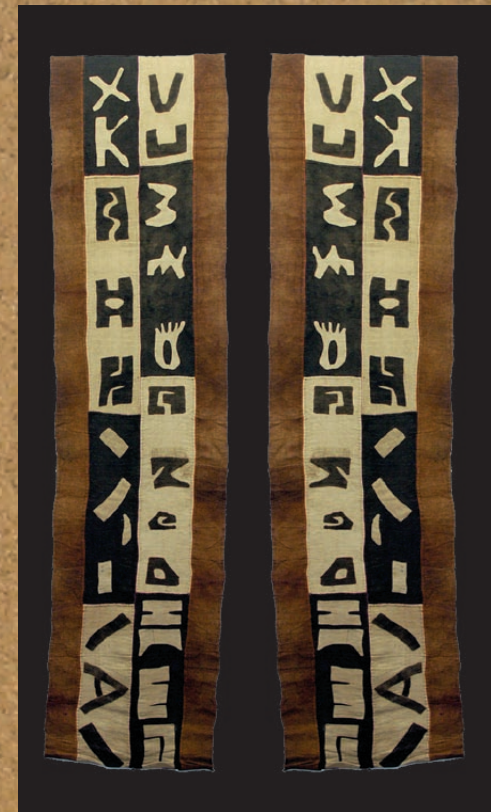


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AFRO-GOVERNANCE

Continentalism and Africa's Emerging Democratic Regime

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ABSTRACT

The 1994 Abuja Treaty Establishing the African Economic Community (AEC) commits African states to eventual Pan African political and economic union – a United States of Africa (USAf). Pan-Africanism's ultimate goal is two-fold: an African federal system with a central authority possessing supra-national powers and a unitary community resulting from the merger of sovereign African states. But the Abuja Treaty's ideals remain a distant goal. For now, Africa has entered an important stage en route to that ideal – a 'new' wave of Pan-Africanism: progressive 'continentalism'. The continent's state actors and key institutions promote a new progressivism, which champions development, peace and security, democratic governance and accelerated economic growth. Whereas the OAU defended non-interference in the domestic affairs of African states and unity and solidarity at all costs and was preoccupied with the liberation struggle and efforts to rid the continent of colonial rule and white minority oppression, the African Union promotes a 'new' wave of inter-African union based on the doctrine of non-indifference, by which African states are encouraged to become more democratic and 'good' governance is promoted. However, although the new progressive continentalism promotes Afro-governance it is fraught with major challenges because of adherence by the vast majority of African states to narrow notions of 'sovereignty'. The challenges notwithstanding, while Pan-Africanism remains a distant aspiration, it would be prudent to focus on the consolidation of a progressive continentalism.

INTRODUCTION

In the past decade Africa has witnessed the gradual growth of a new progressive continentalism. This emerging inter-African regime places great import on a democratic governance architecture, fundamentally different from the continental regime which preceded it and driven, in the main, by efforts to construct a continental political community of 'sovereign' states. I see political community here as meaning a set of norms and principles to which states in a region and community agree and by which they decide to live. In contrast to the past epochs of colonialism, the Cold War, and apartheid there has emerged in Africa a defence of democratic governance, defined here simply as the appropriation, management and distribution of power in a society through state institutions, mechanisms, laws, and regulations, and through the strengthening of state-societal relations (Landsberg 2003).

This paper seeks to explain the origins and nature of the democratic governance elements contained in some of the continent's key inter-state institutions and programmes, and assesses their implications for continental governance and democratisation. It deals essentially with what could be dubbed the 'new' wave of Pan-Africanism under way in Africa – otherwise described here as the new 'continentalism'.

There has been a policy revolution in Africa in the past decade. The continent boasts new norms, principles, values, mechanisms and structures, which are fundamentally different from those which prevailed during the era of liberation and the struggle against white minority domination and apartheid on the continent.

Key groupings of the continent's state actors negotiated a new, progressive Pan-Africanism, or, more properly, a continentalism, that makes a fundamental break with the past as characterised by the period of the Organisation of African Unity (OAU). The OAU placed a huge emphasis on unity, a struggle for political liberation, and non-interference in the domestic affairs of African states and was preoccupied with the liberation struggle and efforts to rid the continent of colonial rule and white minority oppression.

In contrast, the 'new' wave of inter-African co-operation puts the issues of development, governance, democratisation, economic growth and peace and security firmly on the continental agenda. It therefore espouses a progressive agenda, which seeks to build consensus on African development, governance, and peace and security by articulating new norms, values, principles and policies and designing institutional mechanisms for implementing the new paradigm. Key leaders driving this process have dubbed it the 'new African agenda'; it is geared to breaking away from the decades-old regime of 'non-interference', 'non-

intervention' and an obsession with 'national sovereignty' (Mwanasali 2004). So it articulates a new interventionism in defence of democratisation, accountable governance and human rights, among other pillars, whereby inter-state bodies such as the AU, sub-regional bodies and others would engage African states and nudge them, primarily through non-confrontational quiet diplomacy, in the direction of greater democratisation and peace and security.

The interventionism is articulated under the banner of the doctrine 'from non-interference to non-indifference', meaning that African states and their key continental and sub-regional institutions would not stand idly by in the face of gross violations of human rights, genocide, internal threats to security in African states that could threaten regional security, and unconstitutional changes of government. In short, the new continentalism's ultimate goal is to bring about a political community in Africa, with political community defined here as a 'social unit or group holding common values, utilising mutual institutions for decision-making, and complying with decisions made' (Ziring et al 1995, p 325). A political community may take the form of a regional organisation that fosters limited co-operation among members, a federal system with central authority possessing supra-national powers, or a unitary community resulting from the merger of previously sovereign entities (Ziring et al 2005, p 325). At this point the African Union is little more than a continental organisation struggling to foster co-operation among African states, and attempting to convince such states to adopt, and live by, common values and institutions, and to comply with the decisions of these institutions.

CONCEPTUALISING AFRO-PROGRESSIVE GOVERNANCE

This paper distinguishes between 'good governance' and 'democratic governance' and advances the idea of Afro-progressive governance. Africa's new continentalism boasts its own concept of governance, best captured by the African Peer Review Mechanism (APRM).

Let us start by defining governance. Governance denotes the management, appropriation and distribution of power. It is thus seen as 'the sum of many ways individuals and institutions, public and private, manage their common affairs' (Commission on Global Governance 1998). It is 'the exercise of economic, political, and administrative authority to manage a country's affairs at all levels' (UN 2000).

African states and the African Union borrow heavily from the World Bank's understanding of good governance as 'epitomised by predictable, open, and enlightened policy-making [that is transparent processes]; a bureaucracy imbued with professional ethos; an executive arm of government accountable for its

actions; and a strong civil society participating in public affairs; and all behaving under the rule of law' (World Bank 2000).

Democratic governance, on the other hand, refers to issues of democratic participation and the voice of civil society actors in policy and governance processes. It calls for the opening up of decision-making efforts and their democratisation. Proponents of the notion of democratic governance propound the view that power and decision-making should not simply be the preserve of ruling elites; power should be shared and democratised, and state and civil society actors should engage one another critically, independently and constructively (UNDP 1997).

Africa's formal continental institutions and programmes now seek to uphold the continent's own, new concept of democratic governance. This concept is best captured by one of those continental programmes – the African Peer Review Mechanism. This Afrocentric concept of governance links the good governance and democratic governance elements. The APRM associates itself with UN Secretary-General Kofi Annan's 1998 definition, suggesting that 'good governance means creating well-functioning and accountable institutions which citizens regard as legitimate, in which they participate in decisions that affect their daily lives and by which they are empowered' (AU and Nepad APRM Self Assessment Report 2003). Democracy, according to the APRM, constitutes:

- the rule of law;
- the equality of all before the law and the liberty of the individual;
- individual and collective freedoms, including the right to form and join political parties and trade unions in conformity with the constitution;
- equality of opportunity for all;
- the inalienable right of individuals to participate, by means of fair, credible and democratic political processes, in periodically electing their leaders for a fixed term of office;
- the doctrine of separation of powers, including the protection of the independence of the judiciary, and of effective parliaments.

The democracy and political governance base of the APRM is fundamentally concerned with 'measuring popular participation' and 'political equality', doing so under several broad categories (APRM Foundation 2003). These include a guaranteed framework for equal citizen rights; institutions of representative and accountable government; a vibrant civil society; international standards and codes; regional instruments and standards; prevention and reduction of intra- and inter-state conflict; decentralisation; security services and the rule of law; promotion

and protection of economic, social, and cultural rights, and civil and political rights; independence and effectiveness of the judiciary; the independence of legislative bodies; institutions for an efficient and effective public service; transparent recruitment for positions in the civil service; the state of corruption and combating of corruption; promotion and protection of the rights of women, children and young persons and vulnerable groups.

Turning now to Afro-progressive governance, Khabele Matlosa and I have defined this new concept as committing to: multiparty democracy, participatory governance, collective security, equitable regional integration, people-centred and pro-poor development, rejection of unilateralism and commitment to multilateralism, developmental states, state intervention in a market-dominated economy, social development, gender equity, social inclusivity and equality, policies to address the plight of the vulnerable in society, and strong state institutions able to meet democratic and developmental goals. In our understanding of progressive governance, the form of the regime is crucial and openly encourages the formation of democratic forms of government.

The question is: does Africa's new continentalism espouse progressive governance?

THE POLITICAL CONTEXT

The formal end of the Cold War, the eradication of political apartheid in South Africa, and the start of democratisation processes in Africa by the late-1990s saw the process of restructuring Afro-governance crystallise in earnest when some key African states – South Africa, Nigeria, Senegal, Algeria, Mozambique, Tanzania – and their continental partners undertook a series of initiatives (the key ones are listed below), filled with new and at times radical policy directives, with the object of managing relations among the continent's 53 states.

It was particularly the election to the positions of heads of state of Olusegun Obasanjo in Nigeria and Thabo Mbeki in South Africa that gave the putative continental regime a boost. South Africa, Nigeria and their partners who backed this paradigm could be called progressives: they supported a project that was in favour of a break with the past and would put Africa on a democratic development path, as opposed to the more radical group (the radicals) like Libyan president Muammar Qaddafi, Zimbabwean president Robert Mugabe, and others, who would have preferred a process whose emphasis was on the sovereign nationalistic rule of states (Landsberg 2004). Qaddafi espouses a more radical confederation of African states approach that would, overnight, lead to a United States of Africa. The Libyan leader thus subscribes to the Nkrumah-esque notion of African union. Mbeki, Obasanjo, Abdelaziz Bouteflika (of Algeria) and others, on the other hand,

prefer the incremental, functionalist approach of gradually building institutions and anchoring them on clear rules and principles that will lead to a progressive union of independent states.

So, Nigeria and South Africa, together with their political allies, were in the forefront of articulating a number of initiatives which enunciate the governance doctrine. The new continental initiatives that provide both the form and the substance of the emerging Afro-governance comprise nine elements: the 1994 Abuja Treaty for the Establishment of the African Economic Community; the Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) and its formal incorporation into the OAU's conflict-prevention, management and resolution machinery (established in 1993, and incorporated into the African Union in 2002), as well as the African Renaissance; the decision taken in Lomé in 1999 by the OAU to transform itself into the African Union; the acceleration of the OAU-mandated drafting of the Millennium Africa Recovery Plan under the leadership of Mbeki, Obasanjo and Bouteflika; the merger of the Millennium Africa Recovery Plan (MAP) and the Omega Plan (the initiative spearheaded by Senegalese president Abdoulaye Wade) to create the New Africa Initiative; the launch of the New Partnership for Africa's Development (Nepad); the APRM; the Draft Charter for Democracy, Elections and Governance; and Africa's quest for a partnership with the industrialised world through seeking strategic relations with the G8 and other actors.

The design and construction of these policy initiatives form the crux of the 'new' continental democratic governance architecture. Each of them proposes a major restructuring of Africa's development and links development to the advancement of democratic governance.

KEY ELEMENTS OF THE EMERGING GOVERNANCE ARCHITECTURE

Several processes have started in the past decade to articulate new post-Cold War, post-apartheid norms, values and mechanisms on peace, security and democratic governance in Africa.

In this paper I deal with this emerging framework. The framework stresses a new rights regime containing progressive norms, values, principles, and a putative new set of rules for a new game. One such progressive move is the stated challenge that all member states must incorporate elements of a bill of rights into their national codes of laws. Where such a bill of rights does not exist, the idea is to put in place provisions for the protection of every citizen of Africa from arbitrary arrest or detention without trial and other forms of cruel and degrading treatment, and to institute mechanisms for the monitoring and effective implementation of

such codes. We have already seen some member states, notably from North Africa, resisting such an idea as it would purportedly clash with their own politico-cultural traditions and systems. So it would be foolish to expect major progress on this score in the short term, and the AU should also not raise its expectations.

The continent boasts an impressive array of declarations, protocols and conventions, such as the Constitutive Act of the African Union and the CSSDCA, which spell out 'core values' to which committed African states purportedly dedicate themselves (OAU 2002). It even went to the extent in the past four years of crafting a *Draft African Charter on Democracy, Elections and Governance* (the Draft Charter), which was released for consideration in May 2006 (African Union, Draft / Charter / II / Rev.1). The Draft Charter is explicit and elevates democracy to the status of a 'basic right': Article 4 decrees that 'State Parties shall recognise and accept democracy as a basic right and shall commit themselves to promote democracy, human rights, and the principle of the rule of law'. The aims of the Draft Charter are clear: '...to entrench a political culture of change of power through regular, free, fair and transparent elections managed by competent, independent and impartial national electoral bodies', and '...to promote and strengthen good governance through the institutionalisation of transparency, accountability and participatory democracy' (African Union 2006a).

The objectives of the AU, according to the body's Constitutive Act, shall be, among other things, to promote peace, stability and security on the continent, as well as to promote democratic principles and institutions.

Nepad, the socio-economic development plan of the AU, asserts that it is of crucial importance to Africa to establish and protect political orders and systems of governance that are:

- legitimate and enjoy the support and loyalty of the African people;
- strong enough to advance the interests of African people;
- able to address the fundamental development interests of African people;
- able to engage effectively with various global processes that characterise the world economy (Nepad 2002).

Both the Constitutive Act and Nepad suggest that the continent has broken with the past and entered a new era where the politics of democratic contestation and values will count for a considerable part of continental order and relations between African states. The APRM is, to date, the most innovative instrument for the promotion of democracy and governance.

It is important to understand the ethos of the APRM. Contrary to perceptions in many quarters it is not a punitive tool designed to impose conditions, it is

'... a self-monitoring mechanism voluntarily acceded to by member states' (Nepad 2003a). Its aim is to foster 'the adoption of policies, standards and practices that would lead to political stability, high economic growth, sustainable development and accelerated regional and economic integration' (Nepad 2003a). Countries are encouraged to undertake 'self-assessments' as the APRM promotes a 'holistic approach to development'. This holistic approach emphasises (Nepad 2003a), inter alia, poverty eradication, gender balance, decentralisation, the capacity of a country to participate in the APRM, access to and dissemination of information, corruption, broad-based participation, and sustainability in financial, social and environmental issues.

All participants should be 'aware of these cross-cutting issues, as well as others that might be of special significance within the context of the country'. The APRM defines stakeholders as 'all the representative constituencies in a society, including but not limited to government, civil society, trade unions, youth, private sector, women groups and religious organisations' (Nepad 2003b).

All African states participating in the APRM process should produce a detailed self-assessment report on the basis of a questionnaire which covers the following focal areas (Nepad/HSGIC 2003): democracy and political good governance; economic governance and management; corporate governance; and socio-economic development.

The new democratic governance framework provides for the establishment of key institutions that would govern and regulate relations between African states. While the OAU only had executive, government- and state-dominated institutions, notably the Assembly of Heads of State and Government, and the Secretariat, to serve the political principles, the AU caters for representative, democratic institutions, such as the Pan-African Parliament (PAP), and the Economic and Social Council (Ecosocc), with the main purpose of providing a platform for civil society to influence continental policy and governance processes. The July 2001 *Protocol Establishing the Pan-African Parliament* calls for an institution to 'represent all the peoples of Africa'. The objectives of the PAP shall be to: facilitate the effective implementation of the policies and objectives of the AU; promote the principles of democracy and human rights in Africa; encourage good governance, transparency and accountability in member states; familiarise the peoples of Africa with the objectives and workings of the AU; promote peace, stability and security; promote collective self-reliance and economic recovery; facilitate co-operation and development in Africa; strengthen solidarity and build a sense of common destiny amongst the peoples of Africa and facilitate co-operate among Regional Economic Communities (RECs) and their parliamentary fora.

While the establishment of Ecosocc should be strengthened, we have already seen how the Conference on Security, Stability, Development and Co-operation

in Africa Unit, which was established to deal with civil society issues within the AU Commission, has been stripped of its original purpose. So, while civil society actors played key roles in the process of incorporating CSSDCA into the AU's structures during the past decade, CSSDCA has been transformed, not necessarily for the better, into the Conference on Security, Stability, Development and Co-operation Diaspora Directorate in Africa on the African Union (CSSDCA/CIDO) in the office of the Chairperson of the Union, in order to ensure civil society participation.

This move, ironically, raises the risk of CSSDCA's progressive provisions being diluted and ghettoised. CSSDCA/CIDO also has the task of mainstreaming civil society concerns into all AU departments.

The commission should also be prepared to help overcome the apprehension of several African governments about civil society actors. Nepad's civil society structures remain decidedly weak, and its operatives seem more interested in inviting civil society participation during implementation processes than involving them in policy-making, design and construction processes – a serious omission since stakeholder participation is needed in all stages of the policy and governance processes if buy-in and ownership are to be ensured.

For the democratic governance process to take firm root in Africa, civil society must engage the AU, Nepad, the APRM and sub-regional bodies. Civil society actors throughout the continent are now strategically placed to engage the continental architecture and should seriously consider forgoing cross-border networks and enhancing each other's so as to take up this challenge effectively.

These continental initiatives unambiguously place on the agenda the issue of good governance, including accountability, transparency, the rule of law, and the elimination of corruption. They also subscribe to the exercise of individual rights as enshrined in the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948, and the African Charter on Human and People's Rights, adopted in 1981 and ratified in 1986. Indeed, the AU is determined that key aspects of the Afro-democratic governance architecture should conform with international and universal provisions. They see 'good' governance as a prerequisite for sustainable peace and security in Africa and for economic development, co-operation and integration.

Proponents of this emerging architecture argue that there is a fundamental link between stability, human security, and democratic governance. They assert that sustainable stability in Africa demands the establishment and strengthening of democratic structures and good governance based on commonly held tenets of democracy (OAU 2002). These tenets reject unconstitutional changes of government in any African country as a threat to order, and seek to make this rejection the foundation for national and continental stability (OAU 2002).

The new Pan-Africanism places a huge emphasis on 'good governance'; in this new paradigm, 'good governance' equals stability. Thus there is an emphasis on the stabilisation of African states through the promotion of governance. The new endeavours stress democratic governance and 'good' governance as the best means of bringing about stability on the continent (OAU 2002). A link is therefore being made between the promotion of 'good' (especially democratic) governance and the promotion of stability.

During the era of the anti-colonial and anti-apartheid struggles the continent was preoccupied with bringing these scourges to an end. During the age of the African Renaissance the emphasis is on 'pillars of Democratic Society'. The new progressive governance framework calls for African societies to be run on the basis of:

- legitimate constitutions, even the application of bills of rights;
- free and fair elections;
- independent judiciaries;
- freedom of expression;
- a separation of powers between the executive, legislative and judicial branches of government;
- the subordination of the military to legitimate civilian authority.

Again, the core tenets speak out against unconstitutional changes of government, thus rejecting coups d'état. African leaders and institutions have set for themselves the task of developing and codifying these principles into a full-fledged doctrine over the next few years – a project that may prove just too ambitious.

'GOOD' GOVERNANCE

The emerging African continental regime emphasises 'good' (read: formal), as opposed to 'democratic' (read: substantive) governance. The emphasis is, in other words, on sound management of public finances, commonly agreed indicators for national legislatures (including decentralisation of administration and effective and transparent control of state expenditure) (OAU 2002). All African countries are expected to enact legislation to provide for the impartiality of the public service, the independence of the judiciary and the necessary autonomy of public institutions such as the central bank and the office of the auditor-general, as well as a semblance of electoralism. Democratic governance goes beyond this formalism to include more substantive elements, most notably, public participation – especially giving a voice to the poor and indigent, groups that are normally marginalised in many societies (OAU 2002). Public participation requires that

the public is able to associate and organise collectively to influence the decisions of the state, beyond political parties and political representatives. It requires the freedom of people to organise and engage with the decision-making processes of the state in order to influence policy outcomes. Formal mechanisms will need to be created for such public participation, including access to legislatures and the policy-making processes.

Within the framework of the APRM, the ability of the state to deliver on its promises is fundamental, and the peer review singles out a number of areas in need of institutional reform. These include: administrative and civil service, strengthening parliamentary oversight, promoting participatory decision-making, adopting effective measures to combat corruption and embezzlement, and undertaking judicial reforms.

The APRM promotes a 'dedicated, honest and efficient civil service' and wishes to 'establish oversight institutions providing the necessary surveillance and ensuring transparency and accountability by all layers of government'. The APRM is also strongly in favour of the creation and strengthening of 'institutional capacity to ensure the proper functioning of democratic institutions and instruments'. It states that among the key factors which enhance good governance of economies and must be vigorously promoted are transparency, accountability, an enabling environment for private sector development and growth, and institutional capacity and effectiveness.

Anti-corruption campaigns and commissions

A key aspect of the 'good' governance provisions of the new continentalism is the stress on the need to combat corruption and establish anti-corruption commissions throughout the continent. In the past the OAU adopted a Convention on Combating Corruption. Its successor, the AU, now encourages all African states to establish independent anti-corruption commissions, and is adamant that such bodies should have their own budgets and report annually to the national legislature on the state of corruption in their countries.

The Economic and Corporate Governance Peer Review Mechanism goes beyond neo-liberal economic and fiscal dictates. It recognises that good political governance is a prerequisite for good economic and corporate good governance. The objectives of the APRM's Country Self Assessment Report include 'fighting corruption in the political sphere', 'fighting corruption and money laundering', and 'promoting the adoption of codes of good business ethics in achieving the objectives of the corporation' (APRM 2006).

The AU Convention on Combating Corruption and Related Offences encourages states to enact and enforce criminal laws which deal with corruption

and to adopt legislative mechanisms and procedures for the public to be able to raise complaints and concerns about corruption, including the protection of witnesses and whistle-blowers (African Human Security Initiative 2005). Article 7 of the convention calls upon public officials to declare their assets and Article 12 undertakes to allow and encourage full participation of the media and civil society in combating corruption (African Human Security Initiative 2005). But, as the African Human Security Initiative notes, '...the fight against corruption needs more than just a good legislative or criminal justice framework. There should also be strong political will on the part of the government to ensure that no offender escapes the law – regardless of position or status in society' (African Human Security Initiative 2005). The initiative further states that 'transparency is imperative in the fight against corruption because it makes it possible for the public to monitor the actions of office bearers in relation to rules and regulations' (African Human Security Initiative 2005).

Democratic Afro-governance

The new continentalism espouses ground rules and provisions for 'free and fair' elections, including campaign finance reform, inclusive systems of government, popular participation in development, multipartyism and political parties, strengthening a human rights culture, addressing the gender relations of power, and even the vexed question of term limits for heads of government and state. Again this is evidence that the continent's premier institutions and programmes are serious about inculcating a progressive political culture in Africa. So, on the policy front, the continent is serious; the challenge remains to implement and internalise the new democratic ethos.

Electoral politics

The question of elections in our societies is often associated with fierce struggles for power. There are problems with election results in almost all regions of the continent. Many states face the serious problem of non-acceptance of results, with both incumbents and opposition parties tending to be bad losers when it comes to accepting results which are not in their favour.

In July 2002 the OAU Council of Ministers, at its meeting in Durban, South Africa, adopted the Declaration of the Principles Governing Democratic Elections in Africa. The Council of Ministers recommended the establishment of an OAU administrative unit for monitoring and observing elections and supporting democratisation in Africa (AU 2006). Such a unit will be involved in election observation and monitoring, electoral observation training, publishing and

dissemination of observation documents, strengthening regional structures for electoral observation and co-ordination of regional mechanisms, and strengthening the capacities of national electoral institutions through training, exchange of human and material resources and promoting a continental forum for these institutions (AU 2006).

After the establishment of the AU in 2002, the Commission began to encourage all African states to establish, where they do not exist, independent national electoral commissions and/or other appropriate mechanisms and institutions to ensure free, fair, and transparent elections.

Importantly for those who work in electoral administration, the African Peer Review Mechanism commits signed-up members to ensuring 'impartial, transparent and credible electoral administration and oversight systems'.

The AU now has a fairly well developed election observation mechanism and guidelines, although the capacity of the institution to undertake this task is still wanting. At the time of writing, the Commission in Addis Ababa was in the process of establishing a Democracy and Electoral Assistance Unit and a Democracy and Electoral Assistance Fund to promote elections and democratisation on the continent. Member states are also encouraged to develop regional electoral observation guidelines in line with the continental AU guidelines. So far, only the Southern African Development Community (SADC) region has developed its own guidelines and principles governing democratic elections.

The AU has pleaded for the Commission to be gradually equipped and funded so as to enable it to conduct independent election observation, but the chances of African states living up to the funding commitment are limited.

Another question under the ambit of electoral politics is that of campaign finance reforms. One of the challenges likely to face the continent is the conclusion of legal mechanisms for the reform of campaign financing, including disclosure of funding sources and transparent state funding of all political parties so as to ensure transparency, equity and accountability in electoral contests.

This difficulty has been aptly illustrated in the South African case where both the main opposition and the ruling party have opposed court action by a non-governmental advocacy organisation, the Institute for a Democratic South Africa (Idasa), to compel political parties to reveal their sources of financing from private donors (Ensor 2002). Idasa (2003) argued that if there is no access to information about private donors, the founding constitutional provisions calling for transparent, open and responsive government are diminished, as is the right to make political choices. On 20 April 2005 the Cape High Court ruled that political parties in South Africa should not, as a matter of principle, be compelled to disclose details of private donations made to them (*Mail & Guardian* 2005). This course of events could well portend difficulties to come.

Inclusive systems of governance

Societies in Africa are predominantly pluralistic, raising questions of citizenship and identity. It is therefore not surprising that the AU encourages African states to conclude appropriate arrangements, including electoral reforms, for the institution of more inclusive systems of government that would bring about more politically and socially cohesive states. The AU is clear that efforts need to be undertaken to promote democratic pluralism and create the space in which a plurality of political parties can compete for power freely, fairly and transparently. Moreover, civil society organisations representing the citizenry at large should be given the space and freedom not only to exist without undue duress from the state but to engage the state and its organs on matters of law or policy that affect citizens.

Popular participation

The question of participation or voice is a key dimension of the continent's democratic governance tenets. The preamble to the Constitutive Act of the OAU states that the Act will be 'guided by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our people' (OAU 2000). Article 3 of the Act, which deals with the objectives, makes a commitment to 'Promote democratic principles and institutions, popular participation and good governance'. Article 33 of the African Union Draft Charter on Democracy, Elections and Governance (2006) asserts that 'state parties shall ensure systematic and comprehensive civic education in order to encourage full participation of social groups with special needs in democracy and development processes'. Article 13 of the Charter also states that 'state parties shall create conditions conducive for civil society organisations to exist and operate within the law'.

Nepad has established a civil society desk and places a high premium on information-sharing with civil society organs. The Nepad secretariat in Midrand, South Africa, has committed itself to consultation and has conducted many workshops. Civil society actors, including the labour movement, the print and electronic media, universities, and NGOs, have hotly debated Nepad. The Nepad civil society sector has reached out to business and the private sector, and there has been a considerable amount of engagement by businesses in general on Nepad issues.

The 1992 Windhoek Treaty, which established SADC, gives special status to the role of civil society organisations (SADC 1999). The Treaty states that '... SADC shall seek to involve fully the peoples of the region and non-governmental

organizations in the process of regional integration ... SADC shall co-operate with, and support the initiatives of the peoples of the region and non-governmental organizations, contributing to the objectives of this Treaty in the areas of co-operation in order to foster closer relations among the communities, associations and peoples of the region'. In subsequent amendments to the Treaty, especially the 2001 amendment, reference is made to the roles to be played by 'key stakeholders', including 'private sector, civil society, non-governmental organizations and workers and employers organisations'. So, like the AU and Nepad SADC makes bold commitments to engaging civil society.

One of the more serious challenges faced by states in Africa is that of democratising decision-making and giving citizens, especially the poor, a stake in and a say over the decisions which affect their lives. As stated above, both democratic and undemocratic African states are faced with the challenge of opening up processes of governance to enable their people to participate in such processes. Provisions for public participation are already contained in the Charter for Popular Participation in Development and Transformation in Africa, adopted by the OAU Assembly of Heads of State and Government in 1990. This Charter calls for the creation of more and better enabling conditions in Africa so that the participation of women, the youth and civil society organisations can be increased. But it should be pointed out that many NGOs and civil society actors are very ambivalent about engaging the AU, Nepad, and other aspects of the continental architecture. To the extent that there is engagement, NGOs tend to engage the AU and other structures more actively on questions of peace and security, governance, democratisation, and trade.

As far as the political issues of governance, democratisation and the rule of law are concerned, the AU seeks to ensure greater political participation, pluralism, transparency, accountability, and freedom for the citizenry to participate in and entrench democratic governance processes. In this respect, the following issues are highlighted: establishing and strengthening organs and mechanisms of good and democratic governance such as the Pan African Parliament, the Court of Justice, Ecosocc, the Regional Economic Commissions and the involvement and participation of civil society.

Political parties

The struggle for power among contestants in African states can come at a very high price. Given that we have a terrible track record of 'bad losers' and 'bad winners' in elections in many of our states, it is understandable that the continent's institutions and programmes emphasise the need to address the question of the role of political parties, which are key to the building and consolidation of

democracy. The AU, Nepad and sub-regional organisations have set for themselves the goal of adopting, where this does not exist, enabling legislation on the formation and operation of political parties to ensure that such parties are not formed and operated on the basis of ethnic, religious, sectarian, or regional loyalties or extremism.

The idea is also to establish a threshold of voter support as a criterion for public funding, without compromising freedom of association and the principle of multi-party democracy. Again, while it is commendable that policies and legislation be adopted to level the playing fields for political parties, a huge problem remains in that states often lack the capacity to enforce the free operation of parties. There is, typically, a love-hate relationship between opposition and governing parties in Africa, and one is reminded of the constant complaint that ruling and incumbent regimes often manipulate resources in order to secure a monopoly of power and to prolong their stay in power.

Observance, protection and promotion of human rights

The AU has challenged all African countries that have not done so to ratify the Protocol to the African Charter on Human and People's Rights (as that would lead to the establishment of the African Court on Human and People's Rights), as well as all other relevant international instruments for the protection and promotion of human rights.

All African countries will need to submit to the African Commissions of Human and People's Rights annual reports on the status of human and people's rights within their countries. The Commission needs, in turn, to be provided with adequate resources to enable it to produce comprehensive, independent and publicly available annual surveys.

The AU seeks to promote unity and solidarity among African states and African people; to promote and protect respect for human rights, democratic principles and institutions; and to encourage 'good governance' and popular participation.

The gender relations of power

The gender relations of power are among the key governance challenges faced by the continent and there has been little movement in this regard. While African states are encouraged to take steps to promote the equality of women and ensure their representation in all national regional and continental institutions, as well as eliminate all laws that discriminate against women, there appears to be a lack of political will and commitment by governments to do so.

States are expected to adopt, sign and ratify the Protocol to the African Charter Relating to the Rights of Women in Africa as well as other instruments and mechanisms to guarantee and preserve the rights of women; all member states are also expected to sign, ratify and accede to the UN Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women (Cedaw). The Draft African Charter on Democracy, Elections and Governance promotes 'gender balance and equality in the governance and development processes'. Article 8 of the Draft Charter asserts that 'State Parties shall adopt legislative and administrative measures to mainstream the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons or other marginalized and vulnerable social groups'.

In Southern Africa women's movements have acted collectively to bring pressure to bear on governments to live up to the principles and commitments of the 1995 Beijing conference (Lowe-Morna 2004). For the women's movement there is a need to go beyond the numbers; the idea is to ensure the representation and participation of women in key positions of power and decision-making. During the 1997 SADC Summit in Blantyre, Malawi, women's organisations presented to heads of state and government the Declaration on Gender and Development. Through this declaration leaders committed themselves to ensuring that by 2005 women constituted at least one-third of all decision-makers. A Gender Unit established by SADC at its headquarters in Gaborone was set up to monitor and record women's participation in decision-making throughout the region.

The 1997 SADC Declaration on Gender and Development was important, but because it is a declaration not a protocol it is difficult to enforce. Seven years after its adoption, only three countries in the region have reached the 30 per cent threshold of women in politics and decision-making. This poses major challenges for women's engagement.

Regional women's movements have played a crucial role in campaigning for women's rights beyond the issue of representivity. They have fought for the development of viable poverty reduction agendas and have been in the forefront of campaigns for rights and treatment of people living with HIV / AIDS (SADC 1999). There are growing numbers of networks through which women come together on issues such as violence against women, children, and the sick and frail; insistence on democratic norms and values in the region; and challenges to gender-based poverty.

Political term limits

As a further sign of its commitment to introducing democratic governance the continent has also moved to place the tricky question of term limits on the

continental agenda. In recent times Obasanjo's efforts have brought this question into sharp relief. In 2005 Ugandan president Yoweri Museveni amended his country's constitution to enable him to run for what was, effectively, a fifth term in office. At the continental level, this vexed issue has been put squarely on the agenda, notably by the Draft African Charter on Democracy, Elections and Governance. The AU seeks to develop and adopt, in the next few years, a commonly derived Code of Conduct for Political Office Holders. The code is expected to stipulate, among other things, the inviolate constitutional limitation on the tenure of elected political office holders. This limitation would be based on nationally stipulated periodic renewal of mandates through free and fair elections. Again, while it is hoped that governments will abide scrupulously by such a code there are sure to be major challenges to it.

In a frank and hard-hitting speech Alpha Oumar Konare, chair of the AU Commission, addressed the question of term limits, saying that the practice of amending constitutions for the sake of extending terms in office should be reversed (Konare 2006).

But, as we know now, the commitment to regulate term limits is one of the reasons why the Draft African Charter was blocked by some states in the AU's Executive Council during the Summit in June 2006. The states feel threatened by such provisions as they are determined to limit what they perceive as intrusion by the AU Commission and other bodies in their 'domestic affairs'. This again reveals the tensions between continentalism in Africa and a narrow obsession with sovereignty at the domestic level.

CONCLUSION

In response to the question asked at the beginning of this paper – whether Africa's new continentalism espouses progressive (democratic) Afro-governance – we can state unequivocally that, in theory, the answer is Yes. However, I have also argued that, while the new Pan-Africanism puts democratic governance on the agenda, the greatest challenge to future Afro-governance will be in the realms of implementation and internalisation of this agenda. Key African institutions and some leaders and governments have pushed for this new regime, but our continent suffers from a serious accession problem in that, while states are members of key continental bodies and sign up to their programmes, they generally fail to live by the rules, provisions and legal instruments of these programmes and institutions. A key problem is, therefore, that not all states are committed to the ambitious pillars of a 'democratic society', or to a common African position. This lack of commitment is likely to reveal itself in relation to ratification of the instruments at executive and parliamentary levels.

A related problem is what can be referred to here as the 'jurisdictional gap' (Kaul et al 1999) – a gap between the national and the continental, with many states making protestations about and verbal commitments to the new continental regime; typically and energetically signing up to declarations, protocols, treaties and charters. In practice, however, they ignore, and even violate the tenets of these accords and compacts. Instead of abiding by the new continental *esprit de corps*, the majority of African states still play a narrow nationalistic game, clinging to parochial notions of sovereignty, and confusing electoral procedures with democracy.

The AU, together with its commissions and other institutions, lacks the capacity to insist on and enforce its new Afro-governance regime provisions, and these weaknesses are often exploited by reluctant states. Another problem is that there is much reference to 'good' governance – the health, efficiency and effectiveness of institutions – often at the expense of democratic governance. In other words, despite the fact that the continent now boasts key democratic participatory institutions in the form of the Pan African Parliament and the Economic, Social and Cultural Council, there is only limited reference to notions of civic and public participation in continental policy and governance processes. These democratic institutions are weak in that they struggle for financial resources and rely heavily on governments and donors for funding, which, in turn, affects their political independence since governments are more interested in the institutions doing the bidding of Africa's ruling elites. It is important to recognise, therefore, that, while the new political regime in Africa puts greater emphasis on democratic governance and issues of participation and engagement than it has done hitherto, all in search of a new progressive continentalism, the continent should brace itself for a long period of crisis during which lofty ideals will be more easily professed than practised.

— REFERENCES —

- African Human Security Initiative. 2005. 'African Anti-corruption Commitments: A review of eight Nepad countries' Paper 7.
- African Peer Review Mechanism (APRM). 2006. Second National Consultative Conference, 4-5 May 2006, Walter Sisulu Square of Dedication, Kliptown, Soweto.
- . 2003 'Foundation Base Document'. AHG/235/(XXXVIII) Annex 2.
- African Union. 2006. 'Draft African Charter on Democracy, Elections and Governance'. Draft/Charter/II/Rev 1.

- . 2006b. *Report of Independent Experts. Meeting on the Validation of the Feasibility Studies on the Setting up of a Democracy and Electoral Assistance Unit and Fund by the AU Commission*. Addis Ababa, 2-4 May.
- African Union and New Partnership for Africa's Development. 2003a. 'Country Self-Assessment for the African Peer Review Mechanism (APRM)'. Midrand, South Africa.
- . 2003b. 'Guidelines for countries to prepare for and participate in the African Peer Review Mechanism (APRM)'. Nepad / APRM / Panel3 / guidelines / 11-2003 / Doc8.
- Commission on Global Governance 1998.
- Ensor, Linda. 2002. 'Idasa asks all parties to give details of funding'. *Business Day* 10 October.
- Institute for Democracy in South Africa. 2003. Press Release, 28 November.
- Kaul, Inge, Isabelle Grunberg & March Stem. 1999. *Global Public Goods: International Co-operation in the 21st Century*. New York: Oxford University Press.
- Konare, Alpha Oumar. 2006. Chairperson of the African Union Commission, Address Delivered at the University of South Africa, Pretoria-Tshwane, 24 June.
- Landsberg, Chris. 2003. 'Building sustainable peace requires democratic governance'. *Synopsis* 7(1). Centre for Policy Studies, 1 April.
- . 2004. 'The fifth wave of Pan-Africanism'. In Adekeye Adebajo and Ismail Rashid (eds). *West Africa's Security Challenges: Building peace in a troubled region*. Boulder: Lynne Rienner Publishers.
- Lowe-Morna, Colleen (ed). 2004. *Gender in Southern Africa: Ringing up the changes*. Gender Links.
- Mail & Guardian* 20 April 2005.
- Mwanasali, Musifiky. 2004. 'Emerging security architecture in Africa'. *Policy: Issues and Actors* 17(7). Centre for Policy Studies, 4 February.
- New Partnership for Africa's Development (Nepad). 2002. Declaration on Democracy, Political, Economic and Corporate Governance [AHG / 235(xxxviii) Annex I].
- Nepad Secretariat. 2003a. APRM Base Document, [AHG / 235(xxxviii), Annex II].
- . 2003b. Objectives, Standards, Criteria and Indicators for the APRM [Nepad / HSGIC / 03-2003 / APRM / Guidelines / OSCI].
- Organisation of African Unity / African Economic Community. 2000. Constitutive Act of the African Union. Addis Ababa, 11 July.
- Organisation of African Unity. 2002. Heads of State and Government first standing Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA), Memorandum of Understanding on Security, Stability, Development, and Co-operation in Africa, Durban, South Africa, 8-9 July.

- SADC Secretariat. 1999. *The role of non-governmental organizations in the Southern African Development Community*. Report compiled by the committee appointed by the SADC Council of Ministers. Gaborone.
- South African Peer Review Mechanism. 2006. APRM Progress Report, Pretoria-Tshwane, 13 January.
- United Nations Development Programme. 1997. *Governance for Sustainable Development*. New York: UNDP.
- United Nations Economic and Social Commission for Asia and the Pacific et al. 2000. Regional High-level Meeting in Preparation for Istanbul+5. People's Republic of China, October.
- World Bank. 1992. *Governance and Development*. Washington, DC: World Bank.
- . 2000. *Reforming Public Institutions and Strengthening Governance, Public Sector Group, Poverty Reduction and Economic Management (PREM) Network, A World Bank Strategy*, November.
- Ziring, Lawrence, Jack C Plano & Roy Olton. 1995. *International Relations: A Political Dictionary*. ABC Clio Inc.

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.

— REFERENCES —

- Anstee, Joan Margaret. 1996. *Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-3*. London: Macmillan.
- Boulding, E. 1995. 'The Dialectics of Peace'. In E Boulding & K Boulding. *The Future: Images and Processes*. Thousand Oaks, CA: Sage Publications.
- Bureau of Democracy, Human Rights and Labour. 2005. *Country Reports on Human Rights Practices* www.state.gov/g/drl/rls/hrrpt/2005/61569.htm
- Clements, K. 1995. 'Peace Building and Conflict Resolution'. www.gmu.edu/academic/pcs/clements.htm.
- Cowen, Michael & Liisa Laakso. 2002. 'Elections and Election Studies, an introduction'. In Cowen, Michael & Liisa Laakso (eds). *Multiparty Elections in Africa*. Oxford: James Currey.
- Daily Monitor* of Addis Ababa 13 May 2006.
- Dundas, Carl. 1996. *Compendium of Election Laws, Practices and Cases of Selected Commonwealth Countries*, Volume 1 Part 1. London: Commonwealth Secretariat.
- European Union (EU) Election Observer Mission. 2004. *Malawi Presidential and Parliamentary Elections: Final Report*, May.
- Gounden, V. 2005. 'Mitigating Electoral Conflicts'. Unpublished paper presented at the SADC Parliamentary Forum.
- Irin News: www.irinnews.org/report.asp?ReportID=53463.
- Madunagu, Edwin. 2006. 'Collective Presidency'. *Guardian* 16 February.

- Mangu, A M. 2006. 'Constitutional Democracy and Constitutionalism in Africa'. *Conflict Trends* 2.
- Matlosa, K. 2003. *Electoral System Reforms in the SADC: In Search of Accountability, Representation and Political Stability*. Johannesburg: EISA.
- Network of Ethiopian Scholars (NES), Scandinavian Chapter, 30 August 2005.
- Neocosmos, M. 2002. 'The Politics of National Elections in Botswana, Lesotho & Swaziland: Towards a Comparative Analysis'. In Cowen, Michael & Liisa Laakso (eds). *Multiparty Elections in Africa*. Oxford: James Currey.
- Ogot, Bethwell. 1996. 'Ethnicity, Nationalism and Democracy'. In Bethwell Ogot (ed). *Ethnicity, Nationalism and Democracy in Africa*. Kisumu: Institute of Research & Post-graduate Studies (IRPS), Maseno University College.
- Pambazuka News 256, April 2006. www.irinnews.org/report.asp?ReportID=53463
- Reno, W. 1998. *Warlord Politics and African States*. Boulder: Lynne Rienner Publishers.
- Robinson, Simon/Oporoza. 2006. 'The Deadly Delta: Nigeria's Deadly Days'. *Time International*, 22 May.
- SADCPF. 2001. *Norms and Standards for Elections in SADC Region*. Johannesburg.
- Wallis, J. 1995. *The Soul of Politics*. New York: Harcourt Brace and Company.

LEGISLATION AND THE ELECTORAL PROCESS

The Third-term Agenda and the Future of Nigerian Democracy

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ABSTRACT

Elections have meaning for most people in a democratic context only because they lead to the choice of decision-makers by the majority of citizens. Elections and democracy are therefore inextricably linked. Three major challenges face the future of both in Nigeria as it moves towards the 2007 elections. The first is the will and capacity of the National Assembly and the Independent National Electoral Commission to keep to a road map that will lead the country to free and fair elections in 2007. The second is the ambition of President Olusegun Obasanjo to change the Constitution and have a third term in office against the wishes of a majority of Nigerians. And the third is to ensure that the next elections are not as massively rigged as the previous ones were.

THE NATIONAL ASSEMBLY, THE INEC AND THE ROAD MAP TO THE 2007 ELECTIONS

Following extensive reviews of the 2003 elections and the stakeholder meetings organised by the Independent National Electoral Commission (the INEC) in December 2003 and February 2004 it was agreed that four critical issues on the road map to free and fair elections in 2007 needed to be resolved by 2005.

* This paper was presented at the Centre for Democracy and Development Nigeria Round Table in London on 21 April 2006.

The first was that the Constitution should be reviewed to provide real autonomy for the INEC, all of whose officers – chairman, national commissioners and resident state electoral officers – are appointed by the president. There was consensus that such powers should be removed from the hands of the president. In addition, it was agreed that the INEC should be financed directly from the consolidated revenue fund so that the executive cannot starve the commission of necessary funds.

Secondly, the revised Electoral Bill, which contains some improvements relative to the Electoral Act 2002, should be adopted by the National Assembly and signed into law in good time. The Bill also has some limitations that need to be addressed. For example, it contains provisions that recognise only paper ballots but it also accepts the introduction of new technology, in particular the voting machine. With the serious delay in the passage of the Bill, the introduction of the voting machine, whatever its merits, is no longer feasible and will have to be abandoned.

Thirdly, the registration of voters for the 2003 elections was carried out in an incomplete and inept manner so many citizens are not on the voters' roll. The INEC has refused to obey the provisions of the Electoral Act, which requires continuous registration of voters. It has also refused to update the roll by registering those who have come of age since 2003 or were missed out in the last registration. As has happened previously, the INEC seems to be waiting for time to run out so it can organise another hurried and botched voter registration process.

Fourthly, the INEC is yet to commence issuing new voter identity cards with embossed photographs and biometric features. Three years after the national identity card process was started most people have not yet received theirs. When will the INEC start the process? Is it waiting until it is too late?

Clearly all the essential problems on the road to free and fair elections in 2007 are not being addressed in a timely manner by the National Assembly and the INEC. It seems that there is an unfolding design to produce failed or no elections in 2007. Citizens and civil society activist must urgently address this strategy of programmed failure. There is ample evidence that the INEC's lackadaisical approach might not be unconnected with General Obasanjo's third-term agenda.

THE THIRD-TERM AGENDA AND THREATS TO DEMOCRACY

Nigerians know the signs of creeping dictatorship and they have seen them becoming clearer in the past two years. It is now obvious that President Obasanjo has embarked on a sinister agenda to change the Constitution to give him a third

term in office against the spirit and letter of our Grand Norm.¹ Since his second term he has boxed himself into believing that he is a saviour with permanent responsibility for ruling Nigeria. Some of us who have been in the forefront of the campaign for constitutional reform now find ourselves having to challenge the process because it has been reduced to an anti-democratic agenda for the country led by forces committed to returning Nigerian to authoritarianism and disregard for the rule of law.

During the period 1999 to 2005 I was convenor of the Citizens Forum for Constitutional Reform, a coalition of more than 150 civil society organisations working for the review of the 1999 Constitution. We have conducted extensive review and advocacy campaigns and our publications include the following:

- *Model Constitution of the Federal Republic of Nigeria.*
- *Constitutional Education Manual.*
- *Harmonised Model Constitution.*
- Igbuzor & Aturu (eds). *Contentious Issues in the Review of the 1999 Constitution.*
- Igbuzor & Ibrahim (eds). *A Citizen's Approach to Making a People's Constitution.*

Our position is as follows:

- The 1999 Constitution lacks legitimacy and must be extensively reviewed.
- The process of review must be citizen-led; be participatory, inclusive, transparent and legitimate; and must reflect the country's diversity.
- The current review process is manipulative, self-serving and directed at prolonging illegitimately the tenure of the president and some state governors.
- Critical issues that must be addressed on constitutional review include:
 - citizenship and residency rights;
 - promoting gender equality;
 - the establishment of genuinely independent commissions;
 - enhancing federalism;
 - promoting freedom of association and removing restrictions on the establishment of political parties;
 - entrenching the principle of resource control;
 - enhancing access to justice and the rule of law.

¹ On 16 and 17 May 2006 the Senate and House of Representatives voted out constitutional amendments that would benefit Obasanjo's third-term agenda. Despite this defeat it is clear that Obasanjo is seeking other means of prolonging his tenure, so the arguments contained in this section remain valid.

We have tried continuously over the last two years to work with the Joint Committee of the National Assembly to share our extensive work on the constitutional review issue but the committee has consistently rebuffed our efforts.

The National Assembly refused to take the issue of constitutional review seriously until recently, when the agenda for the prolonging of the tenure of President Obasanjo emerged. The current review process lacks integrity and is part of the third-term agenda, which is why Nigerians all over the country have opposed it.

THE THIRD-TERM AGENDA

We believe that the Nigerian people have sufficient experience and will power to combat the misguided determination of leaders who have been enjoying power too excessively to accept that they must step aside as and when their term of office ends. In 1974 General Yakubu Gowon announced his intention to renege on his commitment to return the country to democratic rule in 1976. It was a misguided and unsustainable decision because, after the democratic erosion that accompanied the political crisis of the 1960s and the civil war, Nigerians were eager for democratic fresh air. Gowon thought that the country would collapse without his personal leadership. He was wrong and was shown the way out.

In 1986, General Ibrahim Babangida initiated a major political reform agenda that raised high hopes for democratic development in the country. The Report of the Political Bureau and the constitutional drafting process that he initiated created a blue print for a return to democratic rule. However, instead of riding into historical glory by acting as midwife to democratic transition, General Babangida was infected by the virus of autocracy and personal power and tried to manipulate the process to prolong his rule. He was shoved aside.

Sani Abacha promised to be different from Babangida, committing himself to organising a quick transition to democratic rule. He, too, reneged. He also thought he could manipulate the process and use security agencies to intimidate his opponents into silence while prolonging his rule. His efforts were contested and his plans resisted by a wide spectrum of Nigerians, including Obasanjo, who risked his life to confront Abacha's self-succession plans. When Abacha died Nigerian citizens as well as democratic forces the world over heaved a sigh of relief as General Atiku Abubakar became our greatest democratic hero for ushering in the Fourth Republic in a non-manipulative transition process.

General Obasanjo came to power in 1999 amid a ground swell of optimism that Nigerian leaders had learnt their lesson and would henceforth respect the desire of the Nigerian people for regard for the rule of law, democracy and federalism. General Obasanjo had three important strengths: his war record had

demonstrated his nationalist credentials; his handover to the elected Shehu Shagari regime in 1979 portrayed his capacity to bow to democratic demands for a Second Republic; and his engagement in civil society with the Africa Leadership Forum and Transparency International showed a track record of democratic struggle and commitment to combat corruption that led Nigerians to believe that this president would not be like the other military leaders who had tried to manipulate the country to perpetuate their self-rule and loot the treasury. Nigerians were wrong.

