 2011.*

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<sup>7</sup> Fukuyama, F. (2012). *The Origins of Political Order: From Prehuman Times to the French Revolution*. Farrar, Straus and Giroux.



Mali





South Sudan

# Mitigating Electoral Violence in South Sudan



***By Robert David Irish***

## **Introduction**

This chapter focuses on the Republic of South Sudan's ongoing struggle to develop a modern democratic governance system after decades of civil war as part of the Republic of the Sudan and three years after their separation from Sudan.

Signing the Comprehensive Peace Agreement (CPA)<sup>1</sup> in January 2005 ended overt hostilities and provided benchmarks that included national and state elections in April 2010 and the Southern Sudan referendum on self-determination in January 2011. The South Sudanese people overwhelmingly voted for separation from Sudan, and full independence was declared on July 9, 2011, setting the stage for developing new governance structures. The Transitional Constitution of the Republic of South Sudan (TCRSS) 2011, Political Parties Act (PPA) 2012 and National Elections Act (NEA) 2012 currently provide the legal frameworks for instituting a pluralistic field for political and civil participation. However, history and current events demonstrate how the process of establishing democratic institutions in a post-conflict society with deep political and ethnic

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1 United Nations Mission in Sudan (UNMIS). (2014, March 19). *The background to Sudan's comprehensive peace agreement*. Retrieved from: <http://unmis.unmissions.org/Default.aspx?tabid=515> and *Peace agreements* and United States Institute of Peace (USIP). (2014, March 24). Sudan. Washington, D.C. Retrieved from: <http://www.usip.org/publications/peace-agreements-sudan> (The CPA 2005 is made up of six agreements and two appendices agreed to from 2002 until 2004 with the final comprehensive agreement signed on January 9, 2005.)

divisions runs the risk of electoral violence between competing interests. Developing strategies and implementing programs for mitigating potential conflict in South Sudan are thus integral to supporting the credibility of future electoral events and viability of the world's newest country.

Electoral violence represents a discrete type of violence that is qualitatively different from other forms of political violence, which are often defined by timing, targets and motives. IFES defines electoral violence as “any harm or threat to any person or property involved in the election process, or the process itself, during the election period.”<sup>2</sup> Examples include overt activities, such as voter or candidate intimidation, and covert actions, such as electoral manipulation. Exploring the experience of African countries emerging from protracted civil war as they attempt to implement democratic governance systems with the presence of a dominant political party, may shed light on the sources and types of electoral violence relevant to South Sudan. Applying lessons from Ethiopia, Democratic Republic of the Congo (DRC) and Sierra Leone to the political and historical setting in South Sudan could identify possible fault lines that may fracture under the pressure of democratic processes. Once potential threats of electoral violence are identified, national and international stakeholders can develop and implement strategies for anticipating, monitoring and mitigating possible violence.<sup>3</sup>

### **Opportunities and Challenges for Developing a New Governance System in South Sudan**

After Sudan achieved independence from Great Britain in 1956, political forces in southern and northern portions of the country failed to accommodate differing positions on representative governing structures and engaged in civil

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2 International Foundation for Electoral Systems (IFES). (2012) *Electoral violence: Voting undeterred*. Washington, D.C. Retrieved from: [http://www.ifes.org/Content/Topics/~/\\_media/Files/Publications/Brochure/2011/IFES\\_Electoral\\_Violence\\_Brochure.pdf](http://www.ifes.org/Content/Topics/~/_media/Files/Publications/Brochure/2011/IFES_Electoral_Violence_Brochure.pdf)

3 The author provided technical advisory services to referendum activities, electoral development and constitutional review processes in South Sudan as operations officer and field operations manager with IFES from December 2010 until September 2013.

war until the Addis Ababa Agreement in March 1972.<sup>4</sup> The desire for southern autonomy was fanned by northern attempts to marginalize southern political interests and control economic resources (namely oil). When the Khartoum government revoked southern governing rights, the fragile peace broke down and a second civil war raged from 1983 until 2005.<sup>5</sup> The United States, United Kingdom and Norway combined diplomatic efforts to secure the CPA in 2005, which included a plan for conducting national elections, a regional referendum for southern independence and a similar referendum for the disputed Abyei area.<sup>6</sup>

When South Sudan achieved statehood in July 2011, they initiated a transitional period during which the legal frameworks for establishing a democratic governance system – a permanent constitution, political party and electoral legislation – were expected to be instituted and fully implemented by July 2015. The PPA and NEA were enacted in March and July 2012, respectively. However, the constitutional development process was extended for two years by enacting the Transitional Constitution of South Sudan Amendment Act (TCSSA) on March 1, 2013. The maximum timeline for a new constitution is now early 2017, which means the first general elections due in 2015 will take place under the amended TCRSS, PPA and NEA, barring any amendments. These frameworks are capable of carrying the presidential and legislative elections if the corresponding electoral bodies are adequately supported and funded in sufficient time before the events.

As the nascent South Sudan democratic system matures, political party and civil society participation in public decision-making is expected to expand. The current political space is dominated by a single revolutionary party, the Sudan

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4 Sudan: Coups and conflict with the south (2013, September 12). *Encyclopedia Britannica*. Retrieved from: <http://www.britannica.com/EBchecked/topic/571417/Sudan/24321/Coups-and-conflict-with-the-south>

5 DeRouen Jr., K., Heo, U. (Eds.). *Civil wars of the world: Major conflicts since World War II* (Vol. 1, 744-746). ABC-CLIO.

6 The Abyei Area referendum on the right to determine its future administrative status as part of Sudan or Southern Sudan, as envisioned by the CPA 2005, has not yet taken place, despite passage of the Abyei Area Referendum Act on December 31, 2009, by the National Legislature of the Sudan. The issue of voter eligibility between resident Ngok Dinka and nomadic Messirya remains unresolved.



People's Liberation Movement (SPLM), comprised of diverse regional interests, rival positions and competing personalities. Opposition parties are represented in government and society, but they are still constrained by a lack of capacity and limited constituencies. Civil society is growing in scope of issue coverage and organizational capacity, but it requires further development to effectively lobby for political and social positions. Political and civil groups are representing national, regional and local interests, while the fledgling media attempt to cover diverse issues. Institutional challenges, such as government tolerance for freedom of expression,<sup>7</sup> threaten the potential for further progress.

As political parties continue to evolve, future electoral events will become more hotly contested as viable candidates compete for votes among identifiable constituencies. Interparty violence may develop if the ruling party feels threatened by the emergence of genuine competition.<sup>8</sup> The likelihood for intra-party violence is near certain, given recent events, as rival political interests can be expected to clash over leadership and regional differences, affecting the ability of the SPLM to consolidate campaign platforms and rally around candidates. These potential flashpoints were exacerbated on July 23, 2013, when President Salva Kiir Mayardit dismissed Vice President Riek Machar Teny Dhurgon and the entire ministerial cabinet in an effort to “promote efficiency and good governance.”<sup>9</sup> This wholesale executive sacking may have been in response to the ongoing power struggle within the SPLM and “discontent with

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7 S. Sudan security detains editor of independent newspaper. (2013, December 10). *Sudan Tribune*. Retrieved from: <http://www.sudantribune.com/spip.php?article49134> and Government warning undermines S. Sudan's media freedom: CPJ. (2014, March 15). *Sudan Tribune*. Retrieved from: <http://www.sudantribune.com/spip.php?article50308> and Committee to Protect Journalists. (2013, May 22). *Press must be able to work freely in South Sudan, Open letter to President Salva Kiir Mayardit*. New York, NY. Retrieved from: <https://cpj.org/2013/05/press-must-be-able-to-work-freely-in-south-sudan.php> (Elements within the RSS government are reluctant to tolerate media criticism of its activities or leaders creating a history of media harassment and intimidation.)

8 European Union Election Observation Mission of the Republic of Sudan. (2010, April). *Final report on the executive and legislative elections 2010*, 27-28. Retrieved from: [http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010\\_en.pdf](http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010_en.pdf)

9 BBC News Africa. (2013, August 1). *South Sudan's Salva Kiir excludes Riek Machar from cabinet*. Retrieved <http://www.bbc.com/news/world-africa-23529935>

[the president's] leadership" by placing more supportive politicians in key governing positions.<sup>10</sup>

The potential for South Sudan to institute a strong democratic governance system has been at risk from political divisions, institutional deficiencies and economic austerity since independence in July 2011. The slow-burning fuse of decision-making reform within the SPLM finally sparked and exploded into violent and sustained conflict between opposing political factions within the Sudan People's Liberation Army (SPLA) in December 2013.

The debate over internal party reform had been ongoing within the SPLM and was highlighted in March 2013, when Political Bureau (PB) and National Liberation Council (NLC) meetings concluded without consensus on core party documents, including the constitution, manifesto, code of conduct and rules and regulations.<sup>11</sup> The decision to postpone the SPLM National Convention (NC) scheduled in May 2013 fueled speculation over rival challenges to President Kiir's party leadership based on issues of "corruption, tribalism, poor international relations, insecurity and economy."<sup>12</sup> After the executive government reorganized in July 2013, Machar, who remained the first-deputy chairman of the SPLM despite losing his vice presidency, became increasingly more vocal in his public criticism of President Kiir. During a December 6, 2013, press conference in Juba, Machar and his ethnically diverse, reform-minded SPLM allies leveled serious charges of leadership mismanagement, questioned government financial accountability and issued an ultimatum demanding that the PB set an agenda for party reform during the next NLC.<sup>13</sup> President Kiir downplayed the significance of the claims, indicating that convening an extraordinary NLC

10 BBC News Africa. (2013, July 24). *South Sudan's Salva Kiir sacks cabinet*. Retrieved from: <http://www.bbc.co.uk/news/world-africa-23428557>

11 Sudan Tribune. (2013, December 12). *SPLM senior official rules out reconciliation during Saturday NLC meeting*. Retrieved from: <http://www.sudantribune.com/spip.php?article49164>

12 Sudan Tribune. (2013, December 8). *SPLM abruptly postpones NLC meeting*. Retrieved from: <http://www.sudantribune.com/spip.php?article49113>

13 Sudan Tribune. (2013, December 6). *Senior SPLM colleagues give Kiir ultimatum over party crisis*. Retrieved from: <http://www.sudantribune.com/spip.php?article49087>

meeting was necessary, because the regular SPLM leadership structures had expired in May 2013, after their five-year terms.<sup>14</sup> During a December 8, 2013, press conference, Vice President James Wani Igga, also supported by SPLM leaders, dismissed the allegations as misleading.<sup>15</sup> He asserted that the former government officials were disgruntled after being sacked in July 2013; they bore responsibility for previous governmental issues, as they were key decision-makers during the period under question; and he demanded that they cease and desist in discrediting and distorting the facts about SPLM leadership and inciting the SPLA against the country's presidency.<sup>16</sup>

The SPLM debate on party leadership and corresponding vision for internal party decision-making reached its climax during the December 14, 2013, NLC meeting. One of the key reforms proposed by Machar's group was the institution of the secret vote, versus a show of hands, within the NLC to encourage dissent without fear of retribution.<sup>17</sup> Rather than seeking political dialogue or reconciliation with his detractors, President Kiir reportedly lambasted Machar for his behavior. The proposed amendments to the party documents were defeated, and the would-be reformers exited the meeting and did not return the next day.<sup>18</sup> The competing political perspectives turned deadly on the night of Dec. 15, 2013, when opposing groups within the Presidential Guard violently clashed at a military base in Juba,<sup>19</sup> triggering a sequence of events that

14 Sudan Tribune. (2013, December 7). *Kiir downplays significance of ultimatum by senior SPLM members*. Retrieved from: <http://www.sudantribune.com/spip.php?article49098>

15 Sudan Tribune. (2013, December 11). *SPLM rift deepens as S. Sudan VP denies deviation from vision*. Retrieved from: <http://www.sudantribune.com/spip.php?article49136>

16 Sudan Tribune. (2013, December 12). Okuk, J. *Comment & analysis: Who is SPLM and who is not?* Retrieved from: <http://www.sudantribune.com/spip.php?article49144>

17 Sudan Tribune. (2013, December 16). *SPLM convenes national liberation meeting despite sharp division*. Retrieved from: <http://www.sudantribune.com/spip.php?article49179>

18 Sudan Tribune. (2013, December 15). *SPLM leaders pull out of NLC meeting over 'lack of dialogue spirit.'* Retrieved from: <http://www.sudantribune.com/spip.php?article49181> and Sudan Tribune. (2013, December 25). Malou, A M. *Comment and analysis: Synthesis and analysis of the current crisis in South Sudan*. Retrieved from: <http://www.sudantribune.com/spip.php?article49315>

