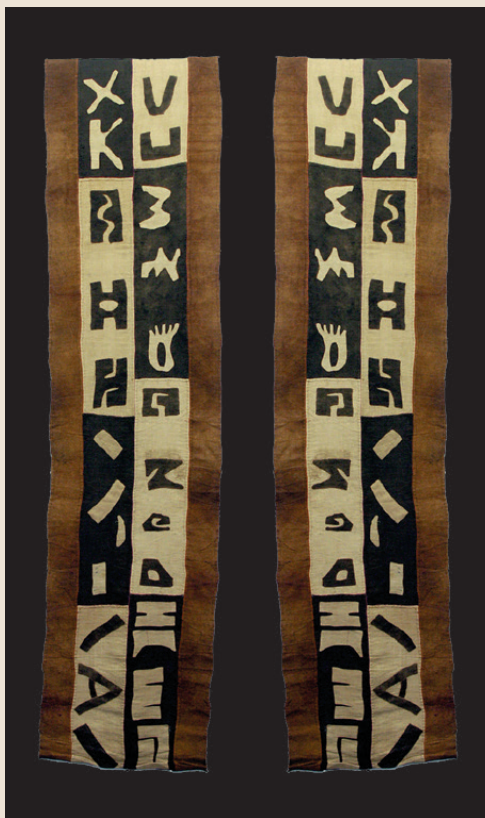


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CONTENTS

Obituary: Mr MUKENDI Tshimanga Rossy	v
Angola's 2017 Elections and the start of a Post-Dos Santos Era <i>Zefanias Matsimbe and Nelson Domingos</i>	1
When a Compatriot becomes a Foe: Political Parties and Violent Elections in Kenya and South Africa <i>John Rabuogi Ahere</i>	25
International Election Observers in Kenya's 2017 Elections: Impartial or Partisan? <i>Moses Nderitu Nginya</i>	49
Local Media Observation of Mozambique's Elections <i>Adriano Nuvunga and Joseph Hanlon</i>	72
Voting Rights of Internally Displaced Persons in Nigeria's 2015 General Elections <i>Emeka C. Iloh, Michael E. Nwokedi, Cornelius C. Mba and Kingsley O. Ilo</i>	93
Ethnicity and Election Outcomes in Nigeria: Interrogating the 2015 Presidential Election <i>Atanda Abdulwaheed Isiaq, Oluwashina Moruf Adebisi and Adebola Rafiu Bakare</i>	117
Gerontocracy in African Politics: Youth and the Quest for Political Participation <i>Joseph Olusegun Adebayo</i>	140
The Rise and Fall of the Government of National Unity in Zanzibar: A Critical Analysis of the 2015 elections <i>Nicodemus Minde, Sterling Roop and Kjetil Tronvoll</i>	162

OBITUARY

MUKENDI TSHIMANGA ROSSY

The Editorial Board of the *Journal of African Elections* notes with deep regret the passing away of Mr MUKENDI Tshimanga Rossy.

Mr MUKENDI was an assistant in the Department of International Relations at the Université Pédagogique Nationale (UPN) in Kinshasa, Democratic Republic of Congo, and had previously taught at the Department of International Relations at the University Reverend Kim in Kinshasa, DRC. He was also an analyst at the Pan African Institute of International and Strategic Relations (IPRIS) and has written several articles with the late Professor Philippe BIYOYA MAKUTU.

Mr MUKENDI contributed an article entitled 'Alliances et coalitions de partis politiques en République Démocratique du Congo: Causes et Conséquences' to a special edition of the *Journal of African Elections* (Volume 13 No. 1, 1 June 2014). In addition, in 2015 he authored his first book titled *The rebirth of the DRC in the post-bloc geopolitical context*, which was published by Editions Universitaires Européennes.

Mr MUKENDI was also a human rights activist and an influential leader of the Kinshasa-based citizen movement known as 'Collectif 2016', a pro-democracy youth movement which bravely advocated strict adherence to the two-term constitutional limit for presidents.

Mr MUKENDI sadly lost his life on 25 February 2018. He was killed when the police opened fire on peaceful citizens who were demonstrating against President Kabila's apparent attempts to overstay in power beyond his second and last term, at the Saint-Benoit Catholic Church in Kinshasa.

Our condolences go to his family, friends and colleagues.

ANGOLA'S 2017 ELECTIONS AND THE START OF A POST-DOS SANTOS ERA

Zefanias Matsimbe and Nelson Domingos

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ABSTRACT

For the first time in the history of its multiparty democracy, Angola held general elections in August 2017 without President José Eduardo dos Santos on the ballot paper. In 2016 dos Santos decided not to run again for the presidency but he remained the party chair. Instead, João Manuel Gonçalves Lourenço was nominated to replace dos Santos as the MPLA candidate. The departure of dos Santos raised expectations that there would be political change in the country. However, this did not happen because the MPLA won a qualified majority in the National Assembly despite their decreased support compared to the results of the 2012 general elections. Though the 2017 elections were considered to have been well prepared and executed, the outcome was challenged by the opposition on the grounds of irregularities in voter registration, the accreditation of party agents, and problems in both counting and announcing the results. The change of leader raised a number of questions regarding the implications of a double centre of power in the MPLA and presidency. How João Lourenço will manage the question of the factions created by his rise to power is a matter of concern, together with whether he will be able to end the hegemony and economic power of dos Santos and his allies. He will also have to deal with the ongoing economic crisis and boost declining public trust in the MPLA. By addressing some of these issues this article provides an important contribution to understanding the electoral processes in Angola.

Keywords: Angola, MPLA, UNITA, José Eduardo dos Santos, elections, João Lourenço

INTRODUCTION

Angola's long civil war ended in 2002. Fifteen years later, on 23 August 2017, they held their third general elections to elect the president, vice-president and 220 members of the National Assembly, as determined by the revised 2010 Constitution. The elections were contested by six political parties and one coalition, namely the Popular Movement for the Liberation of Angola (MPLA), National Union for the Total Independence of Angola (UNITA), National Front for the Liberation of Angola (FNLA), Social Renewal Party (PRS), National Patriotic Alliance (APN) and the Broad Convergence for the Salvation of Angola – Electoral Coalition (CASA-CE). This was fewer than in the previous general elections of 2012 in which nine parties participated. The election was also marked by a controversial decrease in the total number of registered voters which were 4.5% less than those registered in 2012.

The 2017 elections represent a significant landmark for Angola, most importantly because for the first time since they had opted for multiparty democracy in 1991, the ruling MPLA fielded a new presidential candidate, João Lourenço. This followed the resolve by José Eduardo dos Santos in December 2016 not to run again for the presidency. Dos Santos decided to end his 38 years as head of state but chose to remain in the party leadership, a decision not welcomed by party members. This decision by dos Santos highlighted the different ideas within the MPLA about the presidential succession.

This change of leadership within the MPLA ended up influencing the dynamics of the entire electoral process. Firstly, opposition parties assumed that the time had come for political change in the country since the removal of dos Santos, who had been the major obstacle to change. As a result, they increased their pressure on the ruling MPLA as polling day approached, with the aim of ending 38 years of damaging MPLA governance. Civil society organisations also stepped up their mobilisation initiatives for political change and a better redistribution of wealth.

Secondly, the retirement of dos Santos also offered some hope for political change and an improvement in the living conditions of the vast majority of economically and politically excluded citizenry. Voters who had previously not valued their participation in electoral processes began to reckon that this time their vote would count towards ending MPLA hegemony. The double pressure of opposition and society added to the impact of the financial crisis which had been triggered by the fall of oil prices, Angola's most important commodity. The consequent crisis of financial liquidity weakened the credibility of MPLA, particularly in urban areas.

The election results show that MPLA was able to overcome this political pressure by securing a qualified majority in the National Assembly, though it

lost significant support compared to the previous elections in 2012. These results disappointed many who had expected different election outcomes and spelled the end of their dream of change.

Another significant aspect of the 2017 elections is that compared to previous elections in the dos Santos era, the general sentiment was that these elections were conducted in a relatively relaxed environment with more liberty, tolerance, freedom and political discourse. This is confirmed by the civil liberties index in *V-Dem* that jumped from 1.83 in 2016 to 2.0 in 2017 (v.dem 2018). Electoral observer missions also gave positive reports on the quality of these elections.

The electorate appeared to be more politically aware than in the past and participated in all phases of the electoral process. Nonetheless, several incidents of the misuse of state resources by the ruling MPLA were reported together with misconduct by the National Electoral Commission (CNE). The polling itself was highly competitive, leading to the widespread perception that MPLA was going to lose power through the ballot.

Many questions remain unanswered almost a year after the elections: these include concern as to how the co-existence of two commands will be managed while dos Santos continues to chair the MPLA; how Lourenço will manage the factions created by his rise to power; and how the new president will deal with the issue of the hegemony and economic might of dos Santos and his immediate supporters and allies. This article looks at some of these issues and thus contributes to an understanding of electoral processes in Africa, where they are less studied than in the more established democracies of Europe and America. The article offers an empirical analysis rather than a theoretical debate on elections. Where necessary the authors refer to various indexes to measure some of the components such as integrity and civil liberty.

Articles on elections tend to focus on the events of polling day and the immediate administration of elections. In this article we follow the electoral cycle framework which considers elections not as an event, but as a process with interconnected and interdependent phases. We focus on many other elements such as the legal framework, voter registration and register management, electoral campaigning, and polling and results management; aspects that are likely to affect the outcome of the electoral process and determine the integrity of the election.

Following this introduction, we provide the historical, socio-political and legal background and conclude with some uncertainties about the impact of leadership changes on Angola's future.

BACKGROUND

Formerly a Portuguese colony, Angola gained independence in 1975 under the leadership of the MPLA and Agostinho Neto. The euphoria of independence

was soon eroded by periods of civil wars that ended only in 2002 with the death of UNITA leader Jonas Savimbi. The MPLA has had only two leaders since independence, Agostinho Neto (1975-1979) and José Eduardo dos Santos (from 1979).

Seen as a country still struggling with its violent past, Angola is also known for its political stability since the end of the civil war, with only a small degree of political disruption in the oil-rich region of Cabinda, an enclave claiming autonomy. The Front for the Liberation of the Enclave of Cabinda – Armed forces of Cabinda (FLEC-FAC), an armed movement fighting for the autonomy of Cabinda, had even threatened to boycott the August 2017 elections, calling it a ‘foreign election’ and claiming that Cabinda is a separate country from Angola. Sporadic instability has also been registered in the diamond-rich regions of Lunda Norte and Lunda Sul, two provinces that feel excluded from the redistribution of the revenue accruing from diamond exploitation.

Angola is a country rich in natural resources, the second largest producer of oil and third-largest producer of diamonds in Africa. The country has about 25 million inhabitants, 60% of whom are young. However, it continues to face the challenge of reversing this wealth to benefit the people, two-thirds of whom live on less than two American dollars a day. In 2017 the Human Development Index placed Angola in the group of countries with a low development index of 0.533, and the country is known for the vast social discrepancies between its haves and have nots.

Following the end of the civil war in 2002, Angola became one of the fastest growing economies in the world. Its economy was stimulated by a substantial increase in oil production and the exponential increase of prices from 20 to 147 American dollars per barrel between 2002 and 2008, making it the third largest economy in sub-Saharan Africa (Pearce et al. 2018).

Although it was formally known as a multiparty democracy Angola did not develop from being an authoritarian regime to a democratic regime as was generally expected (Blaauw 2014). The country continued to experience the political repression of dissidents, social and pro-democracy activists, human rights abuses, restrictions on the freedom of expression and assembly, together with corruption and abuse by the security forces (Freedom House 2018). This is the opposite of Dahl’s definition of democracy, which is that a democratic state is substantially popular and liberalised, strongly inclusive and open to public contestation (1997, pp. 25-26); has rulers who are elected in free, fair and periodic elections in a society which has guaranteed and effective freedom of expression, independent media (that is, not controlled by the government), autonomy of association and even citizenship (Dahl 1998, pp. 85-86).

António (2015, p. 226) sees Angola as an example of what O'Donnell and Schmitter (1986) called liberalised authoritarianism, in that there is a persistence of manifestly authoritarian practices despite the existence of some democratic structures. The government tolerates a limited space for individual and collective action only in order to identify those who do not support its governance. They can thus restrict access to certain state benefits and persecute in other ways, and elections are bedevilled by suspicions about fairness and freeness.

In the reign of dos Santos Angola was known as a country with serious human rights abuses, extreme nepotism and an extensive network of patronage. It was a dictatorial regime characterised by corruption and the persecution of critics of the regime. Civil liberties remained oppressed as independent media continue to be subjected to legal and physical harassment. Anti-government protests began in 2011, expanded in 2013 and continued in 2014; they were violently dispersed and demonstrators intimidated, physically assaulted, arrested and beaten, with some still missing.

The MPLA established a clientelist network that allowed members of the MPLA and security forces to deplete state resources, especially in the extractive (mineral) sector, while ensuring the political longevity of dos Santos's leadership. State institutions were weakened by the high level of politicisation and the personalisation of state institutions around dos Santos, and by the nepotism and control of state administrative machinery by security forces. Even when he was on his way out, dos Santos placed his allies in key positions in order to diminish possible reform (Roque 2017).