Obasanjo failed to resist the temptation of believing that because he enjoys ruling he is the only one who can rule. Nigerians face a wider struggle culture as the country's leaders are surrounded by sycophants who apparently have the excessively easy task of convincing them that their autocratic rule is indispensable to the survival and progress of the country. Sociologists have always known that human beings are susceptible to flattery. The country must develop strategies for shielding future leaders from the sweet tongues of sycophants and the human failing of believing they are indispensable. Meanwhile, we must ensure that this president goes as and when due, that is, in 2007.

The current political situation in the country poses a grave threat to the consolidation of democracy. There is widespread opposition to the president's third-term agenda. Except for the narrow circle that benefits directly from government patronage, virtually all political classes are opposed to the scheme. The mainstream political elite in all the zones in the country also opposes the plan and the international community has joined the opposition.

The president appears to believe that those who oppose him have no interest in the great reform programme in which he is engaged which will solve all the problems of the country in the next decade. He must fix the Nigerian people whether they like it or not. If the people are against his plan, God is for it. Throughout history one of the clearest signs that leaders have lost touch with reality and created a cocoon of self-delusion is when they start substituting God for their personal delusions of grandeur, self-worth and indispensability. At such moments the people have a historic duty to show the leader that the voice of the people is the voice of God. And that God is too glorious for his voice to be that of a mundane power-seeking president.

The president's third-term agenda is dangerous for Nigeria's political future because it can only succeed on the basis of a massive increase in corruption to bribe a majority of stakeholders, and excessive use of security agencies to wipe out all opposition. This means President Obasanjo would have to out do Abacha on these two fronts. All competent political scientists would tell Obasanjo that it is impossible in a civilian democracy to achieve what a visionless dictator could not do under military dictatorship, but it is clear that he is not ready to listen to any competent political scientist.

The corruption agenda would consist of bribing national and state legislators to cajole them into voting against their conscience for a third-term agenda. The media and opinion leaders would also have to be 'settled', as we say in Nigeria. The question would be why a president who has announced his anti-corruption commitments to the high heavens would succumb to accelerating corruption to prolong his rule.

How can such a president guarantee that money can buy most Nigerians in a context in which he has lost virtually all his credibility because of his self-serving politics?

There is clear evidence that the president's plan is two-fold: massive bribery of susceptible legislators and/or using the security forces to intimidate and jail all those who cannot be bought. It was a strategy perfected by General Abacha, who used the security forces to jail and intimidate all his political opponents. It is already clear that the Economic and Financial Crimes Commission (EFCC) is currently being used for this purpose. It's a strategy that cannot work because opposition to the third term is too massive. There isn't enough space in Nigeria's prisons to hold all those who are ready to combat the third term.

One of the most threatening implications of the third-term agenda for our democracy is the unfolding plans to destroy political parties so that the president's tenure can be extended without going through due process. Already the president has personally taken control of the People's Democratic Party, formally the largest political party in Africa, and turned it into a personal machine operated by agents he has appointed.

The maze of networks and political groups that made the party vibrant and rooted in communities has been disbanded and the party is now a shadow of its former self. Plans are unfolding to split opposition parties and create 'presidential factions' within them.

These plans are aimed at destroying democratic politics to ensure that the third-term campaign succeeds without opposition. Opposition exists, however, within society, and new parties will be formed if the present ones are destroyed or taken over.

The most dangerous aspects of the third-term agenda are the plans for elections. The only way in which the agenda can succeed is if the elections are rigged. It is troubling, for example, that the INEC has thus far refused to register voters and issue new voter cards in an effort to create confidence in the 2007 elections. All efforts must be made to force the INEC to provide level playing fields.

The current process of constitutional review must stop and resume only after a new, democratically elected Parliament has emerged after the elections. It is critical that the 2007 elections be free and fair.

COMBATING ELECTION RIGGING AND CREATING POLITICAL CHOICE

Nigeria has a long history of electoral rigging that has frustrated the wish of the people to choose those who exercise political power. Because of this history, elections in the country have often been associated with political tension, violence and crises. The outcomes of many elections in Nigeria have been so contested that conditions for the survival of the democratic order have been compromised.

The organisation of democratic elections presupposes the existence of a party system that is conducive to the promotion of democratic culture. Sections 221 and 222 of the 1999 Constitution specifically limit the definition of a political party to an organisation recognised by the state to canvass for votes. The law forbids any organisation not so recognised to do so. More importantly, both on the juridical and political levels, parties are no longer considered to be popular organisations that aggregate and articulate interests and opinions but as corporate entities that are registered with the state.

The political party, the foundation institution of democratic participation, is not conceived as an expression of the desire of citizens to engage with the political process as they wish. Ordinary citizens with good ideas and convictions but without the huge financial resources necessary to establish a national party are basically denied freedom of association. Attempts by many well-meaning and committed Nigerians to seek electoral platforms in existing parties have often been checkmated by party barons, especially in the period before the Supreme Court significantly liberalised the conditions for the registration of political parties.

As many political parties, especially those of incumbents, rely on electoral fraud rather than popularity to stay in power the political significance of parties is no longer determined by popular support, as is the case in all democratic countries in the world, but by administrative fiat. That is why so many of Nigeria's political parties devote considerable resources and energy to suspending and expelling members for so-called anti-party activities. Party barons are mainly interested in controlling the party machine rather than making sure that they nominate the most popular candidates for competitive electoral posts. The Babalakin Commission of Inquiry into the 1983 elections correctly argued that:

The nature of politics and political parties in the country is such that many men and women of ability and character simply keep out of national politics. For the most part, political parties are dominated by men of influence who see funding of political parties as an investment that must yield rich dividends.

The 1999 constitutional provisions limited the rights of minorities who believe they have specific local problems to form parties. The concerns that led to the popularity of parties such as the Bornu Youth Movement, the United Middle Belt Congress and the Niger Delta Congress in certain regions during the First Republic were thus disregarded. The big parties have become increasingly arrogant about the concerns of local minority groups, believing that they will not be allowed to use their vote to upset the incumbents.

Parties which hold ideological positions that are not mainstream are also easily excluded by administrative fiat. The democratic ideal that a small poor party representing popular interests could develop into a major party is thus excluded. The provisions also created the basis for the elimination of internal party democracy. The fact that parties were parties because they were recognised by the state meant that party leaders were party leaders not because they were popular with their grassroots members but because they were so recognised.

During the Second Republic, for example, politicians stopped trying to persuade their intra-party rivals that they deserved the political posts they occupied, they simply expelled them, using money, thugs, and sometimes the police. The role of party officials became more important than that of party members because they decided on nominations for electoral posts. Factions developed and the state became the arbiter that decided which party was the 'genuine' one.

In the Greater Nigerian People's Party (GNPP) and People's Redemption Party (PRP) factional crisis during the Second Republic, for example, the factions that represented the majority of party members and the elected legislators of the parties were declared illegal and minority factions were recognised. The frustrated and alienated members were reduced to negotiating with other parties to work out deals for electoral purposes so many popular politicians were denied the right to contest elections. The logic of democratic politics is that parties try to get popular candidates to improve their electoral chances. The logic of Nigeria's party politics is that powerful and rich political entrepreneurs seek to exclude popular candidates from their parties so they can win an undeserved nomination for an election that will be won because it is rigged.

It is in this context that electoral politics in Nigeria are often redefined as the most effective organisation of electoral fraud and competitive rigging between parties, barons and godfathers with no history of commitment to democracy or the practice of internal party democracy.

ELECTORAL FRAUD AND RIGGING IN NIGERIA

The report prepared by the National Institute for Policy and Strategic Studies just before the 1983 elections correctly predicted that the elections could not be

conducted without massive electoral fraud because the parties in power were not ready to allow others to come to power (NIPSS 1983, p 3). The report also showed that only the 1959 and 1979 elections were held without systematic rigging and that both of them had one point in common: they were held in the presence of strong arbiters – the colonial state and the military – who were not themselves participants and who desired free and fair elections. Indeed, it has been observed that rigging is almost synonymous with Nigerian elections, just as advance fee fraud or 419 crimes are synonymous with Nigerians the world over (Kurfi 2005, p 101). Are elections doomed to be subject to the machinations of fraudsters who frustrate the democratic aspirations of the Nigerian people?

According to Ben Nwabueze (2005, p 1), election rigging refers to:

Electoral malpractices which are palpable illegalities committed with a corrupt, fraudulent or sinister intention to influence an election in favour of a candidate(s) by means such as illegal voting, bribery, and undue influence, intimidation and other acts of coercion exerted on voters, falsification of results, fraudulent announcement of a losing candidate as winner (without altering the recorded results).

The objective of electoral rigging or fraud is to frustrate the democratic aspirations of citizens who have voted, or would have voted, into office someone other than the fraudulently elected individual.

Electoral fraud has become one of the salient features of Nigerian elections. The passage below contains extensive quotes from Bayo Adekanye's review (1990, p 2) of some of the instances of electoral fraud in Nigeria:

- The Northern regional election of May 1961 which gave the then Northern People's Congress (NPC) a sweeping victory of 94 per cent of seats in the regional assembly, while eliminating the Northern Elements Progressive Union (NEPU) as an opposition. The regional ruling party had achieved this sweeping electoral victory, using in part all forms of electoral chicanery, political intimidation, and even coercion, including the arrest and imprisonment of opposition leaders.
- Similar methods were employed in the Eastern regional elections, also held in 1961, by the then ruling party of the Eastern region, the National Council of Nigerian Citizens (NCNC), turning the East into a one-party dominant region. The elections were also marked by persecution of all dissident minority opposition parties operating on the periphery.

- The mid-Western regional elections of October 1963 and January 1964 turned the then newly created region into what one writer at the time called the 'cockpit of Nigeria'. There was a fierce struggle for supremacy among the three majority parties: the NPC, the NCNC, and the by now politically emasculated Action Group (AG), all of them deploying every resource considered necessary to capture the region.
- The first post-independence federal general elections took place in late December 1964 through early January 1965. They were fought between two large political coalitions, the Nigerian National Alliance (NNA) and the United Progressive Grand Alliance (UPGA). The NNA comprised the NPC and the newly created Nigeria National Democratic Party (NNDP), while the UPGA was made up of the NCNC and the AG. (The NNDP was a break-away party from the former AG, which the NPC had helped to keep in power in the old West and apparently against popular wishes.) Marked by countrywide electoral malpractices, political intimidation, and violence, the December 1964 elections climaxed with a last-minute boycott by one of the coalitions of parties. This resulted in a serious constitutional crisis as Nigeria was without a government for three days, during which loose talk about an Eastern regional plan to secede or about an impending army-organised putsch filled the political air.
- The dust had scarcely settled when Nigeria found herself preparing for yet another election, the Western regional elections, which took place in October 1965. They proved to be one of the most farcical elections to be conducted in post-independence Nigeria, as the results were heavily rigged against the dominant AG interests and in favour of the breakaway NNDP minority party, which had been in power in the region since 1962. The Western elections were immediately followed by a mass revolt of the region's inhabitants against the NNDP's usurpation. Nor could the latter regime be saved by subsequent counter-measures by its supporters in the NPC-dominated federal government, such as 'flooding the West with troops'. The bloody violence from the last event, resulting de facto in the breakdown of law and order, was threatening to engulf the whole federation when the army majors struck on 15 January 1966.

This sad history of electoral fraud or rigging has serious implications for Nigeria's democratic future because the phenomenon is growing rather than declining. With each election the principal forms of rigging and fraud are increasing and

being perfected. The result is that elections have become turning points in which the outcome has been the subversion of the democratic process rather than its consolidation. Not surprisingly, major political conflicts have emerged over rigged elections.

The 1983 elections occupy a special place in the history of electoral fraud in Nigeria – it was during these elections that rigging reached its apogee:

All sorts of strategies and stratagems including manipulation of the ballot or ‘rigging’ were employed in order to win elections. Each of the opposition parties used its local power of incumbency to retain power and/or to improve its position vis-à-vis other contenders. However, federal might was used to dislodge state governors in Anambra, Oyo, Kaduna, Gongola and Borno states, thus raising NPN’s tally of governorships from seven to twelve states, reversing the power structure existing before the election when opposition parties had twelve against NPN’s seven governors.

Kurfi 2005, p 97

An interesting case was that of the Ondo State gubernatorial election in 1983 in which the National Party of Nigeria (NPN) candidate, Chief Akin Omoboriowo, was declared elected by the Electoral Commission with 1 228 891 votes as against 1 015 385 for the Unity Party of Nigeria (UPN) candidate, Chief Michael Ajasin, whereas the true tally, as found by the election count, the Federal Court of Appeal and the Supreme Court from the certificates of results signed by the assistant returning officers and by the party agents as well as the oral testimony of those assistant returning officers and party agents, was 1 563 327 votes for Chief Ajasin and 703 592 for Chief Omoboriowo – Omoboriowo’s tally was thus inflated by 523 389, while that of Ajasin was under recorded by 547 942 votes. The evidence showed that the falsification was done at the level of the deputy returning officer. Ajasin was accordingly declared by the court to have been duly elected (Ben Nwabueze 2005, p 1).

Ahmadu Kurfi (2005, p 97) recounts that he was in a security meeting with the Secretary of the Government, Shehu Musa; the Inspector General of Police, Sunday Adewusi; and other security chiefs when the news came through that ‘we have delivered Ondo’. Although Ondo state was successfully ‘delivered’ to the NPN in 1983, the ‘elected’ governor, Omoboriowo, had to go into hiding to protect himself from an irate electorate that would not accept the result. Police stations and houses of prominent NPN supporters were burnt and many people killed. The judicial decision that ceded Ondo state back to the UPN came in the context of a massive level of popular mobilisation of citizens determined to protect their votes.

The most significant issue in the 1983 elections was that the emphasis shifted from traditional forms of electoral fraud based on manipulation of the ballot to total disregard of the figures collated on the basis of ballots and completed forms. Figures totally unrelated to any results – genuine or forged – are simply announced and illegally protected with state power. The emergence of electoral victory by false declaration did not mean that other forms of rigging disappeared. Indeed, the Babalakin Commission of Inquiry (FRN 1986, pp 289-290) has carefully enumerated the diversity of the forms of rigging employed during the 1983 elections as follows:

- Compilation of fictitious names on voters registers.
- Illegal compilation of separate voters' list.
- Abuse of the voter registration revision exercise.
- Illegal printing of voters' cards.
- Illegal possession of ballot boxes.
- Stuffing of ballot boxes.
- Falsification of election results.
- Illegal thumb-printing of ballot papers.
- Voting by under-age children.
- Printing of forms EC 8 and EC 8A, used for the collation and declaration of election results.
- Deliberate refusal to supply election materials to certain areas.
- Announcing results in places where no elections were held.
- Unauthorised announcement of election results.
- Harassment of candidates, agents and voters.
- Change of lists of electoral officials.
- Box switching and inflation of figures.

In 2003 Nigeria conducted the second general election since its return to civil politics in May 1999. The 2003 elections were almost as contentious as the 1983 elections had been. The report from Nigerian observers affirmed numerous reported cases of alleged fraud in many states across the country (Transition Monitoring Group 2003, p 120). The European Union observer report also reported widespread election-related malpractices in a number of states in the Middle Belt, the South East and the South South (European Commission 2003, p 42).

The plethora of electoral malpractices such as ballot box stuffing, snatching of electoral materials and smashing of ballot boxes, inflation of votes and other dimensions of electoral fraud and the high incidence of electoral violence rekindled the old fears that the basic institutional weaknesses associated with the country's electoral system could bring the democratic experiment to grief.

There are three phases in election rigging: pre-election, election day and post election. Below is a brief outline of some of the forms.

Pre-election rigging: rigging as system manipulation

Most election rigging occurs before the election and involves elaborate forms of system manipulation.

Party registration

Many political forces in Nigeria do not get a chance to participate in elections because the conditions for party registration are such that groups may be denied the right to establish the party they desire. Thus, in the run up to the Second Republic, for example, 150 parties were established in the first instance. The stiff conditions for registration were such that most of them were forced to merge and, in the end, only 18 parties were able to meet the requirements and submit their application forms; of these the state only recognised five. The Constitution also banned independent candidates from contesting elections. The system created conditions for excluding:

- strong individual candidates who might have got into power as independents because of the respect they evoked in their communities;
- ideologically committed people such as socialists who do not have the financial resources and networks to establish mega parties but who have a long-term transformative vision. In Europe, for example, the Green Parties started as small groups of ideologically committed people without resources or support but have since developed into a major political force;
- minority groups who do not have the numbers and networks to impose their registration on the state. While parties were being registered for the Fourth Republic, for example, the Alliance for Democracy (AD) did not meet the stated criteria but had to be registered because of fears of exclusion of the Yoruba from the political process. Apparently minority groups do not matter, so no concerns are expressed about registering their parties.

Manipulation of the voters' register

Nigeria has a history of the illegal acquisition by some parties of voters' cards. The purpose is to create conditions for the over-registration of certain persons and groups and simultaneous under-registration of other persons and groups. Favoured groups have their votes multiplied while others are basically disenfranchised.

Appointment of corrupt electoral officers

This involves buying over electoral officials and/or getting party supporters appointed as electoral officers so that they can tamper with the electoral process to produce a desired outcome.

Nomination during party primaries

Many candidates are denied the right to contest elections because they are prevented from standing for their party's nomination or are replaced after winning the nomination (Ibrahim and Salihu 2004).

Gerrymandering

This involves manipulating the boundaries of electoral districts to favour some political parties and candidates while diminishing the chances of others.

Examples of polling-day rigging

- Collaboration between polling officials and agents to subvert the electoral rules
- Late or non-supply of election materials to opposition strongholds
- Delay in opening polling centres located in opposition strongholds
- Stuffing of ballot boxes
- Under-age voting
- Multiple voting
- Inducement of voters with food and money
- Threatening voters with the use of force

Post-election rigging

- Refusal to count ballots from opposition strongholds
- Changing the results between voting centres and collation centres
- Declaration of false results
- Annulment of elections in situations where the results are unacceptable to incumbents
- Long delays or manipulation of election tribunals to protect stolen results

Combating electoral fraud

Nigerians have devoted considerable energy to revising the electoral laws and the institutional framework for elections with the aim of improving the conduct

of elections in the country. As Nigeria has moved from the Federal Electoral Commission (FEDECO) to the National Electoral Commission (NEC) and now the Independent National Electoral Commission it has gone through considerable changes in electoral laws and political party regimes. However, the reality of elections has remained that of the development of what the late Bola Ige described as 'free style rigging that made the occurrences of the Second Republic appear sluggish and amateurish' (*Guardian* 12 October 1992).

The question is what devices can be used to turn the tide. During the Babangida transition era there was an emphasis on reforming the party system and creating a new breed of politicians who were untainted. A two-party system was devised, but the first leading presidential candidates for the two parties were disqualified by the NEC for using money and rigging the primaries – a political crime that was considered a return to the old ways.

An allegedly improved nomination system for political parties, known as Option A4, was adopted. It was a method said to have been designed to resolve the problem of undue influence on the party nomination processes from people with money. The idea was to organise primaries through a series of elections from the ward level through the local governments and states to the national level. However, by multiplying the number of times and places of the nomination process the costs of transport, food and so on, skyrocketed, thus opening the nomination process to the highest bidder. Not surprisingly, the 1992 presidential primaries were characterised by massive rigging and falsification of figures. There were fears that the Babangida regime would use the excuse of the persistence of malpractice to justify its continued stay in power.

In a last ditch attempt to get the general to hand over power the two parties nominated candidates assumed to be acceptable to President Babangida – M K O Abiola for the Social Democratic Party (SDP) and Bashir Tofa for the National Republican Convention (NRC). After much procrastination by government and determined protest by the people against another postponement, presidential elections were finally held on 12 June 1993. The SDP candidate appeared to have won in an election in which the level of fraud was minimal. The election was, above all, a referendum, in which Nigerians voted Babangida out, but he would not take No for an answer. He cancelled the election and tried to initiate yet another round of 'political crafting' but there was so much mass protest against the cancellation that he was forced to hand over power to an incompetent and powerless civilian without any mandate, creating the basis for yet another coup d'état, in November 1993, by his former second in command, General Abacha.

One of the anti-rigging devices developed during the Babangida transition was the open ballot system in which the secret ballot was disallowed and voters queued up in public behind the party symbol of their 'choice'. Political parties

and elections would henceforth operate on the principles of the military garrison parade. The open ballot debate was initiated by Ahmadu Kurfi, who proposed queuing as an antidote to rigging, calling it the Fatima Principle. Kurfi argued that a close examination of the history of electoral fraud in the country revealed that all fraud was linked to the manipulation of the ballot and that by eliminating the ballot and making people queue up in public the instrument for cheating would be eliminated.

While it was indeed true that ballots have been used extensively in electoral fraud in Nigeria Kurfi underestimated the way electoral fraud would escalate. Over and above the technical details of 'secret ballot rigging' the most serious problem with the open ballot system was that it was fundamentally anti-free-choice and thus anti-democratic. When it was proposed the then Sultan of Sokoto, Ibrahim Dasuki, had complained about its anti-democratic character, citing possible problems such as that of virtually denying wives and peasants the possibility of benefiting from the secret ballot to vote against the candidates of choice of their more powerful husbands and patrons (*Citizen* 15 October 1990). He was later proved right. Most informed opinion in Nigeria opposed the open ballot but the government went ahead with implementing it in 1990 and intellectuals went out of their way to defend it.

The direct effect of the system was that candidates paid people to vote for them and party aides could observe and ensure that people who had been 'bought' joined the queue of the aspirant who had paid for their vote. Much has been written about the naira notes sandwiched between slices of bread and given to voters already in queues to make them shift to a rival queue. The NEC Chair, Humphery Nwosu, once complained that Nigerian voters were corrupt because they would take money from one candidate and vote for another. What a tragedy that Nigerian citizens were denied that democratic right to frustrate their wealthy enemies. Not surprisingly, the state governors elected in 1991 were considered some of the most corrupt and notorious elements among the nouveaux riches. The open ballot has been described by Nwosu as Nigeria's unique form of democracy – its own innovation, just as the Americans, British and Japanese have theirs. After the first 1992 presidential primaries, however, he complained that the system was 'riddled with wealth, falsification of figures, threats and favouritism' (*Newswatch* 23 November 1993). It was a pity that it took this professor, described by the Nigerian press as a 'crack' political scientist, so long to discover something so obvious.

ELECTORAL GEOGRAPHY AND OPPOSITION TO RIGGING

It is widely recognised that a number of structural, institutional and psycho-cultural factors need to be addressed if the consolidation of democracy in Nigeria is to be

successful. These factors, which have combined to make open, competitive and meaningful electoral politics elusive, include the dependent and underdeveloped nature of the Nigerian economy, the limited autonomy of various electoral bodies and their weak human resource base, and psycho-cultural factors, especially the usurpation of power by authoritarian military regimes for a very long time.

In addition, as is well documented, other factors often cited as undermining competitive electoral politics in Nigeria include: lack of discipline in the form, spirit and implementation of the electoral process; excessive monetisation of politics in general; a 'winner-take-all' philosophy embedded in the 'first-past-the-post' system operative in Nigeria; the general level of poverty and illiteracy; the absence of clear ideological underpinnings of political parties; and religious bigotry and, to some extent, ethnic chauvinism.

As useful as these factors are in helping to come to terms with the problem of the electoral system in Nigeria there is a need to bring into play the question of the electoral geography of the country in an overall attempt to understand and capture the ramifications and dynamics of the deep crisis underlying the electoral system and how to bring about a reform process.

For this reason Nigeria's electoral geography project was conceived by Global Rights, the non-governmental organisation I work for. The purpose of the project is to initiate reflections on how citizens in various parts of the country can develop sufficient civic responsibility to start working towards protecting their electoral mandate.

The need for a better understanding of Nigeria's electoral geography flows from the analysis of the last elections. Significantly different electoral problems manifested themselves in different zones of the country. While there were fairly orderly and well conducted elections in some zones, in others no elections at all took place. There were significantly varied manifestations of electoral problems in different zones and states of the country. These factors made it difficult to give a global judgment on whether the elections could be considered free and fair. It was difficult to determine whether the credibility of the electoral process had been so undermined that the results were unacceptable.

The electoral law and the Constitution must be revised to address the numerous problems manifested during the elections. It is, however, difficult to synthesise corrective measures because of the wide variety of problems. Seeking to understand the country's electoral geography is therefore a necessary prerequisite for providing the basis for reform. It is also a point of entry for introducing reflections on the existing electoral system and the possibility of developing one that is more democratic and effective. Indeed, reflections on the possibility of developing such an alternative electoral system have become a major concern of civil society (Ibrahim 2003a).

The notion of electoral geography draws attention to historical, geographical (for example, obstacles to the effective conduct of elections constituted by physical terrain), political and cultural factors that give each geopolitical zone in the country peculiar attributes and characteristics in relation to the issues and problems of elections and the election system.

Despite the ethnic, religious, cultural and other diversity that constitute the basis of varying degrees of tension and conflict within the six geopolitical zones of the country, the zonal arrangement has come to be accepted as a given and constitutes an acceptable basis for sharing power and resources among the competing power elites. It is therefore justified to use the six zones – the North East, North West, North Central, South East, South West and South South for this project.

The notion of electoral geography attempts to capture the peculiarities of the various geopolitical zones not only to make intelligible the unique problems raised by the conduct and management of elections but also to anticipate constitutional, administrative and other practical measures for mitigating the impact of these problems on the sanctity of the electoral process.

Although it is correct to assume that a number of problems associated with the Nigerian electoral system are general, a closer examination of the details of complications associated with the 1999 and 2003 elections show that some geopolitical zones experience problems peculiar to themselves. For example, the Niger Delta, which falls within the South South zone, experienced the highest level of electoral violence in the period leading up to, and during, the elections. Electoral malpractices such as ballot box stuffing, snatching of ballot boxes and the use of violence were perpetrated at the highest level. In most cases the spectre of violence discouraged voter turnout, yet results were declared. Here it may be important to bear in mind the prevailing culture of violence and militarism resulting from the militancy of ethnic organisations, youth violence, and the high level of access to arms as a result of battles over resource control. The riverine nature of the zone also created obstacles to the movement of electoral officers and prevented easy access by election monitors and observers. It could be assumed that, given this state of affairs, conducting a civil activity like an election without addressing the deep-seated conflicts in the zone may prove difficult.

Similarly, in the South East zone the level of electoral malpractice and incidents of violence were equally high, leading to a situation in which electoral outcomes did not come close to reflecting the yearnings and aspirations of the people. As was widely reported, although voting did not take place at all in many zones results were announced. State institutions were razed to the ground by political thugs while the police were quiet spectators. Clearly, the issue of 'political godfathers' has emerged as a key one in the zone. Another example that could be

raised is in the North West where, in 2003, a strong opposition led to the defeat of the incumbent governor in Kano state. While features of electoral malpractices prevailed, the existence of a strong opposition mitigated their level.

There are several common questions to be addressed in the context of electoral geography. Why has a credible electoral system continued to elude Nigeria despite the existence of a fairly well crafted electoral law? Why do different parts of the country exhibit different problems of electoral behaviour and the conduct of elections? Why are some zones more capable than others of protecting their vote? In responding to these questions, significant lessons can be learned from the South West.

Lessons from the South West

The Yoruba have set very high standards of civic culture and a determination to protect their vote that is worthy of emulation. Their commitment to the development of education from the 1950s to date is an important factor in that political culture. The Yoruba-speaking zone of the South West is the most urbanised of all the zones in the country and has a strong tradition of civil society and civil engagement, pre-dating the independence period. Incidents such as the Agbekoya movements and the resistance to electoral malpractice in the first and second republics as well as the resistance to the annulment of the 12 June presidential election are examples. The South West has a fairly developed infrastructure, an important factor in the successful conduct of free and fair elections. It also has the most developed mass media in the country.

All these elements translate into a greater political awareness. There is also the complex interaction between ethnicity, religion and politics dictated by the two-faith structure of the region. Interestingly, the existence of this faith structure is founded on a deep culture of religious tolerance, which makes it almost impossible to manipulate religion. Consequently, religion is not a key issue in the politics of this geopolitical zone.

The high level of civic consciousness in the zone translates into a community capacity to define the correct political line and to impose sanctions for political misbehaviour. The zone is noted for imposing sanctions on politicians adjudged to have broken ranks with tradition or to have acted in a politically embarrassing manner in relation to what is perceived as the collective interest of the Yoruba. There are several examples. Following excessive rigging of the December 1964 elections in the Western Region communities organised violent resistance to the theft of their mandate following the split between the Action Group and the Nigeria National Democratic Party. In the 1983 general elections Akin Omoboriowo, who was declared governor of Ondo State, having defected from

the UPN to the NPN, became a victim of violent attacks and was prevented from stealing the electoral mandate the state had given to Governor Ajasin.

A critical issue in elections in this zone is the role of collective memory, especially about the role of Chief Obafemi Awolowo. Two issues are immediately important here. In one respect, having adopted Awolowo as a symbol in their election campaigns and political mobilisation AD governors wrongly saw themselves as untouchable and natural leaders of the zone. Having performed very poorly by the standards of the zone, most incumbents were punished by being voted out. The fact that there were no massive protests about rigging in the zone, although some rigging did occur, meant that the level of rigging did not significantly change the mandate given by the people. It was in this context that the PDP took over the Awolowo mantle in the zone. They will retain it only for as long as they are seen to serve the interests of their people.

The lesson that it is possible for communities to define, articulate and protect their political interests, including their electoral mandate, is an extremely important one for the rest of the country. The South East, for example, seems to be characterised by pervasive monetisation of politics – it appears that people care more about money than about the integrity of their votes. This is clearly a cultural problem which can be explained in terms of the collapse of the values of the Igbo people following the profound disorientation visited on them by the civil war experience. Whereas the Igbo historically valued hard work and integrity and promoted education, as exemplified by the life experiences of people like the late Dr Nnamdi Azikiwe, the late Mbonu Ojike, and the late Akanu Ibiam, the situation has radically changed.

The relative neglect and marginalisation of the Igbo in what appears to be punishment for daring to secede left the people to take charge of their own destiny. Indeed, there is a strong feeling among the Igbo that they were treated like a conquered people after the civil war. In response, a mad race for wealth and all kinds of opportunism, including resorting to criminal activities to make money, became the order of the day. What has been seen as the decline in male education in the core eastern states can partly be explained in terms of this development?

The consequence is the emergence of an incoherent and opportunistic leadership with no commitment to the aspirations of the people in the zone. The core of this leadership is apparently drawn from the criminal and semi-criminal underworld and the wide crop of distinguished Igbos found in the professions, international organisations, and the educational sector appear to have no voice or influence in their society.

The development of a strong civic culture imbued with the determination to protect the electoral mandate of the people is a strong deterrent to the rising culture of competitive rigging reviewed in this paper. When people know that

rigging will be combated, they tend to be more careful. Protecting the vote is also a solid point of entry in compelling governments to provide the dividends of democracy.

THE WAY FORWARD

As we move towards the 2007 elections Nigerians should look to the future, bearing in mind a number of important issues that need to be addressed:

- The determination of President Olusegun Obasanjo to prolong his term beyond the two terms stipulated by the Constitution must be actively combated by civil society, and, indeed, by all Nigerians. It has the potential to derail the democratic process because it betrays political trust and requires extensive manipulation. In a sense, the most important and urgent political task today is derailing the third-term agenda.
- Civic education should be accorded a high priority between now and the elections. The real challenge in producing free and fair elections in 2007 is about what happens before that date. The task of enlightening the citizenry about their rights and duties and how to defend the sanctity of their votes is crucial. In the 2003 elections groups that carried out civic education did so too close to the elections for the full benefits to be realised. Since politicians use religion and ethnicity as tools of political manipulation civil education should take into account ways of providing effective responses to such manipulative tendencies. Similarly, people should be educated in ways to demand accountability from their leaders through Town Hall meetings as well as effective use of the recall provisions in the Constitution.
- The need to encourage the culture of opposition politics is crucial to the future of Nigerian democracy. It is widely known that Nigerian politicians always want to be on the winning side and therefore prefer to strike deals with the winning party. It is a defeatist attitude. It would serve the cause of democracy better if opposition parties were to remain steadfast, build strength and capacity around their programmes and manifestoes and provide the electorate with credible options in future elections. It is notable that in states like Kano, Kogi and Borno, where incumbents were defeated in the 2003 elections, it was the vigilance of the opposition that made the defeat possible.

- The mass media must play a more significant role in promoting and strengthening the credibility of the electoral system. Three main points are important in this regard. First, the need to encourage the proliferation of privately-controlled media as opposed to those controlled by the government. Privately-owned media houses are more likely to give better coverage to opposition political parties. Second, Nigeria needs to explore the possibility of community radio stations, which are far less expensive to establish. The present regime does not favour community radio and an enabling environment needs to be created. Third, adequate use has not been made of the information super highway as a means of reaching out to the public and putting information concerning elections in the public domain. The use of the Internet for national and international advocacy in securing free and fair elections should be developed.
- There is a need to deal with the mindset that leads to a lack of tolerance for the opposition and the absence of democratic temperament in our politicians. This is possible through massive civic education.
- Government at all levels should deal with issues of mass poverty and unemployment. As long as people remain poor and lack access to the basic means of livelihood they will remain susceptible to all kinds of manipulation, including being used to foment violence during elections. In other words, increasing political awareness without addressing the problem of poverty will not change the situation.
- Peoples' Fora should be established to promote the culture of citizens bringing their representatives to public meetings to engage in face-to-face interaction and demand accountability. There is a need to build links, alliances, and coordination among groups such as churches, market women, Okada operators, and the media, to checkmate the excesses of those in power.
- Ethnic and community associations should become more active in identifying credible individuals and persuading them to enter the arena of electoral contests. Communities should start developing the culture of sponsoring the campaigns of such candidates so that the field of electoral contest is not dominated by the rich and powerful. People who have an interest in politics should be encouraged.

— REFERENCES —

- Adekanye, J Bayo. 1990. 'Elections in Nigeria: Problems, Strategies and Options'. *Nigerian Journal of Electoral and Political Behaviour* 1(1).
- Aribisala, Femi. 1983. 'An Appraisal of the 1983 Elections'. *Afrika Spectrum*, November.
- Awa, Eme. 1990. 'Elections and Electoral Administration in the Transition'. Hoover Institution Seminar on Democratic Transition and Structural Adjustment.
- Citizens Forum for Constitutional Reform. 2004. *Harmonised Model Constitution*. Lagos.
- . 2004. *Constitutional Education Manual*. Lagos.
- Dudley, Billy. 1981. 'The Nigerian Elections of 1979: The Voting Decision'. *The Journal of Commonwealth and Comparative Politics* XIX(3), November.
- European Commission. 2003. *Nigeria: European Union Election Observation Mission Final Report*.
- Federal Republic of Nigeria (FRN). 1986. *Report of the Judicial Commission of Inquiry into the Affairs of Federal Electoral Commission: 1979-1983*. Lagos.
- Ibrahim, L & S Egwu (eds). 2005. *Nigeria Elections 2007: Defending the People's Mandate*. Abuja: Global Rights.
- Ibrahim, Jibrin. 1991. 'L'Accès à l'Etat. Classes sociales, élites, factions: une étude du "National Party of Nigeria"'. Doctoral thesis, University of Bordeaux.
- . 2003a. 'A Critique of the First-Past-the-Post-Electoral System'. Paper for Independent National Electoral Commission Stakeholders Seminar, Abuja, November.
- . 2003b. *Democratic Transition in Anglophone West Africa*. Dakar: CODESRIA.
- Ibrahim, Jibrin & Amina Salihu (eds). 2004. *Women, Marginalisation and Politics in Nigeria*. Abuja: Global Rights, Centre for Democracy and Development and Open Society Institute for West Africa.
- Igbuzor, O & B Aturu (eds). 2002. *Contentious Issues in the Review of the 1999 Constitution*. Lagos: Citizens Forum for Constitutional Reform.
- Igbuzor, O & J Ibrahim (eds). 2005. *A Citizen's Approach to Making a People's Constitution*. Lagos: Citizens Forum for Constitutional Reform.
- Kurfi, Ahmadu. 1983. *The General Elections of 1959 and 1979*. Lagos: Macmillan. 1986.
- . 1986. 'The Fatima Principle: Antidote to Rigging'. *New Nigerian*, 15 & 16 April.
- . 2005. *Nigerian General Elections 1951-2003: My Roles and Reminiscences*. Abuja: Spectrum Books.
- Momoh, Abubakar. 1993. 'The Legacy of Military Rule on Democratisation'. CODESRIA Conference on the Expansion of Nigerian Democratic Space, Lagos.

- National Institute for Policy and Strategic Studies. 1983. *Round-table Meeting on the 1983 General Elections*, Kuru.
- Nwabueze, Ben. 2005. 'Nature and Forms of Elections Rigging'.
www.nigerdeltacongress.com, 3 August.
- Nwanko, G O. 1983. 'Political Parties and their Role in the Electoral Process'.
Journal of Constitutional and Parliamentary Studies XVII(3-4).
- Olagunju, T, A Jinadu & S Oyovbaire. 1993. *Transition to Democracy in Nigeria: 1985-1993*. Ibadan: Safari Books.
- Oni, Michael Abiodun. 2004. 'Electoral Fraud and Legitimacy Crisis in Post Independence Nigeria'. *International Review of Politics and Development* 2(2).
- Transition Monitoring Group. 2003. *Do the Votes Count: Final Report of the 2003 General Elections in Nigeria*. Abuja.

ELECTION MANAGEMENT IN CAMEROON

Progress, Problems And Prospects

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ABSTRACT

Judged by internationally accepted norms and standards election management in Cameroon stands out as peculiar in more than one respect. Firstly, election management tasks are performed by a multiplicity of bodies and institutions, making it difficult to determine who is really responsible at each stage of the process. Secondly, the conduct of elections is governed by a battery of cross-referencing laws which election stakeholders often find hard to interpret and apply.

The problems arising from this situation need to be and are, presently, being addressed within the framework of reforms that target, on the one hand, the adoption of a single, updated and enforceable electoral law and, on the other, the setting up of a viable election management body and the introduction of modern management methods.

INTRODUCTION

Whereas in the older and better-established democracies of the world election management has become a routine that, more often than not, produces satisfactory results, most of the budding democracies of the Third World are still grappling with the problem of determining which election management procedures are best suited to their specific national contexts. The older democracies themselves tend to differ one from the other, not only in terms of the electoral systems they have put in place but also as regards the specific election management procedures they have adopted. These variations raise the question of whether the management of elections in a democratic context can be said to be governed by a set of internationally accepted norms and standards.

Despite the differences observed here and there in the practice of conducting elections over the years from one country to the next, the convergence of various democratic traditions can be said to have given rise to what may be considered the norms and standards of election management.

This paper examines critically the management of elections in Cameroon against the backdrop of such norms and standards. It starts off with a discussion of recent efforts among some African states to determine common guiding principles for the conduct of free, fair and credible elections on the continent. It then goes on to outline election management practices in Cameroon and the problems they pose. It ends with a peek at the future of election management in Cameroon and in those countries which, like it, are still struggling to lay a solid institutional foundation for the consolidation of democracy.

NORMS AND STANDARDS FOR ELECTION MANAGEMENT

In the more advanced democracies of the world norms and standards for elections have become an integral part of the democratic practice and culture, to the extent that they hardly need to be codified. This is unlike the situation in most African and Third World countries where democratic cultures are either non-existent, newly emergent or under restoration and where the people have constantly to remind themselves what democracy is. Such efforts to remain on track have led African countries to adopt various principles and guidelines for election management. Some of these are reviewed below.

PRINCIPLES AND GUIDELINES FOR AFRICAN STATES

African leaders, intellectuals, civil society leaders and election managers meeting at both continental and (sub-) regional fora have, in recent years, reflected on the conduct of elections on the continent and issued guiding principles that should eventually form the basis for election management norms and standards.

One such encounter was at the 38th Ordinary Session of the Organisation of African Unity (OAU) held in Durban, South Africa, on 28 July 2002. In their Declaration on the Principles Governing Democratic Elections in Africa¹ African leaders accepted that democratic elections should be conducted:

- a) freely and fairly;
- b) under democratic constitutions and in compliance with supportive legal instruments;

¹ This declaration was adopted by the African Union, which came into being at the end of the Durban Summit.

- c) under a system of separation of powers that ensures, in particular, the independence of the judiciary;
- d) at regular intervals, as provided for in national constitutions;
- e) by impartial, all-inclusive, competent, accountable electoral commissions staffed by well-trained personnel and equipped with adequate logistics.

Meeting two years later in Mauritius, Southern African leaders, heads of state, and governments of the member states of the Southern African Development Community (SADC) committed themselves to a regional version of the AU Declaration by adopting the Principles and Guidelines Governing Democratic Elections. These were as follows:

- The establishment of appropriate institutions to address thorny issues relating to election management, such as codes of conduct, citizenship, residency, age requirements and other voter / candidate eligibility conditions.
- The establishment of impartial, all-inclusive, competent and accountable national election management bodies staffed by qualified personnel.
- The establishment of relevant courts to arbitrate electoral disputes.
- The prevention and repression of electoral fraud.
- The provision of adequate funding for elections.
- The transparency and integrity of the entire electoral process.
- The enhancement of the participation in elections of women, the disabled, and youth.

Through the guiding principles outlined above African leaders are seen to have addressed most of the core concerns regarding election management. What remains to be seen is how well individual African states will be able to adopt and abide by these norms and standards. In particular, the challenge will revolve around how African states review their legal frameworks to conform with these norms and standards.

ELECTION MANAGEMENT BODIES

Given the centrality of the election management bodies (EMBs) to the electoral process in many African states today the discussions of norms and standards for election management tend to focus considerable attention on these institutions: their status, membership, tenure, mode of funding, and so on. Here again there

can be said to be more or less clearly defined principles although in practice the situation tends to differ from one context to the next. The main principles and current practical trends among African countries are outlined below.

To be efficient and credible EMBs should possess the following, generally accepted, characteristics:

- a) They should be independent, that is, they must not be part of the formal government bureaucracy.
- b) Their members should be selected on the basis of '... the individuals' calibre, stature, public respect, competence, impartiality and their knowledge of elections and political development processes' (SADC Parliamentary Forum 2001).
- c) Their members should be appointed after consultation with election stakeholders and the approval of parliament.
- d) Members' mandates must be durable and secure, preferably entrenched in the constitution.
- e) Membership of EMBs should be inclusive, that is, representative of both sexes and of all social and age groups.
- f) EMBs must be run by staff recruited and dismissed only on the basis of lack of professionalism and competence.
- g) EMBs should be efficient, neutral, objective, transparent and accountable to parliament rather than to government.
- h) EMBs should have autonomous budgets that are voted directly by parliament.

A study of EMBs on the African continent shows that although their functions tend to remain more or less the same, they differ in size, composition and status from one country to the next.

Basing his analysis on institutional location, that is, on the extent of their political autonomy vis-à-vis the government, Mozaffar (2002) identifies three broad types of EMBs:

- Non-autonomous EMBs that are located within the formal government bureaucracy.
- Semi-autonomous EMBs that are located within the formal government bureaucracy but are placed under the supervision of an autonomous body established specifically for that purpose.
- Autonomous EMBs that are otherwise known as 'independent electoral commissions' because they are located outside the formal government bureaucracy.

This classification is useful as a starting point but it needs to be reviewed for various reasons. Firstly, it makes no reference to membership in terms of composition and security of tenure of members. It also does not make it clear which of the two bodies in the second category is semi-autonomous – the one located within the formal sphere of government or the supervisory body – or even whether or not both bodies are to be seen as parts of one and the same ‘semi-autonomous’ EMB.

ELECTION MANAGEMENT IN CAMEROON

Cameroon achieved its independence from France and Great Britain more than 40 years ago.² Since then it has organised numerous elections at both national and local level. The outcome of each of these elections has elicited various reactions both at home and abroad. What is, however, clear to the people of Cameroon and to most observers is that election management in the country needs to be improved. This section of the paper provides a brief background to Cameroon’s democratic process. It also outlines the instruments governing elections in the country and outlines the institutional framework for election management.

Background to Cameroon’s democratic process

When Cameroon acceded to independence in the early 1960s the country had a form of multiparty democracy that allowed for the existence of political parties which took part in elections to choose members of state assemblies and of a federal parliament through universal suffrage. But this situation did not last for long.

Within six years of independence and of the unification of the English- and French-speaking sections of the country the then President, Ahmadou Ahidjo, who was at the helm of the Union Camerounaise, invited leaders of the other authorised political parties to join him in forming a single ‘unified’ party for the purposes of nation building. The leaders of the other political parties entered into an agreement with him and the Cameroon National Union (CNU) was formed. The CNU existed as a single party until 1985 when it was replaced during the Bamenda CNU congress by the Cameroon People’s Democratic Movement (CPDM), with the new President, Mr Paul Biya, a former prime minister who had taken office after President Ahmadou Ahidjo’s resignation in November 1982, at the helm.

² French Cameroons acceded to independence in 1960. Later, after a plebiscite held in 1961, the English-speaking Southern Cameroons opted to join French Cameroons, forming the Federal Republic of Cameroon on 1 October 1961. The federal state became a unitary state in 1972, after a referendum.

The CPDM remained Cameroon's only political party until December 1990 when a law was passed by the National Assembly and enacted by President Biya authorising the return to multiparty politics. From 1991 onwards numerous political parties were formed and authorised. The proliferation of parties since then – nearly 200 have been authorised – makes it difficult to determine the numbers currently in existence.

The first multiparty elections following this return to political pluralism took place in 1992 when legislative elections were held in March and a presidential poll in October. While the outcome of the legislative elections was relatively calm, the boycott of these elections by some of the principal political parties gave rise during the presidential election to results which were violently contested by leaders and members of the Social Democratic Front (SDF), which had won almost as many votes as the ruling CPDM party, whose candidate was declared by the Supreme Court to have won the election. The SDF accused officials of the Ministry of Territorial Administration (Ministry of the Interior), who were largely responsible for the conduct of the poll, of complicity with the ruling party.

Subsequent elections, in 1996 and 1997, also gave rise to protests from most opposition parties, some of which, once again, decided to boycott the presidential election held in 1997. These parties continued to press for political reform, particularly the setting up of an Independent Electoral Commission (IEC), until 2000 when, on 19 December, a law was enacted to set up a National Elections Observatory (NEO), whose duty it would henceforth be to supervise and control all elections and referendums organised in the country.

Although this new measure did not entirely satisfy those who had been pressing for the setting up of an Independent Electoral Commission it reduced considerably the political tension that had threatened to disrupt national harmony and offered an opportunity for the relatively peaceful organisation of council and legislative elections in June 2002 and of a presidential election in October 2004. After those elections most national and international observers agreed that there had been a marked improvement in the conduct of elections but they argue that there is need for further improvement. They point to two key areas where such improvement is needed: election legislation (the electoral code) and the registration of voters.

Instruments governing elections in Cameroon

Before discussing who does what in the management of elections in Cameroon, it is worthwhile outlining the legal framework of the conduct of elections in the country. This framework includes:

- laws and regulations governing the organisation of elections;
- laws and regulations governing the supervision of elections;
- laws and regulations governing political parties and the financing of political parties and election campaigns.

Laws and regulations governing the organisation of elections

Three different laws govern the organisation of elections:

- Law No 92-002 of 14 August 1992, which lays down conditions for the election of municipal councillors;
- Law No 91-020 of 16 December 1991 (Modified by Law No 97-13 of 19 March 1997), which lays down conditions governing the election of members of Parliament;
- Law No 92-10 of 17 September 1992 (Modified by Law No 97-020 of 9 September 1997), which lays down conditions governing election to the presidency of the Republic.

In order to clarify and further specify certain provisions of the laws listed above, the president of the Republic signs decrees, like the one that maps out electoral constituencies and determines the number of parliamentary seats in each of these constituencies. The Minister of Territorial Administration and Decentralisation (MINATD), who is responsible for the practical organisation of elections, also issues ministerial orders and circular letters whenever necessary.

Laws and regulations governing the supervision of elections

Law No 2000/016 of 19 December 2000 (modified by Law No 2003/015 of 22 December 2003) sets up a National Elections Observatory, which is responsible for supervising elections to ensure that all the provisions of the electoral laws are respected.

This law is further explained in two presidential decrees, Nos 2001/306 of 8 October 2001 and 2001/397 of 20 December 2001. These decrees relate to the various structures of the observatory and spell out instructions for how these structures should be run.

Laws and regulations governing political parties and the financing of parties and election campaigns

- Law No 90/056 of 19 December 1990 governs conditions for setting up political parties.
- Law No 2000/15 of 19 December 2000 institutes public financing of political parties and of election campaigns. Decree No 2001/305 of

8 October 2001 sets up a commission to monitor the use of public funds by political parties.

These, in a nutshell, are the legal instruments that govern elections in Cameroon. Many critics argue that there are too many overlapping and confusing provisions in these laws and that this gives rise to disagreement over their interpretation and implementation. There have been calls for these laws to be updated and assembled into one comprehensive electoral code.

ELECTION MANAGEMENT BODIES: PROGRESS?

Election management in Cameroon is not entrusted to a single body although at every stage in the electoral process the shadow of the Ministry of Territorial Administration and Decentralisation (MINATD) looms large over the various other bodies entrusted by the law with specific tasks. The bodies involved in the management of elections in Cameroon fall into four broad categories: joint commissions, the MINATD, the courts and the NEO.

Joint commissions

The law provides for the setting up of joint commissions, which usually comprise representatives of the administration, of political parties and sometimes of civil society who are responsible for various election management tasks as follows:

- Joint commissions responsible for the registration of voters and for revising and updating voters' rolls.
- Joint commissions responsible for overseeing the establishment and distribution of voters' cards.
- Supervisory commissions responsible for supervising the work of the two commissions cited above and rectifying errors committed at the lower level. Supervisory commissions are also responsible for assembling legislative and presidential election results and forwarding them from the polling stations to a higher, national vote-counting commission and for publishing the final results of council elections.
- Local polling commissions responsible for conducting the poll and the vote count.
- A national commission is set up during legislative and presidential elections to compile the final results and forward them to the Constitutional Council for approval and publication.