19 Sudan Tribune. (2013, December 16). *South Sudan's presidential guards clash in Juba*. Retrieved from: <http://www.sudantribune.com/spip.php?article49192>

resulted in pitched battles between government security forces and groups of rival soldiers.<sup>20</sup>

In the ensuing chaos, rumors of inter-ethnic fighting between Dinka and Nuer military factions loyal to President Kiir and Machar, respectively, fueled intense gun battles between contesting forces.<sup>21</sup> Numerous deaths and casualties resulted in Juba.<sup>22</sup> Atrocities were reportedly committed by Dinka forces against Nuer citizens in Juba, and by Nuer citizens against Dinka forces in Bor.<sup>23</sup> Thousands of refugees sought protection at the United Nations (U.N.) compounds.<sup>24</sup> President Kiir made claims of an attempted coup d'état by Machar,<sup>25</sup> and the reform-minded SPLM members were reportedly arrested.<sup>26</sup> After escaping arrest and fleeing Juba, Machar denied the coup attempt charges. Machar called for the removal of President Kiir,<sup>27</sup> took up arms against the govern-

20 Sudan Tribune. (2013, December 16). Akec, J A. *Comment and analysis: South Sudan: Making sense of December the 15th, start of war-Part 1*. Retrieved from: <http://www.sudantribune.com/spip.php?article49383> and Sudan Tribune. (2014, January 20). *South Sudan's Kiir to blame for violence: Machar's spokesperson*. Retrieved from: <http://www.sudantribune.com/spip.php?article49647>

21 Sudan Tribune. (2013, December 17). Reeves, E. *Comment & analysis: The 'coup' attempt in South Sudan: What we know*. Retrieved from: <http://www.sudantribune.com/spip.php?article49226>

22 Sudan Tribune. (2013, December 17). *South Sudan says military clashes contained despite continuous gunfire*. Retrieved from: <http://www.sudantribune.com/spip.php?article49214>

23 Human Rights Watch. (2014, February 27). *South Sudan: War crimes by both sides*. Retrieved from: <http://www.hrw.org/news/2014/02/26/south-sudan-war-crimes-both-sides> and Los Angeles Times. (2014, March 11). Dixon, R. *South Sudan ponders the road ahead after ethnic killings*. Retrieved from: <http://www.latimes.com/world/la-fg-c1-south-sudan-reconciliation-20140311-dto,0,7746024.htmlstory>

24 BBC News Africa. (2013, December 18). *South Sudan fighting spreads after 'coup attempt.'* Retrieved from: <http://www.bbc.com/news/world-africa-25438671>

25 BBC News Africa. (2013, December 16). *South Sudan quashes coup attempt, says President Kiir*. Retrieved from: <http://www.bbc.co.uk/news/world-africa-25396853>

26 Sudan Tribune. (2013, December 17). *S. Sudan arrests 10 senior officials over failed 'coup attempt.'* Retrieved from: <http://www.sudantribune.com/spip.php?article49220> and Sudan Tribune. (2013, December 17). *S. Sudan presidential guards raid house of ex-VP Machar*. Retrieved from: <http://www.sudantribune.com/spip.php?article49217>

27 BBC News Africa. (2013, December 18). *South Sudan opposition head Riek Machar denies coup bid*. Retrieved from: <http://www.bbc.co.uk/news/world-africa-25427619> and Sudan Tribune. (2013, December 18). *EXCLUSIVE: South Sudan ex-VP denies coup attempt, labels Kiir 'illegal president.'* Retrieved from: <http://www.sudantribune.com/spip.php?article49230>

ment and claimed he had been forced to resist the “dictatorial tendencies” of President Kiir. Machar vowed to challenge Kiir for party leadership prior to the 2015 elections.<sup>28</sup> During the ensuing months, government and rebellious security forces engaged in serious combat operations with repeated attacks and counter-attacks on three state capital cities – Bor, Bentiu and Malakal – and other communities and economic infrastructure, resulting in great loss of life and property.<sup>29</sup>

The actual triggers for armed conflict following the December 14-15, 2013, NLC meetings remain clouded by competing accounts and mutual recriminations.<sup>30</sup> What may have started as a confused security incident based on unknown political intentions during an intraparty conflict in Juba quickly flared out of control and spread across the country. Subsequently, violent reprisals ignited along fault-line communities in at least seven out of 10 states with competing political interests reinforcing long-standing ethnic divisions. President Kiir, an ethnic Dinka, and Machar, an ethnic Nuer, represent the two most populous groups in the country and have inherited a contentious history during the civil war within Sudan.<sup>31</sup> When the internal SPLM power struggle spilled over into violence, the conflict inevitably took on a tribal dimension, as ethnically-based atrocities

28 Voice of America. (2014, February 3). Tanza, J. *Riek Machar announces South Sudan ‘resistance’ movement*. Retrieved from: <http://www.voanews.com/content/south-sudan-machar-resistance-movement-formed/1843597.html>

29 BBC News Africa. (2013, December 22). *South Sudan rebel Riek Machar ‘controls key state.’* Retrieved from: <http://www.bbc.co.uk/news/world-africa-25480178> and BBC News Africa. (2014, January 14). *South Sudan Nile ferry sinks with more than 200 dead*. Retrieved from: <http://www.bbc.co.uk/news/world-africa-25725266> and BBC News Africa. (2014, February 18). *South Sudan ceasefire ‘ends’ amid Malakal fighting*. Retrieved from: <http://www.bbc.com/news/world-africa-26238849>.

30 Voice of America. (2014, March 6). Poni, L. *South Sudan officials on ‘coup-convincing’ tour*. Retrieved from: <http://www.voanews.com/content/south-sudan-coup-tour/1865898.html> and Sudan Tribune. (2014, January 20). *South Sudan’s Kiir to blame for violence: Machar’s spokesperson*. Retrieved from: <http://www.sudantribune.com/spip.php?article49647>

31 BBC News Africa. (2013, December 19). Copnall, J. *Tangled web of South Sudan politics spells bleak future*. Retrieved from: <http://www.bbc.co.uk/news/world-africa-25454168>

were committed<sup>32</sup> by both groups, obscuring the real political issues.<sup>33</sup> In the South Sudan context, ethnic polarization and violence are the tragic byproducts of succession politics between rival leaders of diverse, highly militarized and underdeveloped communities.<sup>34</sup> The subsequent crisis, however, is primarily a *leadership crisis*, not a contest between tribal groups or ethnicities, but a *political contest* over which leader should decide the direction of the SPLM and, thus, the future of the country.

As of March 2014, South Sudan remained embroiled in a violent conflict between government security forces and irregular rebel forces.<sup>35</sup> The U.N., International Crisis Group, Human Rights Watch and other organizations reported that several thousand persons had been killed, tens of thousands were seeking refuge at U.N. bases, and hundreds of thousands of people were internally displaced or fleeing to neighboring countries.<sup>36</sup> The two sides negotiated a Jan. 23, 2014, ceasefire in Addis Ababa<sup>37</sup> and continue to negotiate more substantive issues under regional mediation by the Intergovernmental Author-

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32 Sudan Tribune. (2014, March 2). *S. Sudan rebels admit to killing civilians following human rights report*. Retrieved from: <http://www.sudantribune.com/spip.php?article50149> and Los Angeles Times. (2014, March 11). Dixon, R. *South Sudan ponders the road ahead after ethnic killings*. Retrieved from: <http://www.latimes.com/world/la-fg-c1-south-sudan-reconciliation-20140311-dto,0,7746024.htmlstory>

33 Sudan Tribune. (2013, January 5). Akec, J A. *Comment and analysis: South Sudan: Making sense of December the 15th, start of war-Part 2*. Retrieved from: <http://www.sudantribune.com/spip.php?article49453>

34 Sudan Tribune. (2013, December 25). Malou, A M. *Comment and analysis: Synthesis and analysis of the current crisis in South Sudan*. Retrieved from: <http://www.sudantribune.com/spip.php?article49315>

35 The Economist. (2014, March 1). *Conflict in South Sudan: Back with a vengeance*. Retrieved from: <http://www.economist.com/node/21597944/print>

36 Los Angeles Times. (2014, January 13). Williams, C J. *Deaths, displacements mount in South Sudan as peace talks drag*. Retrieved from: <http://www.latimes.com/world/worldnow/la-fg-wn-south-sudan-fighting-peace-talks-20140113,0,4296543.story> and Human Rights Watch. (2014, February 27). *South Sudan: War crimes by both sides*. Retrieved from: <http://www.hrw.org/news/2014/02/26/south-sudan-war-crimes-both-sides>

37 The New York Times. (2014, January 23). Kulish, N, Muchler, B. *South Sudan cease-fire signed after more than a month of fighting*. Retrieved from: [http://www.nytimes.com/2014/01/24/world/africa/truce-in-south-sudan.html?\\_r=0](http://www.nytimes.com/2014/01/24/world/africa/truce-in-south-sudan.html?_r=0)

ity on Development (IGAD). Both sides claim ceasefire violations, and the conflict continues.<sup>38</sup>

The current situation provides added urgency for national and international stakeholders to develop institutional capacity for mitigating electoral violence in South Sudan. The longer the crisis continues and the more lives and property lost in the process, the harder it will be to stop the cycle of revenge violence and conduct genuine national reconciliation, once a firm ceasefire is in place and some semblance of stabilized governance returns to the country. The political struggle that fueled tribal divisions has become highly personal with the devastation of cities, towns and villages and thousands of deaths in numerous communities along the frontline states. The long-term impact of the leadership crisis will be compounded fear and distrust between rival political and tribal groups. As a result, the potential for violence between those diverse and contentious interests during any future electoral processes is magnified exponentially by the ongoing conflict.

The unity of purpose experienced in South Sudan between competing political personalities during the 2011 referendum will give way to competitive elections as the pendulum of loyalty among national leadership swings from cooperation to contest, from conciliation to conflict over parliamentary seats, government positions and access to resources. As observed during the 2010 national elections, political parties may seek to secure elected positions in 2015 through voter intimidation,<sup>39</sup> electoral manipulation or both.<sup>40</sup> Given the ongoing crisis, electoral processes in South Sudan must be safeguarded from violent acts well

38 BBC News Africa. (2014, February 11). *South Sudan conflict: New peace talks begin*. Retrieved from: <http://www.bbc.com/news/world-africa-26144045> and Reuters. (2014, March 20). *Odera, C. S. Sudan rebels, government claim oil town as talks delayed*. Retrieved from: <http://www.reuters.com/article/2014/03/20/southsudan-unrest-idUSL6NOMH4JO20140320>

39 European Union Election Observation Mission of the Republic of Sudan. (2010, April). *Final report on the executive and legislative elections 2010*, 46. Retrieved from: [http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010\\_en.pdf](http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010_en.pdf)

40 The Carter Center. (2011). *Observing Sudan's 2010 national elections, final report*, 39, 167. Atlanta, Georgia. Retrieved from: [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/FinalReportSudan-Apr2010.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportSudan-Apr2010.pdf)



in advance of the 2015 elections to encourage successful reconciliation and sustainable democratic development.

As the leaders of the latest African country to emerge from protracted civil war and struggle to implement democratic structures within its fractured multi-ethnic society, South Sudan's policymakers could benefit from examining and applying a comparative analysis of lessons identified from other African countries that conducted electoral events under similar conditions.

### **Comparative African Experiences when Implementing Democratic Governance Systems**

The field of post-conflict countries in Africa that are seeking to institute and implement democratic governance structures provides rich study for examining political and institutional factors that lead to electoral violence. Profesor Winrich Kühne identified the inherent dangers of post-conflict elections: "Elections in emerging democracies and post-conflict societies have a great potential to plunge a country back into violent conflict, to undermine processes of stabilization and to discredit democratization." He also highlighted the potential benefits: "Elections can play a significant role in stabilizing and democratizing them if handled correctly."<sup>41</sup> Elections can be the deciding factors between resolving or fueling conflict depending on how they are planned for and implemented.

Analysis of the recent electoral experiences of three African countries – Ethiopia, DRC and Sierra Leone – reveals two key lessons relevant to preparing for elections in South Sudan. The first is the need for political leadership to commit to an open democratic space for all electoral stakeholders to engage in debate and dialogue. The second is the need for an independent and professional elections management body (EMB) capable of conducting sound elections and resolving disputes. The following comparative analysis presents sources and types of electoral violence that could manifest during electoral events in South

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41 Kühne, W. (2010, August). *The role of elections in emerging democracies and post-conflict countries: Key issues, lessons learned and dilemmas*, 2. Friedrich Ebert Stiftung: International Policy Analysis. Retrieved from: <http://library.fes.de/pdf-files/iez/07416.pdf>

Sudan and provides the contextualized basis for developing violence mitigation strategies prior to future elections.