Transparency International places Angola among the most corrupt countries in the world, ranking it at 167 out of 180 states analysed in 2017. Corruption scandals involved highly placed individuals in the party, notably the then Vice President Manuel Vicente, Generals Hélder Manuel Vieira Dias Júnior 'Kopelipa' and Leopoldino Fragoso do Nascimento 'Dino', together with President dos Santos and his family.

Government malfeasance has resulted in widespread discontent among the general public. The dissatisfaction is so high that it is even depicted in a survey sponsored by the Angolan Presidency and attributed to a Brazilian research and consulting company (Sensus) covering the country's 18 provinces (ClubK 2017a, 14 August). Dissatisfaction is more visible in urban areas, including Luanda, a province normally seen as a natural supporter of MPLA, and where election results indicate that MPLA has suffered setbacks.

Quoting Mueller, Mathenjwa (2017, p. 182) considers that a country takes a positive step towards democratisation when it entrenches democracy in its constitution which must in turn be the citizens' choice. Furthermore, such a

constitution must be a mandatory declaration that democracy will prevail and will be realised; these are the criteria for a constitutional democracy. Angola has made significant progress since the revision of the Constitution in 2010 followed by the revision of a number of other laws concerning democracy. The opposition has, however, called for further revisions as not all the legal provisions are fully consensual.

One of the innovations of the revised Constitution is the concentration of power in the person of the president and the replacement of the prime minister by the vice president. The revised Constitution also establishes the use of a single vote for the president of the Republic (first in the top-ranking list), the vice president (second in the top-ranking list), and members of the National Assembly. The ballot paper displays the photograph of the candidate next to the party symbol but provides only a single space to mark the choice. This means that those who choose party A automatically choose that party's candidate and vice versa. The system has been criticised as it does not allow alternative choices. The National Assembly consists of 220 Members of Parliament (MPs), 130 of whom are elected through the national constituency and the remaining 90 in the provincial constituencies, with five MPs for each of the 18 provinces. The election of MPs is based on the proportional system.

Another important change is that the executive ceases to have a direct role in the appointment of members of the CNE, a role that falls to the parliament and is based on the proportionality of the seats. However, the fact that the MPLA holds the parliamentary majority ensures that it continues to dominate this body with 8 out of 11 commissioners. Furthermore, the Constitution stipulates that the CNE must be chaired by a judge; the fact that the judges are appointed by the president of the republic also ensures that the MPLA influences the appointment of the chair of this body. It is the same presidential prerogative that favours the MPLA in the appointment of judges to the Constitutional Court, the body invested with constitutional powers to arbitrate electoral processes in the country. Therefore, the independence of the CNE and the Constitutional Court are still disputed in the country and hinder public confidence in the electoral process, and it is known that 'the organization of electoral administration is the third main institutional "levelling" device that can be expected to be associated with public confidence in the electoral process' (Grömping & Coma 2015, p. 22).

There have been significant changes in other relevant laws for the management of electoral processes, most importantly the Organic Law on Electoral Processes (2010), General Elections Law (2011), Election Observation Law (2012), Law on Political Parties Financing (2012), and the Law on the Establishment and Functions of the National Election Commission (2012). The electoral law has been highly contested by opposition parties.

TOWARDS POLLING DAY

In December 2016 dos Santos announced his surprising decision not to run for the 2017 elections on the MPLA ticket. At the time rumours circulated that the deterioration of his health was the main reason for ending his 38 consecutive years in charge of MPLA and of Angola. In reality, the decision of dos Santos to resign from the presidency of Angola seems to emanate from an analysis of costs and benefits in relation to his continuation or abdication. The international pressure for his resignation included imposing on his government restrictions such as freezing the bank accounts of his family and members of the government and placing the country on a black list in order not to have access to the dollar. These seem to have contributed to his resignation. Other factors included the economic and financial crisis, dos Santos's loss of personal popularity, and internal protests calling for his abdication. Given this scenario, his resignation seemed to offer a cost-effective alternative compared to his continuing as Angolan president.

The announcement of dos Santos's resignation created some concern about possible political instability in the country and an internal struggle for succession within the MPLA. But the main fear was that dos Santos would implement a long-suspected intention of appointing one of his sons, Filomeno dos Santos, to replace him as a way of protecting the dos Santos family control of the economy.

The crisis of leadership succession was successfully managed with the appointment of Lourenço, former secretary-general of the party and a man with a military background (a former minister of defence) as MPLA candidate. Lourenço was not the first choice of dos Santos but was a compromise candidate and the only person agreed to by both dos Santos and other segments of the party.

The 2017 elections took place in a social and economic context quite different from previous elections that had given such a resounding victory to MPLA. Firstly, since 2013 Angola had been plunged into an economic crisis caused by the decline of oil-export earnings amid a global price decrease and an increase in general imports. This had negatively affected the economy, with consequences such as the scarcity of foreign exchange and a significant increase in inflation. Secondly, there was a high level of population discontent due to the poor supply of goods and services, exclusions and skewed patterns of wealth distribution. These resulted in a wide gap between a mostly urban bourgeoisie consisting of those close to the presidency and the majority living in extreme poverty (Pearce et al. 2018). Other negative factors included perceptions of high levels of corruption and nepotism by MPLA elite, and weak accountability of the country's leaders. These led to a drop in the levels of MPLA popularity with multiple protests at national level, especially in large urban centres.

The crisis affected the legitimacy of the MPLA as it gave the opposition the opportunity to accuse the ruling party of mismanaging public funds, which had

resulted in the current crisis. The departure of dos Santos also triggered civil society organisation demands for a better distribution of the national wealth, and the demand that dos Santos relinquish power. This social mobilisation was stronger in urban areas (Pearce et al., 2018). The arrival of a new candidate other than dos Santos also revealed internal squabbles between the members of MPLA and factional differences around dos Santos and Lourenço.

A dominant sentiment in Angolan society ahead of the 2017 elections was that unlike previous elections, these would no longer be by plebiscite so there would be no direct vote for the MPLA candidate. The political opposition claimed that the time for political change had come, that neither a massive fraud nor use of incumbency and state resources would alter the results and prevent political change. They also called for MPLA to accept the election outcomes and willingly accept the role of opposition. The 2017 elections also happened at a time of heightening civic mobilisation by the new generation of citizens who were better educated and better informed. This was particularly true of youth in urban areas who were removed from the MPLA's historic reach, a factor that disadvantaged the MPLA.

The announcement of dos Santos's resignation brought contestant voices within MPLA into the open. These were critical of the economic power of the presidential family who were widely perceived to have accumulated wealth by improper acts. Speaking from prison, one of Angola's most respected generals publicly threatened Isabel dos Santos, a daughter of the former president, and for the first time openly accused her father of being corrupt (*Africa-confidential* 25 August 2017).

Despite the widely-held perception that this election had been better prepared than previous elections, a number of challenges were also reported. UNITA called for popular demonstrations in all provincial capitals to protest against what it called 'MPLA fraud engineering'. This was based on allegations of unlawfulness in the contractual procedure of the two companies meant to provide technological services to support the general elections, namely SINFIC (Industrial Information Systems and Consulting) and INDRA Systems (an information technology company). The issue was that despite the large sums involved (around 143 million euros), the two companies had been contracted without a public tender, in a fraudulent scheme operated by MPLA. SINFIC is a Portuguese company linked to Angolan businessmen, and INDRA is a Spanish company, also with shareholders close to the Angolan government. SINFIC was hired to prepare voters' rolls and the accreditation of party agents, and INDRA to supply voting material and technological solutions. The two companies also supplied materials for the 2012 elections, in which the opposition accused them of fraudulent dealings with the Angolan government.

One important event that marked the preparation for the August polling was the Angolan government's refusal to allow the European Union (EU) to deploy an observer mission on the basis that EU requirements were unacceptable. The EU claimed that what they all needed was 'basic conditions, which are standard, access and impartiality for the operation of the mission' (ClubK 2017b, 31 July). In view of this, the EU decided to send only a five-expert mission to monitor the elections. A member of the EU Parliament said that the Angolan government did not invite the EU because 'they know that a European Union observation mission could see a lot of things that for sure and unfortunately would tarnish the credibility of the electoral process' (ClubK 2017b, 31 July).

The CNE decided not to implement either voting abroad or the special early vote, both of which are provided for in the Organic Law on General Elections (Law No. 36/11), allegedly due to the shortage of material and human, logistical and operational conditions. The law provides for early voting for those who are unable to leave their work stations on election day. This category can vote at the polling stations where they are registered five days before election day (*ibid.*). But the CNE argument was that early voting would promote the delocalisation of the vote, which is unlawful. Only party agents and polling stations staff would be able to vote outside their polling stations. The CNE also argued that the failure to conduct early voting was intended to avoid tarnishing the electoral process; but here the lack of clarity on the law or the unwillingness of the CNE is evident, excluding a considerable number of voters from the process in a repetition of the unresolved 2012 elections issues. The government issued a decree declaring election day a holiday to enable working voters to exercise their right. Logistical elements such as the availability of the postal vote, early vote, special vote, or voting abroad are important aspects used to assess the integrity of an election (Grömping & Coma 2015).

The accreditation of party agents was involved in an uproar; on one side the CNE accused political parties of not sending their member lists to be accredited, which was immediately refuted by the political parties. They in turn accused the CNE of selective accreditation of party agents, and of giving preference to agents of the ruling party to the detriment of the opposition. Opposition political parties reminded the CNE that a possible exclusion from polling stations would be a clear violation of Article 118, section I, of the Organic Law on General Elections.

A few weeks before the polling CNE went public with a controversial announcement that after the polls were closed, ballot boxes would be transported to municipal centres where the counting would take place. This decision was regarded by most of the electoral stakeholders as contrary to the law that counting should be held at each polling station.

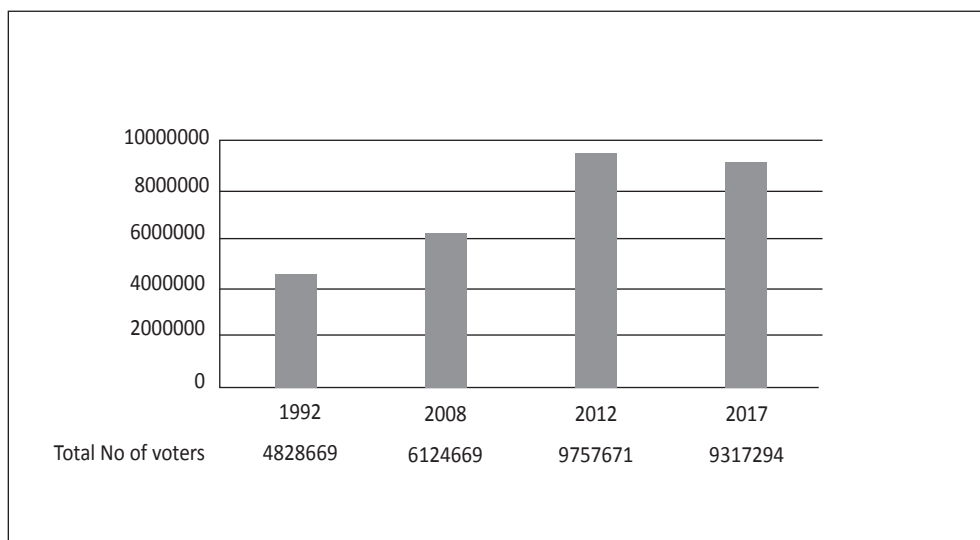
Voter registration is one of the issues that has negatively affected the integrity of elections on the continent (Grömping & Coma 2015), and Angola

was no exception. The voters' roll was also fraught with several incidents and allegations of deliberately relocating polling places; that is, citizens who at the time of their voter registration indicated where they would cast their vote, were later informed by the CNE that their names had been moved to other localities or even another province far away from their area of residence. The CNE refuted this claim, saying that the indication of the reference point given at the time of registration did not determine the polling station. The phenomenon of relocation seemed to be a repetition of the practice in the 2012 elections, which prevented a number of citizens from exercising their right to vote. There were also reports of voters who, because of technical problems, had not been issued with a voter's card when the roll was updated, and were thus unable to vote. In Angola the only acceptable identification document at the polls is the voter's card. An important recommendation for CNE Angola is to follow the example of the brother country, Mozambique, by introducing a regulation allowing voters who are duly registered but who do not have their registration cards on polling day to use other identity documents in order to vote. This option makes electoral processes far more inclusive.

Management of voter registration also dominated the pre-election phase. Article 107 (1) of the Constitution provides that the electoral administration must be conducted by an independent body. However, the MPLA used its majority in Parliament to pass Law 8/2015 transferring the responsibility of conducting voter registration to the executive, through the Ministry of Territory Administration (MAT), then led by MPLA vice-presidential candidate, Bornito de Sousa. The opposition obviously raised questions about the independence and transparency of this process, given that the MPLA played the role of player and referee at the same time. Furthermore, the management of voter registration data was also confused, with some names missing from the register.

During voter registration UNITA repeatedly accused MAT of manipulating voter registration data in its favour by selectively excluding areas known to be opposition strongholds and deliberately deleting some names from the voters' roll. The sharp decrease (by approximately three million) in the number of voters registered compared to those registered in the previous election heightened suspicions that the voters' roll lacked credibility, and automatically tarnished the credibility of the electoral process itself. MAT indicated two possible reasons for the missing three million: that they were deleted from the register because they had not visited voter registration centres to prove their existence, or because duplicate registrations had been deleted.