The Ministry of Territorial Administration and Decentralisation

Working alongside the various commissions, MINATD, through officials placed all along the line, takes key election management decisions as follows:

- The Senior Divisional Officer (SDO) signs prefectoral orders to set up various joint commissions responsible for voter registration and the overseeing of the handling of voters' cards as well as the supervisory commissions.
- The Divisional Officer (DO) draws up the final roll of voters in the administrative unit under his responsibility.
- The DO organises the establishment and distribution of voters' cards under the control of a special commission set up to that effect.
- The SDO examines applications from prospective candidates for council and parliamentary elections and accepts or rejects them in accordance with the law.
- The MINATD examines applications from prospective candidates for the presidential elections and accepts or rejects them in accordance with the law: MINATD also publishes the final lists of candidates authorised to run for each election.
- The MINATD issues orders setting up polling stations in all constituencies and fixes the voting procedures to be followed on polling day.
- The DO signs decisions to set up local polling commissions.
- The MINATD signs an order to set up the National Vote Counting Commission.

The courts

The courts and members of the judiciary also take part in election management either as chairpersons of the supervisory commissions and the National Vote Counting commission listed above or as arbitrators of electoral conflicts.

The Supreme Court (Administrative Bench) examines and rules on all matters arising from the conduct of council elections. Appeals against rulings of the administrative judge are examined by the Plenary Assembly of the Supreme Court.

The Constitutional Council:

- ensures the regularity of presidential and legislative elections;
- adopts and proclaims the results of both presidential and legislative

- elections on the basis of reports submitted to it by the National Commission for the Final Counting of Votes;
- examines and rules on all matters arising from the conduct of presidential and legislative elections.

The National Elections Observatory

The NEO is the only authority, outside the supervisory commissions mentioned above, empowered by the legislature to supervise and control all electoral operations in Cameroon.

Section 2 of Law No 2000/016 of 19 December 2000 to set up a National Elections Observatory spells out its mission as follows:

NEO's mission shall be to contribute to the observance of the electoral law in order to ensure the regularity, impartiality, objectivity, transparency, and fairness of elections and to guarantee to voters and candidates the free exercise of their rights.

Section 6 of the same law lists the specific duties of the NEO – responsibility for supervising and monitoring all election management operation from the registration of voters to the publication of election results.

Thus Cameroon's election management landscape is occupied by several bodies of varying sizes and degrees of importance, whose functions are not always clearly defined and often tend to overlap and conflict. There have also been calls for a clarification of the roles of the various bodies in charge of election management and for the reduction of the role of the MINATD in the management of elections.

ELECTION MANAGEMENT: PROBLEMS AND PROSPECTS

The single most important challenge facing election managers in Cameroon is the building of public confidence in the electoral process to the extent that election results are readily accepted and cease to be the subject of such controversy that they threaten the stability of the country's democratic institutions at the end of each electoral process.

This major challenge calls for the introduction of several new measures including legislative reforms, the strengthening of EMBs, harmonisation of procedures, the curbing of impunity, the clarification and streamlining of functions, technological innovation and election funding, on which the next section turns the spotlight.

Legislative reform

For public confidence in the electoral process to grow, election stakeholders must, firstly, accept the laws that govern elections as providing a level playing field for political competition for state power and thus be prepared to abide by them. Indeed, the need for reform of the legislation that governs elections in Cameroon has been acknowledged at the highest levels of the state apparatus and talks on the issue between the government and the other political stakeholders are expected to start soon.

Projected legislative reforms will focus primarily on updating existing electoral laws with a view to clarifying certain provisions which have been subject to conflicting interpretations and introducing new provisions to make room for the modernisation of the management of elections. Once updated and enriched the various electoral laws will be merged into an Electoral Code that will govern the conduct of future polls. In addition, a new law is awaited that will set up a body responsible for the conduct of all elections, thereby assuming the election management duties hitherto variously performed by MINATD, the numerous joint commissions described above, and the NEO.

Strengthening EMBs

It is important that the EMBs that will be set up by the new Electoral Code earn public confidence through the personal qualities of the people nominated to manage them, the manner in which these personalities are chosen, and the efficiency with which they perform their election management duties. The extent to which EMBs can perform their duties without undue interference from government and other interest groups will be a determining factor in the confidence-building process.

Thus far, of the numerous bodies currently responsible for various election management tasks, only the NEO seems to enjoy some measure of public confidence thanks to the fact that its members are chosen from civil society and have no direct ties either with the government or with political parties or candidates.

NEO members are appointed after consultation with political parties and other civil society organisations and the NEO enjoys a certain measure of independence in terms of decision-making and the organisation of its work. But its role is confined to the supervision and control of elections, an assignment it may carry on well without unfortunately being able to rid the electoral process of certain imperfections arising from failure on the part of the others involved in it effectively to play their roles.

Harmonisation of procedures

On the whole, there is a need also to develop and codify election management procedures in such a manner that little room is left for the improvisation that tends to undermine public confidence in the electoral process. For instance, there are no set procedures for the registration of voters and the updating of existing voters' rolls. Each divisional officer may prescribe whatever procedures he or she deems convenient to be used within the area under his or her jurisdiction. What is more serious is the lack of consistency in the use of any given procedures.

Curbing impunity

Another major problem that needs to be addressed urgently by Cameroon's election managers is impunity. Despite efforts made to educate various election stakeholders, some of them persist in wrongdoing that affects the credibility of the process. Certain stakeholders deliberately perpetrate fraudulent activities for personal or group gain. For instance, certain administrative officials create bottlenecks in the registration of voters in an effort to restrict the number of voters in areas believed to be opposition party strongholds. In so doing they think they are rendering a service to the party in power and hope to earn a career promotion in return. In addition, some political parties encourage their supporters to cast multiple votes. Such wrongdoing is encouraged because perpetrators are hardly ever prosecuted. Law enforcement measures thus need to be strengthened and more emphasis laid on punishing defaulters.

Clarification and streamlining of functions

In the course of introducing new legislation to govern the conduct of elections in the country attention will have to be paid to clarifying and streamlining the role of whatever election management body or bodies are set up. One question that has been raised is how appropriate it is to involve political parties in the direct management of elections. Experience has shown that in situations where democratic principles have not become part of a society's value system partisan allegiance is liable to mar the proper functioning of election management structures that include party representatives. Cameroon may thus need to review the usefulness of its numerous joint commissions which include political party representatives.

Technological innovation

Information technology (IT) contributes to more efficient election management but it imposes prohibitive costs on countries with limited resources.

Cameroon has opted to adopt IT for election management tasks such as the establishment of electronic voters' rolls and the production of election results and statistics. Plans for the introduction of these new technologies are currently being finalised. But proper care must be taken to make the use of IT cost effective.

Election funding

Elections are generally costly to organise and often strain the already scarce resources of many developing countries. Thus adequate funding remains a problem that numerous low-income countries will be unable to solve for a long time. Yet both the citizens of those countries and members of the international community insist on having properly organised and adequately funded elections.

The solution to this problem may lie in the adoption of low-cost election management procedures and the rational management of scarce resources. Cameroon today has to provide funding not only to MINATD, which, directly or indirectly, handles most of the election management tasks, but also to the NEO, which is responsible for supervision and monitoring. There could be considerable savings if the duplication of functions and field personnel were avoided through a more rational distribution of roles. This is one of the issues that needs to be addressed during talks on election reform.

CONCLUSION

Cameroon will soon need to take some crucial decisions as it attempts to reform the legislative and practical provisions for the management of elections in the country. One thing that remains clear is that it would be unwise for the country to try to import election management procedures simply because they have been found to be effective elsewhere. Adaptability to the specific political, economic, social and cultural context that prevails within the country should be a primary concern for Cameroon or any other country which, like it, is striving to improve the quality of election management.

The norms and standards examined earlier in this paper will continue to be the guiding principles for election management in African countries, but one must expect each country to adopt and adapt them to its specific context. Khabele Matlosa (2003) has stressed the need to domesticate election management norms and standards:

... current democracy discourses in both academic and policy-making circles have probed the utility of liberal democracy in the African context and there is an emerging consensus that Africa needs to

transcend liberal democracy and embrace wholesomely social democracy blended with African cultural practices and traditions.

Matlosa no doubt implies here that democracy cannot simply be imported into a country as one would import a car. But whether or not social democracy is a truly viable option remains to be seen.

The reluctance on the part of certain governments to relinquish control over EMBs and to allow them to be completely independent and financially autonomous is a phenomenon that will not go away in the near future. State sovereignty is the constant concern of governments and the fear that runaway independent election commissions may eventually come to be controlled by powers hostile to the state is a genuine one. For that reason, EMBs will have to work to allay such fears by increasing their efficiency and accountability within the terms of specific constitutional provisions.

Finally, as the gap between rich and poor countries continues to widen, the latter will find it more and more difficult to single-handedly assemble the resources necessary for the organisation of credible elections at regular intervals. If the efforts these countries are prepared to make are not be thwarted by poverty and the hopes of their peoples dashed by the backsliding of their democratic processes, the rich countries must seriously consider setting up a democracy solidarity fund to assist well-meaning but less privileged countries to stride towards democracy.

——— REFERENCES ———

- Mozaffar, S. 2002. 'Patterns of Electoral Governance in Africa's Emerging Democracies'. *International Political Science Review* 23(1).
- Matlosa, Khabele. 2003. 'Electoral Systems and Multiparty Democracy in Southern Africa'. Paper presented at the Conference on Elections, Democracy and Governance, Pretoria, South Africa, April.
- SADC Parliamentary Forum. 2001. 'Norms and Standards for Elections in the SADC Region'.

INDEPENDENT CANDIDATURE AND THE ELECTORAL PROCESS IN AFRICA

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ABSTRACT

This study reviews the participation of independent, non-partisan candidates in Africa. It examines the development of competitive elections on the continent between 1945 and 2005, a period which includes both decolonisation and democratic transition elections. It also focuses on the participation of independent candidates in these elections at both legislative and presidential levels. It further analyses the place of independent candidature in the continent's future electoral processes.

INTRODUCTION

The concept of political independence, whether it refers to voters or to candidates, describes an individual's non-attachment to and non-identification with a political party. Generally, voter-centred political independence takes the form of *independent voters* who, when registering to vote, do not declare their affiliation to a political party. There are also *swing* or *floating voters*, who vote independently for personalities or issues not for parties, and *switch voters*, who are registered voters with a history of crossing party lines. Furthermore, candidate-centred political independence may take the form of apolitical, independent, non-partisan candidates, as well as official and unofficial party candidates (Safire 1968, p 658).

The recognition of political independence as a feature of the electoral process has led to the involvement of 'independent personalities' in managing election institutions. Examples are 'independent judiciaries', 'independent electoral commissions', and 'independent election observers'. But the issue has also been

gaining ground because of a demand that such independent personalities should not only be confined to managing elections, but should also participate as candidates alongside those of political parties to defend the interests of the independent voters who constitute a distinct estate in the polity (Tordoff 1993, pp 91-120).

This demand stems from disappointment among many independent voters who criticise political organisations for forcing them into ideological straitjackets and promoting mechanical campaigns which sacrifice local issues (Mwalimu 2006, pp 2-7). Moreover, because of their financial, material, and organisational resources political parties, and especially ruling parties, have been accused of corruption, coercion and undue influence over their opponents and election management officials.

Political parties have also been used as tools by ethnic, regional, and religious special interests groups to promote their interests to the detriment of the integrity of candidates. Finally, the nomination procedures used by most political parties have not always been fair and transparent, and have led to popular and more representative candidates being sacrificed to ideological or expedient considerations such as gender, geographic, linguistic, and ethnic representation (Robinson 1968).

The shortcomings of party-centred elections have led to a re-examination of the role in the electoral process of independent candidates, who are perceived by most observers as the conscience of the society and the voice of the silent majority. They are also catalysts of campaign debates on the real issues affecting the electorate, which political parties and professional political consultants would like sidelined. Moreover, they are usually exempt from the dirty politics of big party machines, although they are not totally free from intrigue, which is the stock in trade of politics (Mwalimu 2006).

The practice of independent candidates is well established in both the old Western democracies and in emerging democracies. In Britain the issue rocked the political stage in May 2000 when Ken Livingstone, who was elbowed out as the Labour Party's official candidate for Mayor of London, decided to run as an independent against seven party candidates and won with 57,9 per cent of the vote against 42,08 per cent for his nearest rival.

Independent candidates also emerged as an important feature of the democratisation process in Eastern European countries. In Russia, for instance, independents have been a major political force in legislative and presidential elections organised between 1993 and 2003. During the March 2000 presidential election Vladimir Putin, who ran as one of the five independents against six partisan candidates, was elected with 52,9 per cent of the vote. In the 1993 legislative election 60 independents were elected, constituting the fourth-largest

political force in the *Duma*, the Russian Parliament, after Russia's Choice (96), the Liberal Democrats (70), and the Communists (65). In the 1995 election 110 independents were elected, making them the second-largest parliamentary force after the Communists, with 157 members in the *Duma*, while in 1999 125 independents were elected, making them the most powerful force, followed by the Communists, with 113 members. In the December 2003 election, however, independents fell to second place, with 16 per cent of the popular vote and 74 seats as opposed to the United Russia Movement, with 222 seats (*Economist* 13-19 December 2003, pp 22-24). In Georgia independents won 16 seats in the 235-member Parliament, alongside seven political organisations.

The strength of independent candidates in European politics was also demonstrated in the presidential election of 22 January 2006 in Portugal in which one of the three independent candidates, Anibal Antonio Cavalo Silva, won by 50,54 per cent and was closely followed by two other independent candidates, Manuel de Melo Duarte (20,74%), and Mario Alberto Lopes Soares (14,3%). In effect, the total strength of the three independent candidates was about 85 per cent, as opposed to those fielded by political parties like the Portuguese Communist Party (8,64%), the Left Block (5,32%), and the Communist Party of Portuguese Workers.

In the United States debate about independent candidates has been a permanent feature because of the perception that most voters are independent. In his book *The Power Game*, published in 1988, Hedrick Smith noted that the most important phenomenon in American politics in the last quarter of the 20th century has been the increase in the numbers of independent candidates and non-partisan voters. This issue was manifested in the presidential elections of 1968, 1980, 1992, 1996, and 2004 (Wattenberg 1991).

In the 1968 election George Wallace, then Governor of Alabama, revived interest in the issue when he ran as an independent in the Nixon-Humphrey duel. In 1980 John Anderson followed suit, running as an independent against Ronald Reagan and Jimmy Carter. In 1992 business magnate Ross Perot ran as an independent candidate against Bill Clinton and George Bush and in 1996 he ran again against Bill Clinton and Bob Dole in defiance of the 'party gridlock'. In the 2000 election Ralph Nader of the Green Movement ran as an independent candidate in the George W Bush-Al Gore contest and ran again in 2004 when Bush fought John Kerry. The results of these experiences were interesting. George Wallace won 14 per cent of the total votes in 1968, while Ross Perot won 19 per cent in 1992, the largest total won by an independent in 80 years (Wattenberg 1991).

Other democracies in which independents have registered impressive performances in legislative elections in recent years include the Philippines, where

they obtained 7 per cent of the 215-seat Parliament in the May 2001 election; Pakistan, where they obtained 21 seats in the 342-seat Parliament and 14,1 per cent of the votes polled in the October 2002 election; and India, where they obtained two of the 545 seats in the Lower House, the *Lok Sabha*, in the September-October 1999 election, as well as 14 of the 245 seats in the Upper House, the *Rajya Sabha*, in the March 2000 election. There is also great potential for the growth of independent candidates in Latin America where it is estimated that fewer than 20 per cent of the people have confidence in political parties (Posner 2006, p 20).

Independent candidature has been a universal principle in the democratisation process and has been practised in most parts of the world. Small wonder, therefore, that it has been a feature of African elections since the colonial period.

THE DEVELOPMENT OF COMPETITIVE ELECTIONS IN AFRICA 1945-2002

The development of elections in Africa has been closely linked to the existing political regimes on the continent, which Bratton and Van de Walle (1997, p 196) classified as: the military oligarchy, the plebiscitary one-party system, the competitive one-party system, and the multiparty system (Bratton & Van de Walle 1997, p 196).

In military oligarchies elections and popular consultations are suspended and most political decisions are made behind closed doors by a few members of the elite. In the plebiscitary one-party system, there is a high degree of mass participation orchestrated from above and endorsed by one-party 'plebiscites' with turnout and affirmative votes exceeding 90 per cent. The competitive one-party system, on the other hand, allows for electoral contests among various party candidates for public office. Finally, in the multiparty system the constitution permits competition between different political organisations and even independent candidates.

From a historical perspective there have been three phases in the development of competitive elections in Africa. The first, which lasted roughly from 1955 to 1970, was marked by 'decolonisation elections' in the French- and British-controlled parts of the continent. Most of these elections, organised by the colonial authorities to mark the political transition from the colonial to the independent order, were democratic, competitive and involved many political parties. In March 1973 Portugal held 'decolonisation elections' for its overseas territories like Cape Verde, Guinea Bissau, Sao Tome, Angola, and Mozambique in accordance with the Overseas Law of 23 June 1972 (Pelissier 1973, pp 21-25). Finally, in Southern Africa the two main decolonisation elections took place in Zimbabwe in 1980 and Namibia in 1989 (Abbink & Hesseling 2000, p 251).

The second phase, which stretched roughly from 1970 to 1989, was marked by one-party elections which were either plebiscitary or competitive. Competitive one-party elections were introduced in Tanzania in 1965 before spreading to Kenya (1969), Uganda and Zambia (1973), Côte d'Ivoire (1980), Mali and Togo (1985), and Cameroon (1986). By 1989 13 African regimes – Cameroon, Central African Republic, Côte d'Ivoire, Madagascar, Mali, Malawi, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Tanzania, Togo, and Zambia – had introduced competitive one-party systems.

The period between 1970 and 1989 also witnessed the introduction of multi-party elections in countries such as Senegal and Mauritius (1976), Burkina Faso (1978), Ghana (1969, 1979), Uganda (1980), Nigeria (1979, 1982), Central African Republic (1980), Zimbabwe (1980, 1985), and Botswana.

By the end of 1989, there had been more than 300 plebiscitary and competitive popular consultations in 47 sub-Saharan countries, of which 106 were presidential elections, 185 direct parliamentary elections, and the rest municipal elections (Zartmann 1997, p 29).

The last wave in the development of competitive elections in Africa has been characterised by the continent's movement towards democratic transition, whose first phase stretched from 1990 to 1994, resulting in successful multiparty elections, 29 of them 'founding elections', in 38 of 47 sub-Saharan countries. The second phase of democratic transition elections took place between 1995 and 2002 and led to more than 100 national elections at presidential and legislative level, most of which were observed by international organisations including the OAU (Martin 1995, pp 6-7).

There were no independent candidates in the one-party elections between 1960 and 1989 because the ruling parties sponsored all the candidates. There were also few or no independent candidates in the post-colonial multiparty elections between 1960 and 1989 because the emphasis in most countries at that time was on reconstructing party-centered multiparty democracies, which facilitated mass mobilisation and control of dissenting opinions. However, there is abundant evidence of the participation of independent candidates in both the African 'decolonisation' and democratic transition elections at both the legislative and presidential levels.

Independent candidature in African decolonisation elections 1945-1989

Independent candidates have been involved in many decolonisation elections organised in countries like Nigeria, Rwanda, Northern Rhodesia (now Zambia), Sierra Leone, Cameroon, and Ghana, to mention but a few.

In Nigeria, independent candidates remained an important feature of the electoral process between 1954 and 1959 when more than 300 politicians ran as independents in the various regional elections and the 1959 federal election. In the latter case there were 820 party-sponsored candidates and 133 independents, nine of whom found their way into Parliament. Most of the independent candidates in the 1959 federal election came from the Eastern region (Post 1963).

Independents also emerged as the third political force in the May 1956 legislative election for the Western Regional Assembly. Although they won no seats in the assembly, which was dominated by the Action Group (AG) and the National Congress of Nigeria and the Cameroons (NCNC), they polled 5 per cent of the total votes, ahead of other political parties such as the Nigeria Commoner's Liberal Party, the Commoner's Party, the Dynamic Party, and the Nigerian People's Party. Likewise, in the March 1957 legislative elections for the 84-seat Assembly of the Eastern Region independents won one seat and emerged as the third political force after the NCNC with 65 seats and UNIP with 5 seats and ahead of the Action Group and other smaller political organisations (Mackenzie & Robinson 1960, pp 150-87).

In the May 1957 legislative elections in Sierra Leone some 43 independents stood alongside 75 candidates sponsored by political parties such as the Sierra Leone People's Party (SLPP), United Progressive Party (UPP), National Council of Sierra Leone (NCSL), Sierra Leone Independence Movement (SLIM), and the Labour Party, winning eleven seats and coming second to the SLPP and ahead of the other parties (Mackenzie & Robinson 1960, pp 279-80).

In Rwanda independents made an impressive showing in the June-July 1960 local election, winning 237 votes and coming second after the Parti du Mouvement de L'Emancipation Hutu (PAMEHUTU), which won 2 290 votes, and ahead of other parties, like the Association Pour la Promotion Sociale des Masses (APROSOMA), Rassemblement Democratique des Rwandais (RADER), and Union National Rwandais (UNAR) (Prunier 1995, p 51).

In the 1960-1961 Kenyan election for the 53 seats on the common roll reserved for African, Asian, and European candidates, independents also emerged as an important political force, with 10 of them nominated to contest the election. Of interest was the fact that although the major political parties such as the Kenyan African National Union (Kanu) and the Kenyan African Democratic Union (Kadu) officially fielded 30 and 18 candidates respectively, there were 23 'independent Kanu' and 18 'independent Kadu' candidates in the contest. At the end of the process the independents from the African, Asian, and European communities obtained 5.6 per cent of the vote and 9 of the 53 seats (Bennet & Rosberg 1961, pp 210-11).

In the 1962 legislative election in Northern Rhodesia five independents

contested the 45-seat European Upper Rolls and the 15-seat non-European Lower Rolls alongside 139 candidates fielded by political parties like the United Federal Party (UFP), the African National Congress (ANC), the United National Independence Party (Unip), the Liberal Party, the Rhodesia Republican Party (RRP), and the Barotse National Party (BNP). The independents won 337 of the votes (1,15%) in the Upper Rolls, coming fifth after the UFP, Unip, the Liberals, and the ANC. They were ahead of the RRP, which won only 65 votes – 0,2 per cent (Mulford 1964, pp 67-89).

In the 1965 Botswanan legislative election independents won the fifth-highest number of votes – 2,9 per cent – though they won no seats – coming after the Bechuanaland (subsequently Botswana) Democratic Party, which won 28 of the 31 contested seats, with the Bechuanaland People's Party winning the other three.

Independents also played a prominent role in the decolonisation elections in Cameroon where, between 1953 and 1965, some 49 politicians contested as independents alongside 209 party-sponsored candidates in Anglophone Cameroon, representing more than 20 per cent of the electorate.

Table 1 shows the dynamics of the participation of independents in West Cameroon prior to the 1972 unification of the country. In the 1957 election the seven independents represented 16 per cent of the total number of contestants and polled 5,5 per cent of the total votes, coming fourth after the Kamerun National Congress (KNC), Kamerun National Democratic Party (KNDP), and Kamerun People's Party (KPP).

Table 1
Independent Candidates in Anglophone Cameroon Elections
1953-1965

| Election Year | Independents | Party Candidates | Seats won by Independents | Total Seats Contested | Votes Polled |
|---------------|--------------|------------------|---------------------------|-----------------------|--------------|
| 1953 | 1 | 28 | 1 | 13 | NA |
| 1956 | 1 | 4 | 0 | 1 | NA |
| 1957 | 7 | 37 | 0 | 13 | 4 199 |
| 1959 | 11 | 55 | 0 | 26 | 10 434 |
| 1961 | 26 | 78 | 2 | 37 | 27 494 |
| 1965 | 3 | 7 | 0 | 4 | 5 188 |
| Total | 49 | 209 | 3 | 94 | |

Source: Ewumbue-Monono 2005, pp 58-89

In the 1959 election the 11 independents represented 16,7 per cent of the contestants and polled 8 per cent of the total vote, coming after the KNDP, KNC, and KPP and ahead of the One Kamerun (OK) and National Congress of Nigeria and the Cameroons (NCNC) parties.

In the December 1961 election the 16 independents represented 25 per cent of the contestants and polled 10,7 per cent of the total vote, emerging as the third force after the KNDP and Cameroon People's National Congress (CPNC). Finally, in the 1965 by-election, the last multiparty election in Cameroon, they won 17,2 per cent of the votes polled, coming second to the KNDP and ahead of the official opposition CPNC (Ewumbue-Monono 2005, pp 55-89).

Another country in which independents won a considerable number of votes in various legislative and presidential elections was Ghana. In its decolonisation legislative election of July 1956, for instance, two independents were elected to the 104-seat Parliament. The place of the independents, however, was reduced in the August 1969 post-Nkrumah multiparty election when they won only one of the 104 seats.

Eleven independents contested the democratic legislative elections organised by the first Rawlings regime in June 1979, though none succeeded in winning a seat. Their fortunes were, however, brighter in the December 1992 legislative election when they took two of the 200 seats in the Assembly and polled 2,7 per cent of the popular vote, emerging as the third force after the National Democratic Congress (NDC) and National Convention Party (NCP) and ahead of the Every Ghanaian Living Everywhere (EGLE) group.

Finally, independents manifested themselves in the June 1979 Ghanaian presidential election when four of them, namely, Dr R P Baffour, Kwame Nyanteh, Diamond Nii Ady, and Alhadji Imoro Ayannah, fought alongside six candidates sponsored by political parties, namely, Dr Hilla Limann (PNP), Victor Owusu (PFP), William Ofori-Atta United National Convention (UNC), Col Frank George Bernasko Action Congress Party (ACP), Alhadji Ibrahim Mahama Social Democratic Front (SDF), and Dr John Bilson Third Force Party (TFP). Although they only won 1,56 per cent of the vote their participation in the process showed that there is a high degree of political tolerance (Badu & Larvie 1998, pp 10-29).

INDEPENDENT CANDIDATES IN DEMOCRATIC TRANSITION ELECTIONS 1990-2002

The period of democratic transition elections in Africa started with the 1990 Arusha Charter and the Declaration on the Fundamental Changes in the World of the same year in which African leaders committed themselves to promoting democratisation on the continent. As part of this commitment most African

constitutions and electoral laws were amended to accommodate the participation of independents at legislative, presidential and even municipal levels.¹

*Independent candidates in African democratic legislative elections
1990-2002*

A survey of 31 democratic transition legislative elections in 20 African countries between 1990 and 2002 shows that independents won only 258 seats of a total of 5 829 (4,4%), while 208 political parties won 5 571 seats (95,5%) (see Table 2).

It is clear from Table 2 that independent candidates performed impressively in Egypt, Madagascar, Algeria, Côte d'Ivoire, Congo Republic, Ethiopia, Zambia, Gabon, Mauritania, and the Central African Republic. Although in some of these elections the independents did not win any seats they were able to poll a considerable number of popular votes, to make them a formidable force in the democratic process in all parts of Africa.

In Southern Africa the phenomenon of independent candidature emerged in the 1993 Zimbabwean legislative election when some 16 dissatisfied Zimbabwe African National Union-Patriotic Front (Zanu-PF) members in Mavingo province fought and won as independents against the official party candidates. Their courage created a domino effect as, in the 1995 legislative election, Margaret Dongo won as an independent in Harare against the official Zanu-PF candidate. The process continued thereafter with the election of Lawrence Mudehwe, who also won as an independent in the October 1995 election for executive mayor of the city of Mutare (Nkiwane, Tandeka, and C Nkiwane, pp 103-105).

Fifteen parties contested the 2000 Zimbabwean election with Zanu-PF and the Movement for Democratic Change (MDC) fielding 120 candidates each followed by the United Parties (UP) (59), the Zimbabwe African People's Union (Zapu) (21), Zimbabwe Union of Democrats (ZUD) (16), Liberty Party (LP) (8), Liberty Party of Zimbabwe (LPZ) (14), Zimbabwe Integrated Programme (ZIP) (4) and the rest one candidate each. However, 89 independents stood and, although they won no seats, they represented the third political force, with 51 971 of popular votes polled, the next highest amount after the Zanu-PF (1 220 951), and the MDC (1 150 793) (Matlosa 2002).

In the most recent legislative election in Zimbabwe, in March 2005, 17 independent candidates stood against 253 candidates fielded by four political

¹ See Article 10118 of the Senegalese Basic Law No 92-15 of 7 February 1992 of the Electoral Code; Article 28 of the Senegalese Constitution and Article 143 and Article 166 (7) of the Electoral Code; and Article 32 of Ordinance No 92-081 of the Burkina be Electoral Code on the principle of independent candidature during elections.

Table 2
Independents in African Legislative Elections: 1990-2002

| Country | Election date | Parties with seats | Seats won by independents | Total seats |
|---------------------|--------------------|--------------------|---------------------------|--------------|
| Côte d'Ivoire | November 1990 | 4 | 2 | 175 |
| Mauritania | March 1992 | 3 | 10 | 79 |
| Congo Republic | May-June 1992 | 13 | 2 | 125 |
| Congo Republic | June 1992 | 8 | 6 | 125 |
| Ghana | December 1992 | 3 | 2 | 200 |
| Central African Rep | Aug-September 1993 | 11 | 2 | 85 |
| Ethiopia | May-June 1995 | 7 | 8 | 547 |
| Zimbabwe | 1995 | 3 | 1 | 120 |
| Gabon | Dec-Jan 1996-1997 | 6 | 7 | 120 |
| Cameroon | June 1997 | 5 | 0 | 180 |
| Comoros | December 1996 | 2 | 2 | 42 |
| Mauritania | October 1996 | 3 | 7 | 79 |
| Niger | November 1996 | 8 | 3 | 83 |
| Zambia | November 1996 | 5 | 11 | 150 |
| Gambia | January 1997 | 4 | 2 | 45 |
| Malawi | June 1999 | 3 | 4 | 192 |
| Ethiopia | May-August 2000 | 14 | 13 | 527 |
| Zimbabwe | June 2000 | 15 | 0 | 120 |
| Egypt | Oct-November 2000 | 6 | 37 | 444 |
| Sudan | December 2000 | 1 | 5 | 360 |
| Ghana | Dec 2000-Jan 2001 | 4 | 4 | 200 |
| Côte d'Ivoire | Dec 2000- Jan 2001 | 6 | 22 | 225 |
| Ethiopia | February 2001 | 13 | 8 | 548 |
| Mauritania | October 2001 | 7 | - | 81 |
| Zambia | December 2001 | 7 | 1 | 159 |
| Gabon | December 2001 | 9 | 12 | 120 |
| Algeria | May 2002 | 9 | 30 | 144 |
| Congo Republic | May-June 2002 | 33 | 21 | 153 |
| Mali | July 2002 | 4 | 6 | 160 |
| Togo | October 2002 | 5 | 8 | 81 |
| Madagascar | December 2002 | 7 | 22 | 160 |
| Total | | 228 | 258 | 5 829 |

Source: Olukoshi, and Electionworld.org/ Elections around the World

parties, namely Zanu-PF (120), the MDC (120), Zanu-Ndonga (11), and Zimbabwe Youth Alliance (ZIYA) (2). Four smaller political parties – the Democratic Party (DP), Zapu, the National Alliance for Good Governance (NAGG), and the Multi-racial Christian Democrats (MCD) – failed to nominate candidates in spite of their intention to run. At the end of the process, the independents emerged as the third electoral force in the country, with 0,6 per cent of the popular vote, coming after the Zanu-PF (59,6%), and the MDC (39,5%), and ahead of the other two parties, which won only 0,3 per cent. More importantly, Jonathan Moyo, a former Zanu-PF Central Committee member and Minister of Information, who had served as the party's campaign manager in the 2000 legislative election, contested and won the Tsholotsho Constituency against the Zanu-PF candidate, Musa Ncube-Mathema, and the incumbent MDC MP, Mtoliki Sibanda.

In the 1993 legislative election in Lesotho independents represented the fourth electoral force, with 2 753 votes (0,51%), coming after the Basutoland Congress Party (BCP), the Basotho National Party (BNP) and the Marematlou Freedom Party (MFP). Although they were not able to win a seat in the Assembly, they represented a greater electoral force than eight other parties which participated in the election, namely the Popular Front for Democracy (PFD), the Hareeng Basutho Party (HB), the United Democratic Party (UDP), the Kapanang Basutho Party (KBP), the Lesotho Labour Party (LLP), the National Independence Party (NIP), the United Democratic Party (UDP), and the Liberal Party of Lesotho (LPL) (Southall & Petlane 1995, p 160).

In the June 1999 legislative election in Malawi independents emerged as the fourth force, with 7,1 per cent of the vote and 4 seats in the 192-seat Parliament, coming after the United Democratic Front (UDF), the Malawi Congress Party (MCP), and the Alliance for Democracy (AFORD).

In East Africa, independent candidates have played an important role in Ethiopia's democratisation process. In the May-June 1995 election 8 independents were elected to the 547-seat House of People's Representatives. In the June-August 2000 election, the number of elected independents climbed to 13. In the May 2005 general election some 353 independent candidates stood against 1 845 candidates fielded by 35 political parties. Although only one independent won a seat in the Assembly the victory was of great political significance because it involved former president Dr Negaso Gidada, who had fallen out of favour with the Ethiopian People's Revolutionary Democratic Front (EPRDF) and was replaced in October 2001 by the independent parliamentarian from the Becho Constituency in West Shoa District, Girma Wolde Giorgis. In 2001, prior to Girma Wolde's election, the Ethiopian Parliament passed Proclamation 255/94, which stipulated that only independent, non-partisan parliamentarians were eligible for election to the position of President of the Republic (Ewumbue-Monono, 2005, p 21).

In a show of popularity and political relevance, from which a comeback to the prestigious position of president of the Republic was not excluded, Negaso stood as an independent in the Dembi Dolo Constituency of the Oromia region against the EPRDF candidate, Ambassador Solomon Abebe Tessma, and another independent, Ato Befekadu Lencho Jima. Negaso won a landslide victory, with 79,96 per cent of the vote, against Tesmma (17,63%), and Jima (2,41%). Negaso's victory made him the only elected independent candidate in the House of People's Representatives and consequently the only one eligible to stand for president, unless he does not wish to or the rules are changed for a second time to bar him from the position (<http://www.electionsethiopia.org/Oromia.aspx>).

In Uganda the February 1989 and March 1994 legislative elections for 278 members of the National Assembly were held on a non-partisan basis within the 'no-party movement' system, which required all contestants to be essentially independent candidates. Similar 'no-party movement' elections were introduced in the Democratic Republic of the Congo by the Alliance of Democratic Forces for the Liberation of the Congo (AFDL) under Laurent Kabila in 1997 and were used in the 2000 Rwandese local government election organised by the Rwandan Patriotic Front (RPF). In the May 2000 Ethiopian legislative election, which was contested by 14 parties, independents won 13 of the 547 seats and in May 2005 353 independents stood against 1 845 candidates fielded by 36 political organisations, winning only one seat.

In North Africa independents emerged as the second force in Egypt after the October-November 2000 election in which they took 37 of the 444 seats, trailing the National Democratic Party (HDW) and ahead of the 'independent HDW', New Delegation Party (HJW), Progressive National Union Party (HTWTW), Nasserist Party, and the Liberal Party (Ahrar). In the May 2002 Algerian legislative election independents emerged as the fifth force, taking 30 seats in the 380-seat Parliament, and winning 4,9 per cent of the votes, after the Front for National Liberation (FLN), National Rally for Democracy (RND), Movement for National Reform (Islah), and Movement of the Society for Peace (MSP), and ahead of the Labour Party (PT), Islamic Renaissance Movement (MRI), and Party of Algeria Renewal (PRA).

In West Africa, some 57 independents from several regions across the nation contested the September 1996 Ghanaian legislative election for the 200-seat Parliament, standing against 723 candidates sponsored by political parties. Although they won no seats, they represented 7,5 per cent of the nominations. Independents stood in Accra (16), Volta (12), Ashanti (5), B/A (7), Eastern (6), Western (2), Northern (5), U/Eastern (2), and U/West (1) (Badu & Larvie 1998, p 39). In the December 2000 legislative election, independents re-emerged as the third force in Ghanaian politics, winning four parliamentary seats.

In the December 2000 Ivorian legislative election, independents won 16 of the 196 seats, coming third after the FPI, which won 96 and the Parti Democratique de Côte d'Ivoire, Section du Rassemblement Democratique Africain (PDCI-RDA), with 77 seats. Moreover, there were more independents in the Parliament than representatives of parties like the Parti Ivoirien des Travailleurs (PIT), with its four seats, and the Movement of the Future Forces (MFA), the Union of Democrats of Côte d'Ivoire (UDCI), and the Rassemblement des Republicains (RDR), which won only one seat each.

Finally, independents have been able to capture seats in local councils during the continent's democratic transition. In Côte d'Ivoire, for instance, the March 2001 municipal election in 195 local councils saw independents take over 38 councils, third only to major parties like the RDR (64) and the PDCI-RDA (58). Moreover, independents performed better than other important political parties like President Gbagbo's Ivorian People's Front (FPI), which won 34 communes, and the PIT, which won only one.

In the May 2005 Ethiopian general election 70 independent candidates contested the 1 920 seats of the 10 regional councils and the Addis Ababa City Council against 3 662 candidates sponsored by 33 political parties. Only 13 were elected; two from the 99-member Benshangul Gumuz State Council and eleven from the 182-member Somali State Council (<http://www.electionsethiopia.org/Results>).

INDEPENDENT CANDIDATES AND AFRICAN DEMOCRATIC PRESIDENTIAL ELECTIONS 1990-2002

The growth of independent candidature during the period of democratic transition has not been limited only to local and legislative elections but has also extended to presidential elections.

In Ethiopia, where independents are referred to as 'private candidates', Parliament passed a law in 2001 stipulating that only independent, non-partisan parliamentarians are eligible for election to the position of president. Consequently, in October 2001, Girma Wolde Giorgis, an independent parliamentarian from the Becho Woreda of the West Shoa District, was elected, replacing Dr Negaso Gidada. A retired flight lieutenant, President Girma has been an active civil society leader in Ethiopia, having served as president of the Ethiopian Red Cross Society, president of the Ethiopian Writers Association, and a board member of the Ethiopian Chamber of Commerce. His re-election in 2001 as one of the eight independents in the 548-seat Parliament confirmed him as a leading force in civil society in the country and paved the way for his election as president.

In the April-May 2002 Malian presidential election three independent candidates – Toumani Toure, Manda Sidibe, and Ahmed Diallo – stood against four candidates sponsored by political parties, namely, Soumaila Cisse of the Alliance Pour la Democratie de Mali (ADM), Ibrahim Boubacar Keita of the Rassemblement pour le Mali (RPM), Mamadou Diaby of the Parti pour L'Unité, Progres et Democratie (PUPD), and Choguel Maiga of the Mouvement Pour le Republique (MPR). At the end of the electoral process, the independent Toumani Toure emerged victorious, winning 64 per cent of the vote.

In the December 2001 Madagascan presidential election, three independents – Marc Ravalomanana, Daniel Rajakoba, and Patrick Rajaonary – stood against three partisan candidates – Didier Ratsiraka (AREMA), Albert Zafy (AFFA), and Herizo Razafimahalo (Leader-Fanilo). Ravalomanana won 51,5 per cent of the vote.

In the October 2000 Ivorian presidential election three of the five candidates – Robert Guei, Mel Theodore, and Nicolas Dioula – were independents and two represented political parties. They were Laurent Gbagbo of the Front Populaire Ivoirien (FPI) and Francis Wodie of the Parti Ivoirien des Travailleurs (PIT). Although Gbagbo won by 59,3 per cent and Wodie came third with 5,7 per cent, more than 30 per cent of the votes went to the independent candidates, with Guei winning 32,72 per cent, Mel 1,47 per cent, and Dioulo 0,76 per cent.

Between 1990 and 2005 independent candidates also participated in a dozen other presidential elections in Africa. In the March 2002 Zimbabwean presidential election, one independent (Paul Siwela) stood against four partisan candidates, namely Robert Mugabe (Zanu-PF), Morgan Tsvangirai (MDC), Wilson Kumbula Zanu-Ndonga and Shakespeare Maya (NAGG). In the March 2002 Presidential election in the DRC one independent (Jean Felix Demba Telo) stood against six partisan candidates representing the Congolese Labour Party (PCT), the Union Panafricaine pour la Democratie Sociale (UPDS), the Parti de Pauvres (PP), the Convention pour la Democratie et la Republique (CPDR), the Union Congolais des Republicain (UCR), and the Parti Republicain et Liberal (PRL) while in the Cape Verdean election of February 2001 one independent (David Hopffer Almada) ran against candidates from the African Independence Party of Guinea and Cape Verde (PAICV), the Movement for Democracy (MPD), and the Democratic Alliance for Change (ADM).

In the October 2000 presidential elections in Guinea Bissau, two independents (Fernado Gomes and Joao Tatisa) contested the position against candidates from the African Independence Party of Guinea and Cape Verde (PAIGV), the Resistance of Guinea-Barata (RGB), the Party of Social Renewal (PRS), and the National Union for Democracy and Progress (UNDP), while in the Senegalese election of February-March 2000 there were three independents: Serigne Fall, Cheikh Abdoulaye Dieye,

and Mademba Sock and five partisan candidates, representing the Parti Socialiste du Senegal (PS), the Parti Democratique Senegalais (PDS), the Alliance des Forces de Progrès (AFP), the Union pour le Renouveau Democratique (URD), and the Convention des Democratres et des Patriotes (CDP).

There have also been cases where more independent candidates than party members have contested presidential elections. In Algeria, six independents and one partisan candidate contested the April 1999 election. In the Sudanese election of December 2000 and the Sao Tome presidential election of July 2001, three independents stood against two partisan candidates, while in the November 2003 Mauritanian election there were three independents (Mohamed Ould Haidalla, Ahmed Ould Daddah, and Messaoud Ould Boulkheir) and one partisan candidate (Achmed Taya of the Parti Republicain Democratique et Social) (www.electionworld.org).

In the March 2006 presidential election in Benin, a former senior official of the West African Development Bank stood as an independent candidate and won against a dozen candidates fielded by political parties. In the first round, on 4 March 2006, he emerged first with 35,8 per cent of the vote, followed by candidates like Adrien Houngbedi of the PRD (24,2%), Bruno Assoumou of the PSD (16,2%), Lethadi Soglo of the PRB (8,4%), Antoine Kolawole Idji of the MAPD (3,2%), Lazare Sehouveto of the MPAP (2%), Severin Adjovi of the RDL-Vivoten (1,8%), and Antoine Dayoni of the Force Espoir (1,25%). In the run-off election of 19 March 2006, the independent, Yayi Boni, won by a landslide of 74,6 per cent against the PRD candidate, Adrien Houngbedi.

INDEPENDENT CANDIDATES AND DEMOCRATISATION: PROBLEMS AND PROSPECTS

Independent candidates, like political parties, do not emerge from a vacuum but in response to specific socio-economic realities, which traditional establishment parties cannot address. The growth of independent candidates in African legislative elections could be attributed to factors such as poorly managed generational politics, the failure of ambitious politicians to secure nominations in establishment parties, corrupt and non-transparent party procedures over nominations, inter-community rivalries, marginalisation of minorities in the nomination processes, and policy differences within parties.

Once the electoral system makes room for independent candidates some of these emotions are energised and channelled against the official party candidates and party hierarchy. In cases where they win, however, their participation might further provide the party hierarchy with an opportunity to detect political corruption, as well as to review some of its information sources and strategies.

Such was the case during the 1953 legislative election in Southern Cameroon when S E Ncha, after being ousted as the official candidate for the Mamfe Constituency by the KNC party, of which he was a registered member, and replaced by Chief S A Arrey, stood and won as an independent, to the chagrin of the KNC hierarchy (Ewumbue-Monono 2005, pp 171-180). A similar situation occurred with Margaret Dongo, the estranged Zanu-PF candidate in Harare in the 1995 Zimbabwean legislative election and with the recent show of force by the ebullient Jonathan Moyo in the 2005 Zimbabwean election. In effect, Moyo was expelled both from Zanu-PF and from the government in February as a result of differences with Joyce Mujuru, a President Mugabe loyalist who was elected second vice-president by the party. This pushed Moyo to stand as an independent and mobilise the grassroots Zanu-PF militants in his constituency to react against the decisions of the party hierarchy (*Angus Reid Global Scan* 31 March 2005).

In some cases, independent candidature can have a purgative effect, which may help to resolve communal conflicts, as some candidates are often satisfied just with running, addressing the 'real issues' in the society, which political parties like to avoid, and making their points, irrespective of whether or not they win.

In other cases, independent candidature helps to rehabilitate some popular and principled politicians who are perceived by the electorate as victims of internecine intrigues. For instance, by standing as independents after ideological differences within their respective parties, Dr Negaso Gidada in Ethiopia and Jonathan Moyo in Zimbabwe were able to send strong messages that they were still relevant and their political ideas had the endorsement and sympathy of the population.

The increase in the numbers of independent candidates in African presidential elections during the period of democratic transition could be further explained by the disappointment of many politicians and voters with the divisive party system. In Mali, Toumani Toure won on the platform of a 'unifier' against the more divisive partisan presidential candidates – this is the intention of the Ethiopian Constitution, which provides for the election of an independent parliamentarian as president.

Despite the advantages of independent candidature, a number of factors work against the participation of independents in many African national elections.

The first is the commonly accepted view, advanced by many scholars and politicians (especially 'Western' ones) that the proliferation of political parties is the main indicator of political liberalisation and democratisation in a country. Proponents of this view equate political pluralism with multiparty politics, and the number of registered political parties as a measure of democratisation.

Second is the enactment of laws barring independent candidates and making political parties the sole actors during elections. In Cameroon, for instance, the

law forbids the participation of independent candidates in municipal and legislative elections, although they are free to contest presidential elections. In Ethiopia, where independent candidates are permitted, the law makes their participation secondary to that of political organisations by stressing that 'private candidates can be registered only to fill the remaining spaces if the number of candidates provided by political parties is fewer than twelve' (Proclamation No 119/95 cited in Zeleke 2005, p 25).

The case of Tanzania is an interesting example of the use of the rule of law in the debate surrounding the participation of independent candidates in the country's attempt to broaden representative democracy and citizen participation in public affairs. The 1961 and 1962 Tanganyika constitutions contain no restrictions on private candidature. However, after the union with Zanzibar, the 1965 interim constitution made party membership a qualification for election to public office; a condition upheld by the 1977 and 1985 one-party democracy constitutions as well as by the 1992 Constitution, which introduced multiparty politics. Moreover, the 1984 Election Act, amended in August 2000, restricted nominations for elections at all levels to political parties, and prohibited independent candidates.

The rule of law became a useful instrument in the clamour for the participation of independent candidates in Tanzania when, in 1993, Rev Christopher Mtikila petitioned the High Court to rule on the constitutionality of the participation of independents in national and local elections. While the court ruling was pending, the government introduced a Bill on 16 October 1994 amending the Constitution. This did not, however, stop the legal process and on 24 October 1994 Justice Lugakingira ruled that 'It shall be lawful for independent candidates along with candidates sponsored by political parties, to contest presidential, parliamentary, and local elections' (*Rev Christopher Mtikila v Attorney General* 1995, p 68). This opinion was, however, not respected by the government, which amended the electoral law in August 2000 to be party-centred. In February 2005 Rev Mtikila continued his crusade, instituting another court action. In May 2005 the High Court of Tanzania ruled that 'It is true that Article 3 (of the Constitution) introduces a multiparty political system but we do not think that this is inconsistent with private candidature. Private candidature could well exist alongside multipartyism, as was indeed the case before the 1965 Interim Constitution' (*Rev Christopher Mtikila v Attorney General of Tanzania* 2005, p 42). The court further ruled that the right to join or not to join a political party is as fundamental as the right to religious belief, which cannot be made a basis for standing for an elected political post. It therefore upheld the 1995 judgment and ordered the administration to put in place a legislative mechanism to regulate the activities of private candidates and give the voters the opportunity to decide

whether or not such candidates are suitable (*Rev Christopher Mtiliki v Attorney General of Tanzania* 2005, p 42).

Third is the fact that there seems to be little demand from political actors, including members of civil society, for the participation of independent candidates in the electoral process. It is unlikely that most of the lawmakers in an African national assembly, who were elected on their respective party platforms, will advocate the participation of independent candidates in the electoral process. In Cameroon, as in most other African countries, the object of many civil society organisations is to participate as members of the various election management bodies and observation groups. Few of these organisations consider the participation of independent candidates an important issue in the quest for free and fair elections.

Fourth, opponents of the participation of independent candidates hold that such a system will bring disorder and indiscipline to the electoral process as it will create an 'informal sector' in politics. These critics believe that independents, unlike political parties, cannot be held accountable and morally liable for irresponsible actions. Extending eligibility to independents can therefore only create an imperfect political climate in which the risks of abuse will be very high (Ewumbue-Monono, 2005, pp 156-170).

Fifth, is the argument that the introduction of independents will create problems in election management as each independent candidate will have to choose his or her symbol, sign and colour, which will complicate the printing and distribution of material. It can also be argued that it is easier to devise a formula for funding candidates representing political parties than for independents.

It is important to bear in mind that independents constitute an exception and not the rule in an electoral process. Table 2 shows that in 31 legislative elections in 20 African countries independents won only 258 seats of a total of 5 829 while 5 571 seats were won by 208 parties. This represents only 4,4 per cent of the entire elected representation in the parliaments of the countries covered by the survey. In most cases, however, independents do not represent more than 3 per cent of the seats, although they emerge as electoral forces because of the votes they win.

CONCLUSION AND THE WAY FORWARD

This study has shown the evolution of competitive elections in Africa as well as the participation of independent candidates in these elections. It has also shown the opportunities and problems encountered by independent candidates in participating in competitive elections on the continent.

To move the democratic process forward and include independent representation in elected bodies, African legislators and policy-makers should contemplate addressing issues like the harmonisation of the various electoral laws to make them more candidate-friendly, assigning special roles to non-partisan politicians, addressing the special needs of independent politicians, creating candidate-friendly electoral systems, and promoting policy coordination within the African Union (AU) and Regional Economic Communities (RECs) in relation to such systems.

Harmonising electoral laws

It would be helpful if all African countries were to follow the examples of Nigeria and Ethiopia and harmonise the laws relating to nomination processes to allow the participation of independent candidates at all levels.

In Nigeria the nomination process is voter-centred, not party-centred. In the case of the State House of Assembly elections the candidate is nominated in writing by 15 persons whose names appear in the register of voters for the constituency in which he or she intends to stand. In the case of gubernatorial elections the candidate must be nominated by 30 persons whose names appear in the register of voters for their respective wards and who come from at least two-thirds of all the local government areas in which he or she intends to stand (Ayoade 1999, p 30).

In Ethiopia candidates may either be nominated by a political organisation or by registered voters. In this connection, the February 1995 regulations stipulate that 'candidates may be nominated by political organisations or the concerned individuals may present themselves as private candidates'. With regard to independent candidates, the law also stipulates that a candidate is eligible if he or she 'produces the endorsement signatures of not less than 1,000 people who are certified by the local administration to be resident of the constituency of his candidature' (Government of Ethiopia 2003).