### *Federal Democratic Republic of Ethiopia*

Ethiopia represents an extreme example of what could go wrong if the actions taken during its 2005 parliamentary elections are replicated by another emerging democracy.<sup>42</sup> Following a civil war that ended in 1991 with the creation of the State of Eritrea in 1993, the first transitional elections in 1995 were boycotted by diverse and disorganized opposition, which enabled the leading rebel group, the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), to consolidate its political dominance as the new ruling party.<sup>43</sup> Even though some opposition parties participated in the 2000 elections, alleged abuses, misconduct and the perception of a partisan EMB formed the basis of demands for successful electoral reform in 2005.<sup>44</sup>

The EPRDF leadership agreed to open the political space and reform the electoral process to conduct democratic parliamentary elections in May 2005, but they closed that space violently when defeat by opposition parties appeared imminent. International observers reported that the pre-election period contrasted starkly to previous multi-party elections in 1995 and 2000. For the first time, Ethiopian citizens had a democratic choice: "The ruling party took the initiative to negotiate with the opposition and level the playing field, and agreed to a number of important electoral reforms that created conditions for a more open and genuinely competitive process."<sup>45</sup> The Ethiopian people sought to

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42 The author observed the post-election setting in Ethiopia as an election observer with the Carter Center during June and July 2005.

43 Lyons, T. (1996). *Closing the transition: the May 1995 elections in Ethiopia*. *The Journal of Modern African Studies*, Vol. 34, No.1, 121-142. Retrieved from: <http://www.jstor.org/discover/10.2307/161741?uid=3737864&uid=2129&uid=2134&uid=2&uid=70&uid=4&sid=2110373334107>

44 The Carter Center. (2009, December). *Final Report: Observing the 2005 Ethiopia national elections*, 12-13. Atlanta, Georgia. Retrieved from: [http://www.eods.eu/library/FR\\_ETHIOPIA\\_2005\\_en.pdf](http://www.eods.eu/library/FR_ETHIOPIA_2005_en.pdf)

45 The Carter Center. (2005, September). *Final statement on The Carter Center observation of the Ethiopia 2005 national elections*, 2. Atlanta, Georgia. Retrieved from: <http://www.cartercenter.org/documents/2199.pdf>

express their political will in droves, with voter turnout of 82.6 percent.<sup>46</sup>

Despite observations that the National Electoral Board of Ethiopia (NEBE) generally organized the process efficiently up until Election Day, the electoral processes weakened in the post-election period. The European Union Election Observation Mission reported:

The counting and aggregation processes were marred by irregular practices, confusion and a lack of transparency. Subsequent complaints and appeals mechanisms did not provide an effective remedy. The human rights situation rapidly deteriorated in the post-election day period when dozens of citizens were killed by the police and thousands were arrested. Overall, therefore, the elections fell short of international principles for genuine democratic elections.<sup>47</sup>

The combination of political interference and technical deficiencies prompted large-scale opposition party protests that garnered violent responses from security forces with arrests, beatings and deaths.<sup>48</sup> Inadequate election dispute resolution (EDR) mechanisms failed to provide an effective remedy for resolving complaints of electoral irregularities.<sup>49</sup> This resulted in an ad hoc EDR solution that only exacerbated issues and benefitted EPRDF positions.<sup>50</sup> The Carter Center noted that tripartite Complaints Investigation Panels (CIPs) established between NEBE officials and party representatives were fraught with legalistic, procedural and intimidation challenges; resulted in many decisions that tended

46 International IDEA. (2012, May 15). *Voter turnout data for Ethiopia*. [Data set]. Stockholm, Sweden. Retrieved from: <http://www.idea.int/vt/countryview.cfm?CountryCode=ET>

47 European Union Election Observation Mission Ethiopia. (2005). *Ethiopia legislative elections final report*, 1. Retrieved from: [http://www.eods.eu/library/FR\\_ETHIOPIA\\_2005\\_en.pdf](http://www.eods.eu/library/FR_ETHIOPIA_2005_en.pdf)

48 The Carter Center. (2005, September). *Final statement on The Carter Center observation of the Ethiopia 2005 national elections*, 25-26. Atlanta, Georgia. Retrieved from: <http://www.cartercenter.org/documents/2199.pdf>

49 European Union Election Observation Mission Ethiopia. (2005, August 25). *Preliminary statement on the election appeals' process, the re-run of elections, and the Somali region elections*, 1. Retrieved from: [http://www.ethiomedias.com/fastpress/eu\\_press\\_release.pdf](http://www.ethiomedias.com/fastpress/eu_press_release.pdf)

50 European Union Election Observation Mission Ethiopia. (2005). *Ethiopia legislative elections final report*, 3, 25-28. Retrieved from: [http://www.eods.eu/library/FR\\_ETHIOPIA\\_2005\\_en.pdf](http://www.eods.eu/library/FR_ETHIOPIA_2005_en.pdf)

to favor ruling party positions; and “did not overcome the opposition’s fundamental lack of confidence in the electoral process.”<sup>51</sup> Apparent electoral manipulation by ruling party agents and electoral officials and the inability of the NEBE to “administer effectively key parts of the election”<sup>52</sup> or “inspire full confidence of all stakeholders”<sup>53</sup> created fertile grounds for post-election violence.

The willingness of the EPRDF to create space for genuine democratic processes changed quickly once the ruling party recognized the possibility of electoral defeat. Subsequent efforts to manipulate the results aggregation process revealed the NEBE’s technical deficiencies in resolving complaints of irregularities. The change in political will, coupled with weak EMB and EDR mechanisms, produced electoral violence, and an election process considered not genuine by observers. Consequently, the EPRDF remained the ruling party in 2005 and maintained a closed, constrained and controlled political space that “fell short of international commitments for elections” during the 2010 parliamentary elections.<sup>54</sup> As witnessed in Ethiopia, without ruling party willingness to be held accountable to the electorate, and the technical capacity to manage and conduct genuine elections, implementing democratic processes in an open political space can result in post-election violence.

### *Democratic Republic of the Congo*

The Democratic Republic of the Congo (DRC) represents a more moderate example of an ethnically diverse country emerging from protracted civil war and headed by a dominant political party. The DRC also experienced electoral

51 The Carter Center. (2009, December). *Final Report: Observing the 2005 Ethiopia national elections*, 30-33. Atlanta, Georgia. Retrieved from: [http://www.eods.eu/library/FR\\_ETHIOPIA\\_2005\\_en.pdf](http://www.eods.eu/library/FR_ETHIOPIA_2005_en.pdf)

52 The Carter Center. (2009, December). *Final Report: Observing the 2005 Ethiopia national elections*, 25-26, 37-39. Atlanta, Georgia. Retrieved from: [http://www.eods.eu/library/FR\\_ETHIOPIA\\_2005\\_en.pdf](http://www.eods.eu/library/FR_ETHIOPIA_2005_en.pdf)

53 European Union Election Observation Mission Ethiopia. (2005). *Ethiopia legislative elections final report*, 14-15, 21-25. Retrieved from: [http://www.eods.eu/library/FR\\_ETHIOPIA\\_2005\\_en.pdf](http://www.eods.eu/library/FR_ETHIOPIA_2005_en.pdf)

54 European Union Election Observation Mission (EU-EOM) Ethiopia. (2010, May). *Final report: House of people’s representatives and state council elections May 2010*. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/final-report-eueom-ethiopia-08112010\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/final-report-eueom-ethiopia-08112010_en.pdf)

violence during implementation of open electoral processes by technically challenged EMBs in 2006 and 2011.

The general elections in July 2006, presidential run-off election in October 2006 and general elections in November 2011 all reflected similar conditions: the ruling Independent Party competed against a popular opposition party in an open political space. In 2006, the first pre-election period and Election Day were considered by international observers to be relatively peaceful, but the post-election environment was marred by interparty violence when the primary opposition leader claimed electoral irregularities. Even though the legislative and presidential results were deemed credible, procedural flaws in the conduct of events by the Commission Électorale Indépendante (Independent Election Commission, CEI) were attributed by The Carter Center to “management weaknesses and a failure on the part of CEI to ensure appropriate collection, security, and compilation procedures were followed” for electoral materials, among other technical issues throughout the process.<sup>55</sup>

During the 2011 general elections, serious technical deficiencies in the work of the newly formed Commission Électorale Nationale Indépendante (Independent National Election Commission, CENI) may have contributed to contested elections, cases of electoral violence and a lack of credibility in the final results.<sup>56</sup> As a result, the conduct of elections was tainted by post-election violence stemming from apparent electoral irregularities and the high probability of compromised electoral results. International observers noted that, despite the election process being peacefully conducted, the late formation of the CENI and compressed period for recruiting and training poll workers all contributed

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55 The Carter Center. (2007, June 1). *International election observation mission to Democratic Republic of Congo 2006, presidential and legislative elections, final report*. Atlanta, Georgia. Retrieved from: [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/drc-2006-final-rpt.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/drc-2006-final-rpt.pdf)

56 The Carter Center. (2012, October 30). *Legislative elections in the Democratic Republic of the Congo, November 28, 2011, Final report*, 5-7. Atlanta, Georgia. Retrieved from: [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/drc-112811-elections-final-rpt.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/drc-112811-elections-final-rpt.pdf)

to difficulties in organizing successful elections.<sup>57</sup> Extensive technical deficiencies in results tabulation and aggregation were observed, ranging from counting at polling stations to compilation of results at local data centers.<sup>58</sup> Observers concluded that presidential and legislative electoral results were compromised, the events lacked credibility and the independence of CENI decision making was questionable.<sup>59</sup> The lack of operational capacity and dubious professionalism by the CENI were compounded by apparent voting and ballot irregularities, which resulted in opposition protests and violent clashes with security forces.<sup>60</sup>

The political will to contest elections in an open democratic space during the 2011 general elections may have been a façade for the ruling party to maintain authority. National observer reports of CENI technical and operational deficiencies, coupled with questionable behavior during results management, all suggest a strong possibility of a compromised electoral process.<sup>61</sup> The technical issues noted during the 2006 elections increased in severity during the 2011 events, prompting a repeat of interparty conflict and post-election violence.

57 The Carter Center. (2012, February 23). *Carter Center: Democratic Republic of the Congo legislative election results compromised*, 2. Atlanta, Georgia. Retrieved from: <http://www.cartercenter.org/news/pr/drc-022312.html>

58 European Union Election Observation Mission DRC. (2001, December 13). *The election observation mission of the European Union deplores the lack of transparency and irregularities in the collection, compilation, and publication of results*. Retrieved from: [http://www.eods.eu/library/PR DR CONGO 13.12.2011\\_en.pdf](http://www.eods.eu/library/PR_DR_CONGO_13.12.2011_en.pdf)

59 The Carter Center. (2011, December 10). *The Carter Center: DRC presidential election results lack credibility*. Atlanta, Georgia. Retrieved from: <http://www.cartercenter.org/news/pr/drc-121011.html> and The Carter Center. (2012, February 23). *The Carter Center: Democratic Republic of the Congo legislative election results compromised*, 2. Retrieved from: <http://www.cartercenter.org/news/pr/drc-022312.html> and Mission d'observation électorale de l'Union Européenne, République Démocratique du Congo. (2011, Novembre 28) *Rapport final Élections Présidentielle et législatives*. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/moeue-rdc2011-rapport-final\\_fr.pdf](http://www.eueom.eu/files/pressreleases/english/moeue-rdc2011-rapport-final_fr.pdf)

60 The Carter Center. (2012, October 30). *Presidential and legislative elections in the Democratic Republic of the Congo, November 28, 2011, Final report*, 46-47, 66-67. Atlanta, Georgia. Retrieved from: [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/drc-112811-elections-final-rpt.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/drc-112811-elections-final-rpt.pdf)

61 Eastern Congo Initiative. (2012, January). *Democratic Republic of Congo 2011 presidential elections, Eastern Congo Initiative's final report, January 2012*, 2, 10-12. Retrieved from: [http://easterncongo.s3.amazonaws.com/79/89/f/143/ECI\\_Final\\_Report\\_e10.pdf](http://easterncongo.s3.amazonaws.com/79/89/f/143/ECI_Final_Report_e10.pdf)

Consequently, the legitimacy of democratic electoral structures was eroded by a weak EMB unable to manage and administer genuine elections and maintain professionalism in the face of political and technical challenges.