Figure 1 below shows the data of registered voters in elections from 1992 to 2017, highlighting the decrease by 4.5% of the number of voters registered for the August 2017 elections.



Source: Ministério da Justiça, 1995; IDD & FKA, 2009; CNE, 2017

Figure 1: Number of registered voters (1992 – 2017)

The Angolan government guaranteed the timely disbursement of financial resources to the CNE for the preparation and conduct of the 2017 ballot, following the provisions of the Constitution.

CANDIDATES

Five political parties, together with a coalition of two parties, competed for the 220 seats in Parliament, making six contesters in total, namely the MPLA, UNITA, FNLA, PRS, APN and CASA-CE. APN was seen as a spoiler created by the MPLA government months before polling day to divide the opposition vote (Pearce et al. 2018) but it failed to win a single seat.

The MPLA list was headed by João Lourenço followed by Bornito de Sousa. UNITA once again bet on its historic leader, Isaías Samakuva. Lucas Ngonda was the preferred candidate of the historic but dying party, FNLA, after he had won a judicial battle and survived expulsion from the party. The PRS, an influential party in the rich diamond regions of Lundas, fielded Benedito Daniel. Quintino Moreira represented the new APN, and the CASA-CE coalition had former UNITA cadre Abel Chivukuvuku as its candidate. None of the lists were led by woman, nor were there any women candidates for the vice presidency, although women represented 54% of the national population. The representation of women in the National Assembly dropped down from 34.5% in the 2012 elections to 26% in 2017.

2017 ELECTIONS CAMPAIGN

The electoral campaign which ran from 23 July to 21 August was orderly, calm and tolerant, except for isolated incidents. Compared to previous campaigns, both candidates and citizens showed a responsible civic attitude with calls for massive participation in voting. The two former foes modified their usual belligerent stance and toned down their warmongering language.

The campaign was characterised by rallies, door-to-door contact, and the use of information technologies (mainly television, radio and social media). The opposition parties challenged Lourenço to a live television debate but the MPLA failed to respond. In comparison to the 2012 elections UNITA and CASA-CE ran an efficient campaign that attracted thousands of supporters to their rallies across the country (Pearce et al. 2018).

MPLA changed its campaign strategy from holding rallies in big stadiums with big luxury car parades in favour of door-to-door campaigning. Anecdotal evidence indicated that this was caused by concerns about the possible results with a new candidate. During the campaign, Lourenço's speech focused on combating corruption and restructuring the economy in order to end Angola's dependence on oil and diamond revenues (*Africa Confidential* 2017) and on diversifying the economy by using these oil and diamond revenues to create infrastructures that would uplift the economy.

The PRS party defended federalism and their candidate, Benedito Daniel, claimed that federalism would be the only way to end the blunt regional asymmetries and discrimination among Angolans. APN candidate Quintino Moreira's main campaign message was the hope for change, job creation and housing for low-income youth.

During the electoral campaign UNITA accused the MPLA and its candidate of returning to warmongering speeches in an attempt to foment hatred among the different population groups. In the words of UNITA's candidate, this was a ruling-party strategy to hide their failure to deliver during their 42 years in power. UNITA's allegation is not entirely false; Lourenço was quoted during the election campaign as stating that UNITA would be punished through the ballot box for the destruction of the country's industrial capacity during the war and the consequent unemployment among youth. But overall, the tone of this electoral campaigning was less bellicose than previously.

Media coverage is one of the most contentious issues of electoral processes worldwide (Grömping & Coma 2015). To deal with this problem, contesting political parties in Angola are entitled, by law, to airtime in the public media with ten minutes on radio and five minutes on television per day for the duration of electoral canvassing. Contesting political parties had equitable access to airtime;

however, this came immediately before the prime-time news bulletin which was dominated by biased coverage consisting mainly of reports about government investments in infrastructure. These had the effect of diminishing the opposition message.

In Angola the law also compels the public media to offer fair news coverage, an offer not respected by the public media. MPLA dominated both print and broadcast – and not only public media but also those in the private sector, because almost all the latter are owned by MPLA members, according to Pearce et al. (2018). Disrespect for the law was a repeat of the scenario that characterised the 2008 and 2012 elections.

A JIKU project monitored Angolan Public Television station TPA and private TV station Zimbo, as well as the public Rádio Nacional de Angola, Rádio Mais, Rádio Lobito, Rádio Morena and Rádio Huíla, between July 23 and August 20. This project concluded that almost 85% of the time spent by Angolan television and radio stations on election coverage favoured MPLA and the government. UNITA received only 4.2% and CASA-CE 3.6% (ClubK 2017c, 22 August).

This disproportionate access to public media was also of concern to Human Rights Watch, particularly because the Angolan public had limited alternatives to access information beyond the state media (ClubK 2017d, 8 August). The Angolan Journalists Union (SJA) also criticised both public media and part of the private media for favouring the MPLA in their coverage (ClubK 2017e, 10 August). Pearce et al. (2018, pp. 5-6) came to the same conclusion. This abuse of state media in particular was a reflection of the total disrespect for Article 64 of the Organic Law of Elections (Law no. 36/11, of December 21); however, despite a public outcry, this flagrant disregard went unpunished by the electoral monitoring authorities.

The campaign was also characterised by allegations of electoral corruption, although fewer than in previous elections. In August, UNITA filed a criminal lawsuit with the Attorney-General's Office against the MPLA candidate accusing him of improperly offering goods such as cars, motorcycles and televisions to voters, to traditional authorities and religious entities (ClubK, 2017f, 15 August). Again, this clearly disregards Article 193 of the Organic Law on General Elections, and again, the electoral oversight bodies took no action to enforce the law.

The incumbent's use of public resources, infrastructures and civil servants was also notorious. These included the use of Angolan Army (FAA) vehicles to transport MPLA supporters to rallies (ClubK 2017f) from one village or district to the other, often in inhuman conditions (ClubK 2017g, 15 August), to make MPLA rallies more visible and thereby influence public opinion. Public employees were coerced by their leaders to participate in MPLA rallies (ClubK 2017h, 17 August) contrary to Article 191 of the Organic Law on General Elections. As Pearce et al. (2018, p. 7) puts it 'it is not as a party that the MPLA went to the polls, but as a party-state, a logical outcome of Angolan post-war politics'.

The misuse of the traditional authorities (*sobas*) resulted in an incident a few days before the elections. LTI (Logistics and Integrated Transport), the company responsible for distributing kits of electoral material, including ballot boxes and ballot papers, decided to deliver these materials to the residences of MPLA-linked *sobas* in several locations without any supervision, allegedly due to a lack of conditions to keep the ballot boxes safe in neutral places. This resulted in the loss of some material. In Catabola municipality a total of 3 900 ballot papers disappeared. CNE confirmed the incident in a communiqué dated August 19 (ClubK 2017i, 22 August).

African elections are known for their poor performance in campaign finance, with an average score of 40, eight points below the global average (Grömping & Coma, 2015). In Angola contesting parties are legally entitled to a state grant to finance their electoral campaign activities. In 2017 each party received a total of 250 million kwanzas (almost 1.3 million euros). However, the parties alleged that a late distribution of this funding compromised the organisation and preparation of their campaign activities.

One aspect worthy of note is that during the electoral campaign in Angola, the main focus was on the heads of the list to the detriment of the 220 candidates for the National Assembly. There is, however, an equal need for awareness about the identity of the MP candidates in different provincial constituencies; citizens need to know who they are and what they intend to do in Parliament to represent their constituencies.

VOTING DAY AND ELECTION RESULTS MANAGEMENT

The over nine million voters registered to vote were divided into 25 873 polling stations aggregated into 12 512 polling centres. Election day itself was generally calm. The national police and other security forces were on the ground and the army was combat-ready to ensure peace of mind during the vote. Recourse to the preventive function of security forces and the army may point, on the one hand, to some uncertainty on the part of the government in relation to the environment of the electoral process; but on the other hand, it could equally prove to be a form of intimidation used to influence voters' decisions.

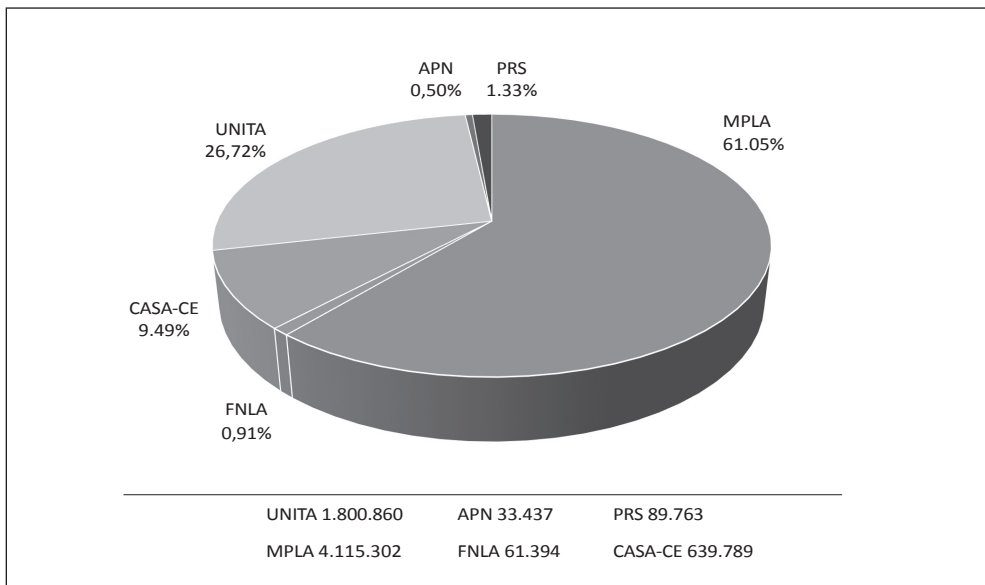
Most polling stations opened on time¹. However, some logistical problems occurred and there were reports of about 1 310 voters who were unable to cast their votes in the provinces of Benguela, Lunda Norte and Moxico, allegedly due to technical problems. Cases of voters whose names could not be found in the voters'

1 The Law No. 36/11 determines that the voting starts at 7:00 a.m. (article 103, paragraph 1) and ends at 6:00 p.m. However, voters in the queue before 6:00 p.m. are allowed to vote (article 105, paragraph 2) until 7:30 p.m.

rolls were also reported in some areas, and this too affected the integrity of the process. Several polling stations had no agents for some contesting parties. This may have been caused by the deficient accreditation of party agents by the CNE; but the contesting parties may also have lacked the human, material and financial capacity to deploy their own agents to cover all polling stations nationwide.

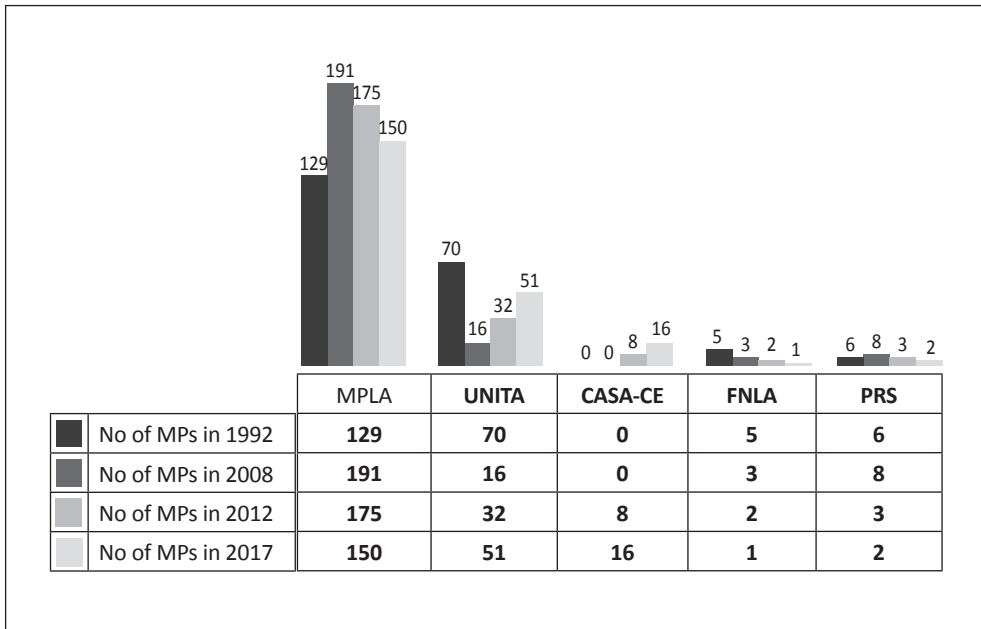
Trust in the work of an electoral management body is an important aspect determining the level of electoral integrity (Norris 2015, pp. 13-18). In the case of Angola voters and other stakeholders continued to have a low level of trust in the work of CNE, as a result of which opposition parties CASA-CE and UNITA undertook an independent, parallel vote count. On the day after the election MPLA claimed to have a qualified majority even before the announcement of the provisional results by the CNE, as a result of which the opposition raised allegations of fraud (Pearce et al., 2018).

During the general elections of 23 August 2017, Angola was attended by 1200 national observers and 200 international observers. National observers were largely aggregated in the Angolan Electoral Observatory (OBEA) and the National Youth Council (CNJ). Notable former heads of state and government also attended, probably to bid farewell to their friend dos Santos. Figure 2 below summarises the election results.



