

# RESOLUTION AND TRANSFORMATION OF ELECTION RELATED CONFLICTS IN AFRICA

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## ABSTRACT

*Three fundamental points underpin the paradigm of electoral conflict resolution. First, resolving a particular electoral conflict does not imply that disputing parties will never resort to conflict. In Africa, political, economic, and social issues are deeply intertwined, a link which generates various forms of tensions and conflicts. The paradigm of conflict resolution, in this context, then, means disputing parties may revert to conflict, but not necessarily over electoral issues. Secondly, inbuilt in the paradigm is the recognition that some conflicts can become intractable or protracted. Such conflicts need to be significantly transformed into forms that can be approached constructively. Thirdly, the rationale for resolving electoral conflicts is not to compel the parties to conform to the same political ideologies, persuasions, or worldviews. Neither is the rationale to compel disputing parties to adopt similar perspectives and approaches to political issues, or articulate similar political viewpoints. The rationale for resolving electoral conflicts is to encourage stakeholders in the electoral process and conflicting parties in a particular polity to co-exist peacefully despite their different worldviews, political biases and ideologies. These three fundamental points lay the theoretical and analytical foundations of this paper.*

## INTRODUCTION

A free and fair electoral process is a necessary condition for a democratic society premised on good governance and a culture of peace. As Africa navigates through the phase of consolidating democracy, however, elections have yet to serve as

reliable instruments for enhancing democratic tenets and good governance. Instead, elections in many African states are characterised by controversies and disputes which, in most cases, transform into violent conflicts. These electoral conflicts arise at all stages of the electoral process from political party registration through registration of voters, nomination of candidates and conflict at polling stations. They are often the result of the attitudes and biases of electoral management bodies. This raises the question of how these conflicts should be resolved?

The argument is that electoral conflicts pose a challenge to the view that an electoral process is an effective instrument through which citizens are able to elect their leaders without interference or intimidation. Electoral conflicts also raise questions about the capacity of African states to harness constructive mechanisms to deal with conflicts inherent in the electoral process and to transform such conflicts in such a way that the contesting parties, the citizenry and other political actors have confidence in the electoral outcome. Ultimately, in order for African states to harness this constructive energy, it is imperative that they incorporate conflict resolution and transformation mechanisms into their electoral processes.

Two trends have been discerned in Africa since the end of the Cold War. On the one hand, there was a dramatic increase in intra-state wars, with several countries afflicted by powerful ethno-nationalist and secessionist movements. The increase was such that within ten years 32 of the 53 African countries had experienced violent conflicts. These include Sierra Leone, Liberia, Guinea and Côte d'Ivoire in West Africa; the Republic of Congo, the Democratic Republic of Congo (DRC), the Central African Republic (CAR), Rwanda and Burundi in Central Africa; Somalia, Sudan, Ethiopia-Eritrea in the Horn of Africa; the Union of Comoros and Madagascar in the Indian Ocean; and Angola in Southern Africa.

On the other hand, the continent's political landscape went through a genesis of multiparty democracy and challenges over its consolidation. Hitherto monolithic one-party political systems opened to give way to competitive multiparty ones. Whilst a competitive electoral process cannot in itself be equated with democracy, it is a cardinal precept of liberal democratic theory and practice (Mangu 2006, pp 3-8). By 1999 more than 30 African states had introduced multiparty electoral systems (Cowen & Laakso 2002, pp 1-26). Thus, the first-wave of multiparty elections took place in diverse countries across Africa including Nigeria, Benin, Guinea, Ghana, Senegal, Cameroon, Tanzania, Kenya, Malawi and Zambia. In the Southern Africa region, South Africa, Angola and Mozambique held elections to signify the end of apartheid and protracted civil wars respectively. But whereas elections in South Africa and Mozambique heralded an era of peace, those in Angola led to the worst phase of the civil war, in which more than 350 000 people perished (Anstee 1996, p 265).

Amid these developments two countries in the region stood out – Botswana and Mauritius have held uninterrupted competitive elections since independence. Thus, they are referred to as Africa's 'old democracies'.