Assigning special roles to independent politicians

African legislators might also envisage enacting laws that encourage elected independent politicians to play special roles and have specific responsibilities in the country's political governance. In Ethiopia, for instance, the president, who is elected by the National Assembly, is expected to be non-partisan, and elected from among the independent members of the House, while the prime minister comes from the party with the parliamentary majority and the leader of the opposition from the second-largest parliamentary group. In the DRC independent

politicians are considered to be a distinct political estate in the power-sharing arrangement. According to the December 2002 Pretoria Agreement, civil society provides one of the four vice-presidents, a number of Cabinet-level positions and statutory commissions, and members of the Provisional National Assembly (Dialogue Inter-Congolais 2002).

Elected independent parliamentarians and councillors may also play significant roles by participating in independent bodies such as national human rights commissions or as Speakers; positions in which neutrality, transparency and accountability are expected. Through such participation in political governance the process of building a consociational democracy based on power sharing not only among political parties, regions, and ethnic groups, but also between the political parties and civil society could be significantly enhanced.

Addressing the special needs of independent politicians

African legislators could also envisage enacting laws that empower the decentralised organs of national election management bodies by providing them with the means to enable the management of the special needs of independent candidates, such as verifying their nominations, providing proper identification and making available adequate electoral materials and financing. In the 2005 Ethiopian election, for instance, the National Electoral Board (NEBE) came up with a convenient formula for financing independent candidates alongside partisan ones (NEBE Report 2005).

In the 2005 Zimbabwean parliamentary election some of the 17 independent candidates created a Network of Independent Candidates for information sharing, the adoption of common strategies against the political party machines, and the provision of a forum for advocacy on the special needs of independent candidates during the election.

Promoting policy co-ordination within the AU and the RECs

Finally, African policy-makers could promote policy coordination within the African Union and the Regional Economic Communities on candidate-friendly electoral systems, notably the majoritarian first-past-the-post system (FPTP) used in most Anglophone countries; the parallel system used in countries like Cameroon, which gerrymander some constituencies in single-member constituencies; the two round system (TRS) used in many Francophone countries; and the block vote system used in Mauritius, which emphasises single-member constituencies (IDEA 1997). These systems need to be explained in more detail, particularly with a view to demonstrating which of them are the most candidate-friendly and why.

African countries could promote regional policy coordination to harmonise the practice of independent candidature within the RECs. For instance, SADC's Principles for Election Management, Monitoring, and Observation, adopted in Johannesburg in November 2003, contain some candidate-centred provisions in relation to nominations and funding. Article 4(4), for instance, provides that 'the process of nomination of candidates (both independent and party candidates) should be transparent', while 'public funding should be extended to all parties and independent candidates contesting elections who can demonstrate a track record of support in the most recently held elections based for example on their share of the popular vote' (EISA 2004, p 21).

Moreover, within the AU process, African leaders endorsed the principle of independent candidature in their Durban Declaration on the Principles Governing Democratic Elections in Africa, adopted during the 38th Session of the OAU in July 2002. In this declaration African leaders committed themselves to respect the rights of all the actors in the electoral process, which include 'individuals and political parties', 'candidates and political parties', or 'citizens and political parties' (OAU 2002).

The recognition by RECs and the AU of the principle of independent candidates could therefore serve as a platform for policy coordination with respect to specific issues related to the management and financing of independents as well as the promotion of more inclusive, candidate-friendly legislation on the continent.

The AU could also sensitise member states to the need to make the electoral process more inclusive in their election observation reports. For instance, in its report on the 30 June 2002 twin legislative and municipal election in Cameroon, the report of the OAU Observer Mission regretted that the electoral laws in Cameroon 'do not permit independent candidatures and have prevented many competent members of the civil society from participating in the management of municipal and parliamentary affairs' (OAU nd).

At present, it seems, a lot needs to be done by the AU and the RECs to mainstream independent candidature in African democratic elections. It is unfortunate that in spite of the recognition in the OAU Declaration on the Principles Governing Democratic Elections in Africa of the principle of independent candidature the prevailing thinking among African policy-makers tends towards a narrow interpretation of pluralistic, competitive and democratic elections as those which include many political parties. This interpretation emerged during the All African Conference on Elections, Democracy and Governance in Pretoria on 7-11 April 2003 in which no mention was made of independent candidature as a principle in pluralistic elections (AU-IEC 2003).

The narrow, party-centred interpretation of pluralistic and democratic

election on the continent by no means guarantees the sustainability of democracy in Africa. This situation stems from the emergence of dominant ruling parties on the one hand and weak opposition parties on the other, which tends to make multiparty elections mere rituals, similar to one-party plebiscitary elections. In the absence of independent candidates most dominant parties will continue to take the majority of the seats in legislative elections, largely because most opposition parties are regional and do not have the capacity to contest all constituencies. More importantly, the absence of independent candidates will reduce voters who are politically independent and non-partisan to captives of political parties. In Cameroon, for instance, it was reported that the 188 registered political parties have fewer than two million registered members, which is less than one-third of the total voting population. However, during elections, these non-partisan voters are forced to choose only among contending political parties, some of which do not present candidates of quality who can represent the people adequately (Dinga Pefok 2006).

During recent post-democratic transition elections (2002-2005) the prevailing trend has been a decline in public confidence in the role of political parties in the electoral process, especially in presidential elections, as has been demonstrated by the election of presidents Marc Ravalomanana in Madagascar, Toumani Toure in Mali, and Yayi Boni in Benin (Mwalimu 2006, p 6).

Apart from making elections more competitive and representative independent candidates can also enhance the democratisation process in most African countries. They can provide political parties with more resourceful candidates for future elections and can, equally, provide opportunities for persons whose talents cannot be channelled through political parties to participate in the country's political development.

The case of Fon Angwafor III of Cameroon is very important. Realising that the leading political parties could not field him as a candidate in the 1960s, he opted to contest the December 1961 Parliamentary election in the Bamenda constituency as an independent. He won the election and, as a parliamentarian, party leader, and local government leader, has been able to contribute enormously to Cameroon's political development. He served as deputy speaker in the West Cameroon House of Assembly between 1968 and 1972 and as a member of the National Assembly between 1973 and 1988, sitting on the influential Constitutional Committee. In 1966, when the one-party system was introduced, he was elected President of the Mezam Section of the Cameroon National Union (CNU) and in 1990 he was elected First National Vice-President of the ruling Cameroon People's Democratic Movement. As a local government leader he also served as chair of the Ngemba Council between 1962 and 1977 and of the Bamenda Urban Council between 1977 and 1996.

Had Fon Angwafor III not had the opportunity to stand as an independent candidate Cameroon would not have benefited from his immense political experience and wisdom. There are many talented political figures like him in Cameroon and, more generally, in Africa today who, given the opportunity to stand as independents, will eventually contribute in the political development of their countries, if not of the entire continent.

— REFERENCES —

Publications

- Abbink, Jon & Gerti Hesselning. 2000. *Election Observation and Democratization in Africa*. New York: St Martin Press.
- Abraham, Paul A. 1976. 'Generational Change and the Decline of Party Identification in America: 1952-1974'. *American Political Science Review* 70.
- Adrian, Charles. 1952. 'Some General Characteristics of Non-partisan Elections'. *American Political Science Review* 46, September.
- Angus Reid Global Scan. 31 March 2005.
- AU-IEC. 2003. *Strengthening African Initiatives. Report of the Africa Conference on Election, Democracy, and Governance*, Pretoria, 7-10 April.
- Ayoade, J A A (ed). 1999. *Handbook of Election Monitoring in Nigeria*. Ibadan: Vantage Publishers.
- Badu, K A & John Larvie. 1998. *Election 96 in Ghana. Part 1*. Accra: GNEC.
- Bennet, George & Carl Rosberg. 1961. *The Kenyatta Election. Kenya 1960-1961*. Oxford: Oxford University Press.
- Bratton, Michael & Nicolas Van de Walle. 1997. *Democratic Experiments in Africa*. New York: Cambridge University Press.
- Commonwealth Secretariat. 2001. *Elections in Zanzibar, United Republic of Tanzania, 29 October 2000. The Report of the Commonwealth Observer Group*. London: Commonwealth Secretariat.
- Dialogue Inter-Congolais. 2002. *Accord Global et Inclusif sur la transition en Republique Democratique du Congo*, Pretoria, 16 December.
- Dinga Pefok, Joe. 2006. 'UPC-Mackit Calls for Independent Candidatures'. *The Post*, 23 June.
- Economist, The*. 2003. 'The Russian Elections: Putin's Way', 13-19 December.
- EISA. 2004. *The Principles for Election Management, Monitoring, and Observation in the SADC Region*. Johannesburg: EISA.
- Eldersweld, Samuel J. 1952. 'The Independent Vote: Measurement, Characteristics and Implications for Party Strategy'. *American Political Science Review* 46.
- Ewumbue-Monono. nd. *Local Authorities in Communes. Political Change and the Development of Local Government in Anglophone Cameroon*. Buea: CEREDDA.

- . 2001. *Indigenous Minorities And Good Governance in Cameroon. An Inquiry into the Politics of Local Governance in the Local Councils of Fako Division. 1886-2001*. Buea: CRREDDA.
- . 2005. *Men of Courage. The Participation of Independent and Civil Society Candidates in the Electoral Process in Cameroon. A Historical Perspective, 1945-2004*. Buea: CEREDDA.
- IDEA. 1997. *The International IDEA Handbook of Electoral System Design*. Stockholm: IDEA.
- Henning, Melber. 2002. *Zimbabwe's Presidential Elections 2002. Evidence, Lessons, and Implications*. Discussion Paper 14. Uppsala: Nordic Institute for African Affairs.
- Government of Ethiopia. 2003. *Compendium of Electoral Legislations on Free and Fair Elections in Ethiopia*. Addis Ababa: NEBE.
- Greenstein, Fred. 1970. *The American Party System and the American People*. New Jersey: Prentice-Hall, Inc.
- Keith, B, E et al. 1992. *The Myth of the Independent Voter*. Berkeley: University of California Press.
- Kimberling, William C. 1989. The Primary Functions of an Election System.
- Kontchou, K A & Ngandjui, N. 1988. *Partis et Enjeux Politiques au Cameroun (1940-1988)*. Universite de Yaoundé.
- Lekene Donfack, E C. 2000. 'La Candidature independante et la liberte de suffrage en droit camerounais'. *Revue Africaine des Science Juridique* 1(1).
- Mackenzie, W J M & K Robinson. 1960. *Five Elections in Africa*. Oxford University Press.
- Martin, Guy. 1995. 'Democratic Transition in Africa'. *Issues* 21.
- Matlosa, Khabele. 2002. 'Election Monitoring and Observation in Zimbabwe. Hegemony versus Sovereignty'. *African Journal of Political Science* 17(1), June.
- Monono, Absalom W. 2001. 'The Opposition in Anglophone Cameroon'. Master's dissertation, University of Buea.
- Mulford, David. 1964. *The Northern Rhodesia General Election 1962*. Oxford University Press.
- Mwalimu, George Ngwane. 2006. 'Participation of Independent Candidates in the Electoral Process in Cameroon'. Memorandum presented to H E Paul Biya, President of the Republic of Cameroon by the Committee for the Participation of Independent Candidates in Cameroonian Elections, 25 March.
- NEBE. 2005. *Report on the 2005 General Elections*. In [http:// www.electionsethiopia.org](http://www.electionsethiopia.org)
- Ngoh, Julius Victor. 1986. *Constitutional Development in Southern Cameroons. 1946-1960*. Victoria.

- Ngware, S, L Dzimbiri & R Ocharo (eds). 2000. *Multipartism and People's Participation*. Dar es Salaam: Tema Publishers.
- Nkiwane, Tandeka & C Nkiwane. 1998. 'Opposition Politics in Zimbabwe: The Struggle Within the Struggle'. In A Olukoshi (ed). *The Politics of Opposition in Contemporary Africa*. Uppsala: Nordic Afrika Institute.
- OAU. 2002. *OAU Declaration on the Principles Governing Democratic Elections in Africa*, Durban, 8 July.
- . nd. *Rapport de L'Equipe d'Observation de L'OUA Aux Elections Legislatives et Municipales du 30 Juin au Cameroun*. Addis Ababa: OAU.
- Olukoshi, Adebayo (ed). 1998. *The Politics of Opposition in Contemporary Africa*. Uppsala: Nordic Afrika Institute.
- Pelissier, René. 1973. 'Afrique Portugaise: Les Elections Legislative'. *Revue française d'études politiques africaines* 88, April.
- Posner, Paul W. 2006. 'Party-Society Linkage and the Quality of Democracy'. *Democracy at Large* 2(3).
- Post, K W J. 1963. *The Nigerian Federal Election of 1959*. Oxford: Oxford University Press.
- Prunier, G. 1995. *The Rwanda Crisis. History of a Genocide*. Kampala: Fountain Publishers.
- Robinson, John et al. 1968. *Measures of Political Attitudes*. Ann Arbor: Survey Research Center Institute of Social Research.
- Safire, William. 1968. *The New Language of Politics: A Dictionary of Catchwords, Slogans, and Political Usage*. New York: Collier Books.
- Sindjoun, Luc. 1994. 'Construction et Deconstruction Locales de L'Ordre Politique Au Cameroun. La Sociogenese de L'Etat'. Doctoral thesis, University of Yaoundé.
- Southall, R and T Petlane (eds). 1995. *Democratisation and Demilitarization in Lesotho: The General Election of 1993 and its Aftermath*. Uppsala: NIAA.
- Tordoff, William. 1993. *Government and Politics in Africa*. London: Macmillan.
- Wattenberg, Martin. 1991. *The Rise of Candidate-centered Politics: Presidential Elections in the 1980s*. Cambridge, MA: Harvard University Press.
- . 1994. *The Decline of American Political Parties. 1952-1992*. Cambridge MA: Harvard University Press.
- Zartmann, W. 1997. *Governance as Conflict Management: Politics and Violence in West Africa*. Washington, DC: Brookings Institution.
- Zelege, Tigist. 2005. *The Political Participation of Women in Ethiopia: Challenges and Prospects*. Addis Ababa, EWLA.

Websites

www.electionsethiopia.org/Oromia.aspx accessed on 17/5/2006

www.electionsethiopia.org/Results accessed on 17/5/2006

Court proceedings

Rev. Christopher Mtiliki vs Attorney General of Tanzania. 1995.

Rev. Christopher Mtiliki vs Attorney General of Tanzania. Misc Civil Case No 10 of 2005.

THE DILEMMAS OF OPPOSITION POLITICAL PARTIES IN SOUTHERN AFRICA

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ABSTRACT

This paper focuses on the dilemmas of opposition political parties in Southern Africa as they grapple with the double roles of democratising state and society and attempting to capture state power in an environment that has been ideologically hostile to the existence of opposition political parties. The supremacy of the liberation parties in the region makes it very difficult for the opposition political parties to rise to the challenge of offering alternative policy positions. The legitimacy enjoyed by the liberation parties causes ideological dilemmas for the opposition in its competing claims about the shape of economic and political governance. In extreme cases the opposition has to find strategies for responding to harassment, attacks on their supporters, media bias, misuse of state resources and the constraints of the dominant party system. Drawing on examples in Southern Africa the paper highlights the contradictions inherent in the perceptions of opposition parties in governance, their relative electoral weakness and the expectation that they should be the guardians of democracy in a multiparty system. The paper contends that the opposition in Southern Africa has been neglected in the governance debate. If Barrington Moore's maxim 'No opposition no democracy' is used to measure the levels of democratisation in Southern Africa it needs to be changed to 'No viable opposition no democracy in Southern Africa'.

INTRODUCTION

Viable opposition political parties and effective party systems are regarded as crucial to the building of democratic societies in Southern Africa. Since their emergence from colonial rule Zimbabwe, Namibia and South Africa have continued with multiparty politics, although the opposition is constantly muzzled in Zimbabwe. Tanzania, Zambia, Malawi and Mozambique, formally one-party states, have, since the 1990s, instituted multiparty politics. Only Swaziland remains a non-party state – party politics was banned by a royal decree on 12 April 1973 in the belief that the party political system is foreign to Africa and disruptive of the peace and stability of African nations (Mzizi 2005, p 4). Opposition leaders are therefore portrayed as despicable.

Opposition parties were regarded as enemies of the state in most of the one-party states in Southern Africa before 1990. Even in countries such as Zimbabwe, which has had a multiparty constitution since independence, anyone who opposed the ruling party or the status quo was considered an enemy of transformation and anti-revolutionary. However, the advent of multiparty democracy in most Southern African countries in the 1990s pushed opposition parties into the limelight.

Post-1990 parties such as the Movement for Multiparty Democracy (MMD) in Zambia seemed to promise democratic change but did not live up to expectations once they were in government. It has been argued that the MMD regime has proven to be virtually as inept, corrupt and oppressive as the single-party United National Independence Party (UNIP) dictatorship that preceded it (Venter 2003, p 324). However, a fiery campaign has been waged by opposition parties such as the Movement for Democratic Change (MDC) in Zimbabwe and the Civic United Front (CUF) in Tanzania to democratise the political space and to pressurise the incumbents to abide by the principles of liberal democracy.

Concurrently there has been both internal and external pressure for opposition parties and political parties in general to democratise their structures and activities in tune with their demands for democratisation. As a result, a number of donors and non-governmental organisations (NGOs) have been involved in supporting capacity building schemes for political parties and issues to do with inter-party dialogue, strengthening ties with civil society and intra-party democracy. Opposition parties are now faced with the double task of democratising the state and society as well as their internal structures. Using examples drawn from Southern Africa this paper seeks to show the extent to which opposition parties in the region have succeeded in those tasks and how they have sought to make government accountable and at the same time act as role models of democracy within their structures. The paper begins by locating

opposition parties in the governance debate, and illustrates the opposition dilemma and the practical realities of opposition politics in Southern Africa.

OPPOSITION POLITICAL PARTIES AND DEMOCRATIC GOVERNANCE

The discourse on good governance emphasises the role of political parties as essential components of democratic regimes and key vehicles in the process of securing effective political representation, mobilising voters, organising government recruitment of elites, and shaping public policy (Webb 2005; Salih 2003, p 4). Opposition parties are lumped together with ruling parties in the governance discourse in Southern Africa, yet they need to be distinguished from ruling parties as they require more help.

It is argued that the technocratic interpretation of good governance, which is associated with the more administrative and managerial aspects, does not even consider the role of political parties (Hout 2003, p 261). However, the political interpretation of good governance, which insists on competitive democratic politics, does not highlight the role of opposition parties. Nonetheless, the existence of political parties competing for power within a framework of rules that guarantee equal chances for all is one of the fundamental characteristics of pluralist Western democracy. Parties play a key role in competitive elections; they help articulate, and express differing interests; and they give a voice to the people (Randall and Svasand 2002, p 5).

The emergence of a multiparty system in Africa is seen as an unavoidable consequence of the globalisation of democracy. Therefore, democratic rights such as freedom of association and freedom of speech are necessary components of democracy. In a multiparty system the opposition thus becomes crucial as it challenges the incumbent and provides horizontal accountability of government to the legislature.

the opposition is there both to monitor zealously and when need be criticize what government does and to present alternatives. This is especially important in the circumstances of democratic transition, when authoritarian precedents and habits may still significantly shape the behaviour of the ruling party.

Randall and Svasand 2002, p 7

In these circumstances preserving and enhancing the role of the opposition becomes critical to the democratic legitimacy of the whole political system. Most of the Southern African region grapples in varying degrees with issues to do with opposition politics.

Donors have tended to support civil society and neglect political parties. Worse still, the nature of the socio-political development of political parties and liberation movements has resulted in opposition parties being totally neglected by the populace as well as by their governments. Most political parties in the region are not publicly funded and many of the opposition parties in Southern Africa have developed as a protest against the authoritarian tendencies of the incumbents. In such cases the logical thing for incumbent governments to do was to crush the opposition and restrict the environment in which they operate.

Except in the long-standing democracies of Botswana and Mauritius, the environment in Southern Africa has never been conducive to the growth of opposition politics. In the new democracies of South Africa and Namibia, the political environment is favourable but the opposition is still constituted on racial, regional and ethnic lines. In dominant party systems such as that in Zimbabwe every effort has been made to thwart opposition growth and the first-past-the-post (FPTP) electoral system has not favoured the growth of a strong opposition.

The realisation has now dawned on citizens and on local civil society organisations that while political parties in general are central to representative democracy and to the process of democratisation opposition parties are central to the consolidation of the process of democratisation. The quality of Southern African democracies now depends on the effectiveness of opposition parties in challenging the incumbent and its policies and providing alternative policies. Opposition parties aggregate and represent minority interests; they offer meaningful choices to the electorate and they are part and parcel of the nation-building exercise. They recruit alternative political leaders, they disseminate alternative political information, they provide voters with choices, and they manage conflicts of interest. If this role is not fully recognised and fully institutionalised in political structures the bulk of the Southern African democracies will remain fragile.

However, in Africa it is very difficult to find positive accounts of opposition political parties and their contributions to governance. African political parties are regarded as having low levels of institutionalisation and weak links to the societies they are supposed to represent (Randall and Svasand 2002, p 32). Opposition parties are described as 'Young, fragmented, ill organised, and dominated by individuals' (Van Cranenburgh 2003, p 205). Even in established democracies, as Webb (2005, p 633) asserts, parties are perceived in very negative terms and are said to be

self interested, untrustworthy, corrupt, challenged by interest groups, social movements, the media and the internet as forms of political participation or communication and incapable of providing accountable and effective governance.

In Germany it is alleged that there is a crisis of party legitimacy and there is evidence to suggest that citizens are disillusioned with the motivations, true concerns and effectiveness of the parties. The evidence takes the form of declining electoral turnout, a decrease in the number of voters claiming strong partisan affiliations, and a striking reduction in party membership (Webb 2005, p 636).

The same could be said of Malawi, where the whole party system is in crisis – in the run up to the 2004 elections factions within parties emerged and eventually broke away and formed new parties. For example, the National Democratic Alliance (NDA) broke away from the United Democratic Front (UDF) and the Republican Party (RP) broke away from the Malawi Congress Party (MCP) and three more new parties – the People's Progressive Movement (PPM), the Malawi Forum for Unity and Development (MAFUNDE), and the People's Transformation Party (PETRA) – emerged as a reaction to declining constitutional and democratic standards (Patel 2005, p 28). While these parties have fragmented and mutated they have not added much value to the democratisation of Malawian politics.

Voter turnout throughout Southern Africa is declining except in Mauritius, which still boasts a minimum of 80 per cent since independence. Zimbabwe's Senate elections in November 2005 saw a record low voter turnout of 19.48 per cent (Results of the 2005 Senate Elections ZESN Report 2005) – a signifier of a general governance crisis, which seems to have affected the political parties, the citizenry and all other institutions of governance.

Opposition political parties appear to be more involved in personal squabbles and struggles for power than in focusing on their central role – to boost representative democracy and to make a difference to policy outcomes. The splits and power struggles and the lack of intra-party democracy within opposition political parties are bound to undermine their status among voters, especially in a region where opposition politics is not particularly popular. At the same time these parties are expected to maintain high moral and democratic standards and demand high standards from their governments. As Salih (2005, p 8) has asserted:

African opposition political parties, noting that governments do not often abide by the democratic rule, demand full compliance with the ethos of polyarchy. Unfortunately, once in government, opposition parties, also in common with most democracies in the world, revert to quasi-polyarchical and at times non-democratic tendencies. While it is very easy for opposition political parties to preach bold and rhetorical questions, once in power they find themselves constrained by a completely different policy environment – one where they have to respond to increasing demands with the meagre resources of underdeveloped economies.

The outstanding example of this paradox is that of Zambia's former president, Frederick Chiluba, who is now embroiled in corruption charges and who tampered with the country's Constitution to bar former president Kenneth Kaunda from participating in the national elections. These undemocratic tendencies were further illustrated by his mobilisation of support for a third term, which was not constitutional.

THE OPPOSITION DILEMMA

Your business is not to govern the country but it is if you think fit to call to account those who govern it.

Gladstone (from Lavelle 2004)

Governments lose elections, oppositions do not win them

Tucker 2005

These two quotations highlight the dilemma of opposition political parties not only in Southern Africa but also in other political party systems. Opposition parties must choose either the competitive challenging role or the cooperative role, but, whichever they choose, it is still difficult for them to wrest power from the incumbent.

However, in established democracies the opposition have managed to overcome institutional, organisational and political barriers to their survival. Furthermore the role of the opposition in Western democracies is clearly defined as being to contribute to the formulation of policy and legislation by constructive criticism; to oppose government proposals it considers objectionable: seek amendments to government bills; and to put forward its own policies in order to improve its chances of winning the next general election (Government and opposition, UK Parliament document 2006, p 3).

In Southern Africa the opposition suffers from a legitimacy crisis and its role remains largely undefined – it is generally regarded merely to be a struggle for power. The incumbents also make an effort to delegitimise the opposition by using the media and public announcements.

For example, in Zimbabwe, even though the MDC has 41 seats in the legislature, the ruling party regards it as being sponsored by 'imperialists' and therefore as a front for British Prime Minister Tony Blair. In South Africa the Democratic Alliance, the official opposition, is increasingly viewed as reactionary and as representing white interests. In Mozambique Renamo is considered to have failed to graduate from a rebel movement to a political party representing broad interests.

These perceptions serve to undermine the credibility of the opposition. However, they do not prevent the populace from judging the opposition by how effectively it presents a challenge to the ruling party and its success in keeping the government accountable. In South Africa there is very harsh criticism of the opposition both in the print media and from government officials. The country's Minister of Public Works and Administration, Geraldine Fraser Moleketi, was quoted just after the 2004 elections as saying:

Regrettably, South Africa is populated with reactionary opposition parties that are perpetually bent on churning out destructive criticism. Opposition politics should ideally be to objectively partner with the government and help provide guidance in governing the country.

The minister ends her comments by saying:

The multitudes of South Africa have declared that no amount of sophistication or camouflage by the opposition can make them lose sight of their liberators.

Sunday Times 2 May 2004

This view of the opposition is pervasive in Southern Africa, where it is castigated as reactionary and delegitimised as lacking liberation credentials but at the same time is expected to be loyal. Evidence contained in an Afrobarometer 2004 survey suggests that support for opposition parties in the region has declined. The survey showed that more people in Southern Africa trust the ruling parties than the opposition. (Afrobarometer Working Paper No 34 2004). While this might be true in some cases, and certainly some opposition parties, referred to as 'briefcase parties', make their appearance only at election time, some of the expectations of what opposition parties should do and the yardsticks by which they are judged are unreasonable..

The growth of civil society overshadows the importance of opposition political parties, with civic organisations taking on the role of watchdogs of the government and citizens finding it beneficial to be members of such organisations rather than of political parties. The failure of the opposition to make an impact on policy issues makes it imperative for citizens to join interest-based civic organisations rather than political parties. It is also fashionable for middle-class citizens to be members of a civic organisation rather than of a political party and donors tend to give their assistance to NGOs and do not believe it is politically correct to confine their support to opposition parties.

The result is that opposition parties generally find themselves competing with civic organisations for relevance. For example, in Zimbabwe there is rivalry between the National Constitutional Assembly (NCA), the Zimbabwe Congress of Trade Unions (ZCTU) and the opposition MDC, although the three occasionally support each other during strikes and demonstrations.

The opposition dilemma is highlighted by the situation in Zimbabwe, where the opposition is faced with the question 'to run or not to run' in an election and the problem of accepting elections results and thereby endorsing the legitimacy of the ruling party. The MDC challenged both the 2000 and 2002 election results. In the 2005 Senate election the MDC was split over whether to run or not and the faction which opted to run was heavily defeated. The dilemma of whether to run or not is a longstanding one in Zimbabwe where opposition parties are faced with an unfair electoral environment. In the 1995 election four parties – the Zimbabwe Unity Movement (ZUM), the United Parties (UP), and the Democratic Party (DP), and the new Zimbabwe African People's Union (Zapu) – boycotted the parliamentary elections, protesting against an uneven political playing field that favoured the ruling party while denying all other parties even a slight chance of winning (Makumbe & Compagnon 2000, p 92).

In increasingly authoritarian environments such as the one that prevails in Zimbabwe the opposition is left with very little chance of democratising state and society. Not only has the struggle for power between the ruling Zimbabwe African National Union-Patriotic Front (Zanu-PF) party and the MDC polarised society, it has stalled the development of a democratic polity. Constrained by laws such as the Public Order and Security Act (Posa), which restricts association, and the Access to Information Protection and Privacy act (AIPPA), which gags the media, the opposition is left with very few options. The result is that it has pushed for constitutional reforms, which have not been addressed, and for electoral reforms, which have not been carried out (Sachikonye 2005, p 10). Although the presence of the opposition in Parliament means Zanu-PF's dominance is reduced the democratic space largely remains closed.

IDEOLOGICAL DILEMMAS OF OPPOSITION PARTIES

The national liberation parties in Southern Africa and their legacies continue to place constraints on policy development by emerging opposition parties. Academic attention has been paid to how the liberation legacy limits the consolidation of democracy in the region (Good 2002; Southall 2003) because of the clash between an authoritarian culture of national liberation and participatory democracy. However, there should be more regard for the ideological dilemmas these liberation legacies impose on opposition political parties. While ideological

discontinuity is needed to maximise votes for the opposition, the new opposition parties, in their struggle for legitimacy, remain caught between the exigencies of the liberation ideology and their negated human rights and rule of law ideology.

The ideological shift to liberal democracy and the implementation of neo-liberal economic policies has had both positive and negative outcomes. On the one hand it has led to the explosion of opposition politics and the end of the one-party state system in most countries in Southern Africa. On the other, the lack of alternatives to the neo-liberal agenda has deprived parties of the programmatic functions that can serve to mobilise supporters. Both the incumbents and the opposition have limited ideological choices in terms of fresh responses to economic policy changes; competition is therefore based on personalities and ethnic rivalries rather than on policies that will bring substantive change.

The forms of opposition political parties emerging on the back of civil society and the crisis of neo-liberal economic policies need to be further investigated. The opposition in both Zambia and Zimbabwe emerged out of economic crisis and the hardships faced by the working class. New social movements and the new opposition parties have challenged neo-liberal reforms, yet the same parties seek to implement market reforms once they are elected.

Decolonisation in Southern Africa brought to power anti-colonial liberation movements that took control of state machinery and established themselves as national political parties. The liberation struggle was also about rights and democracy. As Southall (2003) laments, the culture of the liberation struggle based on Leninist notions of vanguard leadership and democratic centralism has promoted a climate in which the opposition is regarded as illegitimate and reactionary. In the process the ideology of liberation has become entrenched, even in the new democracies of South Africa and Namibia.

‘Once having attained national independence the inexorable logic of national liberation seems to be to suppress rather than to liberate democracy’ (Southall, 2003, p 256). The role played by the liberation parties is even more important and far-reaching. Most of them, for instance, Zanu-PF in Zimbabwe and Frelimo in Mozambique, have created structures at the grassroots and created links with prominent personalities who have sustained forms of pervasive clientelism and patronage. The new opposition parties, with few links to the grassroots, find it difficult to break through these structures of loyalty, especially in the rural areas. The result is that the opposition becomes mainly an urban phenomenon springing from working-class disillusionment. The lack of ideological unity within new political movements such as the MDC in Zimbabwe and the MMD in Zambia has even led to splits among the founders of the parties and to a failure to break the hold of the nationalist legacy.

The ideological dilemmas of opposition parties are clearly illustrated by Raftopoulos (2006) in a study of opposition politics in Zimbabwe in which he raises the specific challenges for the development of opposition politics in countries that have undergone an extensive liberation struggle. Since nationalist ideology requires resistance to neo-colonial and white domination and imperialism the supposed courtship between the elements of imperialism, that is, any relationship of the opposition with Western countries, is bound to provide positive ammunition for the ruling Zanu-PF. For example, the 'White Face' of the MDC has been heavily exploited by Zanu-PF both in the country and regionally (Raftopoulos 2006). Because of the MDC's affinity with the West it has been dismissed as an instrument of Western imperialism and a 'stooge' of the West.

In countries such as South Africa in which race is a thorny issue Mugabe's sentiments about the land issue and his racial attacks on British Prime Minister Tony Blair seem to have widespread support – he is regarded as a hero in South Africa while members of the MDC are regarded as sellouts. As Raftopoulos rightly points out (2006, p 25), Mugabe's Pan Africanist rhetorical stance causes problems for the MDC in the region and on the continent. Furthermore, one of the major weaknesses of the MDC has been its failure to develop an ideology that will enable it to have maximum control of its diverse supporters and to minimise conflict amongst its rural and urban supporters

The party sought support and legitimacy on the basis of the removal of Mugabe and of a human rights agenda that won the support of the West but did little to convince the rural population that it would put food on the table. The values of the MDC as the party of the people remain largely undefined, while Zanu-PF continues to fly the anti-colonial banner and marginalise the voices of democracy and human rights.

OPPOSITION AND RULING PARTIES, THE PRACTICAL REALITIES

The debate about the role of the party in government and the opposition continues, especially in a region that is endowed with dominant party systems. Southall (2001, p 5) presents the predicament of defining an opposition; a term which can either signify institutionalised opposition or refer to representation and acceptance of differences, or incorporate a range of anti-government behaviour. This predicament is exacerbated in South Africa where the opposition is inherently white. As Schmitz (1988, p 13) asserts, the government has a duty to govern and the opposition's right and duty in a parliamentary democracy is to oppose the government's policies and actions using every legitimate parliamentary means. Because the pervasive impact of colonialism, abject poverty, and political and cultural expediency informs the growth and the levels of stability of African

political parties and party systems the notion of opposition in Africa is different from that which has developed over time in the West. Tony Leon, leader of the opposition Democratic Alliance in South Africa, has put forward the notion of opposition he believes is promoted by African governments: 'that to oppose the government of the day was to oppose nation building and that to engage in political disputes was to make an enemy of patriotism' (*The Star* (Johannesburg) 30 June 2006).

The relationship between ruling parties and their opposition is marked by tension and conflict that stem from the nature of their respective roles. The tension may produce a healthy and productive engagement, as in South Africa where the opposition DA points out every limitation of government policy and the ANC government takes up the challenge by trying to provide solutions.

However, in some cases, such as that of Zimbabwe, the tensions can lead to destructive and violent engagement, as was the case with Zanu-PF and the MDC in the run-up to the 2000 parliamentary and 2002 presidential elections. Normally ruling parties clash with the most threatening opposition party, as was the case in the Zanzibar elections in 2005 when the ruling Chama cha Mapinduzi (CCM) came into conflict with the opposition Civic United Front (CUF). Violent clashes have also taken place between Frelimo and Renamo in some provinces in Mozambique.

THE ADVANTAGES OF INCUMBENCY

There is a huge difference between opposition parties and ruling parties in Africa. The ruling parties, especially the dominant ones, are confident and powerful and have government resources at their disposal, especially in Southern Africa where the line between the government and the ruling party is blurred. The ruling party, by virtue of its monopoly of the government structures, has a major advantage. The president of the party is usually in charge. He or she decides when elections will be held and can use events such as opening a new clinic or school, the provision of houses to the poor, or the rolling out of the much needed anti-retroviral drugs to launch a campaign.

The leader of the opposition, on the other hand, finds it hard to get publicity and, if he or she does get any, it is probably negative. Even in a country such as South Africa with a relatively democratic outlook the opposition has complained about the politically biased and disproportionate coverage of the ruling party by the public broadcaster in the most recent elections (Lodge and Scheidegger 2006, p 6). Similarly, in Zambia the MMD has abused the Zambia National Broadcasting Corporation and the state-owned print media, the *Times of Zambia*, the *Daily Mail*, and the *Sunday Times*. The EU mission and other local observer groups made

reference to this misuse of state resources in the 2001 elections (Momba 2005, p 7). Even in established democracies such as Mauritius complaints about the use and abuse of public resources were among the first statements made to observer missions by the opposition Alliance Sociale. The life of an opposition leader is frequently made miserable by harassment and even imprisonment, as is the case in Zimbabwe.

The dominance of African political parties can be explained by the fact that they developed outside of the parliamentary framework during the struggle for political emancipation and became instruments or institutional mechanisms for the transition to democracy (Salih 2003, p 6). The legitimacy of parties such as the South West African People's Organisation (Swapo) in Namibia, Frelimo, Zanu-PF, the African National Congress (ANC) and the CCM in Tanzania resonates within the liberation struggle. Although some of these parties became governing parties with small majorities they have developed over time into dominant parties, gaining increasing numbers of votes at each election.

While the process of one-party dominance has created strong mass-based parties on the one hand, it has resulted in weak and fragmented opposition parties on the other.

OPPOSITION PARTIES

The political landscape of Southern Africa is littered with parties of different sizes, strengths and levels of acceptability. However, regional institutions such as the Southern African Development Community (SADC) have not played their part in ensuring a place for opposition parties in their deliberations pertaining to governance and economic development. SADC has been criticised for its lack of inclusion of civil society and opposition political parties. The organisation has been accused of operating under the false assumption that present ruling parties will govern indefinitely, and succession issues are not taken into account (ISS Report 2005, p 12). Opposition parties are now visible in all Southern African one-party dominant parliaments except for that of Swaziland, the region's only absolute monarchy (see Table 1).

Swaziland's new Constitution is ambiguous, allowing for certain freedoms and no longer banning political parties. However, the king remains convinced that the country is not yet ready for political parties and parties such as People's United Democratic Movement (Pudemo) and other opposition groups are alleged to have been responsible for violent bombings (IRIN News 29 June 2006). The monarchy has demonised party politics over the years and most Swazis seem to have opted for the monarchy, with opposition parties becoming underground movements that are constantly persecuted (Mzizi 2005, p 3).

Multipartyism was instituted in the early 1990s in most of the former one-party states such as Tanzania, Zambia and Mozambique but the level of institutionalisation of opposition parties remains tenuous and inchoate and most of them are products of the splits, factionalism and power struggles within the former liberation movements.

In Tanzania, for instance, the one-party state culture was so entrenched that, in a referendum 80 per cent of voters voted for such a state, with only 20 per cent opting for multiparty democracy (Shayo 2005, p 7). This absence of belief in the value of a multiplicity of parties may well still be present in other former one-party state systems.

Table 1 shows the prevalence of opposition parties in Southern Africa and also their share of seats. The official opposition has the bulk of the seats and a few remaining seats are split between a number of smaller opposition parties. The official opposition parties in Southern Africa, based on the most recent elections, are Unita, the former rebel movement in Angola, and the Botswana National Front (BNF) in Botswana, which is accused of playing big brother to the other smaller parties and which fails to maintain any coalitions or alliances. The Basotho National Party (BNP) is the official opposition in Lesotho and in Mauritius the former party in power, the Mouvement Militant Socialiste Mauricien/ Mouvement Militant Mauricien (MSM/ MMM) is now in opposition. Mauritius has a history of the alternation of parties or coalitions in power. Renamo, the former rebel movement, is the official opposition in Mozambique. In Malawi parties are in crisis, with 39 independent candidates having contested the 2004 elections. While independents can compete in elections in a pluralistic society such prevalence is a sign of disillusionment with the quality of existing parties. The political party crisis in Malawi was exacerbated when President Bingu Wa Mutharika, who was elected on a UDF party ticket in 2004, resigned from the party and formed a new one, called the Democratic Progressive Party (DPP). The newly formed party now boasts more than half the 193 MPs in the Malawian Parliament as most of the independents and the other parties crossed over to join the president's new party. The splits, counter-splits and realignments in Malawian politics undermine the entire party system and the credibility of opposition politics. Even taking into consideration the intensity of ethnic cleavages and the nature of the electoral system in Southern Africa, the party system tends to lean towards a strong duopoly. Most regional or ethnic parties tend to be weak electorally and to be single-issue parties. With the development of party coalitions and alliances there is the probability that the region may move over to a more stable two-and-a-half-party system. It is also advisable for opposition parties to form coalitions in order to ensure legislative effectiveness in a region of one-party dominance.

Table 1
Opposition Parties in Southern African Legislatures

| Country | Election year | Opposition parties in the legislature | Electoral system | No of seats |
|------------|---------------|--|------------------|-------------|
| Angola | 1992 | Unita | PR | 70 |
| | | FNLA | | 5 |
| | | PLD | | 3 |
| | | PRS | | 6 |
| | | PRD, AD, PSD, PAJOCA, FDA, PDP-ANA, PNDA | | 1 seat each |
| Botswana | 2004 | BNF | FPTP | 12 |
| | | BCP | | 1 |
| DRC | 2006 | – | FPTP | - |
| Lesotho | 2002 | BNP | MMP | 21 |
| | | BAC | | 3 |
| | | BCP | | 3 |
| | | LPC | | 5 |
| | | NIP | | 5 |
| | | LWP, MFP, PFD, NPP | | 1 seat each |
| Malawi* | 2004 | UDF | FPTP | 50 |
| | | RP | | 15 |
| | | NDA | | 8 |
| | | Aford | | 6 |
| | | PPM | | 6 |
| | | Mgode | | 3 |
| | | Conu | | 1 |
| | | Petra | | 1 |
| Mauritius | 2005 | MSM/MMM | Mixed | 22 |
| | | OPR | | 2 |
| Mozambique | 2004 | Renamo | PR | 90 |

| | | | | |
|--------------|------|-------------------------|-------|----|
| Namibia | 2004 | DTA | PR | 4 |
| | | UDF | | 3 |
| | | MAG | | 1 |
| | | CoD | | 5 |
| | | Nudo | | 3 |
| | | RP | | 1 |
| Seychelles | 2002 | SNP | Mixed | 11 |
| South Africa | 2004 | DA | PR | 50 |
| | | | | |
| | | IFP | | 28 |
| | | UDM | | 9 |
| | | ID | | 7 |
| | | ACDP | | 7 |
| | | NNP | | 7 |
| | | | | |
| Swaziland | 2003 | 0 | FPTP | 0 |
| Tanzania | 2005 | CUF | | 30 |
| | | Chadema | | 11 |
| | | TLP | | 1 |
| | | UDP | | 1 |
| Zambia | 2001 | UPND | FPTP | 43 |
| | | FDD | | 12 |
| | | UNIP | | 13 |
| | | Heritage Party | | 2 |
| | | Patriotic Front | | 2 |
| | | Zambia Republican Party | | 1 |
| | | | | |
| | | | | |
| Zimbabwe | 2005 | MDC | | |
| | | FPTP | | 41 |

Source: Adapted from Matlosa 2003, p19

Each country is unique in the way opposition parties have grown. Some grew out of civil war and conflicts, as in Angola and Mozambique, where there are more than 30 or 40 registered parties, only a few of them represented in the legislature. In countries with a proportional representation (PR) electoral system (Angola, Mozambique, Namibia, South Africa) there more parties are represented in the legislature, confirming the argument that PR is more inclusive and allows for the growth and survival of opposition parties, though it says nothing about legislative effectiveness. After its 1992 election Angola had 11 opposition parties in the legislature – some of them with only one seat, suggesting that they are based on minority interests, mostly ethnic. This also suggests a very unstable party system, with parties involved either in coalitions or formed as a result of splits resulting from power struggles.

Lesotho boasts nine opposition parties in the legislature, attributable to the introduction of the mixed member proportional (MMP) electoral system. However, fragmentation and factionalism still impede the development of viable opposition parties in the country. Most of the factional fights among the opposition parties are caused not as much by ideological or policy tensions as by personality differences, leadership tussles, and scuffles (Matlosa and Sello 2005, p 4). Parties in Lesotho, although they have limited resources, have tried to subscribe to broadly defined party-based democratic principles such as intra-party democracy, being mindful of gender balance. However, sustaining a culture of democracy, tolerance and constructive management of political conflicts remains a challenge to the consolidation of Lesotho's democracy (Matlosa and Sello 2005, p 51).

South Africa and Namibia boast a free political environment which allows for the flourishing of opposition parties. Serious disagreements in Swapo over the third term led to the formation of the Congress of Democrats (CoD), but instead of the CoD garnering support from Swapo members in the 1999 elections, Swapo won two extra seats. All seven seats won by the CoD came from another opposition party, the Democratic Turnhalle Alliance (DTA) rather than from Swapo (Tonchi & Shifotoka 2005, p 10), another example of a situation where, when the opposition fragments, the dominant party gains at its expense.

THE VISIBILITY OF OPPOSITION PARTIES IN SOUTHERN AFRICA

Although opposition parties in Southern Africa are quite visible (see Table 2), their viability and effectiveness in governance remain questionable. The proliferation of opposition parties and the constant fragmentation does not reflect the success of multipartyism or the consolidation of democracy. However, South Africa, which achieved majority rule in 1994, is regarded as having a 'long established group of political parties ... which become more predisposed to accept

the legitimacy of each other's activities and are beginning to constitute a party system' (Lodge and Scheidegger 2005, p 37). Much credit is given to South Africa's proportional representation (PR) system, which has enabled inclusiveness.

Although the ANC has dominated since 1994 (see Table 3), gaining more seats at every election, weakened opposition representation in the National Assembly has not, thus far, undermined democracy in the country. This does not mean that the opposition has not been vocal in demanding government accountability. The political environment in South Africa is such that opposition parties are free to operate and associate. As a result, even when the opposition

Table 2
Ruling and Opposition Parties Share of Seats in Southern Africa

| Country | Last election date | Electoral system | Size of legislature | No of ruling party seats | Opposition parties in legislature | Share of opposition seats | Appointed seats |
|--------------|--------------------|------------------|---------------------|--------------------------|-----------------------------------|---------------------------|-----------------|
| Angola | 1992 | PR | 220 | 129 | 11 | 101 | 0 |
| Botswana | 2004 | FPTP | 57 | 44 | 2 | 13 | 7 |
| DRC | — | FPTP | 500 | — | — | — | — |
| Lesotho | 2002 | MMP | 120 | 77 | 9 | 41 | 0 |
| Malawi | 2004 | FPTP | 192 | 57 | 9 | | |
| Mauritius | 2005 | Mixed | 70 | 38 | 2 | 22 | 8 |
| Mozambique | 2004 | PR | 250 | 160 | 1 | 90 | 0 |
| Namibia | 2004 | PR | 72 | 55 | 6 | 17 | 6 |
| Seychelles | 2002 | Mixed | 34 | 23 | 1 | 11 | 9 |
| South Africa | 2004 | PR | 400 | 279 | 6 | 108 | 0 |
| Swaziland | | FPTP | 85 | — | 0 | 0 | 0 |
| Tanzania | 2005 | FPTP | 323 | 264 | 4 | 44 | 42 |
| Zambia | 2001 | FPTP | 158 | 76 | 6 * | 74 | 8 |
| Zimbabwe | 2005 | FPTP | 150 | 78 | 1 ** | 41 | 30 |

Source: adapted from Matlosa 2003, p19

* Zambia has one independent in Parliament

** In Zimbabwe the other representative in Parliament is an independent

has experienced losses at the polls the results have been acceptable to all the parties and no opposition party has seriously contested the outcomes of national elections.

This cannot be said about opposition parties in other parts of the region. In Zimbabwe, for example, although the MDC has 41 seats in the legislature it cannot proudly say that it has been effective. The continuing economic and governance crisis in the country is a manifestation of the lack of consensus between the opposition and the ruling party on the rules governing the Zimbabwean polity.

ONE-PARTY DOMINANCE AND OPPOSITION FRAGMENTATION

In a dominant-party system opposition parties in Southern Africa have to overcome three obstacles in their battle for visibility and effectiveness: institutional and structural barriers to political visibility; the fight for the hearts and minds of the electorate, which is largely comfortable with the devil it knows; and the fight to maintain a constant flow of resources and membership, since most opposition parties are not publicly funded.

The result is that most of the opposition in the region, whether in PR or FPTP electoral systems remains weak and splintered. In the new democracies of South Africa and Namibia the opposition is still split along racial, ethnic and regional lines and the ruling parties dominate (see Tables 3&4). Even in Botswana, one of the oldest democracies on the continent, where elections are mostly pronounced free and fair, the opposition is fragmented and continues to split votes, further reducing the opportunity for a viable opposition in Parliament. Only in the 1994 elections did the opposition BNF really threaten the ruling Botswana Democratic Party (BDP) in Botswana when it won the 13 seats to the BDP's 27 (Somolekae 2005, p 10). However, in the 2004 elections the ruling BDP maintained its dominance, with 44 seats in the legislature to the BNF's 12. The reasons for one-party dominance have been well documented and range from a weak opposition to the sociopolitical structures of Southern African countries.

THE DOMINANCE OF THE ANC IN SOUTH AFRICA

South Africa is a special case that illustrates the importance of national liberation ideology, the charisma of liberation heroes such as Nelson Mandela, and ethnic and racial divisions as powerful determinants of voting patterns. Loyalty to the ANC as the people's liberators still runs deep so that while disenchantment with the ANC government has grown, as exemplified by the working-class township protest over issues of service delivery, the ANC still won 65 per cent of the vote in the March 2006 local government elections. Furthermore, the near two-thirds

Table 3
South Africa: Allocation of Parliamentary Seats
1994-2004

| Party | 1994 | 1999 | 2004 |
|-------|------|------|------|
| ANC | 252 | 266 | 279 |
| DA | 7 | 38 | 50 |
| IFP | 43 | 34 | 28 |
| UDM | — | 14 | 9 |
| ID | — | — | 7 |
| ACDP | 2 | 6 | 7 |
| NNP | 82 | 28 | 7 |

majority of 279 in the national elections in 2004 shows that ANC dominance is far from threatened.

Opposition parties in South Africa have failed to attract significant support from black voters. As Table 3 shows, between 1994 and 2004 the ANC lost no seats, in fact it gained them as the opposition lost them. It also benefited from floor crossing. The Inkatha Freedom Party (IFP), which was transformed from an ethnic Zulu cultural movement into a political party, has continued to lose seats since 1994 while parties such as the Independent Democrats (ID) and the United Democratic Movement (UDM) are largely regional. The Democratic Alliance continues to gain seats from other opposition parties but fails to attract black membership.

The only credible opposition is expected to emerge should the tripartite alliance between the ANC, the Congress of South African Trade Unions (Cosatu) and the South African Communist Party (SACP) break up. Most of Cosatu's leaders have been absorbed into government, leaving the movement with a weak leadership similar to that of the Zimbabwe Congress of Trade Unions (ZCTU), whose leadership entered party politics via the MDC. Within the alliance, the SACP and Cosatu provide the intellectual arguments for the Left. President Thabo Mbeki has been criticised for 'talking left and acting right', while the hopes engendered by liberation have given way to free market neoliberal policies that are believed to have left the vast majority of South Africans in the grip of poverty, unemployment and social crisis (Bond 2004).