### *Republic of Sierra Leone*

Sierra Leone may provide the most illustrative example of a country that emerged from 10 years of civil war and successfully conducted multi-party elections in 2002, 2007 and 2012.<sup>62</sup> The combination of political commitment to an open democratic space and a professional EMB resulted in three consecutive electoral events considered credible by observers, despite minor attempts at electoral manipulation and a modicum of electoral violence.<sup>63</sup>

The political will of the two leading parties – the Sierra Leone People’s Party (SLPP) and All People’s Party (APC) – to contest elections in an open space in May 2002 and August 2007 provided the basis for successful electoral events. The emergence of a third viable political party – the People’s Movement for Democratic Change (PMDC) – during the 2007 elections demonstrated the capacity of the system to offer the electorate alternative representation. In 2002, international observers noted how electoral campaigning took place “without fear or intimidation” owing to the improved security situation<sup>64</sup> and the campaign period was “remarkably peaceful,” given the recent history of the country.<sup>65</sup> In 2007, the elections were considered “generally well-administered, peaceful and competitive” and the government’s commitment to independent

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62 The author observed electoral processes in Sierra Leone as a long-term election observer team leader in the Southern Province with the National Democratic Institute (NDI) for International Affairs from April until August 2007.

63 The Sierra Leone elections were observed by several international organizations that will be cited accordingly: European Union (2002, 2007 and 2012), The Carter Center (2002 and 2012), and National Democratic Institute for International Affairs (2007).

64 The Ace Project. (2002, May 14). *European Union Election Observation Mission final report, Sierra Leone*, 1. Retrieved from: <http://aceproject.org/ero-en/regions/africa/SL/rep02.pdf>

65 The Carter Center. (2003, May). *Observing the 2002 Sierra Leone elections, Final report*, 9. Atlanta, Georgia. Retrieved from: <http://www.cartercenter.org/documents/1349.pdf>



institutions ensured the elections met international standards.<sup>66</sup> The 2002 elections were dominated by the SLPP, but the 2007 elections witnessed a greater opening of the political space with the PMDC winning double-digit parliamentary seats and a successful transfer of power to the APC.<sup>67</sup>

Two electoral institutions played key roles in providing effective electoral administration and a forum for resolving interparty conflicts in 2007. The National Electoral Commission (NEC) and Political Parties Registration Commission (PPRC) were credited with a “high level of professionalism” that contributed to successful elections.<sup>68</sup> NEC efforts to conduct sound activities and engage electoral stakeholders in a regular dialogue through the Political Parties Liaison Committee (PPLC)<sup>69</sup> complemented the work of the PPRC Code Monitoring Committee (CMC) and District Monitoring Committees (DMCs).<sup>70</sup> The PPLC, CMC and DMCs engaged political parties and civil society to provide opportunities for information sharing and dialogue, reinforce the importance of maintaining agreed-upon codes of conduct and facilitate community-based dispute resolution sessions. Despite concerted efforts to mitigate and resolve interparty conflicts, some instances of pre-election violence took place among the SLPP,

66 European Union Election Observation Mission Sierra Leone. (2007, September 8). *Final Report, presidential and parliamentary elections, 11 August 2007 and second round presidential election*, 3. Retrieved from: [http://www.eods.eu/library/FR\\_SIERRA\\_LEONE\\_2007\\_en.pdf](http://www.eods.eu/library/FR_SIERRA_LEONE_2007_en.pdf)

67 European Union Election Observation Mission Sierra Leone. (2007, September 8). *Final report, presidential and parliamentary elections, 11 August 2007 and second round presidential election*, 35. Retrieved from: [http://www.eods.eu/library/FR\\_SIERRA\\_LEONE\\_2007\\_en.pdf](http://www.eods.eu/library/FR_SIERRA_LEONE_2007_en.pdf) and National Democratic Institute. (2008). *NDI Final report on Sierra Leone's 2007 Elections*, 29-30. (2008). Washington, D.C. Retrieved from: [https://www.ndi.org/files/NDI\\_Final\\_Report\\_on\\_2007\\_Sierra\\_Leone\\_Elections.pdf](https://www.ndi.org/files/NDI_Final_Report_on_2007_Sierra_Leone_Elections.pdf)

68 Ibid., 1.

69 Thorpe, C.A. (2008, June). *Elections in post-conflict countries - Lessons learned from Liberia, Sierra Leone, DR Congo, and Kosovo - Report of a ZIF/KAIPTC seminar*, 72-77. Seminar, Accra/Ghana. Retrieved from: [http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/ZIF\\_Report\\_Elections\\_in\\_Post-Conflict\\_Countries\\_2009.pdf](http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/ZIF_Report_Elections_in_Post-Conflict_Countries_2009.pdf)

70 National Democratic Institute. (2008) *NDI Final report on Sierra Leone's 2007 Elections*, 14-15. (2008). Washington, D.C. Retrieved from: [https://www.ndi.org/files/NDI\\_Final\\_Report\\_on\\_2007\\_Sierra\\_Leone\\_Elections.pdf](https://www.ndi.org/files/NDI_Final_Report_on_2007_Sierra_Leone_Elections.pdf)

APC and the PMDC.<sup>71</sup> Isolated cases of electoral irregularities were reported, but NEC leadership acted to investigate and cancel results from compromised polling stations.<sup>72</sup>

The strong commitment by political parties and electoral institutions to maintain an open space for democratic contest created a setting conducive to genuine elections in 2007. Minor cases of interparty electoral violence, attempted electoral manipulation and swift responses by police forces and the NEC reflected a maturing democratic space. Notably, cases of violence were reported primarily during the first pre-election period. Even though tensions were high during the run-off election, substantial police deployments significantly improved the security environment. As leading and emerging parties compete for positions of leadership and power among an informed electorate, real and perceived threats to authority can worsen existing rifts, eliciting inappropriate and sometimes violent behavior.<sup>73</sup> However, strong political will for electoral plurality, coupled with an independent, disciplined and professional EMB, may police the system and prevent abuses. The final results were eventually accepted by all parties on the basis of the EDR mechanisms, despite the observation that the “structures appeared to be dysfunctional and lacking transparency.”<sup>74</sup> Consequently, the combination of institutionalized respect for an open democratic space, a professional EMB and imperfect but effective mechanisms for conflict mitigation and dispute resolution supported a credible electoral event.

71 European Union Election Observation Mission Sierra Leone. (2007, September 8). *Final Report, presidential and parliamentary elections, 11 August 2007 and second round presidential election*, 19-21. Retrieved from: [http://www.eods.eu/library/FR\\_SIERRA\\_LEONE\\_2007\\_en.pdf](http://www.eods.eu/library/FR_SIERRA_LEONE_2007_en.pdf)

72 European Union Election Observation Mission Sierra Leone. (2007, September 8). *Final Report, presidential and parliamentary elections, 11 August 2007 and second round presidential election*, 3-4, 37-38. Retrieved from: [http://www.eods.eu/library/FR\\_SIERRA\\_LEONE\\_2007\\_en.pdf](http://www.eods.eu/library/FR_SIERRA_LEONE_2007_en.pdf)

73 von Gienanth, T. (2008, June). *Elections in post-conflict countries - Lessons learned from Liberia, Sierra Leone, DR Congo, and Kosovo - Report of a ZIF/KAIPTC seminar*, 1. Retrieved from: [http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/ZIF\\_Report\\_Elections\\_in\\_Post-Conflict\\_Countries\\_2009.pdf](http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/ZIF_Report_Elections_in_Post-Conflict_Countries_2009.pdf)

74 European Union Election Observation Mission Sierra Leone. (2007, September 8). *Final Report, presidential and parliamentary elections, 11 August 2007 and second round presidential election*, 37-38. Retrieved from: [http://www.eods.eu/library/FR\\_SIERRA\\_LEONE\\_2007\\_en.pdf](http://www.eods.eu/library/FR_SIERRA_LEONE_2007_en.pdf)

Sierra Leone demonstrated the capacity to successfully self-administer its third post-conflict election in November 2012 based on continued commitment to an open political space and professional EMB. The European Union Election Observation Mission reported that, despite an extremely polarized political environment between the incumbent APC and opposition SLPP:

The NEC acted in an overall independent and impartial manner, and an introduction of biometric voter registration (BVR) is a notable achievement. Freedoms of assembly, speech and movement were generally respected; however, there was an unequal playing field, in particular with regard to the access to the media and the abuse of incumbency. ... The elections were overall credible and conducive to the consolidation of democracy, however further progress will depend on the will of national institutions to address shortcomings.<sup>75</sup>

The Carter Center generally concurred with these conclusions, finding the “process to be generally orderly and transparent.” Even with “some limited administrative shortcomings, observers reported that the electoral process was well-conducted by National Electoral Commission officials, that polling staff performed admirably in difficult conditions, and that the people of Sierra Leone turned out in high numbers to cast their ballots.”<sup>76</sup> Both observer groups noted that cases of election-related violence were minimal and that the process was largely peaceful. Sierra Leone stands as a potential role model for post-conflict countries attempting to institute sustainable democratic governance structures through genuine elections.

### *Comparative Electoral Lessons Identified*

The electoral experiences of the post-conflict African elections examined here confirm that two of the core factors affecting the potential for electoral violence

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75 European Union Election Observation Mission. (2013, February 20). *Final report, Sierra Leone, 2012 presidential, parliamentary and local council elections*, 7. Retrieved from: [http://www.eods.eu/library/FR\\_SIERRA\\_LEONE\\_20.02.2013\\_en.pdf](http://www.eods.eu/library/FR_SIERRA_LEONE_20.02.2013_en.pdf)

76 The Carter Center. (2013, October 16). *Observing Sierra Leone's November 2012 national elections, final report*, 4. Atlanta, Georgia. Retrieved from: [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/sierra-leone-final-101613.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/sierra-leone-final-101613.pdf)

are the openness of the democratic space and the technical capacity of an EMB to conduct credible electoral events. In Ethiopia, change in political will and a weak EDR process resulted in post-election violence, an election not meeting international standards and closure of the democratic space during the 2010 elections. In the DRC, inconsistent political will and deficient EMBs encouraged post-election violence in 2006 and 2011 and produced results considered not genuine in 2011. In Sierra Leone, commitment to a contested and non-violent political space, coupled with the increasing technical capacity of the EMB and growing efficacy of EDR mechanisms, provided the basis for genuine elections with minimal violence over three events.

What are the necessary electoral conditions to avoid violence? The International IDEA concluded:

If elections are held without an appropriate, comprehensive and consensus-based legal framework that is committed to democratic principles and values [e.g., open political space], if they are not well organized, or if there are no specific electoral justice mechanisms in place, electoral processes may aggravate existing frictions or even lead to armed or violent conflict.<sup>77</sup>

Accordingly, Professor Kühne asserts the need for strong electoral institutions:

[T]here is no iron law according to which elections are doomed to fail. There have been a number of success stories in the past two decades. Such elections can be conducted successfully if important lessons are taken seriously and implemented. Apart from the difficult issues of timing and the choice of an electoral system properly tailored to local conditions, the establishment of an independent, well-functioning Election Commission and Election Complaints System are crucial elements for success.<sup>78</sup>

<sup>77</sup> International IDEA (2010) *Electoral Justice: The International IDEA handbook*, 3. Stockholm, Sweden. Retrieved from: [http://www.idea.int/publications/electoral\\_justice/loader.cfm?csmodule=security/getfile&pageid=42002](http://www.idea.int/publications/electoral_justice/loader.cfm?csmodule=security/getfile&pageid=42002)

<sup>78</sup> Kühne, W. (2010, August). *The role of elections in emerging democracies and post-conflict countries: Key issues, lessons learned and dilemmas*, 4. Friedrich Ebert Stiftung: International Policy Analysis. Retrieved from: <http://library.fes.de/pdf-files/iez/07416.pdf>

Two key lessons identified from Ethiopia, DRC and Sierra Leone to advance democratic electoral processes are encouraging the willingness of a ruling party to be held accountable to the will of the electorate and building EMB capacity to conduct professional elections. Applying these lessons to South Sudan may hold the potential for mitigating future electoral violence.

### Democratic Evolution and Origins of Electoral Violence in South Sudan

Establishing a democratic governance system and the institutions capable of managing and conducting genuine electoral events in South Sudan will require political and civil will and a spirit of reconciliation to create an open space for public debate, social dialogue and institutional development.