The conduct of multiparty elections posed immense challenges to all African countries. First, competitive elections are, by their nature, confrontational. Kevin Clements notes that adversarial politics generates more heat than light and stimulates competitive processes that are inimical to rational problem solving. They also tend to generate violent discourse and, when taken to extremes, as they have been in most African countries, dispose parties towards extremely violent behaviour (Clements 1995).

Secondly, the conduct of multiparty elections demands a tolerant political culture, which was non-existent in all countries other than those with a long tradition of competitive and periodic multiparty elections. Thirdly, the structure of the post-colonial state in many countries in Africa is such that elections are associated with tensions and the eruption of social antagonisms over the control and ownership of the state. Thus, the first, second and even the third competitive multiparty elections in many countries in Africa have been plagued by protest and simmering, as well as open, conflicts which have undermined the credibility of elections and, in certain cases, threatened the existence of the state and the country. As mentioned, conflict in Angola over the 1992 elections led to the resumption of war. In Tanzania conflict over elections in Zanzibar has led to a court case challenging the foundations of the Union of Tanzania (Irin News 2006; Pambazuka News 2006). In Ethiopia disputes over the 2005 elections have bred an armed rebellion in the North Western part of the country (NES 2005). In Lesotho disputes over the electoral process led to an army mutiny and a conflict that required the intervention of the Southern African Development Community (SADC) (Neocosmos 2002, pp 27-59). Other cases of election-related violence have been recorded in Kenya, Uganda, Nigeria, Chad and Zimbabwe. In a nutshell, successful and peaceful electoral conflict resolution and transformation not only contributes to the credibility of elections and consolidation of liberal democracy but also to stabilisation of the nation-state.

### CAUSES OF ELECTORAL CONFLICT

Election related conflicts stem from many causes, in most cases peculiar to a country. They include the structure of the state, the structure of the electoral system, political culture, political intolerance and repression, undemocratic practices by political parties (eg, imposition of candidates), corruption and rigging of elections, clashes of political ideologies or of cultural values, media bias, fear, misinformation and disinformation, and political bigotry.

### *Structure of the state*

The structure of the state and the struggle for state control is a common cause in Africa. In Nigeria, the federal structure of the state with an all-powerful presidential system has been contested (Madunagu 2006). Similar contestations have been noted in diverse countries such as Uganda, Kenya, Chad, Sudan, Ethiopia, Côte d'Ivoire, Mali and Senegal.

### *Structure of the electoral system*

This is a major cause of conflict in the Southern Africa region. The 1998/99 clash in Lesotho had its roots in the electoral system and was resolved after the system was reviewed and re-designed. Khabele Matlosa (2002) has argued that only a few countries in the region – Namibia (1989), Angola (1992), Mozambique (1992), and South Africa (1994) – made a concerted effort to reform their electoral systems in the decade of democratisation. Experience in Angola (1992) and Lesotho (1998/9) clearly shows that the structure of the electoral system can exacerbate or de-escalate an intra-state conflict.

### *Political culture and intolerance*

Though many states across Africa adopted political pluralism in the early 1990s they retained the underlying one-party state political culture. Highlights of this culture include intolerance, practices employed with a view to manipulating the electoral outcome, and the imposition by political parties of particular candidates.

The use of security forces to harass opponents, bias on the part of electoral management bodies, lack of transparency, restriction of movement of political opponents through establishment of 'no-go' areas during campaigns, expenditure of public resources to campaign for some parties and manipulation of ethnic identities are common features.

In South Africa during the 1994 and 1999 elections the supporters of the African National Congress (ANC) and the Inkatha Freedom Party (IFP) established 'no-go' areas. In Uganda during the 2006 elections the national army came out in support of the National Resistance Movement (NRM), while in Ethiopia the government employed security to control the movement of opposition leaders.

In other cases, such as the CAR, Benin, Côte d'Ivoire, Nigeria, Kenya, Angola, Republic of Congo, Chad and Guinea, manipulation of ethnic identities is quite common.