Tensions among the ANC, the SACP and Cosatu have mounted in recent

years as the ANC's partners have demanded a voice in policy-making and have criticised the government's stance on economic policy, labour reform and privatisation. These divisions have been exacerbated by the ongoing power struggle between former deputy president Jacob Zuma and Thabo Mbeki, which has brought to the fore the succession debate. Some believe they offer the Left a unique opportunity to forge greater unity and aid the movement towards the formation of a mass-based workers' party. Currently, however, the alliance has held and hopes of a left-wing opposition party remain a remote dream.

Opposition parties are still judged according to how well they present a challenge to the ANC. In fact, the focus should shift from removal of the incumbents to how successfully the parties are articulating their opposition role, which is to speak on behalf of the minority and to keep government accountable. This role cannot be fulfilled if the opposition does not comprehend and fully accept it and if it does not have the support of the populace. Opposition parties should move away from a concept of governance which is concerned only with capturing state power and concentrate on democratising their structures as well as society.

Table 4
Political Party Representation in the Namibian National Assembly
1989-2004

| Party | 1989 | 1994 | 1999 | 2004 |
|--------------|-----------|-----------|-----------|-----------|
| SWAPO | 41 | 53 | 55 | 55 |
| DTA | 21 | 15 | 7 | 4 |
| UDF | 4 | 2 | 2 | 3 |
| ACN/MAG | 3 | 1 | 1 | 1 |
| FCN | 1 | 0 | 0 | 0 |
| NNF | 1 | 0 | 0 | 0 |
| NPF/DCN | 1 | 1 | 0 | — |
| CoD | — | — | 7 | 5 |
| Nudo | — | — | 0 | 3 |
| RP | — | — | 0 | 1 |
| Total | 72 | 72 | 72 | 72 |

Source: Tonchi & Shifotoka 2005, p 18

The Namibian case illustrates how opposition parties are created out of disagreements within the ruling party. The CoD was formed in 1999 as an alternative to Swapo because the ruling party had failed to bring about significant development since the country's independence. But the party miscalculated its popularity, winning only seven seats in the first election in which it stood, not from Swapo but from the official opposition, the DTA, which had won 15 seats in 1994. This suggests that the formation of a new party further fragments and weakens the opposition. Such a situation is not unique to Namibia, it is true of most countries in Southern Africa. Both the National Unity Democratic Party (Nudo) and the Republican Party (RP) seem to have won their seats in the 2004 election from the CoD, which lost two, while Swapo maintained its 55 seats. These figures demonstrate clearly how opposition fragmentation benefits the ruling party.

IS OPPOSITION UNITY A MYTH?

Can opposition alliances be sustained merely by the parties being united as members of the opposition or is something more substantive than 'throwing the rascals out of government' needed in order to foster opposition unity and success? Whether their co-operation is called alliances, opposition unity or coalition, the opposition in countries like Mozambique, Botswana, Mauritius and Zambia have recently joined in order to challenge the incumbents. In Zambia three opposition parties – the Forum for Democracy and Development (FDD), The United Party for National Development (UPND), and the UNIP – have formed an alliance called the United Democratic Alliance (UDA) to fight the 2006 elections (One World Radio 2006). The alliance's aim is to remove the MMD government. Whether it succeeds either as an alliance or in its central aim remains to be seen.

Alliances are increasingly being considered the solution to weak and fragmented opposition political parties. Some of them work as, for instance, in Mauritius, which has a history of coalition government, but in countries such as Botswana the alliances collapse before they are even tried and tested by the electorate.

In Botswana the issue of political party unity emerged in 1989. There have been several attempts at party cooperation pacts and mergers, without much success. Since 1991 attempts at party unity have been made through structures such as the People's Progressive Front (PPF) and the Botswana Alliance Movement in 1998 and several others are in the pipeline (Somolekae 2005, pp 13-15). The merging of opposition parties is becoming the new strategy for strengthening them. However there is a danger that loosely organised coalitions assembled for electoral purposes will collapse soon after losing the election.

SUPPORTING THE PARTY SYSTEM

The international community has been promoting multiparty democracy by offering political party assistance programmes. Many democracy foundations and organisations such as the International Institute for Democracy and Electoral Assistance (IDEA) and EISA are working on projects and programmes to support the development of inclusive electoral systems and effective party systems.

The United Nations Development Program (UNDP) and organisations such as the National Democratic Institute for International Affairs, (NDI), the United States Agency for International Development (USAID), and the Netherlands Institute for Multiparty Democracy (IMD), together with some German foundations, fund political parties in promoting core democratic values (Kumar 2004, p 6). However, there should be an emphasis on supporting opposition parties. Regional and international meetings have been organised to bring both ruling and opposition parties together to copy best practice from other countries.

Different approaches are being used to bring the parties together in inter-party dialogues to discuss issues and goals that advance democracy. All parties have openly debated issues such as electoral system reforms, the increased representation of women, and the public funding of political parties in countries such as Botswana and Mauritius.¹

The support of the electorate for the party system is absolutely crucial to democracy as it is they who must be content with the opposition. If stable and organisationally sound opposition parties are created without the support of the populace a democratic deficit remains. The opposition and the electorate must be properly located within the governance debate in Southern Africa.

While financial support for opposition political parties is crucial for the growth of mature democracies, there are positive and negative consequences of donors funding opposition politics. The reality is that in Southern Africa opposition and civic organisations depend heavily on donor funding. International funding for parties comes in different forms – for organisational development, election campaigns, the training of women candidates, multiparty collaboration, technical assistance, seminars, workshops, and meetings. Most parties in the region are funded in this way but will not disclose either the extent of the funding or the names of the donors. Although such assistance is necessary in a region that is poor and where the ruling parties have access to state resources and most parties

¹ An All-Party Conference organised by EISA and IDEA was held in Mauritius on 17-18 February 2006 to discuss an inclusive democracy in the country, which included lobbying the government for electoral reforms. In Botswana a stakeholder conference was held on 13-15 March to discuss electoral reforms and the funding of political parties and increased gender representation in all political parties.

are not publicly funded, ruling parties tend to be suspicious of funding of opposition parties and parties which do not receive assistance resent those that do.

There is a strong belief that foreign powers should not engage in activities that directly or indirectly affect the outcome of elections. A related issue concerns the partisanship shown by some international donors to one or a few political parties (Kumar 2004, p 24). Such partisanship tends to be problematic as it blurs the distinction between assistance and political manipulation.

The problems of dependence on foreign funding arise when the recipients agitate for what appear to be foreign agendas. There is no guarantee that the agendas are in the interests of the citizens and the opposition and civic organisations appear to emphasise abstract issues rather than the day-to-day problems that affect society. The fact that the recipient parties are accountable to the donor and not the citizens leaves room for parties to abuse the funds or to be corrupt, without other, parallel, forms of accountability.

Despite these reservations, it is of paramount importance that opposition parties are funded, and mechanisms for accountability should be developed as well as criteria for who to fund and which areas of activity. At present civil society organisations appear to receive the bulk of the funding at the expense of fragile and needy opposition parties.

CONCLUSION

This paper has attempted to set out the dilemmas of opposition political parties, which include their being obscured in the governance debate by being lumped together; being neglected by donors and by voters; negative perceptions; and having to deal with the power of incumbency while continuing to keep government accountable. Opposition parties remain threatened by other civic organisations and most of all by the dominant parties. In Southern Africa they have to deal with a range of political systems – some more open, others entirely closed. One common factor, though, is the public perception of relative weakness and of opposition parties not being able to mount a successful challenge to incumbents.

The dilemmas the opposition faces in its day-to-day operations are not merely academic, they are practical realities. Much opposition is lame and the dominant ruling party remains a challenge. Nonetheless, the spread of democratisation has enabled most opposition parties to demand and create an environment in which they can organise and function freely. The process of registering political parties has been simplified in most countries in the region, except Swaziland.

In terms of internal party democracy most opposition parties in the region are striving for decentralised structures, but there is great variation in their capacity

to function effectively. The responsibility lies with Southern Africans to be prepared to work with opposition parties. The focus should move away from organisations waiting to capture state power and explore ways of maintaining and building party organisations that are democratic, representative, and serve democracy appropriately between elections. The opposition must realise that it takes years, and adequate resources, to be fully institutionalised and to find roots in society. Institutionalisation depends on the way the opposition is organised as an instrument for mobilising support. The future of democracy in Southern Africa lies with opposition political parties that are well-organised, democratic, gender balanced and active.

— REFERENCES —

- Bratton, Michael, Carolyn Logan, Wonbin Cho and Paloma Bauer. 2004. Afrobarometer Round 2 Compendium of Comparative Results from a 15-country survey. Afrobarometer Working Paper No 34, 2004
- Bond, Patrick. 2004. 'Ten years after the fall of apartheid'. *Socialist Worker on line*. http://www.socialistworker.org/2004-1/498/498_05_Bond.shtml
- EISA. 2005. Election Observer Mission Report No 20. Tanzania Presidential National Assembly and Local Government Elections, 14 December.
- Good, Kenneth. 2002. *The Liberal Model and Africa: Elites against Democracy*. London: Palgrave.
- Hout Wil. 2003. 'Political Parties and Governance'. In MA Mohamed Salih (ed). *African Political Parties Evolution, Institutionalisation and Governance*. London: Pluto Press.
- ISS Conference Report. 2005. *Policy Research and Capacity Building in Southern Africa*, 1-2 December.
- Kumar, Krishna. 2004. *International Party Assistance: An Overview and Analysis*. Working Paper 33. Netherlands Institute of International Relations, Conflict research Unit, October.
- Lavelle, Ashley. 2004. Paper given at the Opposition Round Table. www.parliamentstudies.anu.edu.au
- Lodge, Tom & Ursula Scheidegger. 2006. *Political Parties and Democratic Governance in South Africa*. EISA Research Report No 25.
- Makumbe, John M & Daniel Compagnon. 2000. *Behind the Smokescreen: The Politics of Zimbabwe's 1995 General Elections*. University of Zimbabwe Publications.
- Matlosa, Khabele & Caleb Sello. 2005. *Political Parties and Democratisation in Lesotho*. EISA Research Report No 23.
- Momba, Jotham. 2005. *Political Parties and the Quest for Democratic Consolidation in Zambia*. EISA Research Report No 17.

- Mzizi, Joshua Bheki. 2005. *Political Movements and the Challenges for Democracy in Swaziland*. EISA Research Report No 18.
- Patel, Nandini. 2005. *Political Parties: Development and Change in Malawi*. EISA Research Report No 21.
- One World Radio. 2006. 'Zambia's three opposition parties merge', 26 June. <http://radio.oneworld.net/article/view/83331/1>
- Randall, Vicky & Lars Svasand. 2002. 'The Contribution of Parties to Democracy and Democratic Consolidation'. *Democratisation* 9(3).
- . 2002. 'Political Parties and Democratic Consolidation in Africa'. *Democratisation* 9(3).
- Raftopoulos, Brian and K Alexander. 2006. *Reflections on Democratic Politics in Zimbabwe*. Cape Town: Institute for Justice and Reconciliation.
- Sachikonye, Lloyd. 2005. *Political Parties and the Democratisation Process in Zimbabwe*. EISA Research Report No 16.
- Salih, Mohamed M A. 2003. 'The Evolution of African Political Parties'. In M A Mahamed Salih (ed). *African Political Parties: Evolution, Institutionalisation and Governance*. 2005. *Globalized Party Democracy and Africa: The Influence of Global Party Based Democracy Networks*. CSGR Working Paper No 173/05 August www.csgr.org
- Schmitz, Gerald. 1988. *The Opposition in a Parliamentary System*. Political and Social Affairs Division, Library of Parliament. www.parl.gc.ca/information/library/PRBpubs/bp47-e.htm
- Shayo, Rose. 2005. *Political Parties and Political Development in Tanzania*. EISA Research Report No 24.
- Somolekae, Gloria. 2005. *Political Parties in Botswana*. EISA Research Report No 27.
- Southall, Roger (ed). 2001. *Opposition in South Africa: Issues and Problems In Opposition and Democracy in South Africa*. London: Frank Cass.
- . 2003. 'Democracy in Southern Africa moving beyond a difficult legacy'. *Review of African Political Economy* 96.
- Tonchi, L Victor & Albertina N Shifotoka. 2005. *Parties and Political Development in Namibia*. EISA Research Report No 26.
- Tucker, Peter. 2005. 'Winning Government from Opposition: Has Colin Barnett got a clue?', 15 February <http://www.onlineopinion.com.au/view.asp/article>.
- United Kingdom Parliament. 2006. *Government and Opposition*, 19 June. www.uk/works/pagovopp.cfm
- Van Cranenburgh, Oda. 2003. 'Power and Competition: The Institutional Context Of African Multi Party Politics'. In MA Mohamed Salih (ed). *African Political Parties Evolution, Institutionalisation and Governance*. London: Pluto Press.
- Venter, Denis. 2003. 'Multiparty Politics and Elections in Southern Africa: Realities

- and Imageries'. In MA Mohamed Salih (ed). *African Political Parties Evolution, Institutionalisation and Governance*. London: Pluto Press.
- Webb, Paul. 2005. 'Political Parties and Democracy: The Ambiguous Crisis'. *Democratisation* 12(5), December.
- Zimbabwe Election Support Network. 2005. *Results of the 2005 Senate Elections and Gutu North Parliamentary By-election*. Report, November.

REVIVING A FAILED STATE

The 2005 General Elections in Liberia

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ABSTRACT

The paper reviews the 2005 general election in Liberia, analysing its background, context, processes, dynamics, contradictions and outcomes. The election was generally acclaimed as the most competitive, free, fair, transparent, and credible in the political history of the country and constitutes a significant milestone in the transition from war to peace and the return to political normalcy and democratic rule. However, it evokes a curious paradox: how did a country just emerging from the ashes of a brutal war and unimaginable human destruction, aptly described as the quintessence of a failed state, manage to organise a credible and successful election? Post-conflict countries are usually characterised by deep social and political divisions, low political consensus and immense organisational and logistical challenges in the conduct of elections. Three factors, both domestic and international, coalesced to facilitate the emergence of consociational electoral politics and the conduct of successful elections in 2005 in Liberia. These were: the fact that the Liberian people, exhausted by war and violence, were determined to try the electoral option in addressing the question of political power; the preparedness of the electoral commission, in spite of huge operational problems, to conduct free and fair elections; and the tremendous support for and commitment of the international community, especially the United Nations, the Economic Community of West African States, the African Union, and the European Union to the electoral process in Liberia. The successful election marked a process of political renewal and democratic rebirth for a beleaguered, war-ravaged nation.

INTRODUCTION

Liberia's political economy and historical trajectory present several paradoxes. First, the country is Africa's oldest republic. It came into being (as a sovereign state) in 1847, yet it is a country that was aptly described by Rena Scott (2005, p 1) as the quintessence of a failed state. The country has recorded neither economic growth, democracy (which is just being revived) nor development. Public infrastructure has totally collapsed.

Second, it is a small country (estimated at about three million people) yet it fought one of the deadliest wars in Africa's history; a war in which no fewer than 200 000 people were killed and whose brutality can only be ranked with the genocide in Rwanda.

Third, but quite interestingly, though it emerged from the ruins of war and anarchy Liberia set a precedent for the effective organisation and management of elections in West Africa.

Elections in post-conflict societies are frequently riddled with crises, conflicts and controversies. This is the result of a host of factors. The logistical challenges in organising elections in war-torn countries with poor facilities and networks and deep political discord among hitherto conflicting parties make both the management of elections and the securing of political consensus over their results very problematic. However, in Liberia this was not the case. The October general election and the run-off presidential election of November 2005 were generally adjudged by most local and international election observer groups to have been free, fair, transparent, and credible.

The fourth paradox is that, in a largely patriarchal African society where women are mostly apolitical and confined to the domestic arena, Liberia defied gender boundaries and stereotypes and elected the first woman president in Africa, Ms Ellen Johnson-Sirleaf.

These paradoxes therefore call for a thorough intellectual interrogation of Liberia's recent political trajectory and electoral experiences. How did Africa's oldest republic dissolve into war? How was the transition from war to peace negotiated? How was the electoral process consummated? How did the logic of consociational electoral politics prevail in Liberia? What are the prospects of and challenges to electoral democracy and democratic stability?

In this paper I argue that three factors are central to the emergence of consociational electoral politics and the success of the 2005 general elections in Liberia. First is the fatigue of war and violence and its fruitless dividends, which engendered a new determination among the Liberian people to make a success of the democratic option. Political restraint, accommodation and maturity characterised the conduct of both the political elite and the electorate before, during

and after the elections. Second, is the international support for the elections and the preparedness of the electoral commission. The United Nations Mission in Liberia (UNMIL), Ecowas, the European Union (EU), the United States of America (USA), and private foundations and organisations like the International Foundation for Electoral Systems (IFES), the National Democratic Institute (NDI), and the Carter Center were committed to and fully supported the electoral commission. The third factor was the strategy of quiet diplomacy adopted by Ecowas in brokering peace and resolving post-election disputes.

The run-off elections precipitated tensions occasioned by allegations by the Congress for Democratic Change (CDC) led by George Weah of election rigging by the Unity Party. The actions of Ecowas, and especially its Special Mediator in Liberia, General Abdulsalam Abubakar, Nigeria's former head of state, were crucial to facilitating post-election consensus among all parties and the acceptance of the election results by the defeated presidential candidate, George Weah.

CONFLICT, WAR AND STATE COLLAPSE

In December 1989 Liberia, which had tottered on the brink of a fragile peace, finally but gradually dissolved into war. Some rag-tag soldiers under the banner of the National Patriotic Front of Liberia (NPFL), led by Charles Taylor, who had crossed into the country from Côte D'Ivoire, spearheaded the rebellion. The war was to last for an initial period of eight years (1989-1997), with an interregnum of about three years, but by 2000 Liberia had again relapsed into war. Liberia's civil war was one of the most gruesome and deadly wars fought in Africa. Apart from the human casualties, the notion of child soldiers, hitherto almost unknown in Africa, became part of the mechanisms of warfare. Sierra Leone was to take a cue from the Liberian tragedy.

There have been various attempts to explain the Liberian civil war (Osaghae 1996; Ellis 1995, 1998; Jarret 1996; Conteh, Guannu, Badio & Bruce 1999; Adebajo 1989; Sesay 1992; Mgbeoji 2003; Aning 1997; Gershoni 1997; Hoffman 2004; Adejumbi 2004; Scott 2005; Gberie 2005). Economic rationality embedded in the 'greed-grievance' theory, the ethnic factor theory, the neo-patrimonial argument, and the bad governance thesis are some of the variables used in analysing the background to the war and the factors that precipitated it. Suffice it to say that no single explanatory model captures comprehensively the twists and turns of events in Liberia which led the country inexorably into war.

There are two levels at which the origins of the Liberian civil war can be analysed. The first is the genealogy and construction of the state system in Liberia; the second is the nature of political power and its management.

Liberia, though established as the 'land of the free', was, in fact, the land of the unequal. From its inception the national creed of the country, its motto, 'The Love of Liberty Brought Us Here', was a statement of social distinction and hegemony. It is a motto that explicitly appropriates the Liberian state for the settler population, generally referred to as the Americo-Liberians, in denial of the existence and rights of the local indigenous African population that inhabited the territory long before the incursion of the settlers.

The creation of Liberia in 1822 was prompted by the need of the American Colonization Society (ACS) to resettle the freed black slaves from the USA. The group referred to as Americo-Liberians is not monolithic; it consists of three sets of settler categories. The first are the mulattos, who, as Osaghae (1996, p 6) notes, were free-born American citizens who occupied the lower rungs of the social ladder in the southern US in the early 19th century and who were lured to Liberia by the promise of a better and more comfortable life. The second group is the freed black slaves whose continued stay in the US was deemed threatening to the social and political fabric of American society and who were encouraged or cajoled to move to the new settlement. The third group consisted of recaptured slaves who were rescued from slave ships by the American navy. Through intermarriage and similar lifestyles the three groups crystallised into one social category referred to as Americo-Liberians.

The other social category is the native population, made up of about 16 ethnic groups bound together by domination. Between 1847 and 1904 only the Americo-Liberians enjoyed citizenship rights, the natives were considered subjects. Citizenship was only extended to the locals in 1904. However, the structure of domination and social exclusion remained unchanged. As Conteh et al (1999, p 113) note, 'Between 1904 and 1980, the portions of the organic law, a number of national symbols and the values of the Liberian political system were still dysfunctional to the creation of a common national identity and of necessity, to the native's meaningful participation in the distribution of decision making.' For example, it was not until 1946 that the provinces had any representation in the national legislature.

The natives were also victims of heavy taxation, forced labour, land dispossession and general discrimination. The indirect rule policy adopted in 1906 effectively consolidated the policy of exclusion and domination akin to what Mahmood Mamdani (1996) described in the South African context as 'decentralized despotism'. The natives were locked into 'tribal' administrative areas governed by their chiefs and traditional authorities, thereby almost exclusively cut off from national or central administration and politics. The major relationship of the chiefs to the capital (Monrovia) was paying taxes and providing forced labour for the central authority.

The dualism of power and laws that characterised the Liberian political system has been aptly described by Abiodun Alao et al (1999, p 12) as 'democratic feudalism' and, more appropriately, by Eghosa Osaghae (1996, p 23), as 'internal colonialism'. The Americo-Liberians, as Osaghae qualifies them, constitute an 'ethclass', an ethnic or social category which, in a sense, is also a class category. This group controls not only political power but the economic resources of the country.

The 'open door' policy of the Tubman administration (1944-1971) conceded some political and social space to the natives while, at the same time, further liberalising the economy to foreign capital. Educational opportunities for the natives increased, some infrastructural facilities were put in place, and the level of participation was slightly enhanced. However, the concessions did not include meaningful political rights. All attempts by the indigenous people to engage the political system were rebuffed by the political oligarchy and met with stiff repression.¹

The irony of Tubman's liberalisation policy was that it afforded the indigenous people access to education, which they were later to use to agitate for political rights and inclusion. Alao, Mackinlay & Olonisakin (1999, p 17) put it poignantly:

Ironically, it was Tubman's educational policies that acted as catalyst for political change. His foreign scholarship programme provided the opportunity for many Liberians to study abroad. This broadened their knowledge and understanding and they began to question Liberian laws and their government. These scholars will later form groups that would bring serious pressure to bear on the government of the settlers.

By 1971, when Tolbert took over power after the death of Tubman, opposition forces had become fairly well organised and the level of resistance had risen. Both democratic and violent options were palpable in the political calculations of the indigenous people. Civil opposition groups sprang up both at home and in the diaspora. They included the student movement based at the University of Liberia, the Movement for Justice in Africa (Moja), the Progressive Alliance of Liberia (PAL), and the Union of Liberian Associations in America. The rice riots

¹ Osaghae (1996, p 53) documents two cases of the denial of attempts by the local people to contest for the presidency. In 1931 the name of Momolu Massaquoi, an assimilated native who had previously held diplomatic positions, was erased from all documentation because he dared to declare an interest in contesting the presidential elections. In 1951 Didwho Twe Kru was similarly frustrated.

of April 1979,² which were spearheaded by students and actively supported by radical lecturers who were members of Pal, provided the context for the fall of the Tolbert regime.

On 12 April 1980 17 indigenous subaltern officers of the Liberian Armed Forces (LAF), led by Sergeant Samuel Doe, staged a military coup, putting paid to Americo-Liberian hegemony in the politics of Liberia. Identity and citizenship factors provided a context for the coup. As Stephen Ellis (1998, p 167) notes, 'Doe and those who took over with him in 1980 were broadly typical of a generation of young men who had entered the army with certain expectations, and found their path to promotion blocked by an officer corps dominated by Americo-Liberian families.' However, and quite expectedly, the young coup plotters, as Max Bankole Jarret (1996, p 9) correctly observes, were united in purpose but not in vision.

What followed was a reign of brutality, terror and repression. Initially Doe assembled a popular coalition team made up of the opposition democratic forces but, a few years into his regime, he had removed all of them and executed all the subaltern officers with whom he had planned the 1980 coup. It appears that political insecurity, fuelled by incompetence, was a major factor in Doe's descent into political tyranny. In 1985 Doe organised sham elections through which he transformed himself into a civilian president. He ruthlessly consolidated political power and furthered the mechanisms of personal rule, which previous regimes in Liberia had constructed and strategically maintained. The possibilities for non-violent political change were increasingly foreclosed as Doe's dictatorship intensified. Both exiled political forces and domestic ones began to organise for regime change, a process which, inevitably, led to the December 1989 insurgency by the NPFL.

What are the salient factors in Liberia's political economy that fuelled the crystallisation of the war? The first is the notion of highly centralised political power and the phenomenon of personal rule embedded in the presidency. The presidency provides a ready attraction for elite competition and keen political struggles. Jarret (1986, p 21) avers:

the ultimate prize for the faction leaders and their clientelist network is the presidency which given the centralized nature of Liberian political economy provides the greatest opportunities for amassing wealth and power. The presidency is also a political resource in itself as it can be used to coerce opponents and to extract substantial

² The rice riots were precipitated by the increase in the price of a bag of rice from \$22 to \$30 in April 1979. Rice is a staple food in Liberia.

financial resources from the economy needed to fund a patronage network over the long term. It also has the essential benefit of providing status and international recognition which all the so called 'warlords' crave.

This explains why there were many splinter groups among the rebel movements after the war broke out, each of them wanting to control territory and resources.

The second element is the nature of Liberia's economy and state revenue base. The economy is *rentier* in nature, with foreign capital paying rent, solely appropriated by the leadership, for the extraction of natural resources including timber, rubber and wood. This situation creates power without responsibility and leadership devoid of accountability. Many of the resource extraction contracts entered into by successive governments were dubious and intended to facilitate the personal interests of the leadership as well as their hold on the economy. For example, Firestone Rubber and Tire Company, an American firm, was granted a 99-year lease on a plantation farm for \$1 an acre for the first year and a flat \$6 000 per year rent thereafter (Pham 2004, p 39) – a contract which, like many others of its kind, was very controversial.

The trend continued even during the war when the 'warlords', especially Charles Taylor, 'mortgaged' the forest resources of the area under their control to foreign firms in return for cash to buy arms and wage the war. It is estimated that Taylor may have personally derived about \$75-m annually from such deals (Adebajo 1989, p 47). There is no doubt that a centralised *rentier* economy can be an incentive for deadly political contestation, especially where an indigenous capitalist class is virtually non-existent or too weak.

The third element in Liberia's civil war is the external political factor. Bad political leadership and governance were nurtured and subsidised by the USA under the guise of containing the spread of communism in Africa during the Cold War. In spite of the political failings of Samuel Doe, the US continued to pump money in and to provide military and security assistance to the regime. From a figure of about \$20-m in 1980, at the time of Doe's rise to power, US aid to Liberia increased to about \$500-m. The US also provided training for Doe's troops, built barracks, and supplied uniforms, weapons and trucks (Alao, Mackinlay & Olonisakin 1999, p 25; Massing 1990; Zimmerman 1993). However, by 1989, US support for Doe had waned as the Cold War receded. For instance, the United States Agency for International Development (USAID) closed its offices in Liberia in March 1989 and US aid dropped dramatically, which had a debilitating effect on the Liberian economy. As Jarret (1996, p 14) noted, 'by mid-1989, Samuel Doe was without the support of one ally that had propped him since 1980, and desperate. The national economy was disintegrating.' Indeed, some have

suggested that the withdrawal of US support for Doe was a catalyst in the outbreak of the war.

The Liberian civil war, fought with more crudity, bestiality, and vengeance than could ever be imagined, resulted in the virtual collapse of the state. Public infrastructure – electricity, water supply, roads, schools, and public buildings especially in the capital city, Monrovia, were completely destroyed. At the height of the war, the ‘warriors’ were apparently angry with nature and trees and other natural resources became targets. As a Liberian observer noted, ‘When there was no longer anyone to kill or shoot at sight the rebels under the influence of hard drugs, turned their anger to trees and other nature objects, firing sporadically at them.’³ In the circumstances it is not surprising that the road to peace was to prove arduous.

ROAD TO PEACE AND ELECTIONS

Between 1990 and 1997 there were 13 major Ecowas-sponsored peace agreements, none of which could guarantee peace in the country (Scott 2005, p 37). Warring parties had no sooner signed peace agreements declaring a cessation of hostilities than they reneged on their implementation and relapse back into war. It was on 18 August 2003 in Accra, Ghana, that a more durable agreement, generally referred to as the Comprehensive Peace Agreement (CPA), was signed. There were four main parties to the agreement – the Government of Liberia (GOL) under Charles Taylor; the two main rebel movements, the Liberian United for Reconciliation and Democracy (Lurd) and the Movement for Democracy in Liberia (Model); and 18 political parties.

The CPA was an extra-constitutional framework acceded to by all the parties for the management of the political transition process in Liberia leading to general elections in 2005. The agreement facilitated by Ecowas was guided by the Ecowas principles of democratic practice, respect for the rule of law and good governance as enshrined in the Ecowas Declaration of Political Principles of 1991, the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security of 1999, and the Ecowas Supplementary Protocol on Democracy and Good Governance of 2001, to all of which Liberia acceded.

The CPA suspended important aspects of the Liberian Constitution and took precedence over it in cases of conflict. It provided for a transitional governmental structure, the National Transitional Government of Liberia (NTGL), and important institutions and agencies to facilitate political change and the transition process.

³ Interview conducted by the author with a Liberian informant in October 2005 during the general election in the country.

The NTGL was made up of three organs: the executive, headed by a transitional chairman selected by consensus; the National Transitional Legislative Assembly (NTLA), and the judiciary. The two former organs consist mainly of nominees of the parties to the agreement. The NTGL was to perform the following functions, apart from its normal state functions:

- a) Implement the Ceasefire Agreement.
- b) Oversee and coordinate implementation of the political and rehabilitation programmes enunciated in the Peace Agreement.
- c) Promote reconciliation to ensure the restoration of peace and stability to the country and its people.
- d) Contribute to the preparation and conduct of internationally supervised elections in October 2005, for the inauguration of an elected Government for Liberia in January 2006 (Liberian Comprehensive Peace Agreement of 2003, Article XXII, 1 and 2).

The NTGL was inaugurated on 14 October 2003, led by Gyude Bryant, and was expected to expire on the third Monday of January 2006, when a new elected government would be installed.

Some other major components of the CPA include:

- Disarmament, demobilization, rehabilitation, and reintegration (CDDRR): This was intended to demilitarise the country, restore order and stability, and restore the militias to normal civil life.
- Security sector reform: This involves the restructuring of the armed forces of Liberia through the integration of the different forces, retraining them and ensuring balanced geographical representation. The USA was designated as a major partner in this reform. Other paramilitary forces like the police, immigration services and the special security services (SSS) were to be restructured to adopt a professional orientation and respect the democratic values of human rights, a non-partisan approach to their work, and avoidance of corruption.
- Respect for human rights and the rule of law: All the parties to the agreement, and the Liberian people generally under the CPA, were obliged to respect fundamental human rights and the rule of law as enshrined in international human rights instruments to which Liberia is a signatory, and the laws of Liberia. The basic civil and political rights include right to life and liberty, freedom

from torture, the right to a fair trial, freedom of conscience, expression and association, and the right to take part in the governance of the country. In addition, an Independent National Commission on Human Rights (INCHR) was to be established.

- Establishment of a Governance Reform Commission: This commission was to be a vehicle for the promotion of good governance in Liberia through a review of the objectives, scope and strategies of existing programmes on good governance, undertaking public sector management reforms, and ensuring transparency and accountability in all government institutions.
- Electoral Reform: Under the CPA, the electoral system in Liberia was to be reformed. The reforms include: (i) the reconstitution and independence of the National Elections Commission (NEC), which is required to conform to UN standards in order to ensure that the rights and interests of all Liberians are guaranteed and to organise elections in a manner acceptable to all in Liberia; (ii) reform of the electoral law; (iii) re-demarcation of constituencies to take account of the newly created counties; (iv) seeking the support and cooperation of the UN, AU and Ecomog, and other members of the international community in the conduct, monitoring and supervision of the elections; (v) ensuring that elections were conducted not later than October 2005.

These were the salient provisions of the CPA, especially as it related to governance and elections in the transitional period in Liberia. While the CPA has generally been applauded as a road to peace in Liberia, some argue that it perpetuates a culture of impunity with a flawed assumption that political power can be exchanged for military peace by allocating seats to rebels in the NTGL and granting them blanket amnesty. Scott (2005, pp 42-43) argues:

The possibility of general amnesty is one of the most serious flaws of the CPA. Besides the fact that the granting of a general amnesty is a diplomatic way of encouraging rebels to participate in the peace process, there are several theoretical and practical problems with this form of concession ... amnesty alone is a dangerous formula for peace because of the messages it sends to elites, to rebels, and to society that crimes can be committed and civil wars staged with no consequence for any of the parties involved. Finally, the blind granting of amnesty does not consider the moral hazards of dismissing the role of punishment of the main perpetrators.

In summary, there are four criticisms of the CPA:

- It privileges amnesty over justice, which perpetuates a culture of impunity.
- It rewards crime and warlordism and perpetuates a culture of pillage and corruption.
- It marginalises and does not include the voices of the ordinary people in the negotiation process, making it an agreement of war belligerents and not the people.
- Negotiated settlements do not necessarily guarantee peace.

While these criticisms are logical, the CPA should be placed in its historical context. Liberia had succumbed to a cyclical process of war, and the state was virtually non-existent. The interests and considerations of the warring parties could not be neglected in the peace agreement.

International support and coalition was required to sustain the transitional government. The International Contact Group on Liberia (ICGL), its members the UN, Ecowas, the AU, the EU, Nigeria, Morocco, Ghana, Senegal, the USA, the UK, Germany, and France, was a major actor in the transition process, reviewing developments as they unfolded and advising the Liberian government and the UN on the way forward. UNMIL played a central role in the security and electoral processes of the country, while Ecowas was the major political broker and guarantor of the CPA. The Executive Secretary of Ecowas appointed and deployed a Special Representative to Liberia (Ansumana E Ceesay) and established an office there. Ecowas also appointed a Special Mediator for the Liberian peace process (General Abdulsalami Abubakar). The EU and the USA also played important roles in the country's political transition.

PLANNING AND MANAGING THE ELECTORAL PROCESS

The CPA provides the overarching framework for the electoral process in Liberia. As observed above the agreement required a reform of the electoral institution, the electoral law, the conduct of elections according to UN standards, and the elections to be conducted on or before October 2005.

A major step in the process was the reconstitution of the electoral commission. The name of the commission was changed from the Elections Commission to the National Elections Commission of Liberia (NEC). Article XVIII section 2B of the CPA stipulates that 'the appointment of the NEC shall be made by the Chairman with the advice and consent of the NTLA within three months from the entry into force of this Agreement. It shall be composed of men and women of integrity.'

The chairman of the Transitional Government nominated seven commissioners, led by Ms Frances Johnson-Morris as chairperson, and the nominations were approved by the NTLA. The commission was inaugurated on 29 April.

The NEC is an autonomous oversight and policy-making body, responsible for overall supervision and control of the electoral process including the preparation, organisation, and adoption of measures to ensure the freedom and fairness of elections in Liberia. It is supported by an administrative electoral division comprising an executive director and staff. The division is responsible for all practical activities relating to the preparation and conduct of the electoral process and is organised at both national and county levels. A magistrate heads each county and sub-county electoral office and reports directly to the executive director of the division (UNMIL 'Electoral Division' <http://www.unmil.org/elections>).

The functions of the electoral commission include:

- a) administering and enforcing all laws relating to the conduct of elections throughout Liberia;
- b) proposing to the National Legislature for enactment, amendment to, and repeal of, any provision of the Electoral Law;
- c) accrediting and registering all political parties that meet registration requirements as laid down by the commission;
- d) conducting all elections for elective public office, including the chieftaincy election and all referenda, and declaring the results thereof;
- e) formulating and enforcing guidelines for controlling the conduct of all elections for elective public office;
- f) maintaining a register of qualified voters;
- g) screening all candidates for elective public office and accrediting their candidacy and rejecting candidates not qualified under the guidelines laid down by the commission;
- h) examining financial transactions and audited accounts of political parties;
- i) handling election disputes, which may later be referred to the Supreme Court, as final arbiter;
- j) Submitting an annual report to the national legislature and the president on the general operation of the commission.

The electoral process consists of five distinct phases:

- Establishment of the National Elections Commission.
- Setting up the legal framework and defining the electoral system.
- Conducting operational activities in relation to the elections. These include:
 - (i) voter registration and display of voters' register;
 - (ii) registration of political parties;
 - (iii) allocation of seats and demarcation of electoral districts;
 - (iv) training of electoral officers;
 - (v) candidate nomination by political parties.
- Election Activities. These include:
 - (i) political campaigns;
 - (ii) polling;
 - (iii) counting votes, tallying them and announcing election results.
- Post election activities:
 - Petitions over election results and adjudication of election disputes.

The passage by the NTLA of the Electoral Reform Law in December 2004 marked an important step in the electoral process in Liberia. The law suspends certain provisions of the Constitution of Liberia and amends some sections of the New Elections Law of 1986. It also includes new provisions, especially that relating to budget appropriations by the NEC, which is a major factor in guaranteeing its autonomy. There are four sources of the legal instruments and legal framework of elections in Liberia: the 2004 Electoral Reform Law, the Liberian Constitution, the New Elections Law of 1986, and regulations and guidelines issued by the NEC.

The Electoral Reform Law covers the nature of the electoral system, eligibility to stand for public office, allocation of seats in the Senate and House of Representatives, registration of political parties, campaign finance, registration of voters, voting and vote counting, electoral offences, declaration of election results, and budget appropriation.

The law stipulates a majoritarian two-round electoral system for election to the office of president and vice-president. The first round is to be determined by an absolute majority (50% plus one) of the valid votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot is to be conducted on the Tuesday following the announcement of the first ballot. The two candidates who obtained the highest number of votes in the first ballot participate in the run-off elections. The candidate who obtains the majority of the valid votes in the second ballot is deemed to be elected.

For the Senate and House of Representatives there is a simple majority electoral system. The two candidates who obtain the highest and second-highest number of valid votes cast in a county are deemed elected to the Senate. The senator with the highest number of votes is senator of the first category, while the second is senator of the second category.

A simple majority system governs elections for the House of Representatives, with single-member electoral districts, each of which consists of voting precincts designated by the NEC with the stipulation that they must be within a county boundary and contain not more than 2 000 registered voters (Electoral Reform Law of Liberia 2004, s 5, (1p)).

The Electoral Law stipulates that the president and vice-president should not come from the same county, and suspends the ten-year residency clause in the Liberian Constitution that is a prerequisite for contesting elections. The law grants adult Liberians who are taxpayers in Liberia the right to contest the 2005 elections.

The Electoral Law, together with the Campaign Finance Regulation of July 2005 issued by the NEC, lays down stringent regulations about campaign financing, setting limits for campaign expenditure and prescribing guidelines for how campaign finances are to be managed and accounted for. For instance, for the president and vice-president election expenses may not be more than \$2-m and \$1-m respectively. For the Senate and House of Representatives, the limits are \$600 000 and \$400 000 respectively, while for any other elective office the expenditure level is pegged at \$75 000. Political parties and candidates running for public office must constitute 'campaign committees' which have a treasurer, and maintain a bank account and receive all donations and funds for campaign purposes. The treasurer must record the details of all funds raised and all expenditure. Parties and individuals are prohibited from raising funds for campaigns from anonymous sources, corporations, labour unions and banks; from the abuse of state resources; non-citizens; or foreign governments. In practice, however, it has been difficult for the NEC to track and regulate party campaign finances.

An interesting element of the electoral law is the relative autonomy granted to the NEC on financial matters. Its funding is directly charged to the national revenue, and duly appropriated by the NTLA. However, in the interests of probity and accountability the NEC is required to have its accounts externally audited and publish an annual report, which includes detailed financial reporting.

With the legal framework for the electoral process established, preparations for the registration of voters by the NEC began in earnest. A voter registration task force was constituted, consisting of the NEC, UNMIL, IFES, and EC, which distributed its work to 12 working groups. Recruitment of voter registration personnel, logistics, and civic education on the registration exercise were all

conducted at this phase. The NEC created 1 511 registration centres with 1 000 registration teams (staffed by about 4 000 personnel) constituted to service the centres, with some of the teams being mobile. Civil society organisations (CSOs) such as the Christian Church, Women in Peace Building Network (WIPNET), the Coalition of Political Party Women in Liberia (COPPWIL), and the media were mobilised and participated actively in the exercise. Voter registration was conducted from 25 April to 21 May 2005. In all, the total number of registered voters was 1 352 730, with slightly more women than men registering. The average age of registered voters was 35 and 35 per cent of those registered live in Montserrado County, where the capital city is located (Carter Center 2005a). In commending the success of the registration exercise the chairperson of the NEC, Frances Johnson-Morris (see the *Ballot*, 2005), observed:

The National Elections Commission (NEC) is extremely gratified by the strong will demonstrated by the Liberian people to bring this transition and all that it represents to an end. This was manifested by the impressive turnout by eligible Liberians to register from 25 April to 21 May 2005 despite all odds. ... Of course without the moral, financial and material support of the National Transitional Government of Liberia (NTGL), the UNMIL, USAID/IFES, EC, Ecowas and AU, this effort would not have succeeded. Indeed, Liberians owe those partners a debt of gratitude.

The registration of political parties was conducted between April and June 2005. In all 25 parties and alliances/coalition groups were registered. They were the: True Whig Party (TWP), National Patriotic Party (NPP), National Democratic Party of Liberia (NDPL), Unity Party (UP), Free Democratic Party (FDP), All Liberia Coalition Party (ALCOP), Progressive People's Party (PPP), Labour Party of Liberia (LPL), Liberia Equal Rights Party (LERP), National Reformation Party (NRP), New Deal Movement (NDM), National Party of Liberia (NPL), Union of Liberian Democrats (ULD), Congress for Democratic Change (CDC), United Democratic Party (UDP), Liberty Party (LP), Reformed United Liberia Party (RULP), Freedom Alliance Party (FAP), National Vision Party (NAVITPOL), Liberia Destiny Party (LDP), Progressive Democratic Party (PRODEMP), Independent Democratic Party (IDP), Coalition for the Transformation of Liberia (COTOL), Alliance for Peace and Democracy (APD); United Democratic Alliance (UDA).⁴

⁴ COTOL, the APD and the UDA are alliances and coalitions. COTOL comprises three parties: the Liberia Action Party, the Liberia Unification Party and the People's Democratic Party. The APD is made up of the United People's Party, and Liberia's Peoples Party, while the UDA is made up of the Liberia National Union, the Reformation Alliance Party and the Liberia Educational Development Party.

The parties represent both the old political party lineages like the True Whig Party and the NPP, which have simply been resurrected, and relatively new parties, with new political actors on the political scene. The New Deal, led by George Klay Kieh, and the CDC, led by George Opong Weah, are new parties with new leadership. There are three categories of political actors – the old politicians like Togba-Nah Tipoteh, Ellen Johnson-Sirleaf, Charles Brumskine and Varney Sherman, who have participated in the governance and politics of Liberia for two decades or more; those who, in popular discourse, are referred to as the warlords – people who participated militarily in the civil war either leading armed groups or as foot soldiers; and the younger generation, who apparently desire genuine political change and therefore created new political platforms as the basis of new political identities.

However, some common features run through many of the parties, especially the prominent ones. Among these are the dominance of personalities, especially the founders of the party or their prospective presidential candidates, and reliance on funding from those individuals rather than from contributions from the party membership. Thus, the parties are susceptible to strong control by individuals and have weak organic roots in society.

Understandably, many of the parties lacked strong organisational networks because of the limited time available to establish these and to mobilise for the elections.

The nomination of candidates took place from 21 July to 6 August 2005. The process included some horse-trading, floor crossing and alliance formation based on the interests of the candidates and the possibility of using a winnable platform to contest the election.⁵ The presidential and vice-presidential nominations were won by many of the notable candidates who had been at the forefront of party activities. Essentially, however, most of the party primaries were characterised by democratic deficits. As *The Analyst*, a prominent Liberian newspaper, noted (17 May 2005, p 2):

The Modus Operandi of most political parties in selecting standard bearers for ensuing elections is a major democratic flaw in the bids for Liberia's presidency that most political analysts are pointing to as a troubling writing on the wall. Many political parties have now selected their standard bearers in party conventions that did not

⁵ For instance, there were some defections from the ranks of the NPP, with Nyan Matain, a former Minister of Commerce in Charles Taylor's government, leaving the party to join the Unity Party, led by Johnson-Sirleaf. John Witfield, the party's national secretary, and youth leader Edwin Snow left the party to run as independent candidates.

feature opponents or where opponents were brushed aside as 'troublemakers' attempting to undermine the Godfather.

The party primaries or conventions were therefore, in most cases, regarded as a stage-managed exercise; a travesty of democratic politics.

A total of 779 candidates were nominated during party conventions – 27 for president, 25 for vice-president, 206 for the Senate and 521 for the House of Representatives. When the lists were submitted to the NEC for scrutiny and approval 762 candidates were approved – 22 presidential and vice-presidential, 206 for the Senate and 513 for the House of Representatives. Only 14 per cent of the nominees approved by the NEC were women. This was in contravention of the commission's directive that parties should nominate 30 per cent of women for general elections. Regrettably, the NEC did not enforce this regulation or impose sanctions for non-compliance or rewards for compliance.

THE GENERAL ELECTION OF 11 OCTOBER 2005

Activities leading up to the election included the training of polling officials, extensive civic education, and campaigning by political parties. In September 2005 the NEC commenced a rigorous training exercise involving 18 000 polling officials all over the country. Earlier, NEC magistrates and UNMIL electoral officials had undergone a 'training of trainers' programme to facilitate the training of the field electoral officials. The NEC's mobilisation and sensitisation programme included organising cultural activities and workshops, establishing Civic Education County Committees, and employing the services of the media, especially the electronic media, in outreach to the remote parts of the country. Civil society organisations, international agencies, and political parties complemented the efforts of the NEC in this regard. The NEC created 1 421 voting precincts with 3 070 polling booths.

Political campaigns

Campaigning commenced on 15 August and ended at midnight on 9 October. Commendably, the parties adopted a 'Code of Conduct' committing themselves to play by the 'rules of the game' and expressing their determination to 'build lasting democratic self-governance for present and future generations of Liberians' as well as 'to the growth and development of responsible multi-party democracy, and to the decentralization of political power in our country in place of the authoritarian political power centre that generally contributed to the dysfunctional state system and governance' (Code of Conduct, p 5).

The code stipulates that all parties must: abide by existing laws and regulations on political campaigns; not obstruct, disrupt or break up meetings, rallies or other activities of another party; desist from destroying, removing, defacing or in any way tampering with the posters, logos, symbols, handbills, or publicity material of another party; eschew violence – their members or supporters should not carry arms or any offensive weapons; and should, in good faith, coordinate their campaign activities so that no two parties would hold public meetings or rallies at the same venue or locality on the same day in order to avoid the possibility of conflict. In addition, an Inter-Party Coordination Committee was constituted to create a platform for dialogue among the political parties and with the NEC. Undoubtedly this was a clear commitment by the parties to consociational electoral politics and demonstrated that they were conscious of history and determined not to repeat the mistakes of the past.

Generally the political campaigns were full of festivities, glamour and understanding. The campaign methods adopted by the parties included house-to-house canvassing; the use of billboards, posters, banners and T-shirts; rallies; and messages and jingles on radio and television. Radio provides the most extensive outreach for electioneering given the challenges of the poor road infrastructure in the country. In order to ensure equal access of parties to media coverage and to encourage issue-based campaigning, the Press Union of Liberia (PUL) established an 'Elections Coverage Code of Conduct' for its members. The PUL Grievances and Ethics Committee was invigorated to hear cases of unfair media coverage.

The PUL insisted that political parties and independent candidates make their manifestos public or face the penalty of a media blackout. Most of the radio and television stations, including the state radio, were fair and professional in their coverage. The print media were more partisan because of the ownership interests of some of the candidates.

Civil society was also actively involved in ensuring a free and fair campaign, forming a coalition of CSOs, the Campaign Monitoring Coalition (CMC), to track the process. The group intervened at critical moments to draw attention to the unfair and illegal activities of some candidates and parties. For instance, there were allegations of vote-buying by candidates and some candidates deployed state resources such as vehicles and funds to support their campaign (*The Inquirer* 14 September 2005). The allegations were promptly investigated by the NEC, with the NTGL taking appropriate steps to correct the misuse of state facilities.

On 15 September the PUL organised a presidential debate with the NDI and the International Republican Institute (IRI). Eleven of the 22 presidential candidates participated. The debate was generally lively and friendly, but sometimes became confrontational, with candidates seeking to make political

capital of the event. As one presidential candidate who participated, Joseph Korto of the Liberia Equal Right Party, rightly remarked, 'The greatest thing about this debate is to see Liberian presidential candidates sitting here and talking to each other and trying to convince voters rather than being in the bush and shooting at each other' (Dukule 2005). Beyond the political marketing of candidates and their programmes, the debate reinforced the spirit of consociational politics among the key political actors in the electoral process.

George Opong Weah, the CDC candidate, was the most generally popular of the 22 presidential aspirants. He commanded massive support from the youth, who saw him as a beacon of hope for young people who had been ignored by successive political leaders. Rather than detracting from his support base his poor educational qualifications attracted sympathy, with many of the uneducated youth and former child soldiers seeing in him the image of their own deprivation. His youthfulness and recent arrival in the political arena were also assets. The youth coined two campaign slogans on his behalf: '*Whether he go school or he no go school, we go vote for am*' and '*Opong kill your mama, No! Opong kill your papa, No! Opong give you gun, No!*'⁶

A political march held in Monrovia by Weah a few days before the election was attended by more than 500 000 youths demonstrating total commitment to and passion for their 'idol'.

In summary, the political campaigns were conducted in an orderly, friendly and positive manner. As the European Union Election Monitoring Team observed (13 October 2005, p 5):

The election campaign was conducted in a positive atmosphere, with no reports of restrictions of freedoms of expression, assembly, and association or serious intimidation of candidates or voters. In a hopeful sign of the future of the country, the Liberian people participated enthusiastically in the process, demonstrating widespread interest in the election process. Most political party and candidate platforms were only belatedly made available to the electorate. The widespread use of posters, banners and T-shirts was evidence of a highly competitive campaign.

⁶ The message here is that George Opong Weah is neither a warlord nor part of the old generation of Liberian politicians who brought misery and suffering to their people through civil wars. Weah represents a break from the past and a new generation in politics and should be supported.