Similar to the case studies in this chapter, previous Sudanese experiences during the 2010 general elections were influenced by two dominant parties in the northern and southern regions and low technical capacity of the Sudan National Elections Commission (NEC) to conduct the first open elections in 24 years. International observers noted the elections were conducted in a “generally peaceful atmosphere, within a well-maintained security environment but with a number of incidents of harassment and intimidation.”<sup>79</sup> Instances of electoral violence occurred primarily in the southern states with interparty conflicts, intraparty rivalries and threats against electoral officials noted by observers.<sup>80</sup> A case in point is the post-election violence between competing gubernatorial candidates in the state of Jonglei that stemmed from an unresolved intraparty conflict. As a result, the jilted party stalwart, General George Athor, sought office as an independent, rejected the losing election results due to alleged

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79 European Union Election Observation Mission of the Republic of Sudan. (2010, April). *Final report on the executive and legislative elections 2010*, 4. Retrieved from: [http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010\\_en.pdf](http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010_en.pdf)

80 The Carter Center. (2010, April). *Observing Sudan's 2010 national elections, final report*, 39. Retrieved from: [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/FinalReportSudan-Apr2010.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportSudan-Apr2010.pdf) and European Union Election Observation Mission of the Republic of Sudan. (2010, April). *Final report on the executive and legislative elections 2010*, 46. Retrieved from: [http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010\\_en.pdf](http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010_en.pdf)

irregularities and took up armed opposition against the national government.<sup>81</sup> On a technical level, the “electoral process was highly complex in design, planning and logistics,” “suffered from confusion in its preparation and implementation,” and “deficiencies in the legal and electoral framework” resulted in an “overall process to fall short of a number of international standards for genuine democratic elections [sic].”<sup>82</sup>

As in Ethiopia and the DRC, technical deficiencies in EMB capacity in 2010 encouraged cases of electoral manipulation and sparked post-election violence in Southern Sudan. As in Sierra Leone, the political will to conduct the events was there, despite political and technical challenges; in contrast, the inability of the EMB to manage and administer genuine elections and resolve complaints affected the overall credibility of the Sudanese election.

The electoral experience during the Southern Sudan referendum on self-determination in January 2011 further supports the contention that promoting open political dialogue, while also developing professional EMB and EDR capacity, will be essential to mitigating potential violence during future electoral events. The European Union Election Observation Mission concluded that the referendum was a “credible process” despite four main shortcomings:

1. The non-pluralistic political environment that resulted in the sometimes intimidatory [sic] tactics used by the ruling SPLM in encouraging registered voters to cast their ballot
2. Approval of the results of just less than 10 percent of Referendum Centers that showed voter turnout in excess of 100 percent without investigation by SSRB

81 McCallum, J., Okech, A., (2013, May). *Drivers of conflict in Jonglei state. Humanitarian Exchange Magazine*, 57. Retrieved from: <http://www.odihpn.org/humanitarian-exchange-magazine/issue-57/drivers-of-conflict-in-jonglei-state>

82 European Union Election Observation Mission of the Republic of Sudan. (2010, April). *Final report on the executive and legislative elections 2010*, 7. Retrieved from: [http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010\\_en.pdf](http://www.eueom.eu/files/dmfile/final-report-eu-eom-sudan-2010_en.pdf)

3. Bypassing of certain elements of the referendum's legal framework out of a pragmatic desire to meet the Jan. 9, 2011, deadline for the holding of the referendum set by the Act and the CPA
4. Lack of a thorough appeals mechanism that would allow natural or legal persons the possibility to challenge elements of the referendum administration bodies' preparation of the referendum<sup>83</sup>

The Carter Center found that the “process was broadly consistent with international standards for democratic elections” but also noted that technical obstacles and financial challenges confronted the Southern Sudan Referendum Commission (SSRC) and the Juba-based Southern Sudan Referendum Bureau (SSRB).<sup>84</sup> In particular, establishing the SSRC/SSRB and respective secretariats only four months prior to the January election period contributed to the failure to adopt registration, campaigning and polling regulations in a timely manner, leading to confusion among referendum center staff and stakeholders.<sup>85</sup> The EU assessed SSRC/SSRB performance as “generally efficient, organized and well-prepared” despite the “logistical challenges and the late appointment of all referendum officials.”<sup>86</sup> Both observer groups noted the critical roles played by the United Nations Integrated Referendum and Election Division (UNIRED), IFES and other international partners to provide the technical and operational assistance necessary at every level of the EMB administration to achieve the event.

Nevertheless, the referendum would have never been achieved without the political willingness of the Sudanese and Southern Sudanese governments and

83 European Union Election Observation Mission of the Republic of Sudan (2011, January). *Final report, Southern Sudan referendum 9-15 January 2011*, 5-6. Retrieved from: [http://www.eods.eu/library/FR\\_SUDAN\\_2011\\_en.pdf](http://www.eods.eu/library/FR_SUDAN_2011_en.pdf)

84 The Carter Center. (2012, February 9). *Observing the 2011 referendum on the self-determination of Southern Sudan final report* (4-5, 13-14). Atlanta, Georgia. Retrieved from: [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/FinalReport-Sudan-2011-Self-Determination-Referendum.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReport-Sudan-2011-Self-Determination-Referendum.pdf)

85 Ibid., 13.

86 European Union Election Observation Mission of the Republic of Sudan (2011, January). *Final report, Southern Sudan referendum 9-15 January 2011*, 23-24. Retrieved from: [http://www.eods.eu/library/FR\\_SUDAN\\_2011\\_en.pdf](http://www.eods.eu/library/FR_SUDAN_2011_en.pdf)



the technical and financial support of the international community to allow the event to take place in a calm and peaceful manner. The unity of purpose experienced during the referendum – an exercise that did not involve competition between candidates – will give way to political contest during the 2015 elections. Avoiding the electoral violence observed in other post-conflict African states will require a concerted effort by national and international stakeholders to promote inclusive political dialogue and develop a professional EMB capable of conducting elections and resolving disputes.

Prior to the mid-December conflict, the prospects for democracy in South Sudan may have provided key differences from the case study examples that would have enabled the development of stronger political and electoral governance institutions.<sup>87</sup> As a new country forming modern legal frameworks, political and civil leadership had the opportunity to benefit from comparative experience and apply relevant lessons and best practices to the national context before their first general elections in 2015. However, given the level of violence during the current crisis and apparent intractability of the key players, the first priority must be to stop fighting, discuss issues and reconcile differences with an inclusive, transparent and accountable peace process.<sup>88</sup> If political resolution can be established and sustained, then focus can return to developing the constitutional and electoral frameworks that institutionalize democratic and participatory processes and ensure a legal basis for appropriate government decisions, capable electoral bodies and an effective electoral justice system. Without the leadership discipline and social introspection to examine the roots of violence and determine paths to reconciliation, however, South Sudan will succumb to its internal divisions and continue to suffer the consequences.

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87 Democrat Reporting International. (2011, April). *Report: South Sudan: Prospects for democracy in the world's newest state*. Berlin, Germany. Retrieved from: [http://www.democracy-reporting.org/files/report\\_sudan.pdf](http://www.democracy-reporting.org/files/report_sudan.pdf)

88 The Christian Science Monitor. (2014, February 21). Hinderdael, K. *Peace must come soon -- dispatch from South Sudan*. Retrieved from: <http://www.csmonitor.com/World/Africa/Africa-Monitor/2014/0221/Peace-must-come-soon-dispatch-from-South-Sudan>

Engaging in a meaningful peace process will require that governing entities, political parties, civil society and other stakeholder groups commit to resolving the current crisis immediately, while seeking viable strategies to mitigate and prevent the following sources of electoral violence:

- **Political:** Interparty and intraparty competition between national, state and/or local candidates and/or rivals
- **Social:** Traditional rivalries among different regional, gender and tribal/ethnic groups and local chiefs and leaders
- **Local:** Community contests over access to natural and agricultural resources (water, livestock, grazing lands, fishing rights, planting fields, minerals, oil, etc.)
- **Patronage:** Conflicts over access to government positions in national and state executive and legislative offices (presidency, governorships, ministries and legislatures, etc.) and various security forces (military, police, prisons, wildlife wardens, etc.)
- **Technical:** Inadequate administrative and operational capacity of electoral bodies to manage, finance, administer and monitor electoral events and resolve technical deficiencies and disputes before, during and after activities
- **Structural:** Restricted or denied accessibility of voters, candidates, observers and/or media to electoral activities and events during voter registration, candidate nomination, campaigning, polling, results tabulation and dispute resolution

These possible sources for conflict hold the potential to generate varying types of overt and covert electoral violence within the South Sudan context:

### *Overt*

- Local intimidation of candidates, voters, observers and/or electoral officers by political leaders, citizens and/or security forces

- Government intimidation and/or prohibition of media coverage, political party activities and/or civil society observation and monitoring
- Interparty conflicts and intraparty rivalries between national, regional and local interests competing for resources, positions, followers and/or votes

#### *Covert*

- Government or other groups interfering with or influencing election commission officials at the national, state and/or local levels
- Electoral irregularities during activities and events (e.g., false census data, duplicative voter registration, ballot stuffing, results forging, electronic tampering, etc.)
- Institutional manipulation through legal frameworks, electoral regulations and/or operational procedures or inadequate enforcement of existing laws by electoral and judicial authorities
- Legal and/or regulatory requirements that constrain political party financial resources, restrict funding mechanisms and/or complicate campaign reporting rules

Developing strong democratic governance structures will be a challenge in South Sudan. The country remains at severe risk of electoral violence without resolving its internal issues, establishing the political and civil will to create and sustain an open democratic space and building the technical capacity to conduct genuine electoral events and resolve disputes. Five key institutions require substantial capacity development to support future electoral processes:

1. *National Elections Commission (NEC)*: The NEC is a permanent entity that was established by NEA in July 2012, confirmed by the National Legislature in August and sworn-in by President Kiir in October 2013, but it lacks adequate government financial support to establish its secretariat and build sufficient capacity at the national and state

levels. The NEC will require substantial technical and financial assistance from international organizations willing to support the rapid development of regulatory frameworks, electoral administration systems, operational capacity and dispute resolution mechanisms.

2. *Political Parties Council (PPC)*: The PPC is a permanent entity that was established by PPA in March 2012 and confirmed by the National Legislature in August 2013 but has been neither sworn in nor provided a budget by the government to establish an office or secretariat. The PPC will require substantial legal, technical and financial assistance to develop administrative and operational capacity, establish the rules and regulations needed to regulate political party registration or de-registration and the ability to receive and investigate political party complaints.
3. *Judiciary of South Sudan (JSS)*: The JSS served a key role in the NEA 2012 for arbitrating electoral complaints on appeal after NEC administrative decisions. The JSS and NEC will require extensive procedural training and coordination to develop and institutionalize an effective and efficient electoral justice system to ensure that EDR structures provide adequate remedy to complaints throughout the electoral cycle.
4. *National Constitutional Review Commission (NCRC)*: The NCRC is a temporary entity mandated to “review the TCRSS 2011 and collect views and suggestions from all the stakeholders, including any changes that may need to be introduced to the current system of governance” and prepare a draft constitutional text.<sup>89</sup> The NCRC requires technical assistance, financial support and operational capacity development to continue its activities and act as the public sounding board for considering the governance issues that will likely take center stage during future peace and reconciliation efforts.

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89 Laws of the Republic of South Sudan. *The Transitional Constitution 2011*. Article 202(6), 123.

5. National Constitutional Conference (NCC): The NCC is a temporary entity that follows the work of the NCRC and is mandated to deliberate on and approve the draft constitutional text, inform the public on its open proceedings and submit the draft text to the president within six months of receipt from the NCRC.<sup>90</sup> The NCC will require legal, technical and financial support to develop the administrative, operational and procedural capacity to fulfill its constitutional review mandate.

Developing strategies for engaging political and electoral stakeholders and establishing independent electoral, judicial and constitutional institutions capable of delivering genuine and credible elections could mitigate the potential for future electoral violence.

### **Electoral Violence Mitigation Strategies Recommended for South Sudan**

National and international stakeholders have the opportunity to develop methods, design tools and implement mechanisms for anticipating, monitoring and mitigating electoral violence in South Sudan prior to the next election cycle. General strategies founded on broad-based stakeholder dialogue and cooperation, coherent institutional development coordination, national and international program integration and, significantly, a concerted approach toward proactive conflict prevention versus reactive conflict resolution may provide the foundation for effective peace and conflict mitigation.<sup>91</sup> In South Sudan, the stakeholders who could be involved in conflict mitigation and resolution strategies and activities include, but are not limited to, the following groups:

- National and state governmental ministries
- National and state legislative assemblies

90 Laws of the Republic of South Sudan. *The Transitional Constitution 2011*. Article 203(3), 125.

91 Reeve, R. (2012). *Peace and conflict assessment of South Sudan 2012*. International Alert. Retrieved from: <http://concordis-international.org/wp-content/uploads/2012/11/International-Aler-Peace-and-Conflict-Assessment-South-Sudan-2012.pdf>

- National security and local police forces
- National Elections Commission
- National Constitutional Review Commission
- Political Party Council
- Political parties
- Civil society organizations
- Electoral observation organizations
- National media outlets
- National churches and mosques
- National and international business interests
- International faith-based groups
- International democracy and governance organizations
- International diplomatic missions and nongovernmental organizations

Successful mitigation strategies will depend on government and civil leadership's ability to generate the willingness to develop and maintain transparent democratic institutions. Given the current crisis in South Sudan, political leaders must understand that national reconciliation will require political dialogue, mutual compromise and public accountability to generate peaceful relations. Furthermore, all stakeholders must comprehend and accept that genuine electoral events are characterized by open competition and criticism among parties and candidates who rely on the merit of peaceful arguments to win votes rather than on mechanisms for manipulation or violence.