### *Failure to recognise the legitimacy of the opposition*

The failure by some governing parties to recognise the legitimacy of opposition parties is a major shortcoming in Africa. It leads to boycotts, or the threat of boycotts, of the electoral process and of the legislature, to civil protests and riots, and, in extreme cases, to widespread civil disobedience.

The opposition Coalition for Unity and Democracy (CUD) in Ethiopia rejected the May 2005 election results, citing irregularities and the failure of the ruling party to recognise its legitimacy (Bureau of Democracy 2005). It further boycotted Parliament and called for civil protests. The subsequent protests in the streets of Addis Ababa and other cities left more than 100 dead, hundreds injured and more than 300 political prisoners. It further fuelled armed rebellion and, since then, several bombs have exploded in Addis Ababa and armed rebellion has intensified in the South and North Western regions of the country (*Daily Monitor* 2006).

### *Clash of cultural values and political ideologies*

The clash between cultural values manifests itself in many parts of Africa as ethnic or communal conflict. Indeed, conflicting cultural values cause more conflict in Africa than divergent political ideologies.

In the southern part of Sudan clashes between Christians and Muslims and between Arabs and blacks are common. In East Africa, particularly in Uganda and Kenya, clashes between the Nilotic and Bantu groups often manifest themselves as electoral conflicts (Ogot 1996, pp 16-27). In Nigeria conflicts often flare up between northern Muslims and southern Christians, as well as between major ethnic communities and minor ethnic groups in the Niger Delta (Robinson/Oporoza 2006, pp 18-23). In some countries, including Liberia, Sierra Leone, Guinea, Côte d'Ivoire, the CAR, the DRC, Republic of Congo, Rwanda, Burundi, and Angola, various forms of cultural clashes have taken place during and after elections and in others traditional cultural structures have more influence than modern state structures.

### *Media suppression and bias*

Restrictions imposed by government on opposition parties accessing public media, particularly the radio, are quite common in Africa, particularly where the public broadcaster is state controlled. Examples include Malawi during the May 2004 general elections and Zimbabwe during the 2001 presidential and 2005 parliamentary elections. Election observer missions, including the SADC

Parliamentary Forum (SADCPF) expressed concern about the unbalanced access by political parties to Malawi Television and the Malawi Broadcasting Corporation (EU Observer Mission 2004).

Similarly, just before the 2004 elections in Botswana the Minister for Information and Broadcasting instructed the state media to cover only the president and the vice-president (Gounden 2005).

### *Selective use of state resources*

Another major tendency that causes electoral conflict across Africa is the use by the ruling party and the incumbent leadership of state resources in their campaigns. Such resources include public servants, government vehicles and offices, and blurring the line between the party, the government and the state. They also include security forces such as the police services and the armed forces.

### *Gerrymandering/skewed delimitation of electoral boundaries*

In some countries electoral constituencies are demarcated in favour of the ruling party and incumbent leadership. In Kenya, for instance, some constituencies have more than 100 000 registered voters, while others have fewer than 10 000. These huge variations not only disenfranchise some voters and reduce the value of their vote, they cause other problems. For example, if voter registration materials genuinely run short the problem is often interpreted as intentionally designed to disenfranchise supporters of a particular party. This is particularly common in countries where the integrity of the electoral management authority is questionable.

### *Manipulation of the voters' roll/registration process*

Manipulation takes different forms, such as denying voters in certain areas national identity documents and voting cards, and delaying funding of the process. Other methods are shortages of registration materials in strongholds of opposition parties, the removal of voters from the voters' roll without informing them, omitting to remove dead voters from the roll, and refusal to provide electoral stakeholders, that is, political parties and voters, with access to the roll, particularly for inspection purposes.

In Mozambique in 2005, for instance, Renamo complained about the registration process, particularly in the north and centre of the country, alleging that not enough personnel were employed to conduct voter registration, and this disenfranchised potential voters (Gounden 2005).