THE ELECTIONS

The elections were a culmination of intensive preparations by the NEC supported by the UNMIL Electoral Division. The latter was responsible for the logistical backup while 15 000 UNMIL soldiers provided security. While polling booths opened late in many precincts, with a surging crowd of voters eager to cast their votes, the voting process was, in most cases, handled by the electoral officials with professionalism and competence.⁷ Some of the features of the elections were:

- the enthusiasm of the electorate on the eve of the elections;
- the large turnout of voters, including the aged, the psychically challenged, the youth and the internally displaced;
- the high level of discipline and patience demonstrated by the electorate while queuing to cast their votes;
- the adequate and unobtrusive security provided at most polling stations;
- the prompt and early arrival of election materials at most polling stations;
- that voting was by secret ballot, which protected the confidentiality and integrity of the voting process;
- that representatives of political parties, candidates and observer missions, local and international, were present at most polling stations and witnessed the voting and counting of votes (Ecowas 13 October 2005).

Fifty domestic and 28 international observer groups monitored the elections – a total of 3 773 domestic observers (including the media) and 369 international observers. The overall verdict was that the elections were generally free, fair, transparent, credible and democratic, with the results reflecting the general wishes of the Liberian electorate. In its conclusion Ecowas (13 October 2005) had this to say:

The Ecowas Observer Mission's preliminary conclusion on the 11th October 2005 elections is that the Presidential, Senate and House of Representatives elections were generally peaceful, free, fair, and transparent. The determination and positive spirit of the Liberian people and the National Transitional Government of Liberia to set their country back on the road to democratic rule, peace, stability and progress is highly commended.

⁷ The author observed the 11 October and 8 November elections as a member of the coordinating team for the Ecowas Elections Observation Mission to Liberia.

In the legislative elections (Senate and House of Representatives) parties like COTOL, CDC, NPP, UP, LP, APD, and NDPL had a fairly good showing; however, none of the parties won an overwhelming majority in both parliamentary bodies. But while the legislative elections were settled at the October poll, the presidential election was not. None of the 20 presidential candidates secured the required 50 per cent-plus-one stipulated by the electoral law. The two topmost leading candidates, George Weah and Ellen Johnson-Sirleaf won 28,3 per cent and 19,8 per cent respectively of the valid votes cast. As a result, the two had to face a run-off election.

RUN-OFF PRESIDENTIAL ELECTION, 11 NOVEMBER

Campaigning for the run-off presidential election commenced shortly after the first-round results were announced. Unlike that in the first round, the political atmosphere in the second round was charged, as the stakes were higher. UNMIL forces, therefore, had to scale up security in order to ensure that there was no violence or threat to peace and order in the country.

While Weah was the candidate to beat in the first round, the balance of political forces shifted considerably in the second. Johnson-Sirleaf went on the offensive and mounted a well-coordinated, organised and strategic campaign. She consulted extensively with key opinion leaders, securing their endorsement, and paid personal visits to defeated presidential, senatorial and House of Representative candidates, carefully choosing those with political capital and goodwill in different communities to support her.

In addition, she took her campaign to the remotest parts of the country, hiring a helicopter to do so. Her political management of the media was phenomenal as her credentials as an international public servant, development expert, and competent administrator were played up.⁸ The issue of education (or the lack of it), which was an advantage to George Weah in the first round, was used against him in the second. The partisan media drew a parallel between Weah and Sergeant Doe, insisting that a poorly educated leader was dangerous to the political health of the country. Swayed by this the professional class and student groups (including the Liberian National Students Union) cast their support in favour of Johnson-Sirleaf and many professionals, both at home and abroad, began to contribute articles to the print media on why Liberians should not entrust their fate to Weah.

⁸ See, for example, *The Analyst* 11 November 2005 on 'Qualification vs. Popularity'.

As John Morlue (2005) corroborates:

From the ground operations to the implementation of political and media strategy, she and her team were on top of the game during the second round. One can document it from the look of the number of press releases and favourable domestic and international coverage. Another way to look how well her campaign was run is on the basis of how well things were coordinated and expensing [sic] of foot soldiers in strategic counties.

On the other hand, Weah's political machinery was weak, uncoordinated and apparently disoriented. Perhaps Weah assumed that, given the results of the first round, he would cruise to victory easily. The alliances he forged proved to be political liabilities rather than assets, with many of the warlords declaring support for him and virtually becoming his spokespeople during the run-off campaign. This development scared many Liberians, negating their previous view that Weah was an 'untainted new breed' politician. The voices of the warlords echoed the horrors of the war in the country.

Weah's media relations during the run-off campaigns were poorly managed – he and his team continuously had problems with journalists, with the PUL alleging that journalists were attacked by CDC members and supporters. Indeed, the PUL was forced to petition the CDC on this issue (*The Inquirer* 11 November 2005, p 1).

The ethnic card was also played against Weah. Like Samuel Doe he is a Khran, a fact which made it easy for his opponents to conjure up the possibility of a replay of the Doe era in the event of a Weah victory. Images are powerful political weapons.

Weah's campaign team was pre-occupied with rumours and the conspiracy theory that the international community supported Johnson-Sirleaf and wanted to rig the elections in her favour. The result was political inertia and disincentive. A few days before the run-off election Weah raised allegations that the 11 October election had been rigged in favour of Johnson-Sirleaf, and that he had won 62 per cent of the votes cast. This tactic further alienated the team from the electorate.

The result was that Ellen Johnson-Sirleaf won the presidential election.

ECOWAS AND POST-ELECTION DISPUTES

On three occasions Ecowas, particularly its special mediator, General Abdusalmi Abubakar, had to intervene in the electoral process in order to keep it on course. A few days prior to the 11 October election the Supreme Court, responding to a

Results of Run-Off Presidential Election of 8 November 2005

| Party | Presidential candidate | Vice-presidential candidate | Votes |
|--------------------------------|------------------------|--------------------------------------|-----------------|
| Unity Party | Ellen Johnson-Sirleaf | Boakai Joseph Nyuma | 478 562 (59,4%) |
| Congress for Democratic Change | George Weah | Johnson Rudolph | 327 046 (40,6%) |
| | | Valid votes | 805 572 |
| | | Invalid votes (2,4% of the total) | 20 144 |
| | | Total votes | 825 716 |

Source: National Elections Commission of Liberia

suit instituted by three disqualified presidential candidates, ruled that the candidates were qualified and should be allowed to stand. This decision would have created a political stalemate requiring the NEC to postpone the election (*New Standard* 5 October 2005) because the ballot papers had already been printed. Reprinting them would not only have imposed a heavy financial burden on the NEC, it would also have led to the postponement of the elections and the derailment of the transition timetable. After intervention by Ecowas the three agreed to step down and allow the election to proceed.

The second incident occurred about two days before the run-off presidential election with George Weah's contention that he had won the 11 October election with 62 per cent (*New Democrat* 4 November 2005). This created the real possibility of conflict between supporters of the two candidates. Abubakar intervened, holding discussions with the candidates.

The third event was in the aftermath of the run-off presidential election when Weah insisted that the elections were not free and fair (*National Chronicle* 11 November 2005, p 1). Again, Ecowas had to intervene, maintaining that though candidates had the right to disagree with election results their complaints should be voiced through legal channels. After much discussion, Weah decided to accept the results and support the newly elected government. The government, headed by the first female president on the African continent, was sworn in on 16 January 2006.

CONCLUSION

The 2005 elections, the most competitive, free, fair, transparent, and credible in the electoral history of Liberia, opened a new chapter in the country's political history. Whereas elections are fast becoming a fading shadow of democracy in many African countries (Adejumobi 2000), in Liberia they constituted a process of national rebirth and democratic renewal. The determination of the Liberian people that the election should succeed was a most decisive factor in ensuring that it did so, as was the commitment of the political elite to the spirit of consociational electoral politics, the logic of political restraint and accommodation by the people, and the intensive preparation of the electoral commission.

Four elements are essential to the consolidation of electoral democracy in Liberia. The first is the nature of governance by the newly elected political leadership, that is, the extent to which they expand rather than contract the political space and make for inclusive political participation in governance. Second, is the extent to which the social dividends of democracy are facilitated by the leadership. This will involve the speedy restoration of electricity, water and good roads and the rehabilitation of war victims. Third, is the continuation of the spirit of consociational politics with restraint and responsible opposition. Fourth, is the continued support by the international community for post-conflict transition and reconstruction in the country.

The political process in Liberia remains fragile, and possibly reversible, and requires the active support of the international partners to consolidate it and make it grow. The newly established United Nations Peace Building Commission may consider Liberia a test case in support of post-conflict reconstruction and development by the United Nations. However, ultimately, the responsibility for democracy, good governance and development in Liberia lies primarily with Liberians themselves.

— REFERENCES —

- Adebajo, A. 1989. *Building Peace in West Africa: Liberia, Sierra Leone and Guinea Bissau*. Boulder, Colorado: Lynne Rienner Publishers.
- Adejumobi, S. 2000. 'Elections in Africa: A Fading Shadow of Democracy?' *International Political Science Review* 21(1).
- . 2004. 'Conflict and Peace Building in West Africa: The Role of the Civil Society and the African Union'. *Conflict, Security and Development* 4(1).
- Alao, A, J Mackinlay & F Olonisakin. 1999. *Peace Keepers, Politicians and Warlords: The Liberian Peace Process*. Tokyo: United Nations University Press.
- Analyst, The* 6(190). 17 May 2005.
- . 7(59). 7 November 2005.
- . 7(61). 11 November 2005.
- Aning, K E. 1997. *The International Dimensions of Internal Conflict: The Case of Liberia and West Africa*. Centre for Development Research, (CDR), Copenhagen: Working Paper 97, June.
- Conteh, A, J Guannu, H Badio & K Bruce. 1999. 'Liberia'. In A Adedeji (ed). *Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Good Governance*. London: Zed Books.
- Carter Center. 2005a. *Liberia Election Watch* 1, 4 August.
- . 2005b. *Liberia Election Watch* 2, 12 August.
- . 2005c. *Liberia Election Watch* 4, 16 September.
- . 2005d. *Liberia Election Watch* 5, 26 September.
- Daily Observer* 10(98). Monrovia, 11 November 2005.
- Dukule, A. 2005. 'Elections 2005: Another Debate'. *The Perspective*, 17 September <http://www.perspective.org/articles/0917200503.html>
- Ecowas Observer Mission to the 11 October 2005 Elections in Liberia. *Preliminary Statement on the Elections*, 13 October (Monrovia).
- Ellis, S. 1995. 'Liberia: 1989-1994: A Study in Ethnic and Spiritual Violence'. *African Affairs* 94 (375).
- . 1998. 'Liberia's Warlord Insurgency'. In C Clapham (ed). *African Guerrillas*. Oxford, Kampala, Bloomington and Indianapolis: James Currey, Fountain Publishers, and Indiana University Press.
- European Union Election Observation Mission in Liberia. 2005. *Statement of Preliminary Findings and Conclusions on the October 11 2005 Elections*, 13 October (Press Release).
- Gberie, L. 2005. 'Liberia's War and Peace Process: A Historical Overview'. In F Aboagye & M S Bah. *A Tortuous Road to Peace: The Dynamics of Regional, UN and International Humanitarian Interventions in Liberia*. Pretoria: Institute for Security Studies.

- Gershoni, Y. 1997. 'War without End and End to a War: The Prolonged Wars in Liberia and Sierra Leone'. *African Studies Review* 40(55).
- Hoffman, D. 2004. 'The Civilian Target in Sierra Leone and Liberia: Political Power, Military Strategy and Humanitarian Intervention'. *African Affairs* 103(215). *Inquirer, The* 14(6). Monrovia, 14 September 2005.
- 14(8). Monrovia, 11 November 2005.
- Jarret, M B. 1996. 'Civil War in Liberia, 1989-1996: A Manipulation of Chaos?' Master's Dissertation in Area Studies, Africa, School of Oriental and African Studies, London.
- Liberian Comprehensive Peace Agreement (CPA), August 18 2003. Accra, Ghana.
- Liberia, Political Parties Code of Conduct, 2005. Monrovia.
- Massing, M. 1990. 'Best Friends'. *Africa Report*, September-October.
- Mamdani, M. 1996. *Citizen and Subjects*. Princeton, New Jersey: University of Princeton Press.
- Morlue, J. 2005. 'Handicapping the Liberian Elections: A Post-Elections Analysis', 11 September http://www.frontpageafrica.com/RunScript.asp?page=26&Article_ID=397&NWS=NWS&ap=NewsDetail.asp&p=ASP\~Pg26.asp
- Mgbeoji, I. 2003. *Collective Security: The Liberian Crisis, Unilateralism, and Global Order*. Vancouver: University of British Columbia Press.
- National Chronicle* 10(105). 11 November 2005.
- New Democrat* 12(88). Monrovia, 4 November 2005.
- New Standard* 1(33). Monrovia, 5 October 2005.
- Osaghae, E. 1996. *Ethnicity, Class and the Struggle for State Power in Liberia*. CODESRIA Monograph Series. Dakar: CODESRIA.
- Pham, J. 2004. *Portrait of a Failed State*. Oregon: Reed Publishers.
- Scott, R. 2005. *Moving from Impunity to Accountability in Post-War Liberia: Possibilities, Caution and Challenges*. Working Paper, Expresso Preprint Series, University of Berkeley Electronic Press <http://law.bepress.com/expresso/eps/606>.
- Sesay, A. 1992. 'Historical Background to the Liberian Crisis'. In M A Vogt (ed). *The Liberian Crisis and ECOMOG: A Bold Attempt at Regional Peace Keeping*. Lagos: Gabumo Publishing Company.
- The New Electoral Laws of Liberia, 4 October 1986.
- The Ballot* 1(3). 2005. Monrovia: National Elections Commission (NEC), August.
- Zimmerman, R. 1993. *Dollars, Diplomacy and Dependency: Dilemmas of U.S. Economic Aid*. Boulder: Lynne Rienner Publishers.

ELECTIONS, GENDER AND GOVERNANCE IN MAURITIUS

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ABSTRACT

The object of this paper is to explore the reasons for the under representation of women in the Mauritian legislature as well as to examine the implications for democratic governance of such under representation. It argues that although elections are necessary they are not sufficient to legitimise the state. The regularity and peacefulness of Mauritian elections are no doubt an asset but state legitimacy can only be strengthened and democratic governance consolidated if diverse interests and concerns are taken into consideration. Women constitute more than half the population and if their voices remain insufficiently heard democracy is malfunctioning. The paper makes a strong case for electoral reform based on a gender friendly and gender sensitive proportional representation (PR) system. The paper concludes that more women are needed in the legislature in order to work and push for the emergence and consolidation of a gender inclusive developmental state. The demand for more women parliamentarians is not a mere numbers issue but a call for transformational politics, that is, for equity, for social justice, in short for the betterment of the human condition.

INTRODUCTION

There have been eight elections in Mauritius since independence but the numbers of women being presented as candidates by the political parties have been small and have not changed much over the years, confirming the argument in the United Nations Development Programme (UNDP)'s human development report of 1995 that the political space belongs to all citizens but that men monopolise it. The Constitution of Mauritius enshrines equality for all its citizens irrespective of race, ethnicity and gender but, in practice, women continue to be discriminated against in various spheres, particularly in politics. The general elections of 2005 did, however, erode this 'monopoly', with the number of women in the legislature increasing significantly, though it remains below the 30 per cent minimum benchmark contained in the Southern African Development Community (SADC) Declaration on Gender and Development, which Mauritius has ratified.

This paper analyses gender imbalance in Mauritian democracy and explores the implications of this imbalance for governance and citizenship. Regular peaceful elections, it argues, are not sufficient if large numbers of women are left out and are not given the opportunity to run for office. Women's representation in the legislature, the paper argues, is not only a numerical issue and/or a claim for a 'politics of presence', it is a claim for 'a politics of ideas' (Phillips 1995). The latter is central to the kind of transformational politics multiethnic and male-dominated Mauritius needs urgently in these very trying times. Turning women's presence in the legislature into effective power is a necessary condition for the emergence of a gender inclusive developmental state.

The first part of the paper examines the constraints women face in entering the political arena and in so doing highlights the factors that contribute to men's ability to control that arena and the nexus between the two. Unless ways and means are found to ease women's entry into the polity, men's 'control' will persist.

The second section shows the evolution of women's representation in Mauritian elections over the years and argues that regular elections are not sufficient to ensure the consolidation of democratic governance. Unless the electoral system is reviewed and proportional representation introduced, accompanied by other appropriate mechanisms, there is very little chance that Mauritian democracy will become gendered and citizenship meaningful.

The third section explores some of the women's issues that have not yet been addressed. It argues that it is vital to have a minimum critical mass of women in Parliament if current discontent with Mauritian democracy is not to increase. The paper concludes by stating that consolidation of democratic governance requires closing the gap between rich and poor, addressing the growing gender asymmetry in the distribution of entitlements and, most importantly, unshackling the country from its embedded patriarchal structures.

PART ONE

MEN'S APPROPRIATION OF THE POLITY AND CONSTRAINTS WOMEN FACE – THE NEXUS

Politics in Mauritius remains very male dominated, a dominance facilitated by the constraints women face in entering the public sphere. Some of the factors that act as obstacles to women's entry into the political arena include: socialisation and education, marginal positions in the labour market and limited resources, the role and structures of political parties, divergence of opinion on quotas /lack of consensus, gender blindness in Mauritius's politics of recognition, the formation of alliances and coalitions, men's chauvinistic and biased attitudes, and the weakness of civil society.

Socialisation and education

Simone de Beauvoir (1949) aptly observed that women are not born women but that they become women. In other words, socialisation patterns have a very strong influence on the way in which gender dynamics play themselves out. Children, both boys and girls, are subjected to stereotyping which persists even in adult life, making people believe they are meant for particularly defined roles, hence the sexual division of labour that persists in many parts of the world, Mauritius among them. Women continue to be socialised along gender norms and therefore often identify their gender with domesticity. As a result, they are reluctant to enter public life, mainly because of their family obligations (Gunganah et al 1997, p 30). They 'tend to self-impose limits to their professional aspirations' (Dommen and Dommen 1999, p 67). Hawoldar et al (2004, p 3) note that 'the patriarchal concrete had hardened into the cells and marrow of our womenfolk themselves'. Socialisation through institutions such as the family, religion and education has, in some ways, contributed to this patriarchal concrete since most of these agents of socialisation are male dominated and male oriented.

Although socialisation and cultures hamper women's participation in politics, the same cannot be said about education per se. While it is true that education often plays a part in reinforcing stereotypical roles and channels women towards disciplines regarded as 'feminine' and there is still unequal access to technical and scientific skills, access to education, including tertiary education, has opened up opportunities for women.

Unlike in most developing countries where boys are given more educational opportunity than girls, education in Mauritius has benefited both men and women. Because education has been free for all since 1976 families do not have to

choose which of their children to educate, even in times when resources are scarce. Mauritius's exceptional stand in rejecting the IMF/World Bank conditions of abolishing free education and free health when it embarked on the structural programmes is to be applauded. Free education has contributed to a pool of talented, able and competent women who today occupy positions as judges, medical doctors, lawyers, permanent secretaries and academics. But there is still a gender gap in so far as these positions are concerned. Table 2 illustrates this gap, while Table 1 shows the extent to which women and girls access tertiary education and how the number of women surpasses the number of men in the tertiary sector, at least at a local level.

Table 1
Enrolment at Local Tertiary Level by Sex

| Year | Male % | Female % |
|------|--------|----------|
| 1999 | 52.4 | 47.6 |
| 2000 | 43.9 | 57.0 |
| 2001 | 44.2 | 55.8 |
| 2002 | 42.1 | 57.9 |
| 2003 | 43.7 | 56.3 |
| 2004 | 42.6 | 57.4 |

Source: Ministry of Women's Rights, Child Development & Family Welfare, *Statistics in Mauritius, A gender approach* 2005

The figures in Table 1 can be misleading, making it appear that Mauritian males are at a disadvantage when it comes to tertiary education. The reality is that many more young men than women go abroad for further study. Gunganah et al (1997, p 61) and Thacoor-Sidaya (1998) argue that there is a gender gap at tertiary level and that most politicians are drawn from the pool of people who have university training and are professionals of some sort. They are, perhaps, referring to the gap that exists mostly within the group that undergoes training abroad. However, there are no accurate data, let alone gender disaggregated data, for students in this category.

Table 2 captures the numbers of males and females in some professional categories. Males outnumber females in all categories except for that of 'education officers'. The gender gap in the professional categories may be a reflection of the

Table 2
Employment in Government Services by Occupation and Sex
2000-2004

| Occupation | 2000 | | 2001 | | 2002 | | 2003 | | 2004 | |
|-----------------------------------|-------|--------|-------|--------|-------|--------|-------|--------|-------|--------|
| | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female |
| Professionals per category | 2 082 | 1 120 | 3 201 | 2 782 | 3 312 | 2 893 | 2 647 | 1 544 | 2 757 | 1 770 |
| Education officer | 813 | 730 | 806 | 797 | 892 | 919 | 981 | 1 089 | 1 046 | 1 248 |
| Medical doctor | 415 | 102 | 428 | 106 | 497 | 139 | 527 | 156 | 534 | 157 |
| Dentist | 30 | 13 | 30 | 13 | 37 | 15 | 41 | 16 | 39 | 17 |
| Analyst/Programmer | 21 | 27 | 18 | 27 | 13 | 15 | 12 | 16 | 43 | 58 |
| Engineer | 107 | 5 | 119 | 6 | 105 | 4 | 98 | 4 | 92 | 5 |
| Pharmacist | 11 | 5 | 2 | 6 | 2 | 6 | 11 | 6 | 11 | 6 |
| Judge | 7 | 13 | 6 | 4 | 6 | 4 | 7 | 4 | 7 | 5 |
| Magistrate | 16 | 19 | 14 | 15 | 16 | 17 | 18 | 17 | 17 | 13 |
| Statistician | 24 | 11 | 22 | 10 | 26 | 15 | 23 | 13 | 23 | 13 |
| Accountant auditor | 37 | 14 | 39 | 14 | 34 | 12 | 39 | 14 | 36 | 17 |

Source: Ministry of Women's Rights, Child Development and Family Welfare, *Statistics in Mauritius, A gender approach 2005*

gender gap that exists among those who go overseas for higher education. It may also be a reflection of the socialisation patterns which channel girls and women towards disciplines that are traditionally regarded as 'feminine'. Although there are no accurate data on the outflow of students to foreign universities, what is clear is that patriarchy tends to influence the tertiary destination of the young people and, inevitably, their careers, sometimes including their political career.

Marginal positions in the labour market and limited resources

Women continue to occupy a marginalised position in the labour market and command very few resources and, as in many other African countries, women in Mauritius lack the necessary funds and resources to enter the sphere of political decision-making. Although the number of women in the labour force has increased over the years, they are concentrated in low paid and low skilled jobs (Alladin 1993, p 79, Gunganah et al 1997, p 20). They are also underpaid compared to men doing the same type of work.

The labour market in Mauritius remains ethnicised, gendered and segmented. Only some 35 per cent of women are in the formal labour market, with the vast majority contributing to turning the wheels of the factories in the Export Processing Zone (EPZ). Many of these women are now losing their jobs and suffering the ripple effects of joblessness. (Bunwaree 2004c)

Most well educated and competent women are found in the public sector in Mauritius but very few have broken through the glass ceiling and members of the public sector are restricted from participating in the political life of the country. Mauritian law mandates that people in the public sector should not seek elective office unless they resign from their positions. Women, concerned about their security and livelihoods, are generally more hesitant than men about resigning, thus reducing the pool of potential women politicians (Bunwaree & Yoon 2006).

It is a well-established fact that running for office is a costly business, requiring considerable resources. Bunwaree (2005a) and Chiroro (2005) note that the issue of campaign finance discourages most women from entering the political race. Although the Sachs Commission report suggested that the funding of political parties should become conditional on their gender representation, this question appears to have been consigned to a bottom drawer (Bunwaree 2005a)

Role and structure of political parties

Political parties around the world tend to be male dominated. The report of a symposium on 'Women in decision making', organised by the Ministry of Women's Rights, Child Development and Welfare on 7 March 2006 to celebrate

Women's Day, contained a series of recommendations, among which was the following:

That the government enacts appropriate legislation to review party structures and procedures of political parties in order to remove all barriers that directly or indirectly discriminate against the participation of women.

A task force set up by the Ministry of Women in 2001 made a very similar proposal.

A few political parties have made some effort to bring more women into the party structure, with the Labour Party perhaps going furthest in this direction, changing its constitution to ensure at least 30 per cent female representation within its Executive Committee, the highest decision making organ in the party structure. The Mouvement Militant Mauricien (MMM) also has some female representation within its Bureau Politique, although female representation is limited to the former Minister of Women's Rights, Child Development and Family Welfare, Ariane Navarre Marie, and two other female Members of Parliament (MPs). The Mouvement Socialiste Mauricien (MSM) has the lowest female representation at the highest level of the party structure (Bunwaree & Yoon 2006). But having women on the executive committee or bureau politique of parties does not ensure that a minimum critical mass will obtain tickets for elections. (Caul 1999; Paxton & Kunovich 2003) argue that political parties play a crucial role in allowing or preventing women's access to the legislature. Such characteristics as a low level of women's activism within parties, the coalition system, and lack of party commitment to women's political representation have affected female legislative representation in Mauritius. According to Caul (1999, p 83), women's activity within parties is one of the most significant factors encouraging female legislative representation because it not only increases women's power in the party but also creates a pool of politically experienced women. Women's party activism, especially at the high levels, Caul (1999, p 94) continues, is likely to trigger gender quota rules conducive to increasing their representation in Parliament. In Mauritius the voices of the handful of women in the upper echelons of certain parties are marginalised. There is still considerable resistance to the implementation of quotas for women; resistance that comes from all quarters, including from some women themselves (Bunwaree 2004).

Lack of consensus on quotas

Unlike a number of other countries, Mauritius has been unable to adopt quotas because of a lack of consensus about their value. Bunwaree (2004), Labelle (2004)

and Nababsing (2000) are in favour, while Collen, a leading figure in the Mouvement Liberation Femme and a member of Lalit, a radical left party, is against the quota system (*Express* 9 March 2004). Cziffra, a former woman parliamentarian, Minister of Womens' Rights in the early 1980s, and now the ombudsperson for children, is also against quotas, while Cassam Uteem, the former President of the Republic, argues that there will only be a change in the Mauritian democratic set up when provision is made for reserved seats for women. Deerpalsing, a newcomer to the political scene, argues: 'It is quite ironic that some people have suggested that the application of the formula for quotas would mean that more women would be second-class parliamentarians ... no one has ever suggested that any of our past, present or future front bench invariably constituted by means of specific formulas, *'bon profil'* are second-class front benchers (*Mauritius Times* 6 August 2004).

Arianne Navarre Marie notes that 'Whilst it is not obvious for a woman to choose between her family life and political life, one should admit that some good organisational skills can facilitate things ... We need women in politics but it is not any kind of formula or quotas or reserved seats which will encourage them to launch themselves into politics. Women should by themselves decide to come into the political arena' (*Week-end* 27 February 2005. Translated from the French).

While some people believe affirmative action is necessary to redress a history of political disadvantage others believe it is, itself, discriminatory and, in fact, treats women as second-class citizens. This lack of consensus facilitates men's occupation of the political space.

Gender blindness in Mauritius's politics of recognition and representation

A number of people, including Brautigam (1999) Srebnik (2002), Mukonoweshuro (1991) and Alladin (1993), have praised the relative stability of Mauritian politics, attributing this stability largely to the way the country accommodates diversity through its 'best loser' system.

However, Bunwaree (2004) argues that although Mauritius has been very adept in its politics of representation and recognition, the emphasis has always been on ethnicity and not on gender. Gender has never been an important variable in political representation because ethnicity and communal interests have always taken priority (Gunganah et al 1997, p 31).

When Paul Berenger, a white Franco Mauritian, became prime minister (PM) in 2002, some people spoke of a new era being ushered in and the maturing of Mauritian democracy. Questions such as 'Can and will the new PM rise to this noble challenge and seize this unique opportunity to rid our constitution of blatant

communalism and racism?' (Sithanen 2003) were also asked but very few asked how to get rid of the pervasive gender inequalities. While the 'maturing of Mauritian democracy' was evoked, no one saw how and why 'the *deepening* of Mauritian democracy' (my emphasis) required a better gender representation. Ethno politics continues to dominate, while gender politics remains on the periphery.

Coalitions and alliances shrinking the space for women

Central to the functioning of the Mauritian polity is the making and unmaking of alliances/coalitions. Bowman (1991), in discussing Mauritian politics, draws attention to the various alliances, misalliances and coalitions which contribute to what he calls 'political stability à la Mauricienne'. It is therefore incumbent upon us to ask what sort of stability there can be if the views and interests of large segments of Mauritian society are not adequately taken on board. In other words, can so-called stability bring about positive changes in gender relations and contribute to the democratisation of development? Women are often the victims of coalitions. This happens not only because coalitions contribute to shrinking the space available for women, thereby excluding them, but also because the bias and/or gender blindness of a male dominated legislature cannot address the needs and concerns of women significantly. Kadima and Kasenally (2005) note: 'The formation of coalitions brings an additional level of competition to the one that already exists at party level; negotiations are always tougher because fewer seats are available to each coalition party and this results in even fewer women being nominated.' It is therefore clear that unless Mauritius proceeds with electoral reforms, alliances and coalitions will continue to keep the political configuration tilted in favour of men.

Male bias against women

Many women hesitate to enter politics because of dirty campaigning and the foul language men often direct against them. The electoral campaign of 2005 showed how women were sullied in posters when they were depicted as sex objects. Chiroro (2005) notes: 'There were a number of demeaning images of women in the campaign, especially by the ruling MSM-MMM alliance, caricatures of the opposition either as naked women, some of them with their legs cut up and surrounding the opposition leaders' body, and many symbols of women as the weaker sex and therefore without the stamina for politics.'

Although it is true that there is still a fair amount of dirty campaigning and sullyng of women (Bunwaree 2005a), the results of the 2005 elections testify to

the fact that there is also some kind of predisposition to vote for women when the latter are considered able and competent. Of the 16 women fielded as candidates by the dominant parties, 12 were elected.

Civil society emphasis on practical rather than strategic needs

While it is true that the Mouvement Liberation Femme, a woman's group, and SOS Femmes, a non-governmental organisation (NGO) working with battered women, have played a key role in the creation of certain legislation, the Domestic Violence Act, for instance, a number of NGOs grouped under the National Women's Council and the Mauritius Alliance of Women have been more concerned with the practical needs of women than with their strategic needs. Hardly any of these NGOs have openly advocated more women in Parliament. There is a very poor culture of advocacy and lobbying on societal matters in Mauritius. Chimhamdamba and Kwaramba (2000), citing Virahsawmy (2003) note: 'Women's NGOs are not doing enough to help women enter politics. There is a need for a woman's lobby group to push women's issues to the forefront.'

Prior to the election of 2005 however, civil society platforms such as Media Watch and Federaction rallied around the question of women's representation in politics. In preparation for the 2005 election, women activists made a 'stout attempt to engender democracy by demanding one woman in each constituency, respect for the SADC 30 per cent declaration and the need to stop taking money for party tickets' (Chiroro 2005).

The high degree of momentum that gathered at the time of the election quickly dissipated and it seems as though the country will have to wait for the next election for the question of equitable women's representation to return to the fore. If women do not sustain their fight; do not opt for a 'politics of resistance, do not take to the streets to seek for justice' (Bunwaree, *Le Mauricien*), men will continue to see the political arena as an uncontested site and will feel comfortable about continuing to control it for their own ends.

Women confront multiple obstacles to access the political arena but perhaps the most difficult of these is their fight to be selected/nominated as candidates for male-dominated political parties. This is why it is important not simply to rely on the favours of the leaders or on a radical shift in the mindset of those who take decisions relating to the allocation of tickets at election time but rather to institutionalise certain mechanisms which can help to address the history of disadvantage that women have faced and continue to face. One of the key issues that needs to be addressed in this context is the electoral system.

PART TWO

ELECTIONS AND GENDER IMBALANCE

Research shows that electoral systems with a high number of seats in multi-member constituencies facilitate the entry of women (Lovenduski and Norris 1993). However, despite the presence of multi-member constituencies in Mauritius, the stark reality remains that women are still grossly under represented in the governance and politics of the country.

Despite the limited presence of women in the political arena Mauritius is often showcased as an example of 'good governance' and a model of social cohesion – the notion of good governance as applied to Mauritius seems to be largely gender insensitive. The United Nations Research Institute for Social Development (UNRISD) report (2005, p 17) *Gender equality – striving for justice in an unequal world* states: 'Good governance is seen as the essential condition enabling economic reform programmes to function effectively and is at the core of the current emerging "post Washington consensus".'

The concept of 'good governance' is given different interpretations by a multiplicity of actors. Some believe that governance reform which emphasises the expansion of market activity and its supporting institutions, especially private property rights, does not make enough space for gender concerns and gender equity. The report adds that: 'To tackle gender equity, programmes of reform must take into account from the outset the way in which formal and informal institutions are shaped by unequal gender relations.'

Unequal gender relations permeate almost every layer of Mauritian society in both the private and the public sphere. It is therefore difficult to speak of good governance when women, who constitute more than 50 per cent of the population, are so inadequately represented in various organs of the state, including Parliament. Table 3 shows the number of women who have stood as candidates and who have been elected in general elections from 1983 to 2005, while Table 4 shows the gender representation in municipal council elections from 1985 to 2001.

Table 3 highlights the poor representation of women in the Mauritian legislature. Although in certain years, such as 1995, the figures were slightly more encouraging, the figure returned to a dismal low in 2000, though it increased again in 2005. It would, however, be premature to speak of an upward trend, especially since the leap from 4 to 12 women parliamentarians in 2005 is perhaps more the result of a particular context than a definite political will and commitment by the leaders of the parties to field more women candidates.

Women's representation also remains inadequate at local government level. This is reflected in Table 4, which contains the figures for municipal council elections from 1985 to 2001.

Table 3
Number of members in the National Legislative Assembly by Year
1983-2005

| Year | Number of members | | | |
|------|-------------------|--------|------------|----------|
| | Male | Female | Both sexes | % Female |
| 1983 | 66 | 4 | 70 | 5.7 |
| 1987 | 66 | 4 | 70 | 5.7 |
| 1991 | 64 | 2 | 66 | 3.0 |
| 1995 | 60 | 6 | 66 | 9.1 |
| 2000 | 66 | 4 | 70 | 5.7 |
| 2005 | 58 | 12 | 70 | 17.1 |

Source: Electoral Supervisory Commission, Port Louis 2005

Table 4
Number of Members in Municipal Councils by Year of Election and Sex
1985-2001

| Year | Number of members | | | |
|------|-------------------|--------|------------|----------|
| | Male | Female | Both sexes | % Female |
| 1985 | 119 | 7 | 126 | 5.6 |
| 1988 | 118 | 8 | 126 | 6.3 |
| 1991 | 119 | 7 | 126 | 5.6 |
| 1996 | 115 | 11 | 126 | 8.7 |
| 2001 | 109 | 17 | 126 | 13.5 |

Source: Ministry of Women (September 2005) *Statistics in Mauritius: A Gender Approach*, Port Louis

Local government includes both municipal and village councils but figures were only available for the former. While there has been an upward trend in female representation – from 5,6 in 1991 to 13,5 in 2001 – the gender gap remains substantial. It would, however, be interesting to follow up in future years and see whether different dynamics play themselves out in local government elections

as compared to those in general elections and what the closing of such gaps implies for the consolidation of democratic governance.

Although still a young and developing nation, Mauritius compares well with the most advanced countries in relation to political stability and the administration of justice. The principles of the rule of law are embodied in the Constitution of Mauritius and the Supreme Court has pronounced that they are an integral part of the country's supreme law. Mauritius also has an independent judiciary and a strong and vibrant press, regular elections and the alternation of governments in peaceful conditions. Elections are well entrenched in Mauritian democratic culture and voter turnout is generally higher than 80 per cent. But the democratic deficit that persists is the under representation of women. To address such a deficit without some form of positive discriminatory measures (at least temporarily) will be a very difficult task.

Elections and state legitimacy

Elections generally permit citizens to use their own choices and voices to appoint both local and national leaders to run national affairs on their behalf. Nohlen (1985, p 19) draws our attention to some 13 key functions of elections in entrenching democratic governance, but nowhere is the question of gender representation in elections evoked as a means of deepening democracy. The key functions Nohlen enumerates are:

- legitimisation of the political system;
- transfer of national trust to persons and parties;
- linking political institutions to voters' preferences;
- representation of opinions and interests of the electorate;
- establishment of an opposition capable of exerting control;
- giving rise to competition for political power on the basis of alternative policy programmes;
- bringing about a decision on government leadership by means of the formation of parliamentary majorities;
- integration of social pluralism and formation of a common will for political action;
- channelling of political conflicts in procedures for their peaceful settlement;
- enhancement of the population's political consciousness by clarifying political problems and alternatives;
- providing for orderly succession of governments;

- selection and recruitment of leaders;
- mobilisation of the electorate for social values, political goals and programmes.

In relation to the legitimisation of the political system and representation of the opinions and interests of the electorate the question that should be asked is 'how can one speak of legitimisation when gender as a category is ignored?'. In an article headlined 'State Legitimacy, Women and Elections – Levelling the Playing Field' Bunwaree (2005a) states that 'there is no doubt that Mauritian women can and should be part of a political elite so necessary to improve the human condition, to work towards a more socially inclusive citizenship and thus help to improve state legitimacy'. For Bunwaree there can be no legitimisation of the political system if the interests and opinions of half or more of the electorate are not adequately reflected. This has a direct bearing on the nature of governance and, in turn, on the human condition, equity and social justice.

In other words, the political system cannot be entirely legitimate if one segment of the population remains inadequately represented in elections. But discussing elections without looking at the electoral and voting system would be meaningless. While elections basically refer to a periodic process of selecting local and national leaders an electoral system refers to a method of selecting these leaders and translating votes into parliamentary seats.

In the foreword to the International IDEA handbook, *Electoral System Design* (2005), Carina Perelli, Director of the United Nations Electoral Assistance division notes:

The design of electoral systems cannot be considered in isolation from the wider context of constitutional and institutional design, and it can be critical for areas as diverse as conflict management, gender representation and the development of political party systems. Done well, electoral system design can add momentum to political change, encourage popular participation, and enable the emergence of legitimate representatives who are capable of handling a wide range of needs and expectations, immediately and in the future. Done badly, it can derail progress towards democracy or even political stability.

Electoral systems can indeed be critical to a panoply of issues, including gender representation, but it seems that Mauritius has turned a deaf ear and continues to live with an electoral system and a constitution inherited from its colonial masters.

The Mauritian electoral system

Mauritius is a multi-party parliamentary democracy based on the Westminster model. The head of state is the president, who is appointed by a majority of the National Assembly for a five-year term. Legislative power is exercised by Parliament, which is composed of the president and the National Assembly. Free and fair elections are held every five years. Mauritius has a first-past-the-post (FPTP) electoral system. The country is divided into constituencies, each electing three members of Parliament. The legislature is made up of 60 elected members and four additional seats (known as 'best-loser' seats) are given to those candidates belonging to under represented ethnic groups who come next in the ranking in terms of the number of votes obtained. Allocation of best loser seats does not alter the net result of the election. The rationale behind the best-loser system, which is endorsed in the Constitution, was to ensure the secure and adequate representation of minority communities in Parliament.

The FPTP system in the three-member constituencies, however, frequently produces results which are grossly disproportionate to the share of votes obtained by the different parties. At times, although obtaining a substantial vote, the opposition has been either completely or nearly completely eliminated. In 1982 and 1995 the result was 60-0, while in 1991 and 2000 the presence of the opposition barely reached symbolic levels. In addition, the system contributes to keeping women out of politics. Sachs, in fact, describes the under representation of women in Mauritian politics as the country's 'gravest democratic deficit'.

A great deal has been written about how different electoral systems favour or discriminate against women. Writing on the situation in the Commonwealth, Lowe- Morna (1996) observes that there is overwhelming evidence to suggest that women have a better chance of being elected under a PR system than under a constituency-based system. The reason for this, she argues, is that in the former case 'candidates focus on the party and its policies rather than on a particular individual. This works in favour of women – at least in getting their foot in the door – because of the inbuilt prejudices against women.'

The experience of some SADC countries supports the observation that the PR or list system is more conducive to the representation of women than the constituency-based system. Two of the three African countries with the highest representation of women in parliament (South Africa and Mozambique) have PR systems. Norris (1985), Rule (1987) and Matland (1998) also argue that women standing in single-member majority or plurality systems are less successful in getting parliamentary seats than those who stand in PR systems. Yoon (2004) draws our attention to the fact that majority plurality systems negatively affect women's legislative representation in sub-Saharan Africa.

The IDEA *Handbook* (2005) notes that the FPTP system excludes women from the legislature and that the 'most broadly acceptable candidate' syndrome also affects the ability of women to be elected to legislative office because they are often less likely to be selected as candidates by male-dominated party structures.

The Inter-Parliamentary Union study of women in parliament found that, as at June 2004, on average 15,6 per cent of representatives in lower houses of legislatures were women. Countries using FPTP had an average of 14,4 per cent, while the figure in countries that use some form of PR was almost double that, at 27,6 per cent. Despite the fact that the Sachs Commission recommended PR for Mauritius the country hesitates to engage in electoral reform and perpetuates the FPTP system with its associated best-loser element which, according to Bunwaree (2005), should be de-ethnicised, deracialised and, instead, be genderised if it is to be maintained in any way whatsoever.

The Sachs Report

The Sachs Commission (2000) investigated the importance and possibility of introducing a measure of proportional representation into the Mauritian electoral system and made a number of recommendations which remain unimplemented. Sithanen (2003) argues that, if well crafted, a dose of PR in the electoral system could certainly achieve broad representation, while de-ethnicising the electoral formula and deracialising the Constitution.

As the electoral system is being revisited and as we are likely to have a mixed formula, we should subsume the BLS in the dose of the PR. Double candidacies can give an additional insurance for diversity and plurality. It is a fact that many PR formulae (Germany, Japan, New Zealand) give a second chance to some candidates and this should be used for a broad based representation in Mauritius without resorting to BLS. The introduction of a mixed system with a dose of PR gives us the opportunity to design a voting formula that will ensure broad representation. This includes party, gender and 'rainbow' representation without ethnicising the electoral system.

Although gender is mentioned, it is quickly forgotten at the end of the same article when the author concludes that 'It would be a tryst with history to have a constitution and an electoral system expunged of ethnic, communal and racist considerations' (Sithanen in *L'Express* 6 October 2003).

Expunging ethnic, communal and racist considerations from the Mauritian electoral system is no easy task but expunging its gender bias may be even more

difficult. Gender permeates the layers of the public and private spheres in such subtle ways that even reforming the system and having more women legislators will not be enough to transform Mauritian society into a more gender equitable one.

Genderising the Mauritian polity

Genderising the Mauritian polity requires more than just a dose of PR. The question of quotas for women needs to be brought to the forefront of debate but there is, unfortunately, a large degree of silence and lack of consensus on this matter. What is more worrying is that no efforts may be made in the next few years to address the under representation of women since there is a general belief that there has been an upward trend since the numbers of women in the legislature has increased from four in the last legislature to 12 in the present one.

What is perhaps not sufficiently analysed is the factors that have contributed to this trend. The increase appears to be the result of particular circumstances and contexts which are not static – they change, sometimes quite rapidly, making it difficult to confirm that there is a clearly established upward trend in female political representation. Some of the factors that may have contributed to the increase in numbers of women in the 2005 legislature include incumbency politics and positions within party structures; the more vocal role of civil society prior to the elections; the weakening of the MSM and the defection of some important male figures from this party, which had some unintended benefits for women and the campaigning styles and efforts of women. A few of the women candidates from the MMM and MSM were parliamentarians and two of them were ministers in the 2000-2005 legislature. It is generally argued that such incumbents often have recourse to state resources to help them in their campaigns.

Although more women now hold office Mauritius has still not reached the 30 per cent SADC target let alone the 50-50 parity aim of the African Union so women continue to constitute a minority in Parliament and their minority status can hamper women's advancement. Arouff Parfait, a former Minister of Sports and Youth (1998), has stated that 'Political parties in Mauritius should line up more women candidates. We have plenty of place for improvements, to make sure that we have our place in policy making and decision making. Women constitute an important vote bank and political parties can ill afford to ignore this. We have to make society more cognizant of the status of women.'

Truly empowering women is an important task if governance is to be meaningful to the citizens of Mauritius. The Constitution enshrines equality but this equality is not reflected on the ground. Mauritian women are still at a disadvantage in many walks of life. To enhance their status and improve their condition, there is an urgent need for some kind of gendered governance.

PART THREE

DEMOCRATISATION, GOVERNANCE AND THE STATUS OF WOMEN

Throughout the world, not only have citizenship and belonging been confined largely to men, the tendency has been to 'invisibilise women' by rejecting 'their experiences as evidence' (Pettman 1999, p 216). Men continue to be used as 'the norm against which [women] as "otherness" can be measured' (Imam 1997, p 27). Yet to discuss citizenship and belonging meaningfully it is important to document how different women understand and relate to the identity markers which male-engineered structures of 'unity in diversity' or economic development bring to bear on them.

While much research has been done in this regard by feminist scholars elsewhere (Yuval-Davis and Werbner 1999), in Africa serious research remains to be initiated in ways sensitive to the predicaments of women at different levels of society within and across national and regional boundaries (Imam et al 1997; Mama 2001). There is a need not only for research but also for gender-sensitive policy-making which takes on board the 'predicaments' to which Mama and Imam refer.

It is important to emphasise the distinction between governance and government. Governance is the institutional arrangements, systemic framework, political regimes and policy machinery of a given country that ensure that a responsible and responsive authority is in place to run a nation's affairs on behalf of the population at all levels of social formation. It implies the exercise of political power to manage a nation's affairs and encompasses the state's institutional and structural arrangements, decision-making processes and implementation capacity and the relationship between government officials and the public (Landsberg & Mackay 2005; Matlosa 2005). But managing a nation's affairs without paying enough attention to the interests of the marginalised, particularly women, and to the issues that are increasingly affecting women in this era of neoliberalism and growing feminisation of poverty poses some serious challenges to governance.

In a number of African countries women MPs have not succeeded in putting women's issues on the national agenda (Mama 1995) or in bringing out the gender dimensions of apparently gender neutral policy decisions. The latter are, of course, a crucial issue. What is interesting in Mauritius, however, is that despite the fact that women's presence in Parliament has been small women have been able, with the support of male parliamentarians, to push successfully for progressive legislation such as the Domestic Violence Act of 1997, the Sex Discrimination Act of 2002 and the Immigration and Deportation Act of 1992.

Despite this, large numbers of women are victims of different forms of oppression. Many subtle discriminatory mechanisms persist that contribute to keeping them in subordinate positions. Women do not constitute a homogenous block – they differ in terms of age, sex, ethnicity, caste and class and their problems are not exactly the same. However, there are a number of issues such as domestic violence, the illegality of abortion, and poor participation in the formal labour market which transcend class, caste and ethnicity, thus affecting women's lives and having an impact on their status. Any improvement in the status of women depends largely on the style of governance that is in place. It is not enough merely to pass gender-sensitive legislation, the legislation must be effectively implemented. Both male and female legislators must be able fully to understand and appreciate the issues affecting women's lives and to ensure that the micro realities of those lives are considered when shaping and formulating policies.

Karl (1995) draws our attention to the fact that when significant numbers of women engage themselves in the formal political space, as is the case in the Nordic countries, they do make a difference. Karl also notes that women's experiences, particularly as mothers and in their traditional roles in the home and family, make them more conscious and aware than men of the needs of other people. (Waylen 1996a), however, contests the notion that women's interests/concerns and issues are shared by all women. Opinions continue to diverge on the question of whether the presence of a larger number of women in Parliament would make a difference to women's lives. Whereas some writers have emphasised women's distinctive contribution to elected office, others have demonstrated similarities between women and men politicians, while still others have suggested that gender differences in politics are contingent upon their institutional context (Norris 1996).

Commentators such as Randall (1987) are still not convinced, arguing that women who become a component of the political elite often display the same political attitudes as their male colleagues because of the process of selective recruitment, party pressure and political socialisation within legislatures. While it is true that some women parliamentarians have, on some occasions, shown similar political attitudes to those of their male counterparts and hold 'male-like discourses' to the extent of denigrating fellow women they generally try to work for the advancement of women, hence the progressive legislation referred to above.

CONCLUSION

The Consolidation of Democratic Governance – The Need For a Gender Inclusive Developmental State

The political elite in Mauritius has played a very important role in turning the post-colonial state into a developmental state and generally improving the quality

of life of all its citizens. But women citizens have somehow been left behind and continue to be victims of various forms of oppression, particularly domestic violence, highlighting the fact that laws often do not mean much.

Women's issues are dynamic, changing with circumstances – sometimes there is progress, at others there is regression or merely maintenance of the status quo. Some of the most pressing women's issues that still have to be addressed are the legalisation of abortion, the under-representation of women in science and technology, access to credit, teenage pregnancies, the feminisation of HIV / Aids, low participation of women in politics, unequal pay for equal work, absence of legal aid, the growing feminisation of poverty, continuing subtle discrimination on the labour market and the rising level of female unemployment.

The UNDP report of 1995, which analysed gender and development in 174 nations, found that:

Whilst it is true that no definite relationship has been established between the extent of women's participation in political institutions and their contribution to the advancement of women, a 30 percent membership in political institutions is considered the critical mass that enables women to exert a meaningful influence on politics.

The UNDP notes that there is a close relationship between low numbers of women parliamentarians and high levels of poverty (Towns 2003).

Mauritius is currently going through very difficult and uncertain times. The country confronts a number of challenges. Among these are the dismantling of the multi-fibre agreement; the loss of protected markets and guaranteed prices; the EU sugar regime slashing the price of sugar, which is still a very important export; and an ageing population with a declining worker-pensioner ratio. In the midst of this turmoil women face the heaviest burden. Many firms within the EPZ are closing down, causing rapidly rising unemployment, which is particularly pronounced amongst women. The defeminisation of labour and its ripple effects are taking their toll on women, but the ministry of women's rights hardly evokes the question of the right to work as a fundamental human right for women. If high numbers of women in parliament can make a difference, as the UNDP seems to infer, Mauritius should work harder to unshackle the island state from its patriarchal structures and promote some sort of gendered governance which may bring in its wake a more gendered citizenship.

Kethusegile-Juru, gender adviser to the SADC secretariat notes (2005) that 'it is the responsibility of all stakeholders in civil society, researchers, independent electoral commissioners and academics, to consistently raise the issue of gender equality in leadership politics as part of their discourse on good governance and human rights'.

Democratic governance can only be consolidated if the diverse groups within the electorate are adequately represented and all the electorate's representatives work together to improve the human condition. What might, perhaps, contribute to making a real difference is if the women parliamentarians could work together to turn Mauritius into a gender inclusive developmental state. This would imply more gendered governance and a more just society. It is perhaps time for the organisation of sustained women's lobby groups for political advocacy as well as a women's parliamentary caucus, two elements which are lacking in the Mauritian context.