Source: CNE, 2017

Figure 2: 2017 Election Results



Source: Ministério da Justiça 1995; IDD & FKA 2009; CNE 2017.

Figure 3: Number of elected MPs per political party (1992 – 2017)

MPLA was the biggest loser in the 2017 general elections; in the opposite direction CASA-CE and UNITA increased their seats. The increase by the two parties can have a dual interpretation; firstly, the vote for these two may be punishment for the MPLA’s poor governance. This had been marked by endemic corruption and the social exclusion of most of the population who have been deprived of basic sanitation and health services, quality education, employment and safety. Alternatively, the vote for these two may indicate a reward for their good performance in the Angolan Parliament, without minimising their sound proposals during the electoral campaign.

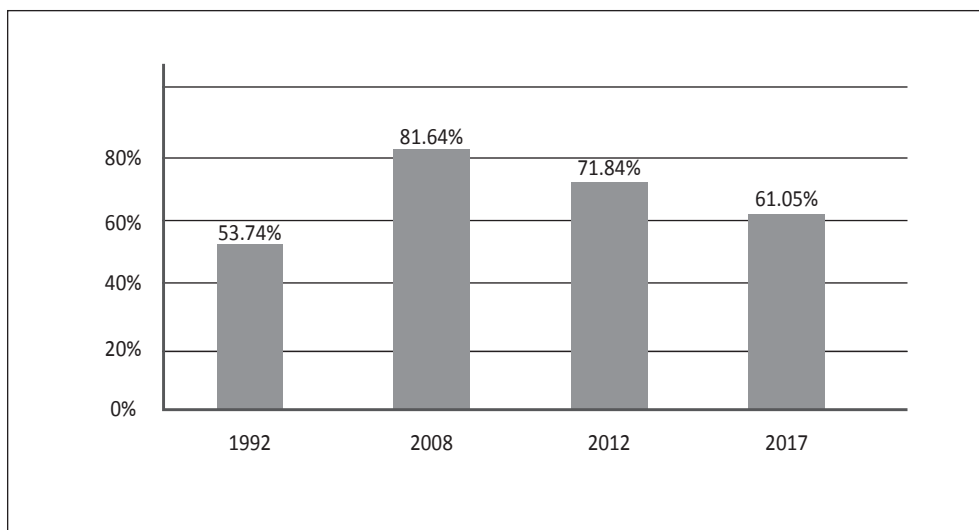
The opposition rejected the results on the grounds that the elections had been conducted in an unconstitutional manner for the following reasons:

- most of the results in almost all provinces were processed illegally by people not authorised to do so
- some ballot boxes had disappeared and new ballot boxes appeared
- the results were announced without the requisite results sheets from some provincial electoral commissions, and this may in turn have revealed that the national results were incorrect and fraudulent.

All these allegations were rejected by the CNE (Pearce et al. 2018). By finding the final results fraudulent, UNITA and CASA-CE decided not to take their seats in the National Assembly in protest against what they considered illegal results. They took the protest to the Constitutional Court, but all allegations were rejected. Later the two parties decided to allow their representatives to take their seats in Parliament, a decision that was not welcomed by the public who considered them weak.

ANALYSING THE MPLA PERFORMANCE

MPLA lost over 10% of its electorate compared to the 2012 elections when dos Santos stood as their candidate (see Figure 4 below); a clear indication that dos Santos was not the only problem. However, some commentators are of the view that if dos Santos had stood again MPLA results would have been even worse. Figure 4 below reveals a sharp decrease in support for the MPLA immediately after 2008.



Source: Ministério da Justiça 1995; IDD & FKA 2009; CNE 2017

Figure 4: Election results for MPLA since 1992

The sharp increase of the MPLA vote share from the first elections in 1992 to the second elections in 2008 may be linked to substantial investment in the reconstruction of the country, propelled by an economic performance driven by the high oil price. Furthermore, dos Santos may have been largely credited with

having ended the long and horrendous civil war after the death of Jonas Savimbi, the man blamed for all the country's ills. Between 2008 and the 2012 elections MPLA lost 9.8% of electoral support, marking the beginning of the waning of its popularity.

In 2017 MPLA lost a further 10.79% even with a new candidate. The immediate result was that the position of Lourenço was negatively affected by problems inherited from his predecessor, and also by the poor economic performance and recent hardships the country had experienced. Lourenço was not well known by the voters and this may have had an impact on party preference, particularly because of the short interval between announcing his candidacy and the election. In normal circumstances the entrance of Lourenço into the electoral race would gain some sympathy for the MPLA from the electorate; however, uncertainty regarding the continuity or discontinuity of his predecessor's governance model may have had a negative impact on his candidacy.

Another important mark of the 2017 elections is the slight drop in abstentions to 23.4% compared to 37.2% in the previous elections. The turnout was slightly higher in 2017 which may be associated with a number of factors: firstly, MAT indicated that 2.5 million registered voters were new or had registered for the first time. These may have been keen to exercise their rights for the first time, adding to the pool of previous traditional voters. Secondly, the hope for a possible change after the withdrawal of dos Santos and the expectations raised by the pre-election environment drove voters to turn out in increased numbers to the polling stations, including those who had not shown any interest in previous elections. As one of the social activists remarked 'this time I will vote... [because]... the context is different, almost everything is different' (ClubK 2017), 15 August). Lastly, the good performance of CASA-CE and UNITA referred to earlier may have attracted many voters, including disgruntled MPLA supporters, to turn up in their numbers.

In African elections the vote count and the period immediately following the results announcement is consistently rated as the time in the election cycle most likely to experience possible conflict. In most cases the opposition challenges the results using legal channels or by organising massive demonstrations. If not handled properly this protest can end in violence (Grömping & Coma 2015), and Angola was no exception, as the period following the polling and release of the final electoral results was one of political tension. Aware of these dangers, the government deployed troops, intensified intelligence activities and increased police presence in the known hotspots around the country. In Viana municipality, for example, the Sovismo complex where UNITA's General Secretariat operates saw an increase in the number of security forces. The hope of change was replaced by a climate of fear.

Youth groups planned a protest march in Luanda against the alleged manipulation of electoral results, but this march was aborted due to the heavy presence

of security forces. However, the post-electoral phase did not turn violent because the opposition parties called for calm, peace and adherence to the legal framework of the country, a call that may have contributed significantly to post-election stability. So it would seem that Angolans have learned their lesson from 1992, when war erupted following Savimbi's refusal to accept the results.

POLITICS AFTER DOS SANTOS

The 2017 elections constitute the first time that Angola has experienced a change of leadership. There are several uncertainties about how the new president and the MPLA will handle this transition, in particular whether he will contest the economic hegemony of dos Santos, and what kind of political change he is likely to institute.

The reality is that Lourenço has the difficult task of handling the many and various challenges facing the country. These range from the liquidity crisis to the popular dissatisfaction of Angolans because of the degradation of their living conditions, and the political pressure resulting from the change of party leadership. He is likely to face some kind of resistance from the heirs to dos Santos's economic hegemony and at the same time needs to mark his own terrain and gain acceptance of his position in power (Roque 2018).

The implication is that dos Santos will continue to command the MPLA and Lourenço will simply be the president of the republic, a situation where it is known that the party is more powerful than the government. The general belief is that Lourenço is likely to alter some aspects of party politics with discretion, but the truth is that until dos Santos resigns as party leader Lourenço may have difficulty creating his own space and forging his own way.

Another question is how Lourenço will deal the economic power of dos Santos and his allies. Some of the actions Lourenço took immediately after his inauguration included the removal of dos Santos loyalists in most of the state-owned companies such as Sonangol and the Sovereign Fund of Angola, two important companies in the hands of dos Santos children. Lourenço also passed decrees dismantling the exclusive ownership of businesses by certain families, including that of the former presidential family. These businesses included TPA II and Brumangol. The government also initiated investigations into some suspicious financial transactions carried out in the previous management of Sonangol, the Sovereign Fund of Angola and the National Bank of Angola.

Although the country was plunged into crisis, dos Santos decided to step down without drawing up a reform plan for the country (Roque 2018). Lourenço inherited these economic problems, in particular the excessive dependence on oil revenues and external debt service. To reverse this situation Lourenço will have to adopt the necessary changes for a diversification of the economy.

Beyond the shadow of dos Santos and Angola's economic problems, Lourenço inherits a state marred by social disfunction brought on by popular discontent, especially among the youth who agitate for change. This situation offers two options to Lourenço. The first would be to institute greater momentum to unlock social investments, blocked by the interests of dos Santos to protect his business interests. The second would be to make a paradigm shift and persuade his comrades to abandon the discourse portraying MPLA as the historic liberator, saviour, and owner of Angola. Instead, to give greater focus to a discourse that would attract a new generation removed from the MPLA's historic role of liberating Angola from colonialism.

Lourenço has started carrying out visible changes that are already finding favour with many citizens. These include the reduction of military apparatus and fleets in his convoys, closing the political propaganda office in the presidency, and replacing the governor of the national bank; but more actions are needed. Lourenço's great advantage is that he is seen as a tolerant leader. This quality can be of considerable value in calming popular opposition to the MPLA and its government and in improving their levels of acceptance and governance. A significant indication of this political tolerance was demonstrated by his meeting with the president of UNITA to discuss how to undo the partisan nature of the state, a move that was welcomed by Angolans.

In a move that has been widely praised at home and abroad, Lourenço has adopted a law to repatriate any Angolan money that had been illegally exported. Once fulfilled, this measure can give the economy a boost and act as a catalyst for development. The repatriated capital would be used for investment in Angola and contribute significantly to job creation, increased welfare and to reduce social tensions. So far, the government has been able to recover 500 million American dollars illegally transferred to Credit Suisse Bank of London by the former governor of the National Bank of Angola at the request of the Angolan government. The Mauritian government has also frozen about 206 million American dollars belonging to Jean-Claude Bastos de Morais, a business partner of Filomeno dos Santos, son of dos Santos.

Regardless of any effort Lourenço may undertake, past problems will continue to haunt Angola and will take some time to remedy. One concern is regarding the general state budget as the new government continues to make the same mistakes as its predecessor. These are particularly manifest in the over-budgeting of state security services and external debt service to the detriment of key sectors such as health, education and agriculture.

In Angola the contribution of the opposition parties towards political change remains minimal. This is not to ignore the good work which resulted in positive election results, as indicated by UNITA and CASA-CE. The major factor for the

continued weakening of the opposition is their limited access to operational funds. With MPLA holding economic and political control, opposition parties will continue to depend on MPLA financially and even politically. Furthermore, fragmentation will make them vulnerable to enticements by the ruling party and limit their ability to act in unison against the MPLA's overwhelming power (Pearce et al. 2018).

CONCLUSION

The general elections of 2017 raised the expectations of an end to the MPLA's hegemony through the ballot and consequent introduction of political and economic changes in the country. However, the final results were a disappointment because they showed that even without dos Santos, the MPLA would continue to dominate the political dynamics of the country.

The departure of dos Santos and the installation of a new government is not enough to end Angola's problems, especially the corruption, patronage and abusive use of state assets. Lourenço's allies, most of whom did not enjoy the benefits of dos Santos's patronage, will also want their share – 'it is their turn eat'. This situation will put Lourenço under huge pressure to fight the ills of the past and at the same time deal with a repetition of the same mistakes in his entourage and on his watch.

The electoral campaign of 2017 doubtless deserves some recognition for its improvements compared to previous elections. This is especially with regard to the peaceful environment and political tolerance that prevailed, the active participation of various spheres of society, better logistics by the CNE, and the political maturity of both candidates and voters. However, there are still some problems that have tarnished the country's electoral integrity; given Angola's past experience in electoral processes, these would seem to be more than mere operational errors.

The MPLA experienced a general decline in its electoral performance, even in regions considered its stronghold such as Luanda province. This decline has several interpretations; first, the results reveal a general fatigue and dissatisfaction on the part of the electorate towards MPLA governance. In other words, the problem of Angolans is not only dos Santos but the liberation party as a whole. Second, the decline may have been caused by the opposition's success in mobilising more supporters, especially young people born after independence and after the civil war, who do not venerate the MPLA and its claim of being the nation's liberator and therefore having the right to govern Angola.

This seems to be following the trends of liberationist parties throughout the Southern African Development Community (SADC) that tend to lose ground in

post-independence elections. Fortunately, there are already significant indications that Santos may cede the party's command to Lourenço as the MPLA plans to have an extraordinary conference in September to elect a new chair. This may end the conflicting centres of power, but it is not yet known what level of influence dos Santos and his allies will continue to field in the party. This is particularly true of those wielding power in the economy at both central level and in the provinces. They are more likely to block any reform efforts Lourenço may wish to introduce, unless Lourenço and his government resort to an authoritarian solution as their predecessor has always done.

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WHEN A COMPATRIOT BECOMES A FOE

Political Parties and Violent Elections in Kenya and South Africa

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ABSTRACT

This paper examines the operations of political parties in Kenya and South Africa and provides an analysis of how such operations have become drivers of election violence. The paper contends that as a result of the structure of political parties and how they operate, they have contributed to the violence that has become an endemic feature of the electoral processes in both countries. In Kenya, most election violence has been between supporters of different political parties who contest election outcomes. In South Africa, even though there were many incidents of inter-party violence in the 1990s, recent trends indicate reductions of the same but with an increase in intra-party violence, especially over disputed party lists.