### *Weak legal and political institutions*

These are the constitution, the laws regulating elections, and political structures such as political parties. Other weaknesses include high levels of illiteracy, the poor state of basic infrastructure, and inefficient, partisan and corrupt public service and judiciary, all of which raise questions about the sustainability of democracy.

### *Undemocratic parties/leaders*

Manifestations of this are the imposition of candidates by the leadership of the parties, the annulment of the results of some of the primaries, the exclusion of women candidates, and the unavailability of the voters' roll for inspection in most of the registration centres.

## CONSEQUENCES OF ELECTORAL CONFLICT

Electoral conflict often leads to a crisis of legitimacy and to political instability and discourages domestic and foreign investment. It also hampers overall stability and socio-economic development. In extreme cases it may lead to civil war, communal wars, ethnic clashes, death and destruction.

In Africa, political crisis in one country tends to have a multiplier effect on the region as a whole.

In many African countries winning elections is literally a matter of life and death. The race for state power means access to wealth as, in most cases, the government is the main employment agency and politics is frequently the most profitable business. This is particularly so in what William Reno (1998) has called warlord economies. Therefore, it is imperative to establish relevant regional and national institutions and civil society organisations to develop mechanisms and practices that can assist in the prevention of election-related conflict.

## MECHANISMS FOR RESOLVING / TRANSFORMING ELECTORAL CONFLICT

As stated above, an election process is, by its very nature, competitive, and entails engagement by political actors for limited political space and positions. The confrontational nature of this competition generates conflicts whose consequences threaten, and at times destroy, the nation-state. The establishment of conflict prevention mechanisms in the context of democratic elections is therefore imperative.

The following are some of the instruments and mechanisms for resolving electoral conflict.

### *Political parties*

In order for election-related conflict to be transformed or resolved constructively it is important that key stakeholders, particularly political parties and voters, and, to a certain extent, non-governmental organisations, be involved in the process. This guarantees transparency and accountability.

### *The constitution and electoral laws*

As the supreme law the constitution is a key instrument of electoral conflict resolution. In order for it to serve this role effectively its articles should be written in such a way as to protect the inalienable rights of citizens and guarantee their right to participate in the governance of the country. The constitution must also be supported by other laws and statutes that regulate the electoral field, recognise the supremacy of the citizen, and are fairly applied and acceptable to all political parties and candidates. The problem in many countries in Africa is that most constitutions and electoral systems or the practices of electoral management bodies do not conform to the democratic culture.

Carl Dundas (1996) has argued that many Commonwealth countries have come to realise that free and fair elections are the centrepiece of democratisation and consequently more of them, including the majority of the SADC countries, have recently begun to review their constitutions and election laws. In the SADC sub-region EISA is involved in a process of training and advocacy for electoral reform. The aim of the programme is to influence electoral management bodies to engage their respective governments to reform electoral laws so they conform to internationally recognised norms and standards (SADCPF 2001).

### *Party liaison committees*

The establishment of party liaison committees (PLCs) during an electoral process is beginning to take root in some countries in Africa. In South Africa, the Constitution entrenches the principle of multiparty democracy through the Bill of Rights. The Independent Electoral Commission (IEC)'s mandate to strengthen constitutional democracy has been developed within this framework. In order to build confidence and trust in the IEC and the electoral process as a whole, the Electoral Commission Act of 1996 empowers it to establish and maintain party liaison committees for the purpose of facilitating liaison and cooperation between

key electoral stakeholders. These committees, which have been established at national, provincial and local levels of government, ensure the inclusion of key electoral stakeholders through consultation. This, in turn, encourages thorough transparency within the commission while at the same time allowing for it to demonstrate bureaucratic efficiency and competence. Political parties are key players in supporting the electoral process, hence it is critical that they understand all activities pertaining to election management and legislation.