— REFERENCES —

- Alladin, I. 1993. *Economic Miracle in the Indian Ocean: Can Mauritius Show the Way?* Rose-Hill, Mauritius: Editions de l'Océan Indien.
- Arouff-Parfait, M. 1998. Paper presented at the South African 'Women and Governance' Conference in Cape Town and cited in *AWEPA Bulletin* 12(4). Amsterdam, Netherlands.
- Beauvoir, Simone de. 1949. *Le Deuxieme sexe*. Paris: Gallimard.
- Bowman, L W. 1991. *Mauritius: Democracy and Development in the Indian Ocean*. San Francisco: Westview Press.
- Brautigam, D. 1997. 'Institutions, Economic Reform and Democratic Consolidation in Mauritius'. In *Comparative Politics* 30(1).
- . 1999. 'The Mauritius Miracle: Democracy, Institutions and Economic Policy'. In R Joseph (ed). *State, Conflict and Democracy in Africa*. Boulder: Lynne Reiner.
- Bunwaree, S. 1997. 'Education and the Marginalisation of Girls in Post-GATT Mauritius'. *Compare* 27(3), pp 297-317.
- . 2004a. 'Neoliberal Ideologies, Identity and Gender: Managing Diversity in Mauritius'. In H Englund and F Nyamnjoh (ed). *Rights and the Politics of Recognition in Africa*. London: ZED.
- . 2004b. 'Engendering the Mauritian Political Space, the Need for Quotas'. In *The Implementation of Quotas: African Experiences*, Quota Report Series. Stockholm, Sweden: IDEA.
- . 2004c. 'Globalisation, export oriented employment and social policy: The case of Mauritius'. In S Razavi, R Pearson & C Danloy (eds). *Globalisation, Export Oriented Employment and Social Policy-Gendered Connections*. New York: Palgrave.
- . 2005a 'State Legitimacy, Women and Elections: Levelling the Playing Field'. *L'Express*, 2 March. Port Louis, Mauritius.
- . 2005b 'Pour une democratie plus equitable'. *La Vie Catholique*, 8 April. Port Louis, Mauritius.

- Bunwaree, S & M Yoon. 2006. 'A Grave Democratic Deficit'. *Journal of Contemporary African Studies* 24(2).
- Caul, M. 1999. 'Women's Representation in Parliament: The Role of Political Parties'. *Party Politics* 5(1).
- Chimhamdamba J & A Kwaramba. 2000. 'Mauritian Election Results Disappoint Gender Activists' www.sardc.net/sd/elctions2000/mauritius/mau_gender.html.
- Chiroro, B. 2005. 'Engendering Democracy Through the Ballot Box in the Mauritius 2005 Elections'. EISA Occasional Paper No 37, October.
- Deerpalsing, N. 2004. 'Thriving monocultures'. *L'Express*, 26 December. Port Louis, Mauritius.
- Dommen, E & B Dommen. 1999. *Mauritius: An Island of Success*. Wellington, New Zealand: Pacific Press.
- Dukhira, C. 2002. *History of Mauritius – Experiments in Democracy*. New Delhi: Brijbasi Art Press.
- Eriksen, T. 1998. *Common Denominators: Ethnicity, Nation Building and Compromise in Mauritius*. Oxford: Berg.
- Gunganah, B et al. 1997. *Beyond Inequalities: Women in Mauritius*. Harare: SARDC. Documentation Centre.
- Hawoldar, S et al. 2004. *So that flowers may bloom*. Port Louis, Mauritius: UNDP.
- Imam, A. 1997. 'Engendering African Social Sciences: An Introductory Essay'. In Ayesha Imam, Amina Mama, Fatou Sow (eds). *Engendering African Social Sciences*. Dakar, Senegal: CODESRIA.
- Imam, A, A Mama & F Sow. 1997. *Engendering African Social Sciences*. Dakar, Senegal: CODESRIA.
- Inter-Parliamentary Union. 1997. *Towards Partnership Between Men and Women in Politics*, New Delhi, 14-18 February. Geneva, Switzerland: IPU.
- Kadima, D & R Kasenally. 2005. 'The Formation, Collapse and Revival of Political Party Coalitions in Mauritius'. *Journal of African Elections* 4(1).
- Karl, M. 1995. *Women and Empowerment – Participation and Decision Making*. London and New Jersey: ZED Books.
- Kethusegile-Juru, B. 2005. 'Intra Party Democracy and the Inclusion of Women'. EISA Occasional Paper.
- Landsberg, C & S Mackay. 2004. *Southern Africa Post-apartheid: The Search for Democratic Governance*. Cape Town: IDASA.
- . 2005. *Engaging the New Pan Africanism: Strategies for Civil Society*. Johannesburg: Osisa (mimeo).
- Lovenduski, J & P Norris (eds). 1993. *Gender and Party Politics*. London: Sage.
- Lowe-Morna, C. 1996. 'Strategies for Increasing Women's Participation in Politics', Paper Presented to the Fifth Meeting of Commonwealth Ministers Responsible for Women's Affairs.

- Mama, A. 1995. 'Feminism or Femocracy: State Feminism and Democratization in Nigeria'. *Africa Development* 20(1).
- . 2001. 'Challenging Subjects, Gender and Power in African contexts'. *African Sociological Review* 5(92).
- Mathur, H. 1991. *Parliament in Mauritius*. Rose Hill: Editions de l'Océan Indien.
- Matland, R. 1998. 'Women's Representation in National Legislature: Developed and Developing Countries'. *Legislative Studies Quarterly* 23.
- Matlosa, K. 2005. 'Governance Research Agenda: Towards a Democracy Assessment Framework for Southern Africa'. EISA Occasional Paper, No 35, August.
- Ministry of Women, Child Development and Family Welfare. 1995. *White Paper on Women in Development*. Port Louis, Mauritius.
- . 1999. *A Statistical Profile of Women in the Republic of Mauritius*. Port Louis, Mauritius.
- . 2000. *National Gender Action Plan*. Port Louis, Mauritius.
- . 2001. *Statistics 2001*. Port Louis, Mauritius.
- Mukonoweshuro, E G. 1991. 'Containing Political Instability in a Polyethnic society'. *Ethnic and Racial Studies* 14.
- Nasturget, T. 2005. *Women and Politics*. Unpublished Undergraduate Dissertation, University of Mauritius.
- Nohlen, D. 1985. *Elections and Electoral Systems*. Bonn: Friedrich Ebert Stiftung.
- Norris, P. 1985. 'Women's Legislative Participation in Western Europe'. *West European Politics* 8.
- . 1996. 'Women Politicians: Transforming Westminster'. In J Lovenduski and P Norris (eds). *Women in Politics*. Oxford: Oxford University Press.
- Patten P. 2001. *Task Force Report*. Port Louis, Mauritius: Ministry of Women's Rights, Child Development and Family Welfare.
- Paxton, P and S Kunovich. 2003. 'Women's Political Representation: The Importance of Ideology'. *Social Forces* 82(1).
- Perelli, C. 2005. *Electoral System Design*. Stockholm: The New International IDEA Handbook.
- Pettman, J J. 1999. 'Globalisation and the gendered politics of citizenship'. In N Yuval Davis and P Werbner (eds). *Women, Citizenship and Difference*. London: ZED Books.
- Phillips, A. 1991. *Engendering Democracy*. Cambridge: Polity Press.
- . 1995. *The Politics of Presence*. Oxford: Oxford University Press.
- . 1998. *Feminism and Politics*. Oxford: Oxford University Press.
- Randall, V. 1982. *Women and Politics*. UK: Macmillan.
- . 1987. *Women and Politics: An International Perspective*, 2nd ed. UK: Macmillan.
- Reynolds, A & B Reilly. 1997. *The International IDEA Handbook of Electoral Systems Design*. Stockholm.

- Rule, W. 1987. 'Electoral Systems, Contextual factors, and Women's Opportunity for Elections to Parliament in Twenty Three Democracies'. *Western Political Quarterly* 40.
- Sachs, A, Tandon, B B & R Ahnee. 2002. *Report of the Commission on Constitutional and Electoral Reform*. Prime Minister's Office <http://www.gov.mu>, Port Louis, Mauritius.
- Thacoor-Sidaya, I. 1998. 'Women and Development in Mauritius'. *India Quarterly* 54(1-2).
- Sithanen, R. 2003. 'The Best Loser System – Can the New Prime Minister Rise to the National Unity Challenge?' *L'Express*, 6 October.
- Sikoska, T & N Karam. 2000. 'Introduction'. In *Engendering the Political Agenda: The Role of the State, Women's Organisations and the International Community*. Santo Domingo, Dominican Republic: INSTRAW.
- Squires, J. 1996. 'Quotas for Women: Fair Representation?'. In J Lovenduski and P Norris (eds). *Women in Politics*. Oxford: Oxford University Press.
- Srebrnik, H. 2002. 'Full of Sound and Fury: Three Decades of Parliamentary Politics in Mauritius'. *Journal of Southern African Studies* 28(2).
- Towns, A. 2003. 'Women Governing for Modernity: International Hierarchy and Legislative Sex Quotas'. Paper Presented at the 2003 Annual Meeting of the American Political Science Association, Philadelphia, August 26-30.
- Tripp, A M. 2001. 'Women's Movements and Challenges to Neopatrimonial Rule: Preliminary Observations from Africa'. *Development and Change* 32(1).
- United Nations. 1996. *Platform for Action and the Beijing Declaration – Fourth World Conference On Women*, Beijing, China, 4 - 15 September 1995. New York: United Nations.
- UNDP. 1995. *Human Development Report*. New York: Oxford University Press.
- UNRISD. 2005. *Gender Equality – Striving for Justice in an Unequal World*. Geneva, Switzerland.
- Uteem, C. 2004. 'The Funding of Political Parties'. *L'Express*, 27 January.
- Virahsawmy, L. 2003. 'Women, Where Are They?'. *L'Express*, 28 December.
- Waylen, G. 1996a. *Gender in Third World Politics*. Buckingham: Open University Press.
- . 1996b. 'Analysing Women in the Politics of the Third World'. In H Afshar (ed). *Women and Politics in the Third World*. London & New York: Routledge.
- Werbner, P and N Yuval-Davis. 1999. 'Introduction: Women and the New Discourse of Citizenship'. In N Yuval-Davis and P Werbner (eds). *Women, Citizenship and Difference*. London: ZED Books.
- Yoon, M. 2004. 'Explaining Women's Legislative Representation in Sub Saharan Africa'. *Legislative Studies Quarterly* XXIX(3).
- Yuval-Davis, N and P Werbner (eds). 1999. *Women, Citizenship and Difference*. London: ZED Books.

PARTISAN REALIGNMENT IN CAPE TOWN 1994-2004

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ABSTRACT

The Western Cape is the one part of South Africa that has experienced strong competition in democratic elections and a dramatic shift in power between political parties. Between 1994 and 2004 the initially dominant National Party lost almost all of its support, while support for the African National Congress rose steadily. Because of both the heterogeneity and supposed fluidity of the 'coloured vote' neither voting patterns nor shifts in the Western Cape fit neatly within a simple racial explanation of voting behaviour. Firstly, coloured voters have voted for opposing parties. Secondly, it has been asserted widely, there was a swing among coloured voters from the National Party to the African National Congress. This paper explores ward-level election results and survey data on Cape Town to show that coloured voters continue to be heterogeneous in their voting behaviour but that there is little evidence that former National Party supporters became ANC supporters between 1994 and 2004. The major cause of shifting partisan power in Cape Town is not voter realignment but rather demographic change, with differential turnout playing a role in specific elections. It is the overall electorate, rather than the individual voter, that has changed.

INTRODUCTION

In South Africa as a whole successive elections since 1994 have returned almost identical results. The share of the vote won by the African National Congress (ANC) has risen very slightly, while the opposition parties have failed collectively to make any inroads into its support. South Africa seems to have a dominant

party system, with little real competition for the popular vote (Lodge 1999, 2002; Reynolds 1999; Southall 2001; Piombo & Nijzink 2005).

In one province, however, not only has there been fierce electoral competition but there was also a striking shift in political power between 1994 and 2004. Historically the Western Cape is not an area of ANC strength and in the first democratic elections, in 1994, the ANC won just one-third of the vote in the province – approximately the same share that it won in KwaZulu-Natal and less than its share in each of the other seven provinces. The largest share (53%) of the 1994 vote in the Western Cape was won by the National Party (NP), so, from 1994 the province had a National Party provincial government and premier. Just ten years later, however, the picture was very different. In 2004, in the third democratic elections, the ANC won 45 per cent of the provincial vote, against just 11 per cent for the by then ‘New’ National Party (NNP). ANC leaders served as provincial premier (Ebrahim Rasool) and Mayor of Cape Town (NomaIndia Mfeketo).

The shift in power from the NP to the ANC was fast but steady. Table 1 summarises the votes won in the Western Cape by the major parties in each provincial and local election between 1994 and 2004.

Table 1¹
Votes for major parties in elections in the Western Cape 1994-2004

| Party | 1994 provincial | | 1996 local* | | 1999 provincial | | 2000 local** | | 2004 provincial | |
|--------------|-----------------|------------|--------------|------------|-----------------|------------|--------------|------------|-----------------|------------|
| | votes (000) | % | votes (000) | % | votes (000) | % | votes (000) | % | votes (000) | % |
| DA | | | | | | | 564 | 50 | 425 | 27 |
| DP | 142 | 7 | 60 | 5 | 189 | 12 | | | | |
| NP/NNP | 1 138 | 53 | 564 | 48 | 610 | 38 | | | 170 | 11 |
| ANC | 706 | 33 | 432 | 37 | 668 | 42 | 440 | 39 | 709 | 45 |
| ID | | | | | | | | | 123 | 8 |
| Other | 151 | 7 | 108 | 9 | 134 | 8 | 117 | 10 | 140 | 9 |
| Total | 2 137 | 100 | 1 164 | 100 | 1 601 | 100 | 1 120 | 100 | 1 567 | 100 |

* PR votes ** PR + ward votes, divided by 2

¹ Numbers in tables have been rounded off to the nearest integer resulting in rounding errors when the totals are calculated, hence there are some disparities in the percentage totals.

The ANC's share of the vote rose from 33 per cent in the 1994 provincial elections to 37 per cent in the local elections of 1995-96 and 42 per cent in the 1999 provincial elections. The ANC's share of the vote dropped slightly in the local elections of 2000 before resuming its upward trend again, reaching 45 per cent in the 2004 provincial elections. The NP's decline was even sharper than the ANC's rise. From 53 per cent of the vote in 1994 its share fell to 48 per cent in 1995-96 and 38 per cent in 1999. It contested the 2000 local elections as part of the newly formed Democratic Alliance (DA), together with the Democratic Party (DP) and other, very minor, allies. In 2004, after splitting from the DA and forming a new alliance with the ANC instead, the NNP won a mere 11 per cent of the vote.

The shift in institutional power from the NP to the ANC was not achieved through these general provincial and local elections alone. In the Western Cape, the ANC has repeatedly benefited from institutional rules that gave it power ahead of its rising share of the popular vote. Thus, after the first post-apartheid local elections in 1995-96, the ANC won control of a number of municipalities – including two major parts of Cape Town – on the basis of the legislative provision that former 'black' areas received half the wards in the new 'interim' councils, even if they were home to a much smaller proportion of the electorate (see Seekings 1995, 1997a). More recently, changes in power have run ahead of changes in the popular vote as a result of defections, floor crossing and shifting partisan coalitions in provincial and local assemblies. As the NP has fallen apart, many of its provincial and municipal legislators have found their way into the ANC. At local government level, for example, the ANC won control of the Cape Town City Council when former NP councillors, elected in 2000 under the flag of the DA, crossed the floor in September 2004.

Both the initial patterns of electoral support and post-1994 trends have attracted widespread commentary in the press as well as a range of scholarly analyses. Voting patterns in the 1994 election received the most detailed analysis, as scholars grappled with the incongruence between voting in the Western Cape and simple race-based explanations of voting behaviour. In the country as a whole the support base of the ANC comprised African voters, and the support base of the NNP comprised coloured, Indian and white voters. This simple correlation gave rise to descriptions of the 1994 election as a racial census, to use a phrase coined by Horowitz (1985) to describe elections in other multi-ethnic societies. In the Western Cape, as Reynolds (1994, pp 203-4) and many others have noted, there was a strong correlation between race and voting, with African citizens voting for the ANC and most white and coloured citizens voting for the NNP. But the ANC did win the votes of an estimated one in four coloured voters (Reynolds 1994, p 201; Mattes et al 1996, p 145). Indeed, as Mattes, Giliomee and James pointed out, none of the NP, ANC or DP had a mono-racial support base:

the NP's support base was (they estimate) two-thirds coloured and one-third white, the ANC's almost equally African and coloured, and the DP's almost equally white and coloured (Mattes et al 1996, p 146).

Any explanation of voting patterns in the Western Cape has to confront the fact that there is no monolithic 'coloured vote'. For the ANC and NP, campaigning in 'African' and 'white' residential areas respectively was a matter of promoting turnout among their core supporters. It was in 'coloured' areas that there was a battle for hearts and minds. This presented each of these political parties with a strategic dilemma: might promoting themselves in coloured areas perhaps undermine their turnout in their areas of core support? A series of studies focused on how the ANC and NP addressed this dilemma and how coloured voters responded to the parties' campaigns (Calland 1994; Eldridge 1996; Eldridge and Seekings 1996; Seekings 1996a; Mattes et al 1996). The overall result is clear: working-class coloured voters opted en masse for the NP while middle-class coloured voters were divided, with many supporting the ANC.

In a poll in mid-1993 half of all coloured voters in the Western Cape said they did not know for which party they would vote. In an earlier paper I argued that the story of the 1994 election in the Western Cape was essentially the story of the NP's success in persuading most of these initially undecided coloured voters to vote for the NP (Seekings 1996a). Most other scholars writing about the election have also argued or implied that the 1994 result was not pre-ordained, but instead was contingent upon the campaigns run by the major competitors. The NP emphasised its national leader, F W de Klerk, who enjoyed strong personal support among these voters. The ANC's campaign was characterised by mishaps that alienated coloured voters (Mattes et al 1996, pp 129-31). Almost all voters (and parties) concurred that the key issues in the election were jobs and crime, and both parties ran issue-oriented campaigns, but the NP's take on these issues was more appealing to undecided voters. As I wrote then:

Coloured voters might have been convinced that the ANC had an impressive 'Plan' [the Reconstruction and Development Programme] to build houses and provide jobs, but they seem to have remained skeptical that they themselves would benefit. ... The NP campaign, on the other hand, was effective in linking voters' fears to the spectre of a destructive ANC. When African squatters occupied houses built for coloured families, the NP warned (coloured) voters that their houses were 'not safe under the ANC'. ... The NP succeeded in defining the way in which the issues were understood.

Calland (1994) argues that the ANC would have done better had it adopted a more aggressive, and negative, campaign, focusing primarily on the long history of apartheid. Mattes et al (1996) note that it would have been difficult for the ANC to run a negative campaign in this province while running a positive campaign nationally. But there are different kinds of negative campaign: Eldridge and I (1996) argue that a more effective negative campaign in the Western Cape would have focused on the immediate issues, that is, jobs and crime, emphasising the NP's failure to address these issues while they held power in the very recent past.

Electoral trends after 1994 supported the general interpretation of contingent voting, that is, that voting was contingent on circumstance and campaign and was not fixed or pre-determined. The dominant media interpretation of the apparently increasing support for the ANC was that there was a 'swing' from the NP to the ANC, with individual voters defecting from the former to the latter. The ANC, unsurprisingly, backed this interpretation in its public statements. I contested it in a series of articles following the first post-apartheid local government elections (Seekings 1995, 1996b, 1997a). My argument revolved primarily around data on turnout in the elections. Between 1994 and 1995-96, the ANC's share of the provincial vote may have risen, but the absolute number of votes the party won in the Western Cape actually declined, from 706 000 to 432 000. The ANC's share of the vote only rose because there was an even more spectacular collapse in the number of votes won by the NP – from more than 1,1 million to just 564 000.

I suggested that the shift in the vote was the consequence of differential turnout: the ANC had a much larger core of strong supporters, who turned out to vote in 1995-96, while the NP had a small core of strong supporters and a large number of weak supporters, so it was especially hard hit by low turnout in 1995-96. The 'swing' was the result of voters who were undecided in mid-1993 but opted for the NP in 1994, who then became disproportionately apathetic in 1995-96 so that the primary 'swing' was from voting for the NP to not voting at all. The evidence of a swing from the NP to the ANC was weak. 'Without the results of consecutive elections at the same level, or comparable and sound opinion poll data, we should beware strong claims about shifts and swings' (Seekings 1997a, p 135).

The results of the 1999 provincial elections were not clear enough to resolve the issue of voter realignment (see Table 1). The ANC won more votes in 1999 than it had in 1995-96 but fewer than it had in 1994. Its share of the vote continued to rise, not because it was winning more votes but because the other parties were losing them. The DP and NP combined had won almost 1,3 million votes in 1994. In 1999 they won just 799 000. Unfortunately, most studies of these results ignored

the existing literature and tended simply to replicate rather than build on the findings of earlier studies. Jacobs (2001)² found that the 1999 election showed that support for the NP was not strongly entrenched. Like me, he suggested that there had been a clear swing to the ANC in small towns and among farm workers. Like me, he pointed to the importance of turnout. Like Mattes et al, Eldridge and myself, and Lodge (1999), Jacobs argued that the parties' strategic and tactical choices were consequential. The new NP leader, Martinus van Schalkwyk, was no vote-puller in the De Klerk mould. The ANC, on the other hand, waged a more effective campaign than it had in 1994, addressing directly many of the concerns of poorer coloured voters and attacking the NP more strongly (see Lodge 1999, pp 142-6, 176-7). The ANC also reaped the electoral benefits of having delivered improved living conditions in some areas. Habib and Naidu (1999) also reached the very unoriginal conclusion that class as well as race played a part in voting behaviour, with the NNP and DP performing better in poorer coloured areas in the Western Cape (and, similarly, Indian areas in KwaZulu-Natal) while the ANC performed better in richer coloured (and Indian) areas.

The results of the 2000 local elections further complicated analysis of voter realignment in the Western Cape. The ANC's vote dropped to almost the same number as in the previous local elections, in 1995-96. Its share (39 %) was slightly higher than it had been in 1995-96, but was lower than that in the 1999 provincial elections (see Table 1). The ANC's opponent in the 2000 local elections was, for the first and only time, the Democratic Alliance. The new DA won far fewer votes than the NNP and DP in combination had won in 1995-96 and its share was the same as it had been in 1999 (but was up slightly in Cape Town).

There are, to my knowledge, no independent studies of the 2000 elections in the Western Cape or Cape Town specifically,³ but Lodge's study of the local elections countrywide includes some discussion of Cape Town (see especially Lodge 2002, pp 104-10). Both parties again pitched their campaigns at coloured voters, with the ANC selecting as their candidate for mayor Lynn Brown (having failed to persuade Cheryl Carolus, the ambassador to London, to stand) and the DA selecting Pieter Marais (from the NNP). Both parties made concerted efforts

² In his article Jacobs claimed that the extant literature on voting among coloured South Africans tells us nothing about the 'political behaviour of coloured voters' or 'the tactics of political parties that were contesting the vote' (p 26). His grasp of the literature was poor. He fails to cite any of the work of Calland (1994), Eldridge (1996; Eldridge and Seekings 1996) or myself (Seekings 1995, 1996a, 1996b, 1997a). Although he did refer to data in one article of mine (Seekings, 1996a) he failed to attribute the article to me and ignored the substantive argument contained therein. Jacobs perhaps ignores all this previous work because he is distrustful of pre-1999 opinion polls, but his criticisms of those polls (p 25) are not specified.

³ ANC official Max Ozinsky wrote an insightful commentary in the ANC magazine, *Umrabulo* (Ozinsky 2001).

to appeal to coloured voters. But in the end the overall result was more of a reflection of the DA's success in mobilising its supporters in white areas relative to the ANC in African townships, that is, the election result hinged on turnout – as both parties acknowledged (Lodge 2002, p 119). Lodge does not attempt to assess trends in coloured areas or among coloured voters.

The 2004 election results seem to provide much stronger evidence of a swing to the ANC, which won 709 000 votes in the province, even more than it had in the 1994 election (see Table 1). Its share of the vote was a full 12 percentage points higher in 2004 than in 1994, a dramatic rise in view of the fact that the total number of votes cast in the province in 2004 was much the same as that in 1999, and way below the 1994 figure. The opposition parties were more fragmented in 2004 than in 2000. A large section of the NNP had split from the DA (leaving a significant rump of former NNP members behind) and entered a remarkable alliance with the ANC. Meanwhile, Patricia de Lille – a high-profile coloured member of the Pan-Africanist Congress (PAC) – left the fractious and moribund PAC to form a new party, the Independent Democrats (ID). The results showed that the NNP was spectacularly unable to maintain its former support, winning just 11 per cent of the vote, way behind the DA. But the DA and ID were unable to attract the share of the vote the NNP had once commanded. The DA won just 27 per cent and the ID an impressive 8 per cent.

Overall, comparing the 1994 and 2004 results, it might *appear* that there have been at least two 'swings' in the Western Cape: from the NP to non-voting (or to other opposition parties), and from the opposition parties collectively to the ANC. In this paper I argue that there is still inadequate evidence to support the second part of this conclusion. I suggest instead that the ANC's vote has increased primarily because of the changing demographics of the electorate, with the party's support base growing rapidly. The ANC's share of the vote has risen because of the combination of, firstly, demographic change, which swelled its support base, and, secondly, the collapse of the National Party, many of whose voters have never swung behind any other party. This is the case, at least, in metropolitan Cape Town. In this paper I consider only evidence for the metropolitan area – which includes two-thirds of the provincial electorate. It is likely that processes in voting behaviour in the smaller towns of the Western Cape, and in farming districts, are different from those in the city of Cape Town (see Seekings 1995; 1997a; Jacobs 2001).

I use two kinds of evidence that have hitherto been ignored or unavailable: ward-level results combined with ward-level data from the Population Census and a sample survey of adults across Cape Town. I use ward-level data to analyse in what kinds of areas the ANC performed strongly and in what kinds of areas it did not. I use data from the 2005 Cape Area Study – a survey of a representative

sample of 1 200 adults across Cape Town – to examine which voters supported which parties. Finally, I use data from this sample survey to shed some light on changes in the voting behaviour of individual voters, probing both the extent of conversion from one party to another and the characteristics of such converts.

Table 2
Votes for Major Parties in Elections in Cape Town, 1994-2004

| Party | 1994 provincial | | 1996 local* | | 1999 provincial | | 2000 local** | | 2004 provincial | |
|--------------|-----------------|------------|-------------|------------|-----------------|------------|--------------|------------|-----------------|------------|
| | votes (000) | % | votes (000) | % | votes (000) | % | votes (000) | % | votes (000) | % |
| DA | | | | | | | 564 | 50 | 425 | 27 |
| DP | 107 | 8 | 51 | 7 | 142 | 14 | | | | |
| NP/NNP | 655 | 49 | 358 | 48 | 386 | 37 | | | 112 | 11 |
| ANC | 481 | 36 | 278 | 37 | 424 | 41 | 270 | 38 | 454 | 44 |
| ID | | | | | | | | | 83 | 8 |
| Other | 67 | 5 | 51 | 7 | 88 | 8 | 57 | 8 | 101 | 10 |
| Total | 1 337 | 100 | 738 | 100 | 1 040 | 100 | 702 | 100 | 1 030 | 100 |

* estimated ** PR votes *** PR + ward votes, divided by 2

Figure 1
Number of votes in Cape Town

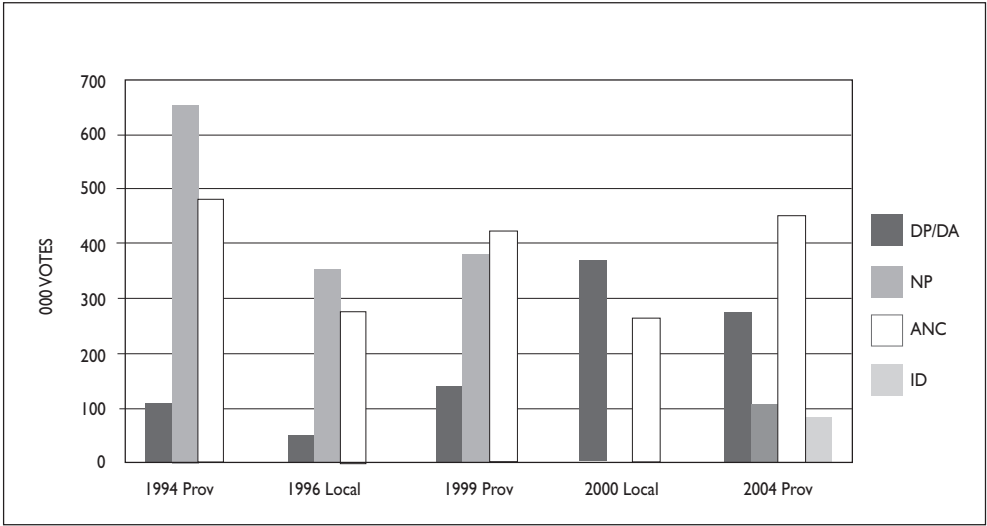
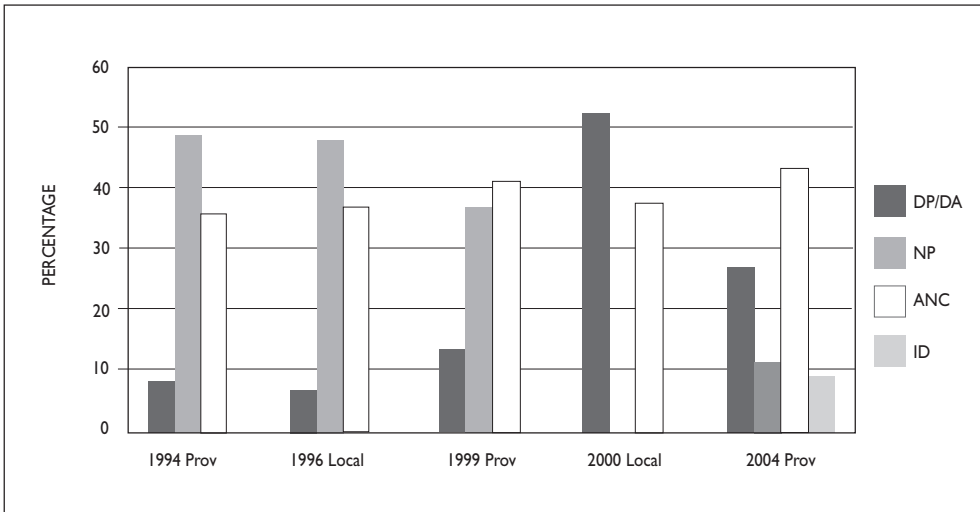


Figure 2
Shares of votes in Cape Town



Trends in election results in metropolitan Cape Town have been broadly similar to those in the province as a whole. Table 2 and Figures 1 and 2 show how voting has changed in successive elections in the metropolitan area only, that is, omitting votes cast elsewhere in the province. As Figure 1 shows, the ANC's share of the vote rose steadily across the decade, except for the dip in the 2000 local elections. But the overall rise is less dramatic than that in the province as a whole (as shown in Table 1) and in Cape Town the ANC failed to win as many votes in 2004 as it had in 1994 (see Figure 2). The NP's share of the vote in Cape Town plummeted, albeit not as dramatically as it did in the province as a whole.

WHICH AREAS SUPPORTED WHICH PARTIES IN 2000?

In the 2000 elections Cape Town was divided into precisely 100 local government wards. Not only are data for the 2000 election results available by ward, data from the 2001 Population Census are also available at ward level. The political parties pay careful attention to ward-level results, but independent scholars have hitherto not used ward-level data.

Ward-level data can be used to address many questions. For example, do the characteristics of the candidate (race, gender, age, religion, and so on) make a difference, and in what areas? Which candidates outperform their party, either in terms of the gap between ward and proportional representation (PR) votes or relative to overall levels of support for the party, and why? And how does social

change at ward level affect voting patterns? In this paper I present a very preliminary analysis of ward-level data, examining only the kinds of area that rallied behind each of the parties and their candidates in the 2000 ward elections.⁴

A simple inspection of the 2000 local election results in the different wards across Cape Town indicates a clear pattern. The ANC won just one of the 66 wards in which fewer than 35 per cent of the voters were African. (This was ward 48, Rylands, a middle-class Indian and coloured area.) It won five of the seven wards in which between 35 and 70 per cent of the voters were African and all 27 wards where more than 70 per cent of the voters were African. Overall, there is a very strong relationship between the racial composition of the electorate and the ANC's share of the vote.

Table 3 records the results of a series of models regressing the ANC's share of the vote (as a percentage) against other variables.

Model A regresses the ANC's share against just one other variable: the portion of the ward's adult population that is African. In this simple bivariate regression model each additional percentage point in the African share of the electorate correlates with an additional 0,77 percentage points in the ANC's share of the vote. The correlation is significant at the 1 per cent level. The r^2 is a massive 0,88. This reminds us that there is a very strong correlation between race and voting. But in a situation where race and class are also closely correlated perhaps the causation runs from class to voting?

In Model B, the ANC's share of the vote is regressed against four non-racial variables: the percentage of adults with post-matriculation education, the employment rate (ie, the percentage of adults in employment or self-employment), the mean household income, and turnout in the ward in the local election. The coefficients for the employment rate and mean household income are negative (and highly significant), indicating that higher employment and income correlates with a lower ANC vote. But the coefficient on the proportion of adults in the ward with post-matriculation education is positive: controlling for employment and income, post-matriculation education increases the ANC's share of the vote. Turnout is not significant. In this second model, the adjusted r^2 is 0,66 – which would normally be considered very high, but is much lower than in the bivariate Model A.

Model C uses all the variables, together with a variable for the percentage of coloured voters in each ward. The coefficients for African and coloured voter share are both positive (but weakly so in the latter case) and highly significant.

⁴ Both election results and population census data are available at a higher level of disaggregation than that of wards, but it would be immensely difficult to match up sub-ward voting data with sub-ward census data.

The other variables cease to be significant. The adjusted r^2 rises to 0,93. A comparison of models A and B suggests that the racial share is the crucial variable: both race and class correlate with voting, but race correlates more closely.

Table 3
Regression Models for ANC's Share of the Vote in 2000

| Variable | Model A | | Model B | | Model C | |
|---|-------------|-----------|-------------|-----------|-------------|-----------|
| | Coefficient | Std error | Coefficient | Std error | Coefficient | Std error |
| African voters as % of electorate | 0,77*** | 0,03 | | | 1,14*** | 0,09 |
| Coloured voters as % of electorate | | | | | 0,43*** | 0,08 |
| % of adults with post-matric qualifications | | | 2,26*** | 0,5 | 0,35 | 0,28 |
| Employment rate | | | -1,03*** | 0,36 | 0,37 | 0,18 |
| Mean household income | | | -0,0006*** | 0,0001 | -0,00002 | 0,00006 |
| Turnout | | | 0,16 | 0,12 | 0,12 | 0,59 |
| Constant | 14*** | 1,5 | 108*** | 16 | -38*** | 14 |
| | | | | | | |
| r ² | | 0,88 | | 0,66 | | 0,93 |
| Adjusted r ² | | 0,88 | | 0,65 | | 0,93 |
| N | | 97 | | 95 | | 93 |

Note: these models are for 97, 95 and 93 wards respectively. One ward (#76) is omitted entirely because the ANC did not contest it, instead supporting a pro-ANC independent candidate.

A comparison of models A and C suggests that the addition of other variables besides race does little to improve the model (while a comparison of models B and C shows that adding race to model B improves the model considerably).

A consideration of only the predominantly coloured wards underscores the power of the analysis. For wards in which more than 90 per cent of the adults are coloured, and excluding one ward where the ANC stood aside to support an 'independent' candidate, the relationship between mean household income in the ward and the ANC's share of the vote in 2000 is statistically significant (at the 1 per cent level): the higher the mean household income, the larger the ANC's share of the vote. And the relationship is reasonably strong. But a bivariate regression gives an r^2 of just 0,22. Class explains a part, but only a small part, of the variance in voting in predominantly coloured areas.

These results might seem to provide strong support for the racial census model. But the weakness of that model was not that there is no correlation between racial demographics and voting shares – clearly there is a widespread and strong correlation. The problem is rather different: does correlation indicate causation? Or, to be more precise, what is it about a voter's racial classification that explains his or her voting behaviour? An answer to this question requires the examination of survey data.

WHICH VOTERS SUPPORT WHICH PARTIES? EVIDENCE FROM THE 2005 CAPE AREA STUDY

Surveys have been widely used to examine voting behaviour at the national level (see Johnson and Schlemmer 1996; Mattes et al 1996; Mattes, Taylor & Africa 1999). But publicly available national sample surveys rarely have samples that are large or representative enough to probe in any detail voting behaviour at the provincial or metropolitan level. The 1993 survey conducted by Research Surveys that I used in earlier articles (Seekings 1996; Eldridge and Seekings 1996) was unusual in that its sample in the Western Cape was both representative and large ($n=1\ 282$). Mattes et al (1996) used a survey conducted in February 1994 with a large provincial sample ($n=2\ 500$). Ten years later, in early 2005, we conducted a survey in Cape Town that allowed us to examine again voting behaviour at this level.

The 2005 Cape Area Study (CAS) examined a range of topics broadly concerning inequality and diversity in post-apartheid Cape Town (see Seekings et al 2005). The survey used a two-stage probabilistic sample design. The first stage – the selection of 'enumeration areas' (ie, the neighbourhoods demarcated as discrete areas by Statistics South Africa for the Population Census) – was stratified, meaning that the sample in practice comprised four separate samples – one in predominantly coloured areas; a second in predominantly white areas; a

third in predominantly informal, African areas; the last in predominantly formal, African areas. The second stage entailed the selection of households within each enumeration area and of individuals within these households. As a result of differential response rates, the final sample requires weighting for the analysis of many issues. The overall sample comprised 1 205 adults.

Respondents were asked:

Did you vote in the national elections held last year, in 2004?

If the respondent answered affirmatively, he or she was then asked:

I know that voting is a private matter, but I hope you will be able to tell me whether, last year, you voted for the African National Congress (ANC), for the Democratic Alliance (DA), for the New National Party (NNP), for the Independent Democrats (Patricia de Lille), for a different party, or did not vote.

Table 4 shows the declared votes of our sample in the 2004 elections and the actual results across the city as a whole in 2004.⁵ Whereas the second column presents the distribution of the votes that were actually cast, the third column includes also the many adults of voting age who did not vote, either because they were not registered to vote or because, even though they were registered, they did not bother to vote. The first and third columns are not strictly comparable, because we had a response rate of less than 100 per cent and it is not unlikely that the kinds of people who do not vote are the kinds of people who we failed to interview (either because they were not available or they refused). But comparing the first and last columns suggests that our sample includes too many self-reported ANC voters and too few self-reported opposition party voters. The most likely explanation for this is that ANC supporters were disproportionately likely to say they voted for their party even if they did not actually cast a vote in 2004, whilst opposition party voters are disproportionately likely to refuse to answer our questions about voting. This is unlikely to make any significant difference to the analysis below of the decision about which party to vote for, although it would affect analysis of the decision of whether to vote or not.

⁵ Our sample was in fact drawn from just 55 of the city's 100 wards. In six of these wards we had only one or two respondents, leaving 49 with nine or more respondents. The wards were not entirely representative of the city. A comparison of the 2000 local government election results in these 49 wards with the results in all 100 wards shows that our sample includes a very slightly higher percentage of opposition voters and a smaller percentage of ANC voters than in the city as a whole. But the differences are not large.

Table 4
Comparison of Declared Voting in 2004 by CAS Sample
With Actual 2004 Voting Results

| Party | Declared votes in 2004, entire CAS (unweighted)(%) | Actual votes cast in 2004 (%) | Votes cast and estimated non-voters |
|---------------------------|---|-------------------------------------|---|
| Democratic Alliance | 10 | 27 | 13 |
| New National Party | 5 | 11 | 5 |
| African National Congress | 39 | 44 | 21 |
| Independent Democrats | 3 | 8 | 4 |
| Other | 3 | 11 | 5 |
| Refused | 11 | | |
| Did not vote | 28 | | 51 |
| Cannot remember | 2 | | |
| Total | 100 | 100 | 100 |

Note: The final column is based on an eligible voting population in 2004 of 2,13 million voters. This figure was extrapolated from the 2001 Population Census data for Cape Town, assuming that the annual growth in the adult population between 2001 and 2004 was the same as between 1996 and 2001 (ie, 3% per year).

The Cape Town survey data can be used to explore the relevance of competing theories of voting behaviour. The three predominant approaches focus on partisan identification, issues and sociological factors. Partisan identification refers to the enduring psychological identification of citizens with parties, formed over long periods (often in adolescence). Issue-voting refers to voters making decisions on the basis of a retrospective or prospective assessment of the competing parties' performance on key issues. Sociological explanations focus on variables such as race or class, which can affect voting behaviour in a variety of ways (including partisan identification or issue-voting).

In South Africa, the 'racial census' view of elections was a rather poorly developed version of a sociological explanation. A more thorough-going explanation would entail analysing class as well as race and the interaction

between these in the formation of identities and interests. Table 5 shows that a variety of sociological factors correlate with voting decisions in Cape Town.

Unsurprisingly, African voters massively favour the ANC. But there is also a clear and strong correlation between household and neighbourhood income and voting, as well as a weaker correlation between education and voting.

In the 1990s, there was a relationship between class and voting among coloured voters (as among Indian voters in KwaZulu-Natal), with richer coloured voters disproportionately likely to vote for the ANC and poorer coloured voters disproportionately unlikely to do so (Eldridge and Seekings 1996; Habib and Naidu 1999). We found a rather more complex pattern in 2005 (see Table 6).

Table 5
Declared Voting in 2004 by Race, Income, Education and Gender (%)

| | | ANC | DA | NNP | ID | Other party | Not vote | Refused to say | Don't know | Total |
|------------------|------------------|-----|----|-----|----|-------------|----------|----------------|------------|-------|
| Race | White | 4 | 29 | 6 | 2 | 3 | 24 | 29 | 3 | 100 |
| | Coloured | 20 | 10 | 8 | 5 | 4 | 40 | 10 | 3 | 100 |
| | African | 83 | 0 | 0 | 0 | 1 | 15 | 1 | 0 | 100 |
| Household income | Rich | 18 | 19 | 4 | 4 | 5 | 33 | 15 | 2 | 100 |
| | Middle | 39 | 11 | 8 | 2 | 2 | 31 | 6 | 2 | 100 |
| | Poor | 62 | 6 | 4 | 1 | 2 | 21 | 3 | 1 | 100 |
| Neighbourhood | Rich | 17 | 19 | 6 | 3 | 2 | 29 | 21 | 2 | 100 |
| | Middle | 35 | 7 | 6 | 3 | 4 | 37 | 6 | 2 | 100 |
| | Poor | 76 | 2 | 2 | 1 | 1 | 15 | 2 | 1 | 100 |
| Education | Post-matric | 22 | 17 | 2 | 3 | 2 | 28 | 22 | 2 | 100 |
| | Matric | 38 | 11 | 4 | 2 | 3 | 30 | 9 | 2 | 100 |
| | Less than matric | 45 | 8 | 6 | 2 | 2 | 26 | 8 | 2 | 100 |
| Gender | Male | 37 | 9 | 4 | 3 | 4 | 29 | 13 | 1 | 100 |
| | Female | 40 | 11 | 6 | 2 | 2 | 27 | 10 | 2 | 100 |

Note: The survey asked a series of questions about racial classification; the analyses reported in this and subsequent tables use the variable f5, 'how were you classified under apartheid?'

Coloured respondents in rich *and poor* households were more likely to say they voted for the ANC than respondents in middle-income households. This might reflect the difficult choices facing poor coloured voters in the aftermath of the collapse of the NNP. The DA does not provide a comparable home for poor voters. Coloured men were also more likely to vote for the ANC than coloured women.

Table 6
Declared Voting in 2004 by Income, Education and Gender,
Coloured Voters Only (%)

| | | ANC | DA | NNP | ID | Other party | Not vote | Refused to say | Don't know | Total |
|---------------------|-----------------|-----|----|-----|----|----------------|-------------|-------------------|---------------|-------|
| Coloured total | | 20 | 10 | 8 | 5 | 4 | 40 | 10 | 3 | 100 |
| Household income | Rich | 27 | 9 | 5 | 6 | 5 | 38 | 6 | 4 | 100 |
| | Middle | 13 | 14 | 13 | 4 | 3 | 46 | 6 | 2 | 100 |
| | Poor | 26 | 15 | 9 | 3 | 4 | 36 | 5 | 3 | 100 |
| Neighbour -hood | Rich | 21 | 10 | 8 | 4 | 4 | 41 | 8 | 4 | 100 |
| | Middle/ poor | 19 | 12 | 9 | 7 | 2 | 36 | 15 | 1 | 100 |
| Gender | Male | 25 | 9 | 8 | 5 | 6 | 36 | 10 | 2 | 100 |
| | Female | 17 | 11 | 9 | 4 | 2 | 42 | 11 | 4 | 100 |

The complexities of voting in Cape Town obviously complicate a crude racial census interpretation (see Eldridge and Seekings 1996). But a more fundamental challenge to sociological interpretations in general arose from an examination of partisan identification in South Africa (Mattes 1995; Seekings 1996b; see also Seekings 1997b). Many South African voters, like voters in other polities with well-established party systems, had deep-rooted attachments to the ANC or, far less commonly, to one of the other parties. But explaining voting behaviour in terms of pre-existing identification raises the question 'what determines identification?' Mattes et al (1999) developed a simple model that explained

identification and voting behaviour at the national level without recourse to race or other 'structural' (ie, sociological) variables. They found that a battery of purely attitudinal variables explained why most voters either identified with the ANC or with a competing party or, if they identified with no party, for which party they said they would vote. The attitudinal variables used included views on the competing parties and assessments of their past and prospective performance.

CAS 2005 was not designed as a study of voting behaviour. We did not ask our respondents directly why they voted the way they did, nor did we ask a large number of attitudinal questions allowing us to replicate the modelling of Mattes et al (1999). But we did ask questions about our respondents' grievances and assessments of different levels of government, allowing for some analysis of voters' reasoning.

We found the expected level and pattern of partisan identification in Cape Town, with high levels of identification among African respondents but much lower levels among coloured and white respondents. Three out of four African respondents identified with a political party, almost all with the ANC. Only one in five coloured respondents identified with a political party, and fewer than one in six white respondents. Strikingly, *most* of the coloured party identifiers identified with the ANC. Even one in five white party identifiers identified with the ANC (with three in five identifying with the DA). Overall, 80 per cent of our partisan identifiers identified with the ANC and less than 10 per cent with the DA. If identifiers are more likely to vote than non-identifiers it would follow that low turnout in all areas would favour the ANC.

Responses to our questions about issues were also much as we expected. Half our respondents identified job creation and unemployment as the most important problem that the government should address. One-fifth identified crime as the most important problem. Few respondents singled out any other issue. Differences by race were muted: white respondents were somewhat more likely to mention crime, but there were some African and coloured respondents who did likewise, and even among white respondents, jobs were mentioned more often than crime.

Table 7 records the results of a series of probit regressions on voting for the ANC in 2004 as opposed to voting for any other party. The dependent variable is a dummy variable, with a value of 1 if the respondent voted for the ANC and a value of 0 if he or she said that he or she voted for any other party. No account is taken of respondents who refused to say for which party they voted, or who said they did not vote.

In Model A, voting for the ANC is regressed simply against the racial classification of the voter. Being African increases the probability of voting for the ANC by 83 per cent, and being coloured increases it by 29 per cent.

Table 7
 Probit Regression Models for Voting for the ANC in 2004 Compared to Voting for Any Other Party

| | Model A | | Model B | | Model C | | Model D | | Model E | | Model F | |
|-----------------------------|---------------------|-----------|---------------------|-----------|---------------------|-----------|---------------------|-----------|---------------------|-----------|---------------------|-----------|
| | Dprobit coefficient | Std error | Dprobit coefficient | Std error | Dprobit coefficient | Std error | Dprobit coefficient | Std error | Dprobit coefficient | Std error | Dprobit coefficient | Std error |
| African | 0,83*** | 0,03 | | | | | | | | | 0,5*** | 0,09 |
| Coloured | 0,29*** | 0,05 | | | | | | | | | 0,15*** | 0,05 |
| Male | | | -0,01 | 0,04 | | | | | | | | |
| Post-matric education | | | 0,01 | 0,06 | | | | | | | | |
| Matric | | | 0,06 | 0,05 | | | | | | | | |
| Rich neighbourhood | | | -0,53*** | 0,05 | | | | | -0,4*** | 0,06 | -0,08 | 0,06 |
| Middle-income neighbourhood | | | -0,32*** | 0,06 | | | | | -0,19*** | 0,06 | -0,05 | 0,05 |
| Rich household | | | -0,26*** | 0,06 | | | | | | | | |
| Middle-income household | | | -0,15*** | 0,06 | | | | | | | | |

| | | | | | | | | | | | | |
|-------------------------------------|--|------|--|------|---------|------|----------|------|---------|------|---------|------|
| Identify with the ANC | | | | | 0,64*** | 0,03 | | | 0,52*** | 0,03 | 0,38*** | 0,05 |
| Assess Mbeki's performance as good | | | | | | | 0,26*** | 0,04 | 0,16*** | 0,04 | 0,12*** | 0,04 |
| Assess Rasool's performance as good | | | | | | | -0,04 | 0,05 | | | | |
| Trust Mbeki to do what is right | | | | | | | 0,14*** | 0,05 | | | | |
| Trust Rasool to do what is right | | | | | | | -0,18*** | 0,05 | 0,1*** | 0,03 | | |
| Understands politics | | | | | | | -0,16*** | 0,05 | | | | |
| Most important problem is crime | | | | | | | -0,18*** | 0,06 | | | | |
| Most important problem is jobs | | | | | | | 0,00 | 0,04 | | | | |
| Pseudo r^2 | | 0,51 | | 0,24 | | | | 0,17 | | 0,57 | | 0,66 |
| N | | 676 | | 603 | | | | 711 | | 708 | | 673 |

Note: *** indicates significance at the 1 per cent (0,01) level; ** indicates significance at the 5 per cent (0,05) level. 0,07** 0,03

Just knowing the racial classification of the respondent explains half the variance in the dependent variable.

Model B regresses voting for the ANC against a set of other structural or sociological variables, omitting race. The average income in the neighbourhood and the income of the household are both highly significant. Living in a rich neighbourhood or household reduces considerably the probability of voting for the ANC. But this model explains much less of the variance in the dependent variable than did Model A.

Model C regresses the voting decision against identification with the ANC. Unsurprisingly, the correlation is strong and highly significant.