Enough Project co-founder and long-time South Sudan analyst John Prendergast, reporting on a fact-finding mission to South Sudan in February 2014, recommends a way forward from the crisis:

As many have observed, South Sudan can't just go back to the December 14 status quo ante. There must be a fundamental shift in enhancing transparency and inclusivity, as well as the provision of democratic space. The peace talks in Addis Ababa, an inclusive national dialogue process, political party reform, opening space for dissent, a reinvigorated constitutional review process, military justice initiatives, security sector reform, and national reconciliation efforts are all areas where the government has a second chance to get it right. At the very least, the long-suffering people of South Sudan deserve that commitment.<sup>92</sup>

The combination of historical context and current events with political will, legal frameworks, stakeholder education, institutional development and international engagement provides the basis for recommending mitigation strategies for all areas of election management in South Sudan:

1. Develop consensus among executive and legislative government leadership to establish and maintain an open political space that enables the freedom of expression necessary for political party candidates, civil society organizations and the media to present social and political issues, debate positions and propose solutions prior to electoral events.
2. Develop, implement and enforce constitutional and legal frameworks for conducting political party activities and electoral events that hold stakeholders accountable for electoral violence, voter/candidate intimidation and technical irregularity or manipulation of any kind during all phases of the electoral process.
3. Develop comprehensive civic education, electoral awareness and community sensitization programs for government entities, security forces, political parties, civil society, observer groups, women and

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92 Prendergast, J. (2014, February 19). *Peace Must Come Soon: A Field Dispatch from South Sudan*. Enough: The Project to End Genocide and Crimes Against Humanity. Retrieved from: <http://www.enoughproject.org/files/South-Sudan-Dispatch-Peace-Must-Come-Soon.pdf>



youth organizations, religious groups, persons with disabilities and voters to sensitize all stakeholders on the merits and principles of peaceful, transparent and genuine democratic electoral processes.

4. Build the operational capacity of all political parties and executive and legislative candidates to develop platforms; convey positions; debate issues; solicit support; conduct campaigns; account for financing; and respect electoral laws, codes of conduct, regulations and procedures.
5. Support civil society organizations, domestic observation groups and other stakeholder associations to develop programs and implement conflict resolution mechanisms, event monitoring and mapping techniques and reporting formats based on localized, traditional and electronic (as appropriate) methods that are enhanced with lessons from comparative international and regional programs.
6. Build the administrative and operational capacity of the NEC to manage and administer the following sound technical processes throughout all electoral cycle activities during gubernatorial and legislative by-elections and national, state and local elections: public outreach, voter registration, constituency delimitation, candidate nomination, campaigning, polling and counting, results management, dispute resolution and electoral reform.
7. Build the administrative and operational capacity of the PPC to regulate and administer sound legal procedures related to political party registration, de-registration, complaints investigation and activity monitoring.
8. Build the administrative and operational capacity of the NCRC to manage and administer constitutional review activities that include comprehensive civic education and public consultation, inclusive political and social dialogue and comparative constitutional review and legal analysis. Provide technical and operational support to the

subsequent NCC process to carry out its constitutional deliberation mandate.

9. Empower the JSS and NEC to implement, monitor and enforce electoral laws and regulations through a comprehensive electoral justice system with contextualized EDR mechanisms, close coordination between each institution and technical support from appropriate government entities and international partners.
10. Encourage the international community and donor agencies to re-engage democracy and governance support to South Sudan as quickly as conditions allow, so that partner organizations may continue promoting democratic principles and standards and providing technical, financial and operational assistance to government institutions, independent commissions, political parties, civil society and other stakeholder associations.

### About the Author

*Robert David Irish has analyzed and advised electoral and constitutional development in South Sudan since the independence referendum in January 2011. As the IFES Field Operations Manager, his engagement with governmental and civil stakeholders provides an understanding of the political and social conditions that affect democratic development and increase the risk of electoral violence. Irish's election observation and technical assistance missions in Africa, South Asia, the Caribbean and the Middle East built awareness of the need for an open political space, comprehensive public outreach programs, an independent and professional EMB and an effective electoral justice system to mitigate the possibility for electoral manipulation or stakeholder intimidation. Irish acknowledges and thanks former IFES South Sudan Country Director Parvinder Singh and Program Development Officer Alafi Isaac Alfred for contributing essential input and insight into this case study.*



# Nigeria's Experience with Electoral Violence



*By Carl Dundas and Jide Ojo*

## Introduction

This chapter explores the many causes and types of electoral violence in Nigeria. Nigeria's electoral violence often takes the form of assassinations and attempted assassinations; attacks on party offices and contestants' homes; intimidation and harassment; fights between supporters of rival parties; factions and candidates; riots; and rampages.<sup>1</sup> Electoral violence in Nigeria can be better understood by analyzing the roles of major actors and stakeholders in the electoral process through studying political, economic, social, technological, legal and environmental (PESTLE) causes, triggers and drivers.

In April 2011, Nigeria, Africa's most populous country, with an estimated 167 million people,<sup>2</sup> held its fourth successive election since the 1999 return to civil rule. Experts deemed these polls the most credible since the country's first attempt at electoral democracy in 1922. However, the much-lauded elections recorded a high number of incidences of electoral violence. More than 800 deaths and 65,000 internally displaced persons were recorded immediately following the presidential poll. As Corinne Dufka, senior West Africa researcher at

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1 Alemika, E.O. (2011, July 5). *Post-election violence in Nigeria: Emerging trend and lessons*. CLEEN Foundation. Retrieved from: <http://cleenfoundation.blogspot.com/2011/07/post-election-violence-in-nigeria.html>

2 Guardian News. (2011). *Nigeria's population hits 167 million mark*. Retrieved from: [http://www.nigeria70.com/nigerian\\_news\\_paper/nigeria\\_s\\_population\\_hits\\_167\\_million\\_mark/395735](http://www.nigeria70.com/nigerian_news_paper/nigeria_s_population_hits_167_million_mark/395735)



Human Rights Watch put it, “The April elections were heralded as among the fairest in Nigeria’s history, but they also were among the bloodiest.”<sup>3</sup>

Previous elections in Nigeria have not been violence free. The 2007 elections, conducted under Professor Maurice Iwu, were regarded as the most flawed. According to the *Nigeria Electoral Violence Report*:

Since the 1999 [elections] to the 2007 elections, the Nigeria electoral and political landscape has fallen from par to below par and has moved from violence to greater violence. The level and magnitude of electoral and political violence has risen and the political elites have often converted poverty ridden, unemployed Nigerian youths into ready-made machinery for the perpetration of electoral violence.<sup>4</sup>

In November 2012, the Independent National Electoral Commission (INEC), under the leadership of Chairman Attahiru Jega, presented a report on prosecutions of electoral offenders during the 2011 elections. Chairman Jega pointed out that INEC had prosecuted only 200 of the 870,000 electoral offenders during the 2011 elections. He explained that INEC struggled to deal with such a large amount of cases while battling a distinct lack of funding and a personnel shortage. He called on the government to look at Justice Muhammadu Lawal Uwais<sup>5</sup> presidential panel report on electoral reform, which recommended that a separate body be established to deal with electoral offences.<sup>6</sup>

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3 Human Rights Watch. (2011, May 17). *Nigeria: Post-Election Violence Killed 800*. Retrieved from: <http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800>

4 Aniekwe, C C, Kushie, J. (2011, January). *Electoral violence situational analysis: Identifying hot-spots in the 2011 general elections in Nigeria*. National Association for Peaceful Elections in Nigeria. Retrieved from: [http://nevr.org/media/resources/Nigeria\\_Electoral\\_Violence\\_Situational\\_Analysis.pdf](http://nevr.org/media/resources/Nigeria_Electoral_Violence_Situational_Analysis.pdf)

5 Hon. Justice Muhammadu Lawal Uwais was Chief Justice of the Supreme Court of Nigeria from 1995-2006.

6 Electoral Reform Committee. (2008, December). *Report of the Electoral Reform Committee*, Vol. 1. Retrieved from: <http://eienigeria.org/wp-content/uploads/2014/03/JusticeMohammedUwaisReport.pdf>

## Distinguishing Electoral Violence

According to Prof. Etannibi Alemika of the University of Jos in Nigeria:

Electoral violence refers to the use or threat of force against an opponent within the context of electoral competition for state power. It is inhibitive of democratic transition and consolidation. Acts of electoral violence include murder, arson, abduction, assault, rioting, violent seizure and destruction of electoral materials, and psychological intimidation.<sup>7</sup>

Further, in his IFES' 2002 white paper, *Electoral Conflict and Violence: A Strategy for Study and Prevention*, Jeff Fischer highlighted five types of conflict tied to electoral violence:

- **Identity conflict** occurs during the registration process when refugees or other conflict-forced migrants cannot establish or re-establish their officially recognized identities.
- **Campaign conflict** occurs as rivals disrupt opponents' campaigns; intimidate voters and candidates; and use threats and violence to influence voting participation.
- **Balloting conflict** plays out on Election Day when rivalries erupt into conflict at polling stations.
- **Results conflict** occurs with disputes over election results and the inability of judicial mechanisms to resolve disputes in a fair, timely and transparent manner.
- **Representation conflict** occurs when elections are organized as zero sum events and losers are left out of participation in governance.<sup>8</sup>

7 Alemika, E O. (2011, July 5). *Post-election violence in Nigeria: Emerging trend and lessons*. CLEEN Foundation. Retrieved from: <http://cleenfoundation.blogspot.com/2011/07/post-election-violence-in-nigeria.html>

8 Fischer, J. (2002). *Electoral Conflict and Violence: a Strategy for Study and Prevention*, 3. Washington, D.C.: International Foundation for Electoral Systems (IFES).

## Overview of Electoral Violence in Nigeria during the 2011 General Elections

Nigeria's 2011 general elections were held in two rounds on April 9 and May 6, 2011, including the election of members to the National Assembly, president, governors and members of the State House of Assembly. International and local election observer groups reported the election was momentous, marking a turning point in the long history of electoral debacle the country had hitherto witnessed. The European Union Election Observation Mission (EU EOM) believed the general performance of INEC and other stakeholders during these polls set a solid democratic foundation for further democratic development, falling in line with international principles and instruments ratified by Nigeria.<sup>9</sup>

In its closing report on the elections, released on May 18, 2011, Project Swift Count 2011<sup>10</sup> observed that Nigerian voters were able to exercise their right to vote and, in general, their votes were counted. Further, these general elections were conducted “within the frameworks of and conformed to the Nigerian Constitution, the Economic Community of West African States (ECOWAS) protocols on Democracy and Good Governance, and the African Union (AU) Declaration on the Principles Governing Democratic Elections in Africa.”

While the elections were not perfect, they marked a departure from the flawed, sour elections Nigeria experienced over the prior 12 years, particularly the 2007 elections. The 2011 elections were characterized by the determination of INEC to bring the history of fraudulent elections to a halt and by the desire of Nigerians to restore and sustain the democratic process.<sup>11</sup> However, despite these victories, these general elections soon saw a large amount of physical, psychological and structural violence. Electoral conflicts were most pronounced during the

9 European Union Election Observation Mission. (2011, April). *Nigeria Final Report*. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011_en.pdf)

10 The Project Swift Count 2011 is made up of the Federation of Muslim Women Association of Nigeria (FOMWAN), Justice Development and Peace Commission (JDPC)/Caritas, Nigerian Bar Association (NBA) and Transition Monitoring Group (TMG).

11 Ojo, J. (2011). *Nigeria after the 2011 general elections*. ACE Project. Retrieved from: <http://aceproject.org/today/feature-articles/nigeria-after-the-2011-general-elections>



pre- and post-election phase,<sup>12</sup> but little violence was witnessed during Election Days. While most discussions on electoral violence during the 2011 polls focused on post-presidential electoral violence, much of the hostility occurred during party primaries and the campaign period. For instance, *Vanguard* newspaper reported in its December 29, 2010, edition that crowd violence marred the People's Democratic Party (PDP) primary in Benue State, and many were injured at a campaign rally for gubernatorial candidate Beimo Rufus-Spiff.