PLC regulations ensure that political parties are consulted throughout all the phases of the electoral process. The commission convenes consultative meetings with parties either bi-weekly or monthly, the frequency escalating during election periods. On election day meetings are convened 'by the hour', as all parties are accommodated at a sitting to thrash out any issues that are likely to arise during this critical period. These meetings, to which each party sends two representatives, serve as consultative forums for the IEC. In this way election disputes are averted or resolved before they escalate. Other countries that have established PLCs are Lesotho and Nigeria. The IEC in Botswana has drafted guidelines for a PLC, while the Namibian commission has indicated that party liaison committees are in operation. Such structures are absent in many countries, including Kenya, Uganda, Malawi, Zimbabwe and Mozambique.

### *Code of conduct*

Most electoral laws include, as part of the Electoral Act, a clause requiring all political parties contesting elections to abide by a code of conduct. In some cases, where members of political parties engage in acts prohibited by the code, they may be prosecuted. The code of conduct is compiled and issued in order to promote free, fair and orderly elections. Most election management bodies in the SADC region have included such a code in their electoral laws. Adherence to it, particularly by candidates, is very important, and some election management bodies include it on the nomination forms signed by the candidates when accepting their party's nomination. Among the electoral commissions which have such codes are those of Botswana, Mozambique and Namibia.

### *Conflict management committees*

In South Africa, conflict management committees (CMCs) were set up by the IEC and included representatives from the police, army, magistrates' commission, national intelligence agency, and non-governmental organisations working in the areas of political violence monitoring, voter education and election monitoring, and conflict resolution. The reason for the representation of the security and

intelligence apparatus was to ensure that information about political 'hotspots' and planned attacks intercepted by the intelligence could be forwarded to the relevant authorities, such as the police.

In cases of infringement of the Electoral Code of Conduct prosecution was fast-tracked because of the presence of the magistrates' commission. All members of the police were given a copy of the code of conduct. In addition to the committee the IEC temporarily employed trained mediators who mediated electoral disputes and were paid by the commission. The mediators were normally people of good standing who mediated in the areas in which they resided. Their progress reports were discussed at CMC meetings and the committee passed on to the mediators any information which could assist the mediation process.

Alternative dispute resolution and conflict management processes such as mediation are potentially accessible, cost effective, and a rapid means of addressing election-related disputes. Lesotho and Zambia use similar processes.

### *Norms and standards for elections*

The use of instruments such as Principles for Election Management, Monitoring and Observation (PEMMO) and Norms and Standards for Elections in the SADC region as benchmarks for the conduct, management and observation of election is gaining momentum. As stated above, these tools serve as guidelines for running professional and legitimate elections and also assist in enhancing the transparency of the conduct and management of elections. The recently adopted SADC principles will further facilitate the adherence to best practices by member states (SADCPF 2001). Adherence to these benchmarks would ensure the levelling of the playing field for all players contesting elections and thereby reduce election-related disputes. It is important that in order to ensure the conduct and management of credible and fair elections the rules of engagement are understood and accepted by all stakeholders.

### *The role of civil society organisations*

Civil society plays a critical role in the electoral process. Most electoral commissions in the region work very closely with civil society organisations and ensure their timely accreditation. The electoral commissions need to engage civil society organisations in a consultative process similar to that with party liaison committees.

In South Africa, there are several forms of these civil society organisations working very closely with the commission. During the 1999 national and 2000 municipal elections as well as during the 2004 national and 2006 municipal

elections in KwaZulu-Natal, a province often associated with election violence, the commission worked with the Provincial Leadership Forum, which comprises the leaders of political parties, business, government, religious organisations, non-governmental organisations, and academics and focuses on capacity building.

The business community has seconded personnel with the relevant skills to the commission. The involvement of these stakeholders reduced the opportunity for political violence. It also promoted ownership of the process and the end result.

### *Election petition tribunals*

Election petition courts have historically dealt with election-related disputes and conflicts. In most countries these courts are more active when election results are being disputed. In South Africa, in order to ensure that election-related litigation is settled speedily, the magistrates' courts are declared electoral courts and are enabled to hear cases involving infringements of the Electoral Code of Conduct. Electoral courts are important deterrents for people planning to engage in prohibited acts during elections.