Model D regresses voting for the ANC against a set of attitudinal variables, with some of the correlations being highly significant and others not being significant even at the 10 per cent level. But, as with Model B, this model explains only a small part of the variance in the dependent variable.

Model E combines a variety of structural and attitudinal variables, but omits race. The neighbourhood, partisan identification, assessment of President Mbeki's performance, and trust in Premier Rasool are all highly significant and explain more of the variance in the dependent variable than did race alone in Model A. This shows that, as Mattes et al (1999) argued, much of the voting decision can be explained without recourse to race, even if there is a strong correlation between race and voting.

Finally, Model F adds race, which results in neighbourhood ceasing to be significant and the other coefficients shrinking. This model explains more of the variance in the dependent variable than any of the others.

In summary, race is clearly a more powerful factor in explaining voting behaviour than other structural or sociological factors or attitudinal variables on their own. But it is no more powerful than partisan identification or a combination of other sociological and attitudinal variables. And the most complete explanation of voting behaviour needs to include some of these other variables alongside race.

CHANGING VOTERS OR DIFFERENT VOTERS?

The 2005 Cape Area Study is, to my knowledge, the first survey to ask people how they voted in several elections. Before being asked about the 2004 elections, respondents were asked:

South Africa's first democratic elections were held in 1994. I know that voting is a private matter, but I hope you will be able to tell me whether, in 1994, you voted for Nelson Mandela and the African

National Congress, for FW De Klerk and the National Party, for the Democratic Party, for a different party, or you did not vote.

The survey thus provides data on respondents' reported voting behaviour in two elections – 1994 and 2004 – that is, ten years apart. While recall over a long period is problematic, we hoped that the founding elections were sufficiently pivotal for respondents to remember how they had voted.

The CAS data allow us to examine who voted – or at least who says they voted – for each party in 1994 and 2004. We can then see how many voters changed their vote, and identify who these voters were. We should note that the wording of the question above was not strictly party based because it refers explicitly to Mandela and De Klerk. It is possible that this wording might have led some respondents to answer “ANC” because of post-hoc identification with Mandela.

Tables 8 and 9 compare respondents' recorded vote in 1994 with their vote in 2004. Note that, given that mistakes might be made either by the respondent or the interviewer, the margin of error must be at least a few percentage points, meaning that small percentages should be treated with caution. The patterns of results are, however, very striking. The first column of Table 8 shows that the ANC retained in 2004 almost all (82%) the votes of those respondents who said they voted for it in the 1994 elections. Some (11%) of its 1994 voters said that they did not vote in 2004. Although the first figure is almost certainly an overestimate and the second an underestimate, because the proportion of African respondents who *said* they voted was much larger than the proportion of people in African areas who actually did vote in 2004, the pattern is clear. Very few (only 7%) of the ANC's 1994 voters said they defected to a different party in 2004. The third column of Table 8 shows that the DA also retained almost all the votes of 1994 DP voters. In complete contrast, as shown in the second column of Table 8, the NNP retained the support in 2004 of a mere quarter (26%) of its declared 1994 voters. About the same proportion of its 1994 voters (28%) voted for the DA in 2004, and a similar proportion said that they did not vote at all in 2004. Small proportions defected to the ANC (7%), the ID (6%) or other parties. Overall, while there is clear evidence of voters shifting from the NP to the DA and from the NP to not voting, there is little evidence of voters shifting from other parties to the ANC.

Some of the respondents in our 2005 survey were not living in Cape Town in 1994. About 8 per cent had moved to Cape Town since 2000, and another 14 per cent moved there during the 1990s (but we cannot tell whether this was before or after the April 1994 elections). Three-quarters of these new arrivals are African, almost all from the Eastern Cape. As many as 27 per cent of respondents

Table 8
How CAS Respondents Voted in 2004, According to Their Vote in 1994
(Unweighted)

| Vote in 1994 | | | | | | | |
|--------------|--------------|----------------------|----------------------|------------|------------|------------------------------|---------------------------------|
| | | Mandela/ ANC % | De Klerk/ NP % | DP % | Other % | Not vote (too young) % | Not vote (age-eligible) % |
| Vote in 2004 | ANC | 82 | 7 | 2 | 9 | 40 | 24 |
| | NNP | 1 | 26 | 2 | 3 | 2 | 1 |
| | DA | 3 | 28 | 79 | 23 | 6 | 3 |
| | ID | 2 | 6 | 4 | 6 | 1 | 4 |
| | Other | 1 | 3 | 2 | 40 | 1 | 1 |
| | Not vote | 11 | 30 | 12 | 20 | 50 | 68 |
| | Total | 100 | 100 | 100 | 100 | 100 | 100 |

Note: The 2004 votes exclude 'refused' and 'don't know'. Possible mistaken responses or recording of responses means that small numbers should be treated with caution.

Table 9
How CAS Respondents Voted in 1994, According to Their Vote in 2004

| Vote in 2004 | | | | | | |
|--------------|-------------------------|------------|------------|------------|------------|---------------|
| | | ANC % | NNP % | DA % | ID % | Not vote % |
| Vote in 1994 | Mandela/ ANC | 68 | 5 | 9 | 33 | 13 |
| | De Klerk/ NP | 2 | 72 | 35 | 30 | 14 |
| | DP | 0 | 2 | 32 | 3 | 2 |
| | Other | 1 | 2 | 6 | 7 | 2 |
| | Not vote (age eligible) | 6 | 2 | 2 | 13 | 23 |
| | Not vote (too young) | 22 | 7 | 12 | 10 | 39 |
| | Refuse / don't know | 1 | 10 | 5 | 3 | 6 |
| | Total | 100 | 100 | 100 | 100 | 100 |

who said they had voted in 2004 had arrived in Cape Town after 1990, and 86 per cent of these say they voted for the ANC in 2004. In short, immigration into Cape Town of ANC-supporting voters from ANC-supporting areas massively boosted the ANC's vote. The ANC also benefited from the new age cohorts reaching voting age. Some of the recent immigrants to Cape Town were too young to have voted in 1994. But the ageing of the younger age cohort that was already in Cape Town also benefited the ANC. Of those of our respondents who were too young to have voted in 1994 but were living in Cape Town before 1990, just over half said that they did not vote in 2004; of the just under half who did vote in 2004, a majority voted for the ANC. If we combine all the younger voters, that is, those who were already in Cape Town and those who immigrated after 1990, the ANC won four out of five of the votes actually cast in 2004.

Overall, of the ANC's 2004 voters more than one-fifth had been too young to vote in 1994 while others who were old enough to have voted in 1994 were not living in Cape Town at the time. Only one-twentieth had converted from other parties. In short, the ANC's increasing share of the vote owed more to demographic change than it did to conversions.

Table 9 shows that the DA support base included many former NP voters, while the ID supporters were drawn in more or less equal proportions from former ANC and NP voters. Defections *from* the ANC were far more important to the DA and the ID than defections from all other parties *to* the ANC. Insofar as individual voters have shifted from one party to another, most of the shifts were between opposition parties, and there were more shifts away from the ANC to opposition parties than from opposition parties to the ANC. Although the numbers are small, it seems that the ANC's gains came, despite a net loss, through voter defection.

The increase in votes for the ANC cannot simply be explained in terms of demographic changes in the electorate. As we saw above, the ANC's increasing *share* of the vote did not reflect an increasing *number* of votes. It gained ground in terms of shares of the vote because it did not lose votes to the same extent as the opposition parties, most especially the NP. This brings us back to the issue of turnout.

Turnout can be analysed using both ward- and voter-level data. The most readily available ward level data come from the 2000 local government elections, when the DA performed relatively strongly and the ANC relatively weakly. Regressing turnout by ward against neighbourhood income shows that the latter had a significant and positive effect in 2000.⁶ The relationship becomes insignificant, however, when variables are included for the racial composition of

⁶ These regressions exclude one ward where turnout was very much higher than 100 per cent.

the ward. For each additional 1 per cent of the ward population that is African turnout in 2000 declined by one-quarter of a percentage point. For each additional 1 per cent of the ward population that is coloured turnout declined by one-third of a percentage point. In 2000 turnout is sensitive to racial composition above all, with the addition of other 'class' variables making little difference to the regression. Care must be taken when using individual-level data from, for example, CAS, because of suspicions that some reported ANC voters might not actually have voted in 2004. Taking the responses at face value suggests that party identifiers are much more likely to vote; being coloured reduces the probability of voting; while there is no significant relationship between being African and voting (but this last finding should be viewed with suspicion).

CONCLUSION

Post-apartheid politics in Cape Town (and the Western Cape) has never been boring. It has been the primary site of the decline of the NP and the rise of the DA. There has been considerable 'floor crossing' by municipal councillors, provincial legislators and members of the national Parliament. The city and province have seen a bewildering succession of mayors and premiers. And both the DA and ANC have been wracked by deep division. Neither the political parties nor the party system seems very stable.

There have been some important shifts in voter allegiance. Most importantly, the NP has retained fewer of its 1994 voters than it lost to the DA, and the ID has attracted former NP and ANC voters. But overall there has been little movement from the ANC to the opposition parties or vice versa. The failure of the ANC to attract substantial numbers of former NP (or DP/DA) voters, despite having coloured provincial leaders, suggests that there has been little deracialisation of the electorate in this city.

The ANC's gains since 1994 have not been the result of successful recruitment from the ranks of opposition party voters. Rather, they have been due to demographic changes and differential turnout (with the 2000 local government elections representing an exception to the general trend of low turnout among non-ANC voters). In 1994 Reynolds (1994, p 204) suggested that racial demographics were crucial to the provincial result, and 'the prospects for the ANC in the Cape may well improve as the century draws to a close, with the continuing influx of black South Africans into the townships and squatter camps of Cape Town'. Reynolds was right. Massive immigration into Cape Town of ANC supporters from ANC-supporting areas, mostly in the Eastern Cape, together with the preponderance of ANC supporters among younger age cohorts reaching voting age, has massively swelled the ANC's vote.

Demographics dictate that elections in Cape Town (and the Western Cape) continue to turn on the 'coloured vote', but this is slowly changing. During most of the apartheid period only 10 per cent of Cape Town's population was African. At current rates of demographic change Cape Town will have a majority African electorate by about 2012. This does not mean that Cape Town is guaranteed to deliver an ANC majority before or by 2012. Turnout remains crucial, although there are no signs that African voters are becoming apathetic or uninterested any faster than others. More importantly, opposition parties might break the mould of the first ten years of post-apartheid politics and recruit significant numbers of former ANC voters. But if current voting patterns persist, demographic change will eventually deliver Cape Town and the Western Cape to the ANC without any need for floor crossing or bizarre political coalitions.

POSTSCRIPT: THE 2006 LOCAL ELECTIONS

Local elections were held throughout South Africa on 1 March, 2006. These led to yet another drama-filled episode in the political history of Cape Town. The ANC won 81 of the 210 seats in the new, slightly enlarged City of Cape Town Council. It won these on the basis of 280 000 PR votes, that is, 39 per cent of the total PR votes. The DA received 306 000 PR votes, or 42 per cent of the total. This gave the DA 90 seats on the new council. The ID received 80 000 PR votes, or 11 per cent of the total, giving it 23 seats on the council. The DA, with the support of a clutch of smaller parties, formed a very slender majority, and the DA's Helen Zille was elected mayor, replacing the incumbent, the ANC's Mfeketo. The transfer of power from the ANC to the DA immediately led to controversy.

Table 10
Votes for major parties in 2006 local elections

| Party | Western Cape total | | Cape Town | |
|-------|--------------------|-----|---------------|-----|
| | votes (000)* | % | votes (000)** | % |
| DA | 461 | 40 | 306 | 42 |
| ANC | 464 | 40 | 280 | 39 |
| ID | 123 | 11 | 80 | 11 |
| Other | 112 | 9 | 59 | 8 |
| Total | 1 160 | 100 | 725 | 100 |

* Ward votes plus PR votes, divided by 2, plus DMA votes ** PR votes only

The election was clearly a disappointment for the ANC and a success for the DA and ID. The ID won almost as many votes in 2006 as it had in the 2004 provincial elections, despite the much reduced poll. The DA won more votes in 2006 than it did in 2004, although fewer than it did in the previous (2000) local elections when it still included the National Party. The ANC, however, received in 2006 less than two-thirds of the number of votes it had received in 2004. A key factor in the 2006 local elections, as in the 2000 local elections, appears to have been the higher turnout in areas dominated by the DA. Observers suggested that this reflected both a strong protest vote against the ANC in coloured and white areas and pervasive apathy in African areas, in part because of the power outages that had plagued the city in the final months of the ANC-run administration.

Despite this apparent setback for the ANC and the need for a detailed study of the results⁷ a preliminary analysis confirms the general picture, analysed in this paper, of qualified change. The ANC's share of the vote was slightly higher in 2006 than in 2000, albeit lower than in the 2005 provincial election. The ANC's share of the 2006 vote seems to have been depressed again by low turnout in local elections in its strongholds. There is no evidence that the slight rise in the ANC's share of the vote reflected gains in coloured areas. The incorporation into the ANC of the rump of the New National Party does not seem to have brought the party significant gains. Even those voters who had remained loyal to the NNP as late as the 2004 elections would appear to have voted for the DA or ID, or to have stayed away from the polling stations, rather than vote for the ANC. The DA and ID's combined share of the vote in 2006 was the same as the DA's share in 2000. Many voters have certainly chopped and changed between the non-ANC parties, but there is no evidence that many have defected to the ANC. Demographic change and differential turnout continue to matter far more to the changing political fortunes of the parties than voter realignment.

⁷ Further, detailed research might focus on a comparison of ward-level data from 2000 and 2006 (and corresponding data from provincial elections).

— REFERENCES —

- Calland, Richard. 1994. 'The Winds of Change? The ANC's Campaign for the Western Cape: An Assessment of the Principal Strategic Issues and Some Projections for the Future'. Unpublished Master's (coursework) dissertation, Department of Political Studies, University of Cape Town.
- Ehrenreich, Tony. 2004. 'Elections in the Western Cape: Which Way Will It Go?' *South African Labour Bulletin* 28(1), February.
- Eldridge, Matt. 1996. 'Now Wasn't The Time: The ANC's 1994 Election Campaign in South Africa's Western Cape Province'. Unpublished Master's dissertation, Department of Political Studies, University of Cape Town.
- & Jeremy Seekings. 1996. 'Mandela's Lost Province: The African National Congress and the Western Cape Electorate in the 1994 South African Elections'. *Journal of Southern African Studies* 22(4), December.
- Habib, Adam & Sanusha Naidu. 1999. 'Election '99: Was there a "coloured" and "indian" vote?' *Politikon* 26(2), November.
- Horowitz, Donald. 1985. *Ethnic Groups in Conflict*. Berkeley: University of California Press.
- Jacobs, Sean. 2001. 'Making Sense of the "Coloured" Vote in Post-Apartheid South Africa: Comparing the 1994 and 1999 Provincial Results in the Western Cape'. *Journal of African Elections* 1(1), May.
- Johnson, R W & Lawrence Schlemmer (eds). 1996. *Launching Democracy in South Africa: The First Open Election, April 1994*. New Haven: Yale University Press.
- Lodge, Tom. 1999. *Consolidating Democracy: South Africa's Second Popular Election*. Johannesburg: Witwatersrand University Press.
- . 2002. *Politics in South Africa: From Mandela to Mbeki*. Cape Town: David Philip and London: James Currey.
- Mattes, Robert. 1995. *The Election Book: Judgement and Choice in South Africa's 1994 Election*. Cape Town: Institute for a Democratic South Africa.
- , Hermann Giliomee & Wilmot James. 1996. 'The Election in the Western Cape'. In R W Johnson and Lawrence Schlemmer (eds). 1996. *Launching Democracy in South Africa: The First Open Election, April 1994*. New Haven: Yale University Press.
- , Helen Taylor & Cherrel Africa. 1999. 'Judgement and Choice in the 1999 South African Election'. *Politikon* 26(2).
- Nijzink, Lia & Sean Jacobs. 2001. 'Provincial elections and government formation in the Western Cape: the politics of polarisation'. *Politikon* 27(1).
- Piombo, Jessica & Lia Nijzink (eds). 2005. *Electoral Politics in South Africa: Assessing the First Democratic Decade*. Basingstoke: Palgrave Macmillan.
- Ozinsky, Max. 2000. 'The Good, the Bad ...' *South African Labour Bulletin* 24(1), February.

- . 2001. 'Our elections campaign in the Cape Town metro'. *Umrabulo* 10, May.
- Reynolds, Andrew (ed). 1994. *Election '94 South Africa*. Cape Town: David Philip.
- (ed). 1999. *Election '99 South Africa*. Cape Town: David Philip.
- Seekings, Jeremy. 1995. 'What Swing? Local Elections in the Western Cape'. *Indicator SA* 13(1), Summer.
- . 1996a. 'From independence to identification'. In Wilmot James, Daria Caliguire & Kerry Cullinan (eds). *Now That We are Free: Coloured Communities in a Democratic South Africa*. Cape Town: Idasa.
- . 1996b. 'Anticlimax: Cape Town's Local Elections'. *Indicator SA* 13(3), Winter.
- . 1997a. 'South Africa's First Democratic Local Elections: The Case of the Western Cape, 1995-96'. *Society in Transition* 28(1-4).
- . 1997b. 'From the Ballot Box to the Bookshelf: Studies of the 1994 South African General Election'. *Journal of Contemporary African Studies* 115(2), July.
- , with Tracy Jooste, Mirah Langer & Brendan Maughan-Brown. 2005. 'Inequality and Diversity in Cape Town: An Introduction and User's Guide to the 2005 Cape Area Study'. *CSSR Working Paper* no 124. Cape Town: Centre for Social Science Research, University of Cape Town.
- Southall, Roger (ed). 2001. *Opposition and Democracy in South Africa*. London: Frank Cass.

IRISH ELECTORAL POLITICS

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ABSTRACT

Why might South and Southern Africans find the Irish electoral experience especially relevant and instructive? Firstly, they may identify parallels with their own recent political history. Ireland's political institutions are the result of a post-colonial settlement and were designed to accommodate an ethnic minority. They survived a long period of one-party rule. Historically they were specially suited to the political predispositions of a mainly rural society. Secondly, Irish electoral arrangements offer to Southern Africans useful lessons for any effort to make political representatives more accountable to citizens. For better or for worse downwards accountability is an especially pronounced feature of Irish politics. This paper will explore Irish electoral experience and the insights it offers to advocates of electoral reform in Southern Africa.

INTRODUCTION

Ireland's electoral system was instituted in 1920, when the British established self-government in the territory. The British were concerned that the Protestant community should be adequately represented and hence adopted the single transferable voting system (STV) as a form of proportional representation. The system was preserved in the Irish Free State after the War of Independence in 1922 and its use in parliamentary and local authority polls was entrenched in the 1937 Constitution. With Malta and Estonia, Ireland is one of a very small group of countries that organise their parliamentary elections on the basis of STV. The system is also used for local and regional elections in Northern Ireland, in New Zealand municipalities and in certain state elections in Australia.

POLITICAL LINEAGES

The two main Irish political parties, Fianna Fail (FF) and Fine Gael (FG), can trace their genealogies to the Irish civil war that followed the 1922 peace settlement with Britain. The treaty established an Irish Free State within the British Commonwealth partitioned from the six predominantly Protestant counties in Northern Ireland. The new dominion would maintain constitutional links to the British crown, allow the British navy to retain docking and supply facilities, and continue to pay for compensation of former landowners. The treaty split the Irish nationalist movement, with Sinn Fein, the party that had predominated in the 1921 election, taking every seat in Parliament. For the next decade the pro-treaty faction would constitute the Irish government. The anti-treaty faction, under the leadership of Eamonn de Valera, resumed guerrilla operations in a bitter fratricidal conflict that lasted for two years. In 1926 de Valera formed FF to contest the impending elections on an anti-treaty platform, leaving behind a more hard line Sinn Fein group that continued its commitment to a revolutionary war against partition. FF won a majority of parliamentary seats in 1932. Their opponents, the pro-treaty Cumann na nGaedheal, renamed themselves Fine Gael in 1933. De Valera's 1937 Constitution established a Republic, accorded to the Roman Catholic Church a special influence in public affairs, and included in its clauses commitment to eventual reunification with Northern Ireland.

Fianna Fail controlled Irish administrations until the 1950s, since which it and Fine Gael have alternated in and out of office with FG collaborating with coalition partners from its first entry into government and FF managing to win majorities of seats until 1982. An Irish Labour Party, the political wing of the trade union movement, founded in 1912, has occasionally assumed a junior role in coalitions. At present FF governs with the help of the Progressive Democrats, a party formed in 1985 by dissident FF politicians seeking a more liberal dispensation with respect to the availability of contraception. Sinn Fein, which began to contest Irish elections again in the 1980s, and the environmentalist Green Party, formed in 1981, each has single figure representation in the lower house of Parliament and, in the event of the predicted close outcome between FF and FG in next year's elections, might join government. At present Parliament also accommodates 13 independent delegates.

The four main oldest parties, Labour included, share histories intertwined with the development of Irish nationalism: all of them were founded by key personalities in the 1916 rebellion. Partly for this reason the policy differences between the three main parties have never been very wide. During the 1940s and 1950s FF outflanked Labour with its institution of a fairly comprehensive welfare system and through the 1990s successive governments that have included

representatives of FF, FG and Labour have committed themselves to corporatist agreements between labour, business and agriculture over wages, social policy, and foreign trade. Meanwhile Sinn Fein today seeks to expand its urban working class support with mildly socialist economic proposals and quite justifiable criticisms of the shortcomings in government social services, especially in the domain of public health. Two factors favour an expansion of Sinn Fein's representation in next year's general election. One is that it is likely to become a coalition partner in the Northern Ireland administration and the other that within the Republic it now receives substantial funding from Irish-Americans, to the extent that it is the second-best-financed party.

Historically, near-universal adherence to Roman Catholicism and, through much of the 20th century, a low rate of industrialisation, helped to maintain consensus over conservative social values. For example, abortion remains illegal in Ireland and the constitutional ban on divorce was overturned through a referendum only in 1995. Ireland is changing swiftly, though. Socially regressive taxation policies (low income and corporate taxes) helped to encourage inflows of foreign investment into pharmaceutical, software and service industries in the 1990s, resulting in growth rates of between 7 and 10 per cent. With the cessation of emigration the population has become younger and more female. Rapidly expanding university enrolment and heavy investment in secondary education help to reduce the appeal of nationalist political conventions and customary social values. European agricultural subsidies have failed to protect smallholder farmers and the rural population is shrinking rapidly as younger people move to the cities. Even the smaller towns also host a new influx of East European immigrants and African asylum seekers. Through most of the last century Ireland was generally poor, relatively egalitarian, and culturally homogeneous. In the past two decades it has become much more affluent, more socially unequal, and more culturally differentiated.

THE IRISH ELECTORAL SYSTEM

When Irish electors vote in national and local elections they choose between candidates and parties. One hundred and sixty-six *Teachta Dalas* (TDs) represent 41 constituencies in the *Dail*, the lower house of the *Oireachtas* (Parliament). There is also an upper house, the *Senead*, mainly elected by panels composed predominantly of local councillors. TDs are grouped in three- to five-member constituencies. Voters write numbers opposite the names of the candidates listed on their ballot papers in the order of their preferences. They can support candidates across party lines or they can confine their choices to a single party or a single candidate. Parties can nominate candidates for every seat in each constituency.

At the end of polling papers are counted in one centralised location in each constituency. Counting officers establish a quota by dividing the number of total ballots cast by the number of seats plus one, adding a further one to the result of the division. Officials then count the totals of first preference votes for each candidate. Any candidate with votes exceeding the quota is immediately declared elected. The next successful candidate is identified by taking from the first candidate's ballot papers those papers at the top of the pile that are in excess of the quota (in effect a random sample). These excess papers are then distributed between the remaining candidates according to the second preferences indicated by voters. Any second preference candidates who exceed the quota are elected. If vacant seats remain the ballots belonging to the candidate with the lowest number of votes are divided between the remaining candidates according the voters' third preferences. This process is repeated until all the seats are filled. Results are often very close between the leading candidates because of the effects of preferential votes. As can be imagined, counting can take a very long time: in 1992 it took nine days to obtain an undisputed result in a Dublin constituency in which the individual tallies were very close.

The use of single transferable voting in relatively small multi-member constituencies results in representation that is, at best, approximately proportional to the parties' electoral support. Within single constituencies, of course, it is possible that candidates with the largest number of first preference votes might not obtain a seat if their tallies fail to exceed the quota and they score poorly in the subsequent rounds of counting. More occasionally a party can win a plurality of votes across the system and yet obtain less representation in the *Dail* than its competitors. With three- to four-person constituencies the most successful party can win a disproportionate number of seats if is successful in attracting second and third preferences. In a three-seat constituency a party can win two of the seats with less than 50 per cent of the overall vote. Larger constituencies with about eight members would make such inconsistencies very unlikely and would benefit smaller parties, though, of course, they would require very long ballot papers to accommodate all the candidates. Understandably the larger parties prefer the constituencies as they are and have successfully resisted proposals to enlarge them.

A key consideration for party strategists is how voters use their choices. Parties may wish to encourage their supporters to confine their choices to their own party candidates. In the case of popular and well established candidates reasonably certain of achieving tallies well in excess of the quota, they may encourage a specific number of their supporters to give their first preference votes to another candidate from the same party contesting the same constituency. Similarly, parties may attempt to 'manage' the voting by nominating fewer

candidates than the locally available seats and advising their supporters to support with their second or third preference votes for another party with which they may hope to form a coalition. Voters can, of their own volition, try to encourage the formation of coalitions by splitting their support between parties. Trends in inter-party vote transfers can indicate relative depth of voter loyalty to political parties and can sometimes also demonstrate voter motivation with respect to particular policy issues.

THE POLITICAL CONSEQUENCES OF THE SINGLE TRANSFERABLE VOTE SYSTEM

Very broadly, STV has shaped Irish politics in three ways: it has affected the evolution of the party system, it has reinforced local and parochial considerations in political life, and it has tended to promote conservatism and continuity at the expense of reform and innovation.

With respect to the configuration of political parties, a fairly even split in the nationalist movement during the civil war reflected divergent socio-economic interests. The more conspicuous treaty supporters tended to be urban middle class or, if they resided in the countryside, were grouped around larger landowners producing for export markets who favoured the maintenance of economic ties with Britain. Treaty opponents, and subsequently Fianna Fail's main support, were located in the western part of the country where small-holder farming was most extensive, as well as more generally among farm labourers and the rural landless. Small multi-member constituencies favoured the consolidation of the two main parties, each of whom could expect to find substantial pockets of support in each other's heartlands and in the politically more heterodox towns. Denied office for 30 years, Fine Gael was able to preserve a substantial parliamentary base partly because, as we shall see, as a consequence of the electoral system parliamentarians, irrespective of their party affiliation, exercise power and influence as local notables.

The opportunities for ballot management fostered by preferential voting stimulated FF's early development of strong neighbourhood-level branch organisations. Its local support structures intersected with the networks left over from guerrilla warfare as well as with the voluntary movements associated with earlier generations of nationalist activity, especially sports clubs grouped in the Gaelic Athletic Association. Fianna Fail's national presence was sustained by funding from the Irish-American diaspora, which helped to establish a daily newspaper, the *Irish Press*. The newspaper has ceased publication but Fianna Fail still relies on constant fundraising operations to maintain the formidable electoral machine embodied in its branch organisations, the *cumann*; as many as

40 in each constituency. An approximate degree of proportionality in parliamentary representation, at least for the larger parties, and the possibility of party alliances afforded by the electoral system helps to encourage the formation of coalition administrations. Fianna Fail still tends to discourage its supporters from transferring their votes but after the 1950s its near hegemonic hold on voter behaviour weakened as the symbolism associated with the war of independence became less potent and the country's economy began to modernise. Since 1992 vote transfer patterns have indicated a trend of weakening voter identification with Fianna Fail (Farrell 1997, p 125).

Coalition governments have sometimes been short lived and unstable: for example, between 1973 and 1998 there were 12 changes of government and in the two-year period 1981-1982 there were three general elections. More recently, though, coalitions have served full terms and the instability of the 1980s may have been a consequence of unusual economic difficulties and the political crises and scandals associated with them. FF's success in retaining its hold on government through successive terms does not suggest a system prone to instability. Its electoral victories have been attributable chiefly to its success in attracting second preference votes; in only two elections in its history has it won majorities of voters' first choices: this is not and never has been a dominant party system. The decisive effects of voters dividing their support between parties represent an important incentive for parties to adopt moderate policies and help to explain the extent of ideological convergence between the major groups.

Finally, with respect to the party system, transferable voting, because of the way in which it enhances localised personality-related considerations in voter behaviour, opens up room for the inclusion in Parliament of independents and very small parties. These are often breakaways from the larger formations, often a consequence of the intra-party competition between candidates in multi-member constituencies. Here well-entrenched local politicians can mobilise networks established through local systems of patronage that operate more or less independently of local party organisation.

Irish parliamentary politics is intensely local. Face-to-face encounters between the candidate and voters continue to play a decisive role in electioneering. This keeps campaign expenditure down to comparatively modest levels – a median expenditure of £1 502 per candidate in the 1999 local government elections, for example (Benoit and Marsh 2003, p 567). Most donor funding to political parties is directed at individual candidates and relatively small sums can have a decisive effect on electoral outcomes. During the 30 weeks or so that the *Dail* is in session TDs will devote a major proportion of their three working days in Dublin each week to attending to requests and problems raised by their local constituents and even Cabinet ministers cannot escape the obligations of constituency-related

work and will accompany ordinary TDs to their constituency every long weekend to hold 'clinics' on Saturdays. Residents in Limerick, for example, can meet one of their TDs, the Minister for Defence, Willie O'Dea, on Saturdays at the FF offices and on at least four other more convivial occasions when the minister hosts evening consultations in neighbourhood pubs.

In this vein much of the work the TDs undertake is useful enough: advising citizens about their rights and entitlements, sorting out misunderstandings with government officials, helping constituents with dependents in trouble in other countries. People who fall foul of Irish law will also contact their TDs, though it is no longer acceptable to ask deputies to approach the *garda* (police) to arrange for the withdrawal of speeding charges (Hannon 2004, p 56). Until the mid-1990s most TDs wrote letters almost every day on behalf of constituents who were attempting to obtain United States visas and there was a public outcry when the US consular authorities announced that such letters would no longer be acceptable as proof of the applicant's intention to return to Ireland (Hussey 1995, p 61).

There are different explanations for the surprisingly persistent general conviction that authority is best approached through a person of influence. Roman Catholicism may, possibly, supply a theological foundation for an 'intercessory' political culture. More plausibly, colonialism and civil war may have contributed to popular perceptions of central government as hostile and intrusive. Most importantly, in local settings politicians historically exercised considerable influence as patrons and, to an extent, they still function in this way. Until reforms in the 1950s a variety of welfare payments were issued as a result of discretionary decisions by local government officials, themselves holding their posts through an appointments procedure in which local councillors participated (Busteed 1990, p 163). Substantial proportions of TDs used to double up as elected local councillors – two-thirds during the 1990s. This practice has now ended but in its place family partnerships often represent the same districts at parliamentary and municipal levels. Welfare grants are today allocated in a fairer and more impersonal fashion and most local government employment is undertaken by means of a professional procedure, but TDs and councillors still influence the filling of less significant part-time posts.

Irish local government is mainly centrally funded and undertakes quite a limited range of functions. Elected councillors chiefly exercise influence over land zoning and comparable planning decisions where they can veto or amend proposals from the professional municipal managers. TDs also often intervene in local planning decisions, requesting planning officials to rezone land to allow a farmer to sell it to a property developer (Hannon 2004, p 58). Widespread popular belief in planning as a corrupt developer-driven procedure, whether justified or

not, probably contributes to the influence councillors and TDs enjoy as brokers (Collins 1999, pp 71-72). Opinion polls suggest that citizens acknowledge that civil servants are honest but a steady succession of political scandals ensures that such benign perceptions do not embrace elected representatives. FF appears at present to be especially vulnerable to allegations of illicit payments to its officials and to its campaign funds from house-building firms (Cullen 2006; Sheahan 2006).

A letter from the minister, personally addressed to a particular constituent and explaining an official procedure, is often sufficient proof of a TDs ability to get things done (Hannon 2004, p 60). In fact, it is common for politicians to claim rather more influence than they actually exercise, as on the occasions when they line up for the photo opportunities and political capital afforded by occasions such as the opening of a new wing of the local nursing home or the construction of a rural post office. A significant proportion of the voting population views the various services TDs undertake as intermediaries between citizens and central government as their most important duty (Sinnot 1995, p 170; Hannon 2004, p 126). And, to be fair, the role politicians play as 'customer advocates', helping citizens obtain their entitlements, especially in the fields of health, social welfare and housing, and checking local abuses of official authority, is probably a generally positive one (Collins 1999, p 43).

In a setting in which the accessibility of parliamentary representatives is such an important public expectation local connections and reputations are a crucial consideration in the selection of electoral candidates. Parties often choose family members to replace incumbents who retire or die in office, especially in by-elections: this habit provides the most frequent route to public office for the few women who obtain seats in the Dail. Nearly a quarter of the TDs elected in 1997 were the offspring of former TDs. In 1982 four of every five TDs were born in the constituencies they represented, though outsiders have become more common since then. A similar proportion of TDs today are present or former local councillors. Analysis suggests that networks of friends and, more widely, residents in the same neighbourhoods shape local voting patterns decisively; not really surprising in constituencies where political relationships can be so personalised. Constitutionally, in each constituency there has to be one TD for every 30 000 people, comparatively a very low ratio: an experienced TD will probably know a substantial number of his constituents by name. Multi-member local government districts can accommodate as few as 3 000 voters.

Parties often seek to prevent competition between their candidates by assigning to each of them the local government districts or 'bailiwicks' within the constituency inside of which they cultivate their own support bases, though in those constituencies in which inter-party competition is fierce candidates will 'poach' support from rivals in the same party, particularly if they are relative

outsiders. Candidates are selected and reselected by STV secret ballots at constituency conventions; festive three-day events attended by several hundred delegates, usually held in the year before general elections. National executives can 'parachute' their own candidates onto the constituency lists but these cannot replace the local selections and such externally imposed candidates often encounter fierce resentment from their running mates (Collins and Cradden 2001, p 38).

Conservative cultural assumptions keep the numbers of women in Parliament very low: in the 2002 elections, only 22 women were elected as TDs, seven of them for Fianna Fail. The most common occupational background among the TDs elected in 2002 was school teaching – teachers enjoy the right to return to their jobs. Farmers and lawyers were also well represented, especially within the FF caucus. Auctioneers and publicans outnumbered trade unionists and manual workers (Kennedy 2002). The average age of TDs is about 50, a reflection of the time it takes to become a notable.

What are the effects of this very parochial emphasis in public life? One is that a significant proportion of deputies are relatively uninterested in policy matters, though, since the revitalisation of the parliamentary committee system in 1993, this is less the case than it used to be. The various portfolio and standing committees offer substantial financial incentives for their whips and chairpersons – there are about 30 of these positions – and they represent, of course, the first stepping-stones to higher office.

Given a working week in Dublin of two-and-a-half days (compared to three working days, Saturdays included, in constituencies) committee work imposes a punishing schedule. In the first 100-day session of the *Dail* after the 2002 election debate had to be guillotined on 12 of the modest total of 33 new Bills. In such circumstances parliamentary committees and backbenchers more generally are often unassertive in their treatment of the executive unless they are under pressure from their constituents to challenge government policies.

A good example of such pressure was in the 1980s when a court judgement deemed the existing system of local taxes on farmers to be unfair because it was still based on a 1860s survey, so farmers' rates were abolished. The Fine Gael-led government tried to replace them with a farm tax but had to withdraw the proposal after a rebellion by its own rural deputies, who were responding to representations from farmers in their constituencies. As a consequence local government lost a major source of independent revenue (Collins 1999, p 12). Such eruptions are unusual, though. A succession of corruption scandals in the late 1980s and early 1990s involving senior figures in government confirmed a generally weak predisposition among parliamentarians to exercise their oversight functions (Collins 1999, p 79).

Ireland's *laissez-faire* political culture reinforces conservative social trends. Placed on a left-right political spectrum Irish political parties used to be conspicuously more right wing than their counterparts in most other Western European countries, including the United Kingdom, though with a more general shift to the right in Europe this is probably less the case today (Sinnot 1995, p 67). This ideological conservatism is attributable mainly to historic social structure: the relatively small size of the working class, the prevalence of small property ownership since the late-19th-century land reforms, slow rates of urbanisation until the 1980s, and the continuing role of the church in public life, in maintaining public education for example. However, an electoral system that renders Parliament very amenable to constituents and pressure groups produces a politics that tends to be defensive and protective with respect to local hierarchies of power and influence and existing values and etiquette.

The tiny number of women present in the *Dail* is symptomatic of a more general unwillingness among politicians to challenge conventional social beliefs as well as their susceptibility to widely shared prejudices. In a country with very low crime rates public alarm about law and order has elevated crime into a critical policy issue. When a farmer was jailed for six years for killing a Traveller trespassing on his premises, Fine Gael's leader, Enda Kenny, joined in the tumult articulated by a 'Justice for Padraig' agitation, whose supporters maintained that the sentence was too harsh. Campaigning during a recent referendum on citizenship law featured even Cabinet ministers pandering to popular racist anti-immigrant sentiment. Because of the unusual degree of exposure of elected representatives to public pressure major planning initiatives are very difficult to implement. For example, in 2001 a National Spatial Strategy was unveiled. This was an ambitious plan intended to check Dublin's rapid expansion by designating Cork and Limerick as national growth centres and five other towns as regional centres in which investment and infrastructure would be concentrated.

The project began to be subverted almost as soon as it was unveiled, as politicians and ministers called in favours to ensure that their own constituents would be among the beneficiaries of the strategy. By 2002 the strategy's 'gateway' and 'hub' centres had expanded to 20 towns. In December 2003 the government announced the dispersal of eight civil service departments to 53 towns across 25 counties. Civil service resistance has subsequently prompted the government to modify its decentralisation proposals. Meanwhile, though, an initially sensible plan to achieve more regionally balanced development has been sacrificed to clientelist considerations (McDonald and Nix 2005, pp 72-94). As noted above, building contractors and property developers are major contributors to party electoral expenses. Fiana Fail in particular has attracted derision as 'the political wing of the building industry' (Fitzgibbon 2006).

LESSONS FOR SOUTHERN AFRICA

Internationally, STV is quite rare, its usage limited to very small countries or to sub-national elections in larger states. In Ireland in the immediate aftermath of civil war it probably helped to create support for the new kinds of political authority as it may have done more recently with its introduction since 1998 in elections for the Northern Irish Assembly. Accessible public representatives enabled many citizens to benefit from a system of rights and entitlements that was often elusively discretionary and unfairly arbitrary. The political dynamics arising from vote transfers helped to moderate hostilities generated by civil war and nationalist conflict.

Less positively, in modern Ireland deputies' susceptibility to constituent pressure has adversely affected development planning and resource allocation. The effects of this amenability to pressure are accentuated by the influence parliamentarians can exercise over zoning decisions in very weak local authorities. More positively, though, in Ireland party leaders have tended to use the spoils system within Parliament to instil discipline in their caucus; the logic of the system tends to reinforce backbencher independence of the executive. More generally, STV encourages consensual politics.

What lessons can Southern Africans derive from Ireland's experience? A wholesale adoption of STV in, say, South Africa might significantly transform the party system. The possibility of people expressing their second preference could conceivably inflate the representation of parties such as the Pan Africanist Congress which have strong 'liberation' credentials but appeal to the same core constituency as the African National Congress. STV might well strengthen opposition politics more generally, given its capacity for facilitating electoral alliances. At present South African opposition parties have no real incentive to join forces, even during electoral campaigns.

STV also prompts parties to build strong local organisations in contrast with national list PR, in which it is possible, as in South Africa, for a party to win at least a seat or two without any local organisational presence at all. If STV were to be introduced in South Africa it would be unlikely that the existing distribution of parliamentary seats between government and opposition would change, though it might make the career of an opposition backbencher more rewarding as a consequence of the local status it concedes to MPs as influential notables. In a context in which, as in mid-20th-century Ireland, opposition parliamentarians may have very limited prospects of joining government this is an important consideration. Because of the importance of personal contact between candidates and voters in STV elections, they probably require less expenditure on the more costly kinds of electoral advertising; this too might open up fresh prospects for

opposition parties at present restrained by the relatively high expenses of electioneering in South Africa.

Specifically, the Irish example suggests that successfully instituted STV politics can foster political stability, encourage the development of at least two long-lived and substantial political parties, and, in the long term, induce cooperation and collaboration between them. In the past 30 years it has helped to foster policy convergence through the imperative to govern through coalition. The electoral system encourages representatives, for better or for worse, to be very attentive to the people who vote for them: at best this encourages officials to correct anomalies and abuses; at worst it means that certain groups or individuals receive privileged treatment or special favours. A system that places such a high premium on accountability and accessibility would probably not be an ideal arrangement in a setting in which a government aims to achieve urgent social reforms and in which it has to allocate scarce resources. In such circumstances an electoral system that insulates representatives and officials from sectional pressures might seem a more sensible option. The virtue of STV politics, though, is that elected politicians immediately become aware of shortcomings in their policies as soon as they are implemented.

Experts on post-ethnic conflict electoral reform generally favour systems that strengthen party leadership, empowering them to make the kinds of inter-ethnic compromises that may not be popular but are indispensable for political stability (O'Leary 2001, p 69). In the immediate aftermath of South Africa's conflict the adoption of party list proportional representation made good sense. Today, interracial elite bargaining may have become more dispensable and the necessity for party leadership autonomy may have lessened. However, a move to a more constituency-based system in which representation becomes more personalised would, to judge from the Irish experience, probably reduce the existing presence of women and racial minorities in Parliament.

Introducing a STV system into lower levels of government might be an attractive option, especially in the case of local authorities that need to acquire public legitimacy before they can start functioning effectively. South African municipal administrations are a case in point. Judging by the complaints during the 2006 local election campaign, even after the adoption of ward-based representation in 2002 councillors remained aloof from the people who had voted from them. STV in this context would intensify competitive pressures on elected officials, probably beneficially.

Accountable councillors who readily assist people to claim their rights from uncooperative officials could decisively improve the quality of service provided by government agencies. There may, of course, be practical objections to using STV; for example, making the counting procedure generally intelligible might be

a major challenge for voter educators. Even so, it would surely be useful to add the Irish experience to the range of options under consideration by electoral reformers if only to demonstrate just how profound and widespread are the consequences of choice of a particular electoral system.

— REFERENCES —

- Benoit, Kenneth & Michael Marsh. 2003. 'For a few Euros more: campaign spending in the Irish local elections of 1999'. *Party Politics* 9(5).
- Busteed, M A. 1990. *Voting Behaviour in the Republic of Ireland*. Oxford: Clarendon Press.
- Collins, Neil (ed). 1999. *Political Issues in Ireland Today*, Second Edition. Manchester: Manchester University Press.
- Collins, Neil & Terry Cradden. 2001. *Irish Politics Today*, Fourth Edition. Manchester: Manchester University Press.
- Cullen, Paul. 2006. '£100,000 bribes allegations just filth'. *The Irish Times*, 20 July.
- Farrell, David. 1997. *Comparing Electoral Systems*. Basingstoke: Macmillan.
- Fitzgibbon, Frank. 2006. 'Pull the other one, Noel'. *Sunday Times* (Dublin), 3 September.
- Hannon, Katie. 2004. *The Naked Politician*. Dublin: Gill and Macmillan.
- Hussey, Gemma. 1995. *Ireland Today: Anatomy of a Changing State*. Penguin Harmondsworth.
- Kennedy, Geraldine. 2002. *Nealon's Guide to the 29th Dail and Seanad*. Dublin: Gill and Macmillan.
- McDonald, Frank & James Nix. 2005. *Chaos at the Crossroads*. Kinsale: Gandon Books.
- O'Leary, Brendan. 2001. 'Comparative Political Science and the British-Irish Agreement'. In John McGarry (ed). *Northern Ireland and the Divided World*. New York: Oxford University Press.
- Sheahan, Fionnan. 2006. 'Political Storm over builder's Ryder offer'. *Irish Independent*, 1 September.
- Sinnot, Richard. 1995. *Irish Voters Decide: Voting Behaviour in Elections and Referendums since 1918*. Manchester: Manchester University Press.

REVIEW

Electoral System Design: The New International IDEA Handbook
Andrew Reynolds, Ben Reilly and Andrew Ellis (eds)
IDEA

BACKGROUND

The significance imputed to elections in democratic politics around the world today is vindicated by the burgeoning literature in this field. Edited by three well-known authorities, with contributions from various experts, *Electoral System Design: The New International IDEA Handbook* is an updated and enriched edition of the original publication, which was produced in 1997. This handbook is part of the literature that is influencing the debate about the interface between elections and democracy in established and emerging democracies, on the one hand, and restored democracies on the other.

ESSENCE OF THE BOOK

This is more than just an academic contribution to work on the value of elections in nurturing and consolidating democracy. It is, in fact, an interesting combination of academic discourse on and a practical guide to the nuts and bolts of designing electoral systems to suit the peculiar circumstances of each country. It therefore serves two main purposes: it adds to the corpus of academic literature on elections and democratic governance and it provides a tool for electoral engineers to design appropriate systems for countries undergoing electoral system reforms. A concise and easy-to-read handbook, it is divided into six chapters.

Chapter 1: Overview

This background chapter introduces the concept of electoral systems and what they are about and outlines the criteria for electoral system design and the process of change and design components.

Chapter 2: The World of Electoral Systems

This chapter introduces the main families of electoral systems throughout the world, namely: plurality / majority; proportional representation; mixed member; and others that do not fit neatly into these three categories.

Chapter 3: The Electoral Systems and their Consequences

This, the anchor chapter, provides a blow-by-blow description, analysis and illustrations of how the systems introduced in Chapter 2 work. Not only does the chapter provide a comprehensive and comparative account we are also treated to interesting case studies showing how these systems work in selected countries and why some countries have opted to re-design their systems in the quest to deepen their democracy.

Chapter 4: Electoral Systems, Institutional Frameworks and Governance

This chapter provides insights into the direct and indirect interface between electoral systems and governance institutions. Electoral systems are discussed in relation to specific democratic institutions. Frequently, either by default or by design, analysts tend to relate electoral systems to the way in which a particularly national assembly is constituted but there is more to electoral systems than merely the national assembly. In presidential systems the electoral system has a bearing on how a president is elected. Furthermore, electoral systems play an important role in how the upper house is elected; how local government authorities are established or constituted; how provincial/federal/state assemblies are constituted and, equally importantly, how political parties put in place their own leadership structures and conduct their primary elections and nomination of candidates to contest national elections.

Chapter 5: Cost and Administrative Implications of Electoral Systems

It is common cause that elections are a very costly enterprise, especially for developing, emerging or restored democracies, which may be confronted by the triple burden of democracy-building, peace-building (in post-conflict societies), and sustainable socio-economic development, all three of which are often pursued simultaneously. Thus, largely because of poor resource endowment, most emerging democracies and post-conflict societies depend overwhelmingly on external support for their elections. For instance, the general election in the post-conflict Democratic Republic of Congo (DRC), held on 30 July 2006, cost an astronomical US\$422-million. The international community (especially the European Union) contributed 90 per cent of this amount, while the DRC government was able to contribute a mere 10 per cent. Administration of elections relates to the management of the electoral process including logistical arrangements such as boundary delimitation, registration of voters, production and design of the ballot papers, voter education, the polling process, by-elections, the count, the announcement of results and the election aftermath. Election

administration may seem straightforward and seamless but, in practice, it is bedevilled by logistical nightmares, especially in countries like the DRC, whose general infrastructure after decades of neglect, kleptocratic politics and protracted violent conflict is virtually non-existent.

Chapter 6: Advice for Electoral System Designers

The concluding chapter provides a tool-kit for electoral designers, showing them how to proceed with electoral system reforms and advising on what works and what does not.

RECENT ELECTORAL SYSTEM DESIGN EXPERIENCES IN SOUTHERN AFRICA

While elections, on their own, do not constitute democracy, they play a critical role in its existence and sustenance. An election is a process of voting leaders into high office in the various layers of governance machinery. After leaders have been elected, a process of allocating seats is governed by an electoral system. Thus, the system is crucial in determining who gets into office and how seats are shared among competing parties and candidates. Many countries around the world have embarked on electoral system reform and global patterns suggest that the dominant shift seems to be primarily from plurality / majority systems to more proportional or semi-proportional (mixed) systems.

This global trend has manifested itself in Southern Africa where Namibia, South Africa, Mozambique and Angola changed their electoral systems in the early 1990s and adopted the proportional representation (PR) system as part of the political settlement of protracted (and often violent) conflict. While this shift may have sustained and built both democracy and peace in the first three countries, it did not do so in the case of Angola where the 1992 election result was contested and violent conflict erupted once again, with dire consequences for democracy, peace and development.

Angola has not held a general election since 1992. It postponed elections in 2005 and 2006 and is not expected to hold another until 2007. Recently, other Southern African Development Community (SADC) countries have embarked upon electoral system reforms. They are: Lesotho (2002), Mauritius (2002), Zimbabwe (2004), Zambia (2005) and Malawi (2006). Of these only Lesotho has implemented a far-reaching electoral reform package that involves abandoning its plurality system and adopting a mixed member proportional system (MMP), first put to the test in its 2002 elections.

Mauritius embarked upon a reform programme, but the political elite stymied the process because of disagreement about the implementation of the model recommended by a commission led by Justice Albie Sachs of South Africa. Zimbabwe's 2004 electoral reforms amounted to papering over the cracks of the old system, as the reform process dealt only with administrative/logistical arrangements and not with systemic and structural issues. The electoral reform processes in Zambia and Malawi, completed in 2005 and 2006 respectively, are yet to be implemented and implementation will depend on the commitment of the political leadership to the proposals.

CONCLUSION

This handbook is a valuable tool for democracy specialists in academia and for politicians, democracy advocates, negotiators and electoral engineers or designers. The authors advise us that while all reform measures are context-specific and thus cannot be applied uniformly in varying politico-cultural contexts, broad criteria can help guide the electoral system design process. These criteria include:

- ensuring a representative parliament and inclusive government;
- making elections accessible and meaningful;
- providing incentives for conciliation and the constructive management of conflict;
- facilitating stable, transparent and efficient government;
- holding the government accountable and responsive;
- holding elected representatives accountable and responsive;
- encouraging 'cross-cutting' political parties;
- promoting legislative opposition and oversight;
- making the election process cost-effective and sustainable;
- taking into account international norms and standards.

Countries may find that some but not all these criteria suit their own conditions and contexts as they embark upon the reform process.

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