Keywords: political parties, election violence, Kenya, South Africa

INTRODUCTION

In many African countries, discussions about upcoming general elections often focus on the uncertainties that accompany them. This is due to the fact that political violence has become a feature in many of these elections. There are different viewpoints regarding this recurrence of violence. Some attribute it to weak political and electoral institutions whose malfeasance encourages brinkmanship by political opponents keen to have an edge over each other (Kimemia 2016, p. 215). Others attribute election violence to accumulated structural problems which have not been addressed (Ahere 2012, p. 29).

Elections in Kenya and South Africa have been plagued by violence. Ruteere and Wairuri (2015, p. 113) affirm that since 1991, every general election cycle in

Kenya has been accompanied by deaths, injuries, displacements and wanton destruction of property. South Africa has also witnessed incidents of violence during election periods, with concerns raised over the number of political killings during municipal and local government elections (Associated Press 2016, para. 1).

Political parties are linked to the contestations during election cycles since they act as clearing houses for candidates seeking elective office. By their very nature political parties also aim to obtain and control political power. The contestations for political power in both countries are always at fever pitch due to the patron-client nature of both political systems, exacerbated by high levels of unemployment (Yoder 2015, p. xiii). It follows, therefore, that because of these contestations, the activities of political parties contribute to election violence in both countries. A notable example is the 2008 post-election violence (PEV) in Kenya which pitted supporters of the Orange Democratic Movement (ODM) against those of the Party of National Unity (PNU) (Njogu 2009, p. 4). Another example is the violence on the eve of the 1994 elections in South Africa in which there were deadly clashes between African National Congress (ANC) and Inkatha Freedom Party (IFP) supporters (Rickards & Haitsma 2014).

This paper examines the operations of political parties in Kenya and South Africa and provides an analysis of how such operations have become drivers of election violence. The paper focuses on certain elements identified in the methodological note below and uses these elements to discuss election violence in both countries.

METHODOLOGY

The information used in this paper was obtained from both primary and secondary sources. The primary sources include news articles, blogs, workshop reports, civil society organisation (CSO) activity reports, research reports and speeches. Secondary sources were mainly from peer-reviewed journals, books, and dissertations.

By reviewing research of a similar nature, some cross-cutting elements were identified. These include:

- typologies of electoral systems
- institutional strengths of political parties
- the process of recruiting party members
- policy formulation by political parties
- accession to party leadership and member nominations for elective offices
- dispute resolution within the political parties.

These elements are used in this paper to explain the activities of political parties and how they are drivers of election violence.

ELECTORAL SYSTEM TYPOLOGIES

There are different types of electoral systems in Africa and the preferred system in each country normally influences the motivation and zeal with which members of political parties consider seeking elective office. With respect to those that are prevalent in Africa, André, Depauw and Martin (2016, p. 42) identify two electoral systems: those that are party-centred, and those that are candidate-centred. On the other hand, Teorell and Lindstedt (2010, p. 434) compare electoral systems by examining how citizens cast their votes and what they vote for, the number of districts that exist and the seats available for each district, and how votes are converted into seats. Regardless of the system, most elections in Africa are zero-sum in nature and take place under difficult political conditions.

Kenya's mixed Electoral Representation

From 1963 to 2007, Kenya's electoral system was first-past-the-post (FPTP). The FPTP system uses single-member districts and is candidate-centred. The voter is presented with ballot papers containing the names of nominated candidates and votes by choosing only one of them for the particular seat stated on the ballot. The candidate who obtains the most votes is deemed to be the winner even if he or she has fewer votes than the other candidates combined (Reynolds, Reilly & Ellis 2008, p. 28).

Following the promulgation of the 2010 Constitution, Kenya adopted an electoral system that was primarily FPTP but included some elements of proportional representation (PR). In the general elections held every five years, voters elect the president, senators and members of parliament (MPs) directly, as well as county governors alongside members of county assemblies (MCAs). With the exception of the office of the president, all other elective offices are elected through FPTP. For a president to be elected, he or she must garner more than 50% of the votes and also receive 25% of the vote in at least 24 counties (Kenya 2010, Art. 138(4)). If the winning candidate fails to satisfy the aforementioned percentage, then a runoff is held between the top two candidates whereby the winner receives the most votes.

During a general election, there are special seats in parliament and the county assemblies elected through PR via the use of party lists. Each political party participating in a general election is required to provide to the Independent Electoral and Boundaries Commission (IEBC) a list of those who will stand elected

if the party were to be entitled to extra seats (Dundas 2012, p. 202). These extra seats are allocated to political parties in proportion to the total number of seats won by candidates of the political party at the general election (Kenya 2010, Art. 90).

The current electoral system is the result of a long-running discourse on how to reduce the zero-sum nature of politics that contributed to, among others, the 2008 PEV.

South Africa's Proportional Representation System

The apartheid era had a structurally problematic electoral system as far as social cohesion was concerned. From 1910 to 1991 South Africa used the plurality district system in a political system in which the majority black South Africans were disenfranchised. Forest (2007, p. 381) stresses that even among the minority eligible to vote, the system created disproportionality in the sense that it allowed for a situation in which one party (National Party) was able to receive just over 50% of the vote on average but typically win up to 75% of the seats in parliament.

Louw (2014, para. 1) affirms that South Africa's post-apartheid electoral system was carefully considered in a bid to promote inclusiveness in governance and also to encourage a coalition government. The PR system was adopted and this allocates seats in direct proportion to the number of votes a party receives. This system allows smaller parties to have a stake, thereby enhancing inclusivity. Under the PR system, each party develops a list of candidates for the National Assembly and the nine provincial legislatures. Voters, who are of the minimum age of 18 and registered on the voters' roll, use two ballots – one national and the other provincial – to cast votes for the party of their choice (Booyesen & Masterson 2009, p. 401). The intention of the PR system is to reduce the disparity between a party's share of the national vote and its share of the parliamentary seats. In essence, if a dominant party wins $x\%$ of the votes, it should win approximately $x\%$ of the seats, and a small party with $y\%$ of the votes should also gain $y\%$ of the legislative seats (Reynolds, Reilly & Ellis 2008, p. 29).

South Africa uses the closed-list proportional representation system for its national, provincial and half of all municipal and local government elections. Piper (2012, p. 31) clarifies that at the local level, a mixed electoral system applies, wherein half of the councillors are elected in FPTP ward elections, and the other half in terms of PR on local lists. This mixed system offers voters the opportunity to seek accountability from grassroots politicians whom they elect directly. This is in the wake of a major criticism of the PR system which has been said to make politicians loyal more to the parties that nominated them than to the voters.

INSTITUTIONALISATION OF POLITICAL PARTIES

According to organisation theory, institutionalisation means making an entity work through strengthening its structures, especially internal structures, in order to obtain some equilibrium with the external environment (Friedrich Ebert Stiftung 2010, p. 31). Institutional theorists focus on leadership, organisation membership and loyalty, and internal structural features such as the organisation of offices, goals of the organisation, and fiscal resources.

In their study of African political parties, Basedau and Stroh (2008, p. 3) identify four elements that can be used in measuring the levels of institutionalisation of political parties:

- coherence and cohesion
- degree of societal integration
- level of organisation
- the party's appearance as an independent organisation.

All the aforementioned elements manifest themselves in different ways in the following examination of political parties in Kenya and South Africa.

Low Levels of Institutionalisation in Kenya

The institutionalisation of political parties in Kenya has been described as complex and disjointed. Having examined Kenyan political parties from four different perspectives, Mutizwa-Mangiza (2013, p. 295) finds that political party institutionalisation is in its infancy in terms of contributing meaningfully towards democratic consolidation.

Firstly, he asserts that most parties exhibit low levels of organisational systemisation, that is regarding internal cohesion and levels of *modus operandi*. There are many incidences of politicians switching political parties for their own political survival rather than for ideology or policy. This is often preceded by prolonged intra-party disagreements between members. Recent examples, that is between 2003 and 2007, include the splits of the Liberal Democratic Party (LDP) from the National Rainbow Coalition (NARC) and ODM-Kenya (ODM-K) party from ODM (Wiafe-Amoako 2016, p. 224). Many political parties have also failed to adhere to their own constitutions and some existed only on paper as they had no operational structures.

Secondly, members of political parties have low degrees of commitment beyond 'instrumental and self-interested incentives' as evidenced by constant defections (Mutizwa-Mangiza 2013, p. 23). This is because the political parties are

not primarily driven by ideologies which can inspire like-minded actors towards policy-oriented directions. Even when political parties have die-hard supporters, this is often as a result of support for an individual or individuals rather than for party manifestos.

Thirdly, analysis of the many political parties in Kenya that participated in the 2017 general elections indicates that only two can be said to pass the test of reification. Reification, or objectification, refers to the extent to which a party's existence is established in the public imagination (Mutizwa-Mangiza 2013, p. 289). A few large parties dominate the political scene at the expense of the others and this is partly due to the way in which pre-election political coalitions are crafted on ethnic considerations that focus on powerful individuals from the larger tribes.

Fourthly, political parties in Kenya have been found to be fairly immune from interference by and undue influence of other organisations regarding policy formulation. This is attributed to the fact that many parties are closely identified with their party leaders who also act as the main financiers. Many parties also have limited affiliations to other civil society organisations that would otherwise influence their decisional autonomy (Mutizwa-Mangiza 2013, p. 290).

Longevity of Political Organisation in South Africa

Post-apartheid South Africa is said to have one of the strongest democracies in Africa, but one which presents an interesting scenario in the dominance of the political agenda by the ANC. The opposition's lack of numerical strength has led to an absence of robust competition with the ANC. This has cultivated seeds of discontent within the party because the governing party has low levels of accountability which have become a source of frustration within party structures. This has created intra-party opposition that continues to fracture the party (Cohen & Mbatha 2017, para. 1). These fractures have fanned scholarly debate about how a dominant party system like South Africa, in which the ANC has won all the elections since 1994, can stunt the process of democratisation throughout the political party system (Diamond 2008, p. 8). O'Dwyer (2006, p. 187) warns that the dominance of one party in a political system can lead to a situation where the avenues available to the opposition to check the government are eroded by the dominant party.

That said, it is noteworthy that with the exception of the Economic Freedom Fighters (EFF), the main parliamentary political parties in South Africa have existed for long periods in one form or another. Due to this longevity, most major political parties have served the useful function of recruiting their members, including those who eventually head them. This is in contrast to Kenya, where

all parliamentary parties (except KANU¹) have been formed by their current leaders/members. Randall and Svåsand (2002, p. 34) believe that this recruitment function plays a major role in cultivating party ideology since these institutions have had time to develop solid strategic directions in so far as policy is concerned.

There is a contention that South African politics is still structured along historical ties that overlap with ethnic and racial identity. This manifests itself in the sense that many parties in opposition to the ANC are considered niche parties which do not strive for nationwide majority but represent a certain religious or ethnic group (Kaßner 2014, p. 209).

Ultimately, an examination of the major political parties in South Africa reveals that they have comparatively well-institutionalised party systems as they have had committed and durable support bases, consistent policies emanating from periodic conferences, and well-structured internal organisations led by professional full-time officials (Lodge 2004, p. 217). They have also had good connections with interest groups that have provided activist loyalty which contributes to policymaking. One of the key indications of a party's strength is when the organisation can survive its charismatic founder (Huntington 2006, p. 409). An assessment of the major political parties that have performed consistently in post-apartheid elections indicates that they have survived significant leadership transitions.

RECRUITMENT OF PARTY MEMBERS

For a political party to be successful in winning elections, it must be able to mobilise and recruit many members who can assist it in accessing and influencing potential voters. According to Hofmeister and Grabow (2011, p. 35), there are a number of ways in which a party can recruit its members. These include personal contact, organising public events, presentations or public debates, and public hearings on topical concerns in local politics.

In Kenya and South Africa, even though major political parties recruit their members through the aforementioned ways, there are certain characteristics that influence those who decide to join. That said, political parties retain the right to decide on who becomes a member (Office of the Registrar of Political Parties of Kenya 2014, p. 1).

The Ethno-regional Factor in Kenya

During the period from 1982 to 1991 when Kenya was a *de jure* one-party state, KANU recruited its members through members of the provincial administration,

1 Kenya African National Union. This party was founded in May 1960.

historically considered despotic (Otenyo 2016, p. 117). As a result, many became members of the party simply because they did not want to attract the wrath of the administrators. A political culture was created in which political party membership was not valued, since the recruitment was not based on the mutual interests of the parties and the members. The reintroduction of a multi-party system in 1991 led to massive defections of KANU members opposed to it. Some of the aforementioned defectors went on to form opposition parties which participated in the 1992 general elections and opposed KANU. Henceforth, there was general apathy towards membership of political parties even though many voters associated with these parties, especially during election periods. Party membership was mainly for the party elites who wanted to use it either to contest elections or to negotiate political benefits.

Ogendi (2015, p. 150) posits that political parties in Kenya are yet to develop effective recruitment mechanisms and this is because the political culture in Kenya does not support active membership participation. He also notes that there have been instances when political parties, in complete disregard of the law, recruited members without their knowledge by using details obtained from different databases. This became a contentious public issue until the Registrar of Political Parties allowed digital public queries of its database so that individuals could confirm if they genuinely belonged to political parties (Lang'at 2017, para. 3).