### *Impartial media*

The role of the media is critical in shaping public opinion. Impartial and independent media are considered a prerequisite for the open discussion of conflicts. Restricting, gagging or censoring the media hampers the articulation of dissenting opinions. The rationale for free and impartial media lies in the fact that the media are the lifeblood of democracy. The African Centre for the Constructive Resolution of Disputes (ACCORD), a civil society initiative based in Durban, South Africa, in collaboration with the Media Institute of Southern Africa (MISA) has, in the past, engaged in building the capacity of media practitioners to report objectively during elections in the SADC region.

### *Election observer missions*

Election observation has been established as a key component of an electoral process and a contributor to its general acceptability. Observer missions have the task of assessing the legitimacy and fairness of an electoral process and can contribute substantially to the prevention of election-related conflict. They can also ensure that critical areas for improvement are drawn to the attention of the relevant electoral authority for future electoral processes. Unlike domestic monitoring groups, which, in polarised or divided societies, may be seen as

partisan or as part of the problem, foreign observers tend to have the advantage of being seen as more independent and performing their work from a less biased position.

Observer missions use best practice instruments to assess the credibility of the electoral process, from delimitation to the announcement of results. In the SADC region, these instruments were used in the South African and Malawi elections of 2004 and the Zimbabwean elections in 2005. The SADCPF has used the Norms and Standards in most of the countries where their observer missions have been conducted. In most SADC countries, domestic monitors have become an integral part of the electoral process. Unlike international observers, domestic monitors have a greater stake in the success of an electoral process. Some of the domestic monitoring groups have begun to use tools such as the Norms and Standards for Elections and the PEMMO to monitor the elections.

## CONCLUSION

There is little doubt that African states must develop new strategies to overcome electoral problems and integrate new approaches of resolving and transforming electoral conflicts. It is vital, therefore, that experts in the field of conflict transformation generate ways of harnessing the constructive energy of conflicts inherent in electoral processes. Such interventions cannot be narrow; they should be broad, inclusive, interdisciplinary and systemic. African states must set up institutional mechanisms that will enable potential electoral problems to surface before the conflict implodes, and will allow for the provision of a quiet and effective response. These institutions should adopt a holistic view of the electoral process and combine collaborative problem-solving techniques with the development of just and sustainable social, economic and political systems which need to be premised on several key highlights.

The first of these is what Elise Boulding (1995, p 202) calls *signals of peace* or what Jim Wallis (1995, p 175) calls *signs of transformation*. These are non-violent opportunities for creative solutions in moments of tension relating to social and political problems. In Wallis's view these signs of transformation mean reinforcing cultures of peace rather than cultures of violence.

Second, is to recognise the destructive power of conflict and generate creative mechanisms of using conflict to transform processes and institutions constructively. These mechanisms will counter the pessimism of *realpolitik* with reality-based optimism, which will enable institutions to operate on best- rather than worst-case assumptions. The mechanisms will also ensure that all parties to conflicts, regardless of how powerful or powerless, official or unofficial they are, are involved in solving their own problems. If they are excluded there is a strong

probability that settlement/solutions reached might fail, thereby forcing the imposition of partial settlements/solutions which will prove equally fragile. Included here is the moral dimension of problem solving, which, in essence, includes the equalisation of power relations between peoples.

The third key is that electoral conflicts must be dealt with as early as possible, while they are relatively tractable. There is, therefore, a need to build the capacity of electoral conflict resolution institutions not only to devote more attention to early warning signals but to develop the will to start resolving conflicts before they become critical. In building this capacity the most important lesson to be drawn from current election conflict mitigation activities is that sharing of resources by electoral management bodies is an effective instrument for managing election-related conflicts, skill sharing, and technical expertise across regions. It is against this backdrop that it is recommended that all countries in Africa explore the possibility of standardising election processes and adopt common electoral principles such as those the SADC countries proclaimed in Mauritius in August 2004.

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