Further, on December 30, 2010, Alhaji Lateef Salako, the factional leader of the Oyo State National Union of Road Transport Workers (NURTW), was murdered in Ibadan at the PDP local government congress.<sup>13</sup> Days later, on January 3, 2011, Dr. Akpan Akpudo, Akwa Ibom State House of Assembly candidate, was also murdered.<sup>14</sup> Suspected thugs attacked Labour Party gubernatorial candidate Timi Alaibe and his supporters in Bayelsa State on January 7, 2011, killing four persons.<sup>15</sup> Additionally, on March 3, 2011, an explosion occurred at a PDP rally in Niger State; 10 people were killed and more than 20 were injured.<sup>16</sup> On April 8, 2011, the eve of the National Assembly election, the INEC office in Suleja, Niger State, was bombed, leaving 25 dead.<sup>17</sup>

Related to this violence, Wale Sokunbi, a columnist with the *Daily Sun* newspaper in Nigeria, wrote in a March 2011 column:

12 European Union Election Observation Mission. (2011, April). *Nigeria final report*. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011_en.pdf)

13 Vanguard. (2010, December 30). *Eleweomo, NURTW Boss, 2 others killed in Ibadan*. Retrieved from: <http://www.vanguardngr.com/2010/12/nurtw-boss-2-others-killed-in-ibadan-during-pdp-lg-congress-as-senate-leaders-escapes-death/>

14 This Day Live. (2011, January 9). Olaniyonu, Y. *Fears mount over April polls*. Retrieved from: <http://www.thisdaylive.com/articles/fears-mount-over-april-polls/84658/>

15 Sahara Reporters. (2011, January 7). *Bloodshed in Timi Alaibe's hometown*. Retrieved from: <http://saharareporters.com/news-page/bloodshed-timi-alaibes-hometown>

16 Vanguard. (2011, March 4). Mosadomi, W, Umore, H. *Bomb kills 10 at Suleja PDP rally*. Retrieved from: <http://www.vanguardngr.com/2011/03/bomb-kills-10-at-suleja-pdp-rally/>

17 Saturday Tribune. (2011, April 9). Minna, D L. *INEC office bombed, 25 killed*. Retrieved from: [http://www.saturdaytribune.com.ng/index.php?option=com\\_content&view=article&id=3814:inec-office-bombed-25-killed&catid=48:front-page-articles&Itemid=140](http://www.saturdaytribune.com.ng/index.php?option=com_content&view=article&id=3814:inec-office-bombed-25-killed&catid=48:front-page-articles&Itemid=140)

It would appear that just as the stakes and spoils of electoral offices have risen on account of jumbo pay of political office holders and the impunity with which they administer state funds, so also has the desperation for the posts spiraled. Nothing characterizes this desperation more glaringly than the bombings and unconscionable violence that have become a feature of the political campaigns. From Bayelsa to Akwa Ibom, Oyo to Borno, reports of violence and killings have become danger signals. So many people have lost their lives in avoidable electoral violence that it is difficult to believe that all the clashes and killings are on account of the quest to serve the people.<sup>18</sup>

The most devastating of all incidents took place April 18-20, 2011, following the announcement of presidential poll results in northern states. According to the EU EOM report following the election, violence triggered by presidential election results erupted in the north and Middle Belt of the country, including Kano, Kaduna, Gombe, Bauchi, Adamawa and Taraba states. Protesters burned places of religious worship, public buildings and the homes of PDP politicians and religious leaders affiliated with the party. INEC buildings and personnel were targeted, including National Youth Service Corps (NYSC) members serving as INEC ad hoc staff. In the state of Bauchi, 10 youth were brutally killed. The palace of the Sultan of Sokoto, the highest Muslim authority in the country, was also attacked.<sup>19</sup>

According to Human Rights Watch's May 2011 report on the election:

Deadly election-related and communal violence in northern Nigeria following the April 2011 presidential voting killed more than 800 people. The victims were killed in three days of rioting in 12 northern states. Nigeria's state and federal authorities should promptly investigate and

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18 Daily Sun. (2011, March 30). Sokunbi, W. *Election 2011: Let's get it right this time*. Retrieved from: <http://archive2.sunnewsonline.com/webpages/opinion/2011/mar/30/opinion-30-03-2011-001.htm>

19 European Union Election Observation Mission. (2011, April). *Nigeria final report*, 3. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011_en.pdf)

prosecute those who orchestrated and carried out these crimes and address the root causes of recurring inter-communal violence.<sup>20</sup>

The authorities eventually imposed a curfew in affected states until heavy military presence restored order in the following days.<sup>21</sup>

### **Roles of Key Stakeholders in the 2011 general elections**

#### *Independent National Electoral Commission*

The INEC did well in ensuring a transparent, accountable electoral process and reducing the potential for conflict on Election Day. One of the pre-emptive strategies adopted was the establishment of the Inter-Agency Consultative Committee on Election Security (ICCES).<sup>22</sup> This committee included representatives from 16 security agencies, including the police, State security, the Armed Forces, Nigerian Security and Civil Defense Corps (NSCDC), INEC and other paramilitary organizations.

The committee assisted INEC in ensuring violence-free polls and in guaranteeing the security of poll officials, election materials and voters. However, the ICCES was focused primarily on Election Day. The post-election periods were not given adequate attention; this became obvious in hindsight with the outbreaks of violence that occurred before and after voters cast their ballots.<sup>23</sup>

#### *Political Parties and Candidates*

Political parties and candidates were the main perpetrators of electoral violence during the 2011 general elections. The party nomination process was conten-

20 Human Rights Watch. (2011, May 17). *Nigeria: Post-election violence killed 800*. Retrieved from <http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800>

21 European Union Election Observation Mission. (2011, April). *Nigeria final report*, 3. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011_en.pdf)

22 Jega, A. M. (2012, August 21). *The electoral process and security sector synergy*. Paper presented at the Institute for Security Studies (ISS). Abuja. Retrieved from: <http://www.inecnigeria.org/wp-content/uploads/2013/08/THE-ELECTORAL-PROCESS-AND-SECURITY-SECTOR-SYNERGY.pdf>

23 Ibid. p.10

tious, rancorous and unethical. Party leaders substituted other candidates in place of those who had actually won primary elections.<sup>24</sup> Many parties and candidates went to the courts for justice when their parties cheated them from participating in the electoral process.

This was a classic case of structural violence. At one point, the INEC was dealing with more than 400 pre-election court cases. As noted by EU EOM in its final report following the primaries, aggrieved contenders filed approximately 375 complaints with INEC. There were also more than 400 petitions in different courts across the country; the majority concerned allegations of illegal substitution of candidates by parties.<sup>25</sup> During this time, Chairman Jega wrote to then Chief Justice of Nigeria Alloysius Katsina-Alu, requesting him to ask all judges to stop issuing conflicting orders that mandated INEC to accept the nomination of certain candidates.<sup>26</sup> This communication was meant to sanitize the nomination process and ensure that INEC was prepared for the polls. Having to substitute candidates frequently as a result of court orders took its toll on INEC's preparation for the 2011 elections.

### *National Assembly*

For the first time under a civilian administration, Nigeria's national parliamentarians succeeded in amending the country's constitution. The 1999 constitution was amended three times in five months, and the National Assembly passed a new Electoral Act in 2010. Although lawmakers did a good job in improving the electoral process through this legislation, some clauses in the law

24 NewsDiary. (2011, February 9). Ojo, J. *Nigeria 2011 party primaries in retrospect*. Retrieved from: [http://newsdiaryonline.com/jide\\_retrospect.htm](http://newsdiaryonline.com/jide_retrospect.htm) and National Democratic Institute. (2012, December). *Final report on the 2011 Nigerian general elections*, 30-31. Washington, D.C. Retrieved from: [https://www.ndi.org/files/NDI\\_Final\\_Report\\_on\\_the\\_Nigeria\\_2011\\_Electionsnew\\_Part1.pdf](https://www.ndi.org/files/NDI_Final_Report_on_the_Nigeria_2011_Electionsnew_Part1.pdf)

25 European Union Election Observation Mission. (2011, April). *Nigeria final report*. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011_en.pdf)

26 Vanguard. (2011, April 14). Benson, D, Abdulah, A. *INEC: Can unvacated injunctions repeat Amaechi experience?* Retrieved from: <http://www.vanguardngr.com/2011/04/inec-can-unvacated-injunctions-repeat-amaechi-experience/>

were contentious.<sup>27</sup> For instance, in the second amendment to the 2010 Electoral Act, the National Assembly watered down laudable provisions it spelled out earlier in Section 87, which dealt with the candidate nomination process. They withdrew the authority given to INEC in Section 87(9), which empowered the INEC to supervise party primaries and disqualify anybody who did not emerge through a free and fair contest. Lawmakers replaced that subsection with Section 31, which stated that parties shall submit names of candidates they intended to sponsor; this section also stipulated that the INEC could not disqualify them for any reason whatsoever.<sup>28</sup>

### *Judiciary*

The role played by the judiciary during the 2011 general elections was commendable, particularly in post-election dispute resolution. However, during the pre-election phase, courts of equal jurisdictions made conflicting judgments over who was the actual candidate of each party.<sup>29</sup> Additionally, the absence of a time limit for the resolution of electoral disputes before polling delayed legal redress during a time-sensitive period and made it difficult for the INEC to keep pace with the barrage of *ex parte* orders issued by courts. This restrained electoral umpires from accepting nominated candidates and judgments toward which they were suspect.<sup>30</sup> Further, if there had been a timeframe for dealing with litigation arising from the candidate nomination process, the INEC would have had an easier time preparing for the polls and taking on such tasks as ballot printing.

27 Constitution of the Federal Republic of Nigeria. (1999). Retrieved from: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>

28 Vanguard. (2011, April 14). Benson, D, Abdulah, A. *INEC: Can unvacated injunctions repeat Amaechi experience?* Retrieved from: <http://www.vanguardngr.com/2011/04/inec-can-unvacated-injunctions-repeat-amaechi-experience/>

29 Ibid.

30 European Union Election Observation Mission. (2011, April). *Nigeria final report*. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011_en.pdf)

### *Police and Other Security Agencies*

Security agencies significantly improved their performance in discouraging incidences of electoral violence. These groups provided security at the venues of party primaries, during campaign activities and on Election Day. Beyond their inability to preempt and forestall post-election violence, they did well.<sup>31</sup>

### *Media*

The media in Nigeria is vibrant. However, the ownership structure adversely affects their performance. Many public and State-owned media are beholden to the incumbent administration of the State. Conversely, heads of political parties run many privately owned media, bringing the independence of these outlets into question.<sup>32</sup>

Despite the ban on announcing election results that were unverified by the INEC, some media outlets disobeyed this order with impunity.<sup>33</sup> Some foreign media were also alleged to have allowed the broadcast of inciting statements.<sup>34</sup> Beyond these unproven allegations of bias and incitement, the overall performance of media in providing balanced coverage during the last general election was regarded as satisfactory.

### *Voters*

The conduct of the majority of the voters during the April 2011 polls was acceptable. Many perpetrators of electoral violence were also voters, even if they doubled as party members or candidate loyalists. However, the percentage of these perpetrators in electoral violence was negligible, despite their ability to perpetrate high-impact conflict.

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31 Review of elections security during the 2011 general elections in Nigeria. (2011). CLEEN Foundation. Conference proceedings, Abuja. Retrieved from: <http://cleen.org/Review of Elections Security during the 2011 General Elections in Nigeria.pdf>

32 European Union Election Observation Mission. (2011, April). *Nigeria final report*, 29-34, 42-43. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011_en.pdf)

33 Ibid.

34 Ibid.

### *Civil Society Organizations*

Civil society organizations (CSOs) did their best to carry out voter education campaigns amid electoral violence. Some groups even monitored incidents of electoral violence. For instance, the International Foundation for Electoral Systems (IFES) gave a subaward to the National Association for Peaceful Election in Nigeria (NAPEN), a coalition made up of six NGOs across the six geopolitical zones of Nigeria, to carry out sensitization against electoral violence, conduct peacebuilding activities and track electoral violence nationwide. The coalition identified, trained and deployed 74 monitors to the 36 states of Nigeria and to the Federal Capital Territory (FCT) in Abuja. IFES also supported the coalition in creating an Ushahidi platform([www.nevr.org](http://www.nevr.org)) – a tool for information collection, visualization and interactive mapping – where NAPEN's monitors reported incidences of violence via text messaging or SMS. This initiative was applauded by the INEC leadership and civil society; however, a dearth of resources handicapped many CSOs that wanted to educate voters and monitor election violence. With the limited funds available to support these local NGOs, their impact was not sustainable.