Fraudulent recruitment of members by parties was occasioned by the enactment of a law stating that only political parties with membership lists would be allowed to participate in elections (Kenya 2015, s. 7). Filed with the Registrar of Political Parties, the list of members is supposed to demonstrate that the parties have at least 1 000 registered voters from each of more than half of the counties in Kenya.

Even though the Constitution of Kenya theoretically prohibits the formation of parties on a purely ethnic or regional basis, the reality is that ethnic configurations play a major role in the formation of pre-election coalitions. Luminaries of the parties within coalitions, or those who lead dominant parties, often rely on their ethnic bases as a means for negotiating with others (Barnet 2017, p. 41). It is no wonder that some parties are synonymous with the ethnic groups or regions associated with their leaders.

The Legacy of Race-based Party Membership in South Africa

Because of South Africa's history of political discrimination, the recruitment of members by political parties and organisations was for a long time determined by racial, ethnic and regional considerations. During the apartheid era, membership of political parties was largely determined by the fact that only white South

African citizens were enfranchised. Botha (1996, p. 112) points out that the Prohibition of Political Interference Act (Act No. 51 of 1968) effectively outlawed mixed-race political parties by making it illegal for different population groups to be involved in each other's politics. The post-apartheid legacy of this dispensation can be seen in the fact that political parties may be registered and recruit members on the basis of ethnicity, religion, regionalism, tribalism, or advocacy of secession (Electoral Institute for Sustainable Democracy in Africa 2006, para. 4). This points to the desire of politicians to break away from any discriminatory laws that are reminiscent of the apartheid era.

There remain political parties that draw their membership from particular interests. These include Lusophones (Luso-South African Party), Indians (Minority Front Party), Christians (African Christian Democratic Party) and Muslims (African Muslim Party and the Islamic Party). It is important to note that these parties have not performed well during elections. Botha (1996, p. 118) concludes that their failures may be attributed to the fact that they have not succeeded in establishing well-integrated structures among their new recruits. It also points to their failure to establish strong coalitions or relationships with other minority parties that might allow them to challenge the main parties.

Being voluntary associations, political parties in South Africa are not generally regulated by statute. Prospective members are therefore recruited on the basis of the constitutions of the respective parties and such membership criteria is determined by the existing party members (Tiry 2012, p. 19).

POLICY FORMULATION

As vehicles for political expression, political parties often seek to influence the formulation of policies that are aimed at structuring societies in manners congruent with their visions. In his study of the programmatic content of political parties in non-industrialised societies, Elischer (2010, p. 23) found that parties demonstrate little concern for programmatic ideas. He also found that on issues such as democracy and human rights, political parties tend to care about them when selling their manifestos but that declines once the parties are in government. An assessment of policy formulation by political parties in Kenya and South Africa reveals some parallels and nuances.

Weak Ideology of Kenya's Political Parties

Kabeberi (2011, p. 119) postulates that political parties in Kenya are resistant to checks and balances in the manner in which they operate. This has made it difficult for them to adhere to principles on crucial areas such as corporate governance, financial management and membership development, which make institutions

disciplined and strong. To this end, many parties have been found to relegate their manifestos to the periphery and instead focus on personality-based political tussles with the competition.

Indeed, it has become difficult for the electorate to tell the difference between the proposed development programmes of different political parties. Oloo (2007, p. 111) argues that this is due to the fact that the manifestos unveiled by parties in each election year have similar approaches to issues and are not overtly guided by ideologies. The net result is that voters do not identify with parties based on the programmes that are proposed but rather on other factors such as ethnicity and the charisma of their leaders.

Elitism and Party Manifestos in South Africa

A key feature of most major political parties in South Africa is the periodic organisation of policy conferences in which programmes are discussed (Jolobe 2009, p. 137; Siko 2014, p. 191). There has been criticism of these policy conferences as being elitist in nature (Walt 2013, p. 9). Nonetheless, the existence of such avenues is useful in laying foundations for issue- and ideology-based elections.

Shivambu and Smith (2014, p. 173) attack the manifestos of political parties, noting that none of the promises have been met since 1994. They also point out that none of the existing political parties is willing to develop programmes to ensure that the country's natural resources benefit all. This lends credence to Schreiner and Mattes' (2012, p. 162) assertion that the media in South Africa gives little coverage to party policies and instead focuses on party personalities. This can be attributed to the limited attempts by political parties to market their policies rather than their political representatives.

ACCESSION TO PARTY LEADERSHIP AND NOMINATIONS FOR ELECTIVE OFFICES

Across Africa, political party leadership is a highly controlled process with those close to the centre having a major say on who becomes a leader. Rarely do grassroots supporters have a genuine input in the process. In fact, many parties in Africa do not hold regular elections because party leaders fear the fallout by disgruntled members who tend to defect and form splinter parties (Kimemia 2016, p. 243).

Closely linked to the issue of party leadership is the process through which parties nominate their members to stand for elective posts during elections. In most African countries these have been acrimonious processes that have often led to violence. The sections below examine how these play out in Kenya and South Africa.

Poor Internal Democracy in Kenya's Political Parties

Even within Kenya's major political parties, elections are rarely held and when these do take place they are characterised by chaos, and in many cases violence. Oloo (2007, p. 105) notes that although party constitutions and manifestos indicate their appreciation of democratic principles and justice, party leaders and top party organs routinely control not only who gets elected but also who gets nominated to contest general elections.

Political parties rarely convene national conferences. When they do, it is normally to rubberstamp (through acclamation) decisions about party leadership made by a cabal. As a result, national conferences are attended by carefully selected delegates, including some who are not party members.

In this configuration, it is difficult for outsiders – women, the youth and other marginalised groups – to accede to party leadership or to be nominated on the basis of their policies or popularity. All the aforementioned issues lead to splits, defections and the formation of new parties or the revival of moribund parties (Oloo 2007, p. 106).

Democratic Centralism within South African Political Parties

The major political parties in South Africa, notably the ANC and Democratic Alliance (DA), have elaborate processes for nominating candidates to run for elections. Booysen and Masterson (2009, p. 409) believe that these processes are anchored in internal democracy while noting that in smaller parties, the leadership has direct nomination powers. However, Kaßner (2014, p. 340) reasons that even though the ANC espouses democracy, there were periods during the leadership of Thabo Mbeki when strong centralisation tendencies increasingly limited democratic procedures. The idiosyncrasies of individual political party leaders can therefore determine the extent to which internal democracy is practised.

For most parties, the value of each member is determined by his or her loyalty to the decisions reached by the party as well as respect for the party and its leadership. The decision-making processes are such that issues should ideally to be debated internally until they are finalised, after which no further debate is normally allowed. This is what Vos (2017, p. 237) refers to as democratic centralism². Those who accede to leadership positions or are placed on party lists are therefore those who adhere to the aforementioned centralism.

2 In this system, even though party members may participate in elections and policy discussions at all levels, they must follow decisions made in the upper echelons of the party.

DISPUTE RESOLUTION

Political parties in Africa often have drawn-out disputes. This is partly due to their nature as competitors, and also because respective political systems are burdened with historical contestations, especially over resource allocation. These disputes are both internal and external – not just between political parties but also within political parties. Because of a low observance of the principle of party supremacy wherein members put the interests of the party above their individual interests, intra-party disputes easily fester and weaken the political parties in question.

In examining inter-party disputes, Chukwuemerie (2009, p. 132) asserts that they often lead to dire consequences for the countries in which they occur. To this end, it is important that appropriate mechanisms are in place to deal with the disputes and resolve their root causes. Variations of political party dispute resolution mechanisms can be found in both Kenya and South Africa.

Internal Dispute Resolution Mechanisms in Kenya's Political Parties

Kenya's Political Parties Disputes Tribunal (PPDT) is an independent quasi-judicial body established by statute with the mandate to resolve the disputes of political parties (Kenya 2015, s. 39). The PPDT can hear and determine cases only after they have been discussed by the party's internal dispute resolution mechanisms. Each party is therefore obliged by law to have these mechanisms.

Nonetheless, political parties in Kenya experience constant fractures arising from the lack or inadequacies of internal dispute resolution mechanisms. Many disputants do not seem to have any faith in their own internal dispute resolution mechanisms. This has manifested itself in the high number of cases referred to the PPDT, especially after the holding of party primaries ahead of the 2017 general elections. At one point, the Independent Electoral and Boundaries Commission (IEBC) feared that the unprecedented number of disputes referred to the PPDT from the party nominations could derail preparations for the general election if the legal battles were prolonged (Oduor 2017, para. 2). Having said that, it is worth noting that some decisions of the PPDT were appealed at the High Court very close to the 2017 election date and this had an adverse impact on the schedule of ballot paper printing, thereby contributing to the logistical challenges that the IEBC faced.

Alternative Dispute Resolution in South Africa

In the last decade, the South African political system has witnessed the acceptance and strengthening of alternative dispute resolution and conflict management

processes. This was in order to prevent the waves of violence that characterised the 1994 general elections as well as the 1995-96 municipal and local government elections. These waves of violence, however, continue to occur. Many political disputes, including those involving political parties, have been subjected to mediation, arbitration and conciliation processes which are considered to be an accessible, cost-effective and rapid means of addressing disputes (Booyesen & Masterson 2009, p. 418).

From 1999 a conflict management programme was developed in which early warning mechanisms were included in order to detect any potential election-related conflicts. The programme also included the organisational capacity to facilitate an effective resolution of disputes. Driven by the South African Independent Electoral Commission (IEC), this programme is executed through provincial-level conflict management committees which receive election-related complaints and propose ways of handling these amicably before they reach the courts or result in unrest (Booyesen & Masterson 2009, p. 419). There are, however, disputes that are not election-related which might not be resolved by these committees.

When disputes do arise which are not election-related, they are meant to be resolved in accordance with the internal regulations of the party concerned. This is because South African political parties are voluntary associations. In fact, 'the South African legal regime supports the formation and functioning of political parties with no intervention by the judiciary, provided the dispute is outside the court's domain' (Tiry 2012, p. 14). This is normally when the dispute is considered an internal party matter with no bearing on public interest. Many disputes have however been referred to courts when internal dispute resolution mechanisms have failed to satisfy the aggrieved members.

Having discussed some elements associated with the nature of the operations of political parties in Kenya and South Africa, the final section of this paper assesses how the interplay of these elements contributes to election violence.

ELECTION VIOLENCE

Since the wave of multipartyism that accompanied the fall of the Berlin Wall in 1989, more than 80% of the elections held in Africa witnessed some form of violence (Laakso 2007, p. 224). Election violence has continued to be a factor in many countries even though the levels have not been as high as those witnessed in the first rounds of elections in the multiparty era. In Kenya and South Africa many of the incidents of election-related violence have been driven by the activities of political parties, as elucidated below.

Election Violence in Kenya

The manner in which Kenya's major political parties have structured the recruitment of their members has left the parties vulnerable to being perceived as ethnic parties with localised support in specific regions only. During recruitment the focus is on the region(s) where the ethnic compatriots of the top party leaders reside, as most electoral constituency boundaries mirror the traditional geographical spaces of ethnic groupings. As a result, political parties have created a situation in which their supporters consider some regions as their strongholds and where they are less tolerant of supporters of other parties. This is especially if the latter are associated with leaders from other ethnic groups considered as competitors in a particular election (Njogu 2009, p. 3).

The peak of the aforementioned intolerance was the 2008 PEV in which supporters of ODM and PNU unleashed violence against each other. This led to the deaths of at least 1 000 people and serious injuries to 3 500 others; in addition there were over 900 acts of documented rape and sexual violence, accompanied by the displacement of approximately 350 000 people (International Criminal Court 2016, para. 3). As Njogu (2009, p. 3) notes, even though ODM leadership was required by law to file a court petition indicating their displeasure with the 2007 presidential election outcome, the lack of trust in the judiciary³ encouraged them to call their supporters to participate in mass action. By that time, latent conflict had incubated over a long period due to unresolved structural issues which had been created by several concerns, particularly the way in which KANU used its control over the security forces to clamp down on other political parties from 1967 to 1991. The flawed 2007 elections therefore became a trigger for the violence that had an ethnic perspective (Ahere 2012, p. 33; Kiruthu 2015, p. 66).

The internal systems within Kenya's political parties encourage competition rather than cooperation, the net result being the creation of factions. The percolation of such zero-sum cultures outside the parties possibly explains why, during the negotiation of the 2010 Constitution, respective parties preferred the FPTP system as opposed to any alternative system that would have helped to promote cooperation between political parties in state governance.

The FPTP electoral system that Kenya uses promotes a zero-sum style of politics in which political party leaders urge their ethnic groups to support them in order to benefit when they form the government. Losing an election is associated with loss of livelihood for the whole community or communities

3 Before its radical reforms in 2011 the Kenyan judiciary was '... an institution so frail in its structures; so thin on resources; so low on its confidence; so deficient in integrity; so weak in its public support...' that it was unable to deliver justice. This led to the popular joke: 'why hire a lawyer when you can buy a judge?' (Gainer 2015, pp. 1-2).

associated with the leaders on the losing side. Political party coalitions have therefore been formed only for purposes of competing in elections and even then, their formations have taken ethno-regional dimensions. For that reason, a new government is always associated with the community of the president (Barnet 2017, p. 28). The opposition, on the other hand, is always associated with the communities of presidential election losers.

The internal structures of political parties have also created room for political party leaders to value political capital beyond anything else. Whether or not they are in government, they have condoned or orchestrated violence in order to keep such capital. Cases of this include the 1992 and 1997 general elections when the ruling party KANU orchestrated violence against opposition parties in the Rift Valley region and other 'KANU zones' (Friedrich Ebert Stiftung 2010, p. 29). The patterns of violence point to the growing culture of impunity whereby state authorities fail to respond with impartiality. This is because the party or coalition in power controls the law enforcement agencies and often uses them to victimise supporters of opposition parties, or the residents of areas in which opposition parties receive most support.

Political parties have also played a role in stoking election violence by failing to agree on legislation that would comprehensively reform key institutions (notably the IEBC) that have oversight of the electoral process. Whenever reforms have been proposed, they have not taken a multipartisan approach but instead focused on how the party or parties fronting such legislation would have an edge over the others during elections. As a result, the electoral system and IEBC have remained weak and vulnerable to systemic political party-driven manipulations that have made presidential elections outcomes suspicious (Kiruthu 2015, p. 66).

Another angle that can be used to examine election violence is the periodic calls for mass action by political parties. Whenever political parties have called for mass action, and these have occurred around issues on elections, they have been accompanied by injuries to others, criminal acts, deaths and destruction of property. But these incidents do not need to happen. They happen because political parties have not included within their internal structures systems that can be used to educate their members and supporters to understand that mass action is more effective when carried out in nonviolent ways. This assertion is backed by studies that have documented how political groups elsewhere have used nonviolent strategies to bring positive social change even in repressive political systems (Branagan 2013, pp. 40-44). Because political party mass actions in Kenya have a propensity for violence, law enforcement agencies have equated them with riots which they feel the need to deter through the use of lethal force, with a concomitant loss of life.

Few political parties have invested in the strengthening of internal democracy. The consequence of this was manifest during general election cycles when

violence occurred during party nomination processes. Even though there are established systems determining how these nominations should be conducted, there have been accusations that powerful cabals within parties unfairly influence these processes to favour the candidates they prefer. And because the nomination processes are normally very competitive in the constituencies the dominant parties consider to be their strongholds⁴, there are often violent confrontations between supporters of opposing candidates, especially when fraud is suspected (Ogendi 2015, p. 169; Oloo 2007, p. 107).

Election Violence in South Africa

The intransigence of political party leaders in South Africa has triggered violent clashes by members on issues on which they hold radically divergent views. This manifested itself in the lead-up to the 1994 elections, when the headlines were dominated by news of political violence between ANC and IFP supporters that threatened to degenerate into a civil war. This was mainly as a result of the refusal by Chief Mangosuthu Buthelezi to allow his party, the IFP, to participate in the elections while demanding an autonomous Zulu state in the newly-formed province of KwaZulu-Natal. The cult of personality combined with an appeal to Zulu traditionalism persuaded his party loyalists to defend the party against the UDM/ANC which they considered a threat.

Notwithstanding, and as a result of local and international mediation, one crucial event that helped to de-escalate the violence was the last-minute agreement by IFP and the Freedom Party (FP) to participate in the elections. The entry of the IFP and FP played a major role in bringing down the levels of pre-election tension and preventing violence. This lends credence to Minnaar, Pretorius and Wentzel's intimation (1998, p. 24) that, even though the period before or after elections might be violent, the elections themselves are usually free of violence when all political parties agree to participate in the elections. This argument is, however, not ironclad. For instance, the Commonwealth Observer Group (2014, p. 18) reported isolated incidents of violence during subsequent elections. These include the Kwa-Dukuza shooting of an ANC party agent allegedly by an IFP supporter, and the hostage of ANC members by supporters of the EFF in Alexandra, both taking place during the 2014 national elections.

In a remarkable development in 2009, political parties recognised the risks posed by the violent activities of their members to the electoral process. Therefore, the parties that participated in that year's general election came together under

4 When a candidate obtains a party's nomination in these constituencies, he or she is almost assured of winning the seat during the ensuing elections.

the facilitation of the IEC and signed a code of conduct. They pledged to eschew activities that encouraged violence and also to discipline any of their supporters who perpetrated violence (February 2009, p. 61).

Notwithstanding the signing of this code, recorded incidents of violence between political parties during election periods had already been on the decline since 1994. Even so, some political parties have displayed intolerance towards their competitors. As a result, and in a bid by parties to protect their political turfs, there have been many media reports of members of opposition parties being killed while campaigning (Lancaster 2014, para. 4; Nhlebelo 2016, para. 1-6).

In light of the aforementioned incidents, political parties have often blamed each other for the circulation of campaign messages alleged by their competitors to incite violence. The focus of these accusations has been around the (mis)use of billboards, broadcast media and mobile phone short messaging services (SMS). At various times these disputes have landed in court (The Commonwealth 2014, p. 5). Even though the courts settle some of the disputes, they rarely resolve them completely and the respective parties continue to confront each other on issues closely linked to the settled disputes.

Curiously, intra-political party violence has also been on the rise during election periods, affecting the ANC more than the other parties. A major bone of contention is the process of developing party lists. Two factors drive the violence: firstly, contestation around fairness in the development of the lists, and secondly the quest to eliminate rivals who might seek to be on the lists. The highest incidents of intra-political party disputes have been witnessed during municipal and local government elections (Associated Press 2016, para. 4). That these elections are a powder keg of potential violence needs to be expounded further.

Municipal and local government election seats are highly sought after because they sustain patronage networks within political parties and offer benefits to the grassroots elite that have limited livelihood opportunities. Intra-party competition for opportunities to be listed for these seats is therefore intense and often leads to violence between the supporters of the respective contenders.

The intra-party clamour for municipal and local government seats does not remain within the parties. They tend to percolate into society, where the election outcomes continue to have a negative effect after the elections, and metamorphose into political violence that includes assassinations (Lancaster 2014, para. 11). This can be attributed to disputes about how lucrative tenders and other political benefits are allocated by the election winners to their political networks within their parties and beyond. Some election losers and those who fail to make it onto their parties' lists (and their networks) act out of bitterness from losing the livelihoods that could have accrued from tenders and political patronage. Another ripple effect has to do with the political undertones that can be discerned

during public service delivery protests⁵ that target municipal councils which are controlled by the party or parties that won the preceding elections. Protesters are at times seen carrying placards with colours of political parties or politicians that they either support or oppose. These protests often end up in violent destruction of property and occasionally in loss of lives. The point here is that the quest to sustain patronage networks within political parties drives their members towards violent intra- and inter-party disputes, especially during the lucrative municipal and local government elections.

FINDINGS

This paper set out to examine the operations of political parties in Kenya and South Africa. In doing so, it also sought to provide an analysis of how such operations have contributed to election violence. It is evident that the actors, causes and drivers of election violence in both countries are many and complex. The emphasis in this paper is on the contribution of political parties based on the dynamics discussed in the preceding sections. In the discussion, the analysis looked not only at intra-party dynamics that govern the relationships between the members, but also at inter-party dynamics, and how different parties relate to each other.

This paper has found that the FPTP system in Kenya has promoted zero-sum politics in which politicians whip up ethnic emotions and attempt to win elections at all costs. This has encouraged violence when contestations have arisen. It is important to note that political parties played a crucial role in adopting the FPTP system upon the independence of Kenya and in maintaining it in the 2010 Constitution when the opportunity arose to consider other options. Even though there have been recent constitutional amendments to introduce some elements of PR, as is the case in South Africa, further adjustments are needed in order to create a system that encourages cooperation and coalition-building between the winning and losing parties as well as between candidates. The political will for the aforementioned adjustments can be most effectively generated within and between political parties.

In its examination of the levels of institutionalisation, this paper notes that because of their longevity, political parties in South Africa have well institutionalised systems unlike in Kenya where parties have disjointed systems. Disjointed systems increase the likelihood of chaos, especially since crucial party decisions will probably be made by a cabal at the expense of the party membership.

⁵ Due to massive socio-economic inequalities, South Africa experiences a high volume of protests centred on the demand for housing and basic services, especially in the informal settlements. This has led to South Africa being referred to as the 'protest capital of the world' (Gaventa & Runciman 2016, p. 72).

Ethnicity plays a major role in determining how political parties recruit their members in both countries. Political parties in Kenya recruit their members and/or supporters primarily on the basis of the ethnicity of the top party leaders or the regions from which they come. In South Africa, racial, ethnic and regional considerations play a large role in determining how political parties recruit their members. Whereas the statutes in Kenya prohibit recruitment of members strictly on an ethnic or regional basis, in South Africa the law allows political parties to do so. The rationale for the difference in the respective laws is due to the converse impacts that each country historically faced as far as ethnicity and racial discrimination are concerned. The common denominator is that both laws are intended to heal social rifts.

Political parties in South Africa have provided periodic spaces where members deliberate on their manifestos and this contributes to issue-based campaigns during elections. This is in stark contrast to Kenya where, during elections, the manifestos of political parties are not as important as the personalities who participate in the elections.

Another important finding of this paper is that political parties in Kenya suffer from poor internal democracy as decisions on party leadership and nominations to elective offices are often made arbitrarily by a few top party leaders. This is unlike South Africa where major political parties have elaborate internal democratic processes for the nomination of candidates both for party leadership and to run for elective offices. However, and often due to patronage, unwavering party loyalty is demanded from members who have ambitions of leading the parties or of being placed on the party lists during elections.

With regard to how political parties settle disputes, this paper notes that the laws in Kenya make specific provisions for how all intra- and inter-party disputes can be resolved. Despite this, and due to weak institutionalisation, there is a lack of trust in the internal dispute resolution mechanisms of most parties. Many disputes therefore end up in courts or are never settled. In South Africa, alternative dispute resolution mechanisms have been used in addressing problems within and between political parties before they end up in the courts or lead to unrest. This has been strengthened by the IEC-coordinated conflict management programme which serves as an early warning and response system on election violence. This has played a significant role in encouraging inter-party dialogue and preventing election violence.

CONCLUSION

This paper concludes that as a result of the way in which political parties in Kenya and South Africa are structured and operate, they have contributed to the violence

that has become an endemic feature of the electoral processes in both countries. In Kenya, most election violence has over the years been between supporters of different political parties. The nature of operations in Kenya's political parties has fomented outbreaks of election violence. In South Africa on the other hand, even though there were many incidents of inter-party violence in the 1990s, recent trends indicate reductions of the same but with an increase in intra-party violence, especially in the ANC. Most of the election violence in South Africa is attributed to conflicts around the development of party lists for municipal and local government elections, where competition is stiff and a high premium is placed on winning seats.

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INTERNATIONAL ELECTION OBSERVERS IN KENYA'S 2017 ELECTIONS

Impartial or Partisan?

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ABSTRACT

Recently, questions have emerged concerning the professionalism and impartiality of election observers. In Kenya, concerns arose after the August 2017 elections when the Supreme Court of Kenya nullified Uhuru Kenyatta's victory, despite observers suggesting that the elections were credible. Proceeding from this foundation, this paper examines the conduct of election observers in the elections and the claim that their behaviour was equivalent to being impartial. The data that informed the study was collected through interviews and analysis of previous research. The findings of this research demonstrate that election observation cannot be detached from the social, political and security context in which it takes place and the methodologies used by observers also influence their findings. Importantly, the technological expertise of observer missions is becoming increasingly important as states turn to more sophisticated electoral technology. In addition, the study reveals that elections have become a polarising factor in Kenya due to the rise of ethnic politics and prevalence of dysfunctional institutions. The bitter power struggles that unfold during elections have tended to implicate international observers as each political contender expects observers to support their position. We conclude that allegations of impartiality levelled against the observers are intended to serve the political goals of those who raise them. Our findings suggest three circumstances under which observers may be accused of bias. The first is when politicians feel that the odds are stacked against their chances of clinching victory in elections. Secondly, accusations of bias may be advanced as a campaign tool to whip up public sympathy or consolidate support. Thirdly, claims of bias may be used by the opposition to justify post-election protests intended to force a repeat poll or extract a political deal to cater for its interests.

Keywords: election observation, impartiality, ethnicity, Supreme Court of Kenya, KIEMS

INTRODUCTION

Since the 1990s election observation has become an important tool whereby the international community determines whether a country adheres to its obligations and commitments, as established in the framework of international political and civil rights norms and instruments. In Africa, observers have been hailed for supporting the growth of democracy (Hyde 2011). Its proponents have also argued that the presence of observers improves the faith of various players in elections and enhances the transparency and legitimacy of the process (Daxecker 2014), which is essential for political stability and sustainable development. That said, election observation has also attracted a fair share of criticism. Election observers, especially from the west, have been dismissed for superimposing western standards of democracy in Africa while ignoring local realities (Simpser & Donno 2012). Critics also claim that, despite the fanfare with which election observation is undertaken, it often proves to be little more than a public relations exercise with scant capacity to deter electoral fraud. Besides that, the impartiality of election observers has also been questioned (Kelley 2010; Hyde 2011).