### *Government*

Despite pre-Election Day security challenges, the federal government under President Goodluck Jonathan did all it could to secure the political environment during elections. Much as it tried, Nigeria could not prevent the political class from sponsoring mindless acts of terrorism during the 2011 general elections.<sup>35</sup> After the polls, President Jonathan inaugurated Sheikh Ahmed Lemu Presidential Commission of Enquiry to investigate the remote and immediate causes of electoral violence that took place in Akwa Ibom and some parts of the north on May 11, 2011.<sup>36</sup> The panel submitted a report of its findings to President

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<sup>35</sup> Ibid.

<sup>36</sup> Vanguard. (2011, May 12). *April polls violence: Panel demands adequate security for members*. Retrieved from: <http://www.vanguardngr.com/2011/05/april-polls-violence-panel-demands-adequate-security-for-members/>



Jonathan on October 10, 2011.<sup>37</sup> Unfortunately, the government has yet to fully implement many of the recommendations in the panel's report.<sup>38</sup>

## Conclusion and Recommendations

### *Adequate Voter/Civic Education on Legal Framework of Elections and Voting Procedures*

The 2011 general elections shed light on the ignorance of some voters regarding the requirements for winning an election.<sup>39</sup> It is possible this ignorance contributed to the high incidences of electoral violence. For instance, many candidate loyalists believed their candidates were cheated because they were not declared the winner of the polls in their catchment. These loyalists were unaware that, for many of the contested positions, a candidate needed to score one quarter of votes in two-thirds of his or her constituency to emerge victorious. Winning in one catchment area polling unit, ward or local government did not guarantee success in a constituency unless there was widespread support.

Although the INEC tried to conduct voter/civic education before the polls, the impact was low due to insufficient resources and the late passage of electoral laws. The amended constitution was only signed into law on January 10, 2011, and at the time of the elections, few Nigerians were able to access copies of the amended constitution, Electoral Act and election guidelines.<sup>40</sup>

### *Adequate Intelligence Gathering by Security Agencies, Post-election Security*

37 People's Daily Online. (2011). *Zoning controversy negatively affected contest for presidency*. Retrieved from: <http://www.peoplesdaily-online.com/opinion/for-the-record/22112-zoning-controversy-negatively-affected-contest-for-presidency--sheikh-ahmed-lemu>

38 The Nation. (2011, November 10). Ikuomola, V. *Lemu panel indicts Buhari over post-election violence*. Retrieved from: <http://naijagists.com/lemu-panel-indicts-buhari-over-post-election-violence/>

39 Independent National Election Commission. (2012) *Report of the registration and election review committee (RERC)*. Retrieved from: [http://www.afrimap.org/english/images/documents/IEC\\_Nigeria.pdf](http://www.afrimap.org/english/images/documents/IEC_Nigeria.pdf) (This came up in post-2011 election audit where it was discovered that inadequate knowledge of how winners emerged at the poll was partly responsible for the electoral violence.)

40 Federal Ministry of Information. (2011, January 12). *President Jonathan signs amended 1999 constitution into law*. Retrieved from: <http://fmi.gov.ng/latest/1574/>

If Nigerian security agencies had embarked on sophisticated intelligence gathering, the post-presidential election chaos could have been reduced. Unfortunately, it appears that security agencies did not have intelligence on the crisis when it broke out. It is likely security agencies were overwhelmed by conflict when it erupted, which is why the wanton destruction of lives and properties went on for a full 72 hours before it was contained.<sup>41</sup> Money was also a factor. Nigeria's defense and police budget, although substantial, was largely unavailable for Election Day logistics.

#### *Downward Review of Compensation of Political Office Holders*

Many Nigerians consider the generous compensation for political office holders unjustifiable. The government has been called on to slash these huge payments several times. Lemu's Commission of Enquiry into the 2011 pre- and post-election violence reported that a major cause of violence and disturbances was the fact that office holders had made their positions so lucrative at the nation's expense. The panel discovered that remunerations and allowances received by members of the legislature were considered outrageous by stakeholders, turning politics in Nigeria into a do-or-die affair. Many politicians were establishing private armies to build their profiles and ensure they remained in office. During this process, easy access to drugs, serious general poverty at the grassroots level and youth unemployment provided these wealthy politicians with cheap foot soldiers.<sup>42</sup>

#### *Reduce Unemployment and Poverty*

While Nigeria is rich in oil, gas and solid minerals, the nation has one of the highest costs of living in Africa. Nigeria's 2010 poverty profile report from the National

41 European Union Election Observation Mission. (2011, April). *Nigeria final report*. Retrieved from: [http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011_en.pdf) and National Democratic Institute. (2012, December). *Final report on the 2011 Nigerian general elections*, 30-31. Washington, D.C. Retrieved from: [https://www.ndi.org/files/NDI Final Report on the Nigeria 2011 Electionsnew\\_Part1.pdf](https://www.ndi.org/files/NDI%20Final%20Report%20on%20the%20Nigeria%202011%20Electionsnew_Part1.pdf)

42 The Nation. (2011, November 10). Ikuomola, V. *Lemu panel indicts Buhari over post-election violence*. Retrieved from: <http://www.thenationonline.ng.net/2011/index.php/news/22503-lemu-panel-indicts-buhari-over-post-election-violence.html>

Bureau of Statistics revealed that 60.9 percent of the population was living on less than \$1 (USD) per day; their daily food intake fell short of the Food and Agriculture Organization's recommended 2,100 calories per person. According to the World Bank, 100 million Nigerians lived in destitution.<sup>43</sup> Unemployment was also very high. The National Population Commission has said the rate of unemployment in Nigeria rose from 21.1 percent in 2010 to 23.9 percent in 2011.<sup>44</sup>

The current implication of these twin challenges, poverty and hunger, is that many young people are poor, unemployed, willing recruits to perpetrate violence on behalf of wealthy politicians. Ahead of the 2015 general elections, the government will need to reduce unemployment and establish other effective poverty reduction mechanisms.

### *Strengthen Nigerian Judiciary to Adjudicate Election Petitions on Merit, Not Technicalities*

The Nigerian judiciary played a pivotal role in pre- and post-Election Day adjudication procedures. Nigerian judges must be encouraged to shun corrupt practices, ensuring the course of justice, not judgment, is served. Failure of aggrieved parties and candidates to obtain justice in the courts or election tribunals will make them and their supporters resort to self-help, which might include electoral violence.

### *Timely, Adequate Punishment for Electoral Offenders*

President Jonathan established a government committee to investigate the 2011 electoral crisis, but the government has not implemented many of the committee's recommendations set forth in their report. One of the key observations of Lemu's panel was that a major cause of electoral violence had been the failure to implement recommendations by previous committees, commissions and panels.

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43 Punch. (2013, November 13). Amafeule, E. *100 million Nigerians live in destitution – World Bank*. Retrieved from: <http://www.punchng.com/news/100-million-nigerians-live-in-destitution-world-bank-2/>

44 Punch. (2013, October 11). Nnodim, O. *Nigeria's unemployment rate rises to 23.9% —NPC*. Retrieved from: <http://www.punchng.com/business/business-economy/nigerias-unemployment-rate-rises-to-23-9-npc/>

According to the panel, this failure facilitated a widespread sense of impunity among culprits and perpetrators of crimes and violence in Nigerian society.<sup>45</sup> Neither the police nor INEC, which also has prosecutorial powers, has been able to indict perpetrators of electoral offenses, including electoral violence. INEC Chairman Jega has said the commission lacks the resources and manpower to prosecute an overwhelming number of electoral offenders identified during the April 2011 elections. He has called for the establishment of an electoral offenses commission and, in the interim, hopes to gain the support of members of the Nigerian Bar Association to assist with the prosecution of electoral offenders.<sup>46</sup>

### About the Authors

*Carl W. Dundas was IFES' Country Director in Nigeria from June 2011 to February 2013. During this time, IFES was instrumental in supporting the Independent National Electoral Commission with funding and administrative arrangements for a series of post-polling retreats with staff and stakeholders to evaluate the organization and conduct of elections. During the retreats, electoral violence was frequently discussed.*

*Jide Ojo joined IFES in 2005 and holds degrees in political science from the universities of Lagos and Ibadan. He has been a development worker since 1998, working for both local and international nongovernmental organizations. Ojo is a 1998 winner of Delta National Youth Service Corps State Honors Award, and he is a 2005 Global Rights Delegate to the 61st Session of United Nations Human Rights Commission in Geneva, Switzerland. He is currently IFES' Program Manager in Nigeria and has presented many academic papers at conferences and workshops and contributed chapters to five books.*

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<sup>45</sup> Ibid.

<sup>46</sup> All Africa. (2011, July 8). Taiwo-Oguntuase, S. *Nigeria: INEC prosecutes 870,000 electoral offenders soon*. Retrieved from: <http://allafrica.com/stories/201107110935.html>



Guinea

# Conclusion



IFES advocates for the adoption of an electoral cycle approach to election administration, because elections do not begin or end on Election Day. Concerted efforts to prevent electoral violence should begin long before Election Day; electoral violence can occur at any time during the electoral cycle.

As illustrated in these case studies, elections are a process, not an event, and citizens must be empowered to freely exercise their civil and political rights throughout the cycle. Free citizens' participation in elections is also an affirmation of their rights to participate in their government without fear. Peaceful elections serve to diminish violence, restore people's trust in elected officials and enhance the credibility of governance and democracy.

The electoral process begins with the nomination of members to an election management body (EMB). These nominees must be of high integrity, independently minded, impartial and have the ability to set aside personal biases in the interest of their country. Their tenure in office and independence must be guaranteed by a nation's laws and leaders.

As discussed, money and the culture of impunity in politics have been key factors leading to electoral violence in Africa. Political actors have used money to buy votes and incite violence, which leads to instability. Moreover, the lack of clear and accepted dispute resolution mechanisms remains a serious concern.

Other tactics, some of which have been covered in this publication, include using the registration process to exclude groups from participating; inadequately



vetting the resulting voter list; conducting unfair campaign practices; restricting the freedom of opposition parties to campaign; stuffing ballots or improperly sealing ballot boxes; leaving people's names off voter lists; and insufficiently or improperly distributing polling stations to give a specific group or party an advantage on Election Day. Additionally, tabulating results to deliberately give the advantage to one party, or operating in a non-transparent manner during the process, could ignite violence.

If any stage of the electoral cycle is ignored or manipulated, the entire process has the potential to fall apart. The authors of this publication have shared the stories of nations that have witnessed this collapse, navigated challenges of electoral management and shown electoral violence is not just physical, but can also be psychological and emotional.

### Recommendations

While there is no single international standard on election administration, international best practices and free and fair elections are widely believed to be the foundation of democracy. Article 21 of the Universal Declaration of Human Rights (UDHR) clearly gives citizens the right to “take part in the government of his country.”

Specially, IFES has nine key recommendations for the international community to counter electoral violence in Africa:

1. Promote and strengthen the independence and accountability of EMBs and build public trust; these are core elements of democratic transitions and transformations. The independence of an EMB calls for long-term commitment.
2. Encourage and empower civil society and a broad range of stakeholders to engage in the electoral process to increase transparency, accountability, impartiality and fairness. Inclusive approaches to election administration lead to sustainable democracy.



3. Support EMBs to clearly and fairly define procedures so as not to block or disadvantage certain groups from participating. This could entail promoting broader voter registration campaigns targeting the rural communities that make up the bulk of the voting age population in some African countries.
4. Make special efforts to include women and youth in every step of the electoral process, since they make up the majority of most countries.
5. Strengthen the accountability of EMBs to ensure they will be able to effectively encourage political parties to commit to legally enforceable codes of campaign and voting conduct.
6. Assist EMBs and local civil society organizations to engage in voter-education activities and deter them from supporting candidates or political parties that resort to violent tactics and vote buying.
7. Provide support to EMBs to develop systems for counting, tabulating and announcing results as transparently and quickly as possible.
8. Support EMBs and judicial institutions to develop the expertise to implement comprehensive electoral justice programs with clear dispute resolution mechanisms to ensure any complaints are heard/ adjudicated through the electoral process.
9. Advocate for legal frameworks that guarantee the independence and autonomy of EMBs. The international community can do this by helping EMBs follow international best practices in campaign finance.

Without free and fair elections, neither democracy nor human rights can fully exist in Africa. To help prevent electoral violence during various phases of the electoral cycle, EMBs, other stakeholders, civil society and the international community must build the capacity of Africa's EMBs to manage all stages of the electoral process. This includes anticipating challenges, developing strategies, improving the legal framework and developing binding political parties' codes of conduct.







Global Expertise. Local Solutions.  
Sustainable Democracy.