Kenya embraced multipartyism in 1992, but only after sustained pressure led by opposition political leaders, civil society and university students (Oyugi 1997). This struggle was also strengthened by support from the donor community. For instance, the US threatened that it would withhold financial aid to the country unless it embraced multipartyism (Brown 2001). The advocates of multipartyism held that competitive elections were a panacea for the ethnic rivalry, corruption, and authoritarianism that had gained root during Kenyatta and Moi's rule (Makinda 1996). However, this proved to be unfounded. When Kenya became a multi-party democracy, the ethnic mobilisation of voters was employed with disastrous effect on national unity. The intense ethnic struggle for power resulted in inter-ethnic clashes which broke out in the general elections of 1992 and 1997 leaving hundreds dead and many more displaced. In 2007, violence broke out once more leaving 1 300 people dead and more than 400 000 displaced (Lafargue 2009).

Furthermore, and contrary to initial predictions, the return to multipartyism did not restore public trust in the electoral process nor in the institutions charged with settling electoral disputes. In nearly all general elections between 1992 and 2017 the opposition rejected the outcomes. The exception was in 2002 when Uhuru Kenyatta conceded defeat even before the electoral agency announced the final results. In 2007, the opposition refused to file a petition to challenge the controversial election of Mwai Kibaki, arguing that the courts could not be trusted. In 2013 the Supreme Court became the focus of sharp criticism by the opposition when its petition was dismissed. Raila Odinga reiterated his doubts about getting justice in the Supreme Court before the 2017 elections. In addition, both Kenneth

Matiba and Odinga relinquished their presidential candidatures in 1997 and 2017 respectively, hoping to scuttle the polls and force radical electoral reforms that would guarantee free and fair elections. However, their 'no reform no elections' movement collapsed because other candidates refused to boycott the elections, hence handing the incumbents an easy-victory (Kamau 2017). Afterwards, both Odinga and Matiba accused the election observers of bias.

Due to Kenya's regional stature and its troubled electoral history, general elections have generally attracted a large number of observers. The 2017 elections attracted more than 10 000 observers (Oruko & Kimanthi 2017). The observer missions included Intergovernmental Organizations (IGOs) such as the Commonwealth Observer Group (COG), European Union (EU EOM) and the African Union (AU EOM). Regional organisations from Africa also sent observers, notably the International Conference of the Great Lakes Region (ICGLR), East African Community (EAC), and the Intergovernmental Authority on Development (IGAD). Another important category was the international non-governmental organisations (INGOs) that engage in the business of election observation such as the Carter Center (TCC) and National Democratic Institute (NDI). The final category of observers were citizen groups such as the Election Observer Group (ELOG), a Kenyan citizen observer group which mobilised 7 000 observers. These were complemented by party representatives and journalists. Despite this spectacular diversity, the observers demonstrated a high level of harmony and coordination. For instance, both before and after the elections leaders of nine international election observations missions (EOM) held a consultative meeting to explore how to work together, and released a joint communique elaborating their common positions (The Commonwealth, 2017).

Voting took place on 8 August. A few hours after the polling stations closed, results started streaming in to the national tallying center set up at the Bomas of Kenya (a tourist village in Nairobi) with the incumbent President Uhuru Kenyatta of Jubilee Party taking a significant lead. However, things took a new twist when Raila Odinga of the National Super Alliance (NASA) party and the main opposition candidate called a press conference and bitterly questioned the outcomes, alleging that the Kenya Integrated Election Management System (KIEMS) had been hacked and the results manipulated in favour of the incumbent. These allegations were vehemently rejected by the IEBC. The following day, EOM released a joint statement calling for calm and restraint as the tallying continued (EU 2017). Individual observer missions released individual preliminary assessments a few days later to articulate their positions. TCC and EU EOM noted the opposition's concern but urged patience as the tallying went on (Carter Center 2017; EU 2017). Regional organisations such as the AU, IGIRL and EAC COMESA also issued a statement praising the manner in which the elections had been

conducted (AU 2017; Daily Nation 2017; COMESA 2017). IGAD was more direct in its praise for the conduct of the elections (IGAD 2017). In a media interview on 10 August, John Kerry noted the concerns raised by Odinga but encouraged him to wait and challenge the results in the courts, as stipulated in the Constitution (Jacinto 2017). Nevertheless, Odinga rejected the observers' positions and blamed the leadership of EOM for failing to make a strong and clear statement despite the challenges witnessed in the elections.

The IEBC announced the final results on 16 August indicating that Uhuru Kenyatta had retained the presidency by clinching 54% of the votes cast. His closest competitor was Raila Odinga who garnered 44% of the votes. The NASA coalition filed a petition in the Supreme Court of Kenya on 15 August challenging the legality of Kenyatta's election. This move was unexpected because Odinga had earlier pronounced that he had no faith in the Supreme Court because it did not rule in his favour when he filed a similar petition in 2013. Due to the high threshold of evidence required to overturn the outcome of a presidential election, it was widely expected that the Odinga petition would flop. However, in a surprising move, the Supreme Court nullified the presidential elections citing illegalities and irregularities in the transmission of results and ordered fresh presidential elections in 60 days (Jacinto 2017).

This verdict was the first such judicial decision in Africa and caught many observers flat-footed, considering their initial preliminary statements which did not highlight malpractices of a magnitude that would warrant the nullification of presidential results. Furthermore, the nullification of Kenyatta's victory also suggested that the concerns raised by the opposition were not as farfetched as had been thought. Besides, it renewed scrutiny on the roles of election observation in the media and beyond. This controversy forms the basis for this study.

CONCEPTUAL FRAMEWORK

The practice of election observation is enshrined in an obligation-based approach which holds that a state has obligations towards the international community to uphold the political and civil rights of its citizens to elect their government through a free and fair process (Chigudu 2015). These rights are articulated in the Universal Declaration of Human Rights (UDHR) and the United Nations International Covenant on Civil and Political Rights (ICCPR) of 1966. Regional organisations have also adopted instruments such as the African Charter on Human and Peoples' Rights of the AU and the European Convention on Human Rights of the EU which enshrine this right. At the same time, an obligation-based approach commits election observers to uphold certain standards with reference to their conduct in any country. The obligations that outline the conduct of election

observers are defined by the Declaration of the Principles on International Election Observation and Code of Conduct for International Observers (DOP) as well as the individual guidelines developed by particular missions to guide its observers.

In the context of the DOP, election observation is an extensive process that assesses events that transpire in pre-election, election, and post-election periods and is employed by governmental (IGOs) and non-governmental (INGOs) entities through a comprehensive process using a variety of techniques (NDI 2017). It focuses on the entire process of elections rather than only events on election day. This implies that ideally, election observation ought to be conducted on a long-term basis; however, in practice this is not always the case. Election observation can be long term (LTO) or short term (STO). The DOP also provides that in principle, all actors in the business of election observation are expected to be free from any conflict of interest and should seek accreditation from and respect the sovereignty of the host state. On the other hand, the state is expected to invite election observers, guarantee free and fair polls and refrain from interfering with observers' freedom of movement and action. After winding up their activities, observers are expected to issue an impartial statement to the public in timely and accurate manner. That said, it should be stressed that IGOs and INGOs are not the lone players in observation as local NGOs, citizen observers and the media also play an essential role in election observation.

CURRENT DEBATES ABOUT ELECTION OBSERVATION

Scholars have undertaken a considerable volume of research focusing on election observation, from which two contending schools of thoughts have emerged. The dominant perspective is that election observers are crucial players who make an invaluable contribution to the overall credibility of the electoral process. This applies before, during and after the elections. For instance, Hyde and Marinov (2008) hold that the presence of LTOs in the preparatory stages is vital to the effective organisation of the polls because it discourages players from engaging in pre-election abuses. It can also improve the capacity of the poll agency to organise credible elections. This is because the electoral agencies occasionally refer to the assessments of a country's election-preparedness prepared by the LTOs to identify areas that require improvement. Occasionally, development partners refer to these reports to determine the need for technical assistance. These reports also point out the challenges that can potentially undermine the smooth conduct of the polls, and gaps that may be exploited by unscrupulous officials to commit fraud.

Secondly, election observers minimise the likelihood of election day malpractices by making it difficult for brazen rigging to go unnoticed (Chernykh & Svolik 2015). In addition, election observation makes cheating costly by

increasing the likelihood of some form of international isolation or sanction on the perpetrators of electoral fraud. This is particularly the case because botched elections may result in civil unrest and bloodshed whose effects may reverberate across regions. Elklit and Svensson (1997) have emphasised that in the era of globalisation, election observers serve as the eyes and ears of the international community. In so doing, they facilitate the development of a self-reinforcing democracy by providing information that enables the voters and other countries to coordinate their actions against both perpetrators of fraud and sore losers. The value of election observation in societies emerging from conflict has also been emphasised (Lappin 2009). In a post-conflict situation, election observation helps to promote peacebuilding and encourages the growth of strong institutions of governance.

The alternative view holds that election observers have no meaningful impact on the integrity of the electoral process, and a number of arguments have been advanced to illustrate this view. Simpser and Donno (2012) have argued that because most observer missions engage in short term observation, they cannot make informed assessments of the elections based on the events that transpire within a span of a few days of the elections because elections are complex undertakings. The basis of this argument is that because elections take a number of years to prepare and execute, fraud can take place at different stages hence eluding the attention of short-term observers. Also, opposition parties in a number of instances have rejected the outcomes of elections supervised by observers or have withdrawn from the elections altogether. In 1997 Kenneth Matiba, leader of FORD-Asili and leading opposition politician in Kenya withdrew from the presidential elections, citing unfair poll laws and plans by Moi to rig the elections. Moi went ahead and won the elections as Matiba faded into political obscurity (Kamau 2017). In 2017 Raila Odinga of NASA coalition also withdrew his candidature from the repeat poll and advanced similar allegations. This was despite the fact that he had successfully challenged the electoral outcomes in the Supreme Court (Kamau 2017). Like Moi, Kenyatta sailed easily into victory despite low voter turnout. In both instances the elections had attracted a considerable number of reputable election observers, a situation usually seen to enhance the transparency of polls (Participant 5, Personal Communication, 4 February 2018). Elsewhere in Africa, opposition withdrawal occurred in Sudan in 2010 and Zimbabwe in 2008. Withdrawal of opposition is perceived as an indictment of the ability of observers to enhance the transparency and integrity of the polls.

Another issue debated by scholars is the tendency of election observers to arrive at different conclusions about the same elections. A number of explanations have been put forward to account for this. One is that despite increased coordination among observer missions, significant methodological approaches

remain. Also, even though observers have recognized the DOP as the basic framework for election observation, different agencies have formulated their own election observation charters (Participant 4, Personal Communication, 4 February 2018). Moreover, Laakso (2002) emphasises that the nature of interactions between the state and external environment may also account for different reports. The performance of election observer missions is also determined by their technical expertise, financial resources and contextual factors such as the security and political environment in which they operate (Kelley 2010). In his study, Pastor (1998) attributes conflicting assessments to the presence of ‘amateur observers’ like citizen observers, media and civil society who are not well grounded in this field. The tendency by some observer missions to put a ‘positive spin on messy elections’ has also been highlighted (Pastor 1998).

In addition, some critics argue that election observers are vulnerable to bias and double standards. Citing the case of Zimbabwe’s parliamentary elections in 2000, Laakso (2002) claims that in some cases observers have a pre-conceived bias that rigging will take place anyway, which in turn is reflected in their assessments. On the other hand, Kelley (2009) has observed that observer missions from regional organisations in Africa tend to be lenient in their assessment of elections in fellow African countries partially because they are cautious of being condemned for interfering with the internal affairs of a member state. Because democratic culture is still weak in Africa, many regional organisations are guarded about upholding standards they may not be able to match in their own elections. It is also worth noting that for decades the doctrine of non-interference was a central pillar of the defunct Organization of African Unity (OAU). In their study, Cheeseman et al. (2016) have argued that leniency towards elections in African countries also applies to observer missions from outside the continent. They attribute this to the perception that critical assessments have the potential to trigger political instability in fragile democracies or fuel post-election violence. This argument is reinforced by Kelley (2010), who observes that in 2007 observers withheld a damning report on Kenya’s electoral process because it was feared that it might escalate violence in an important anchor state for US interest in the region.

CAN ELECTION OBSERVERS REALLY BE IMPARTIAL?

As a general practice, the host government invites and accredits international observers. Therefore, even as observers endeavour to produce objective assessments of the elections, they are also wary of producing reports that can be counterproductive to their interests (Cheeseman 2017). Many IGOs observe elections in member states where their interests go beyond just the elections because they are also interested in preserving political and economic stability

within their regions. For instance, within the East African Region, Kenya is considered a crucial factor in regional peace and stability because of its place as the leading economic and political power in the region (Kelley 2009). Thus political instability in Kenya could spill over to other countries in the region. For instance, in the 1990s observers were reluctant to criticise Moi's regime out of fear that it would trigger chaos and regional instability (Simpser & Donno 2012). As a result, observers walk a tightrope between the moral obligation to expose fraud and the pragmatism of downplaying abuse for the greater good. Observers are also reluctant to allege fraud when they cannot prove their claims as this can offend the host government and increase the likelihood of being locked out of the country in future elections (Cheeseman 2017). Because the government accredits observers, autocratic regimes will not allow observers whom they regard as hostile. In some cases, states such as Zimbabwe refused to accredit observers from the EU and US claiming that they had a preconceived bias. In 2002, Mugabe's government refused to accredit the EU EOM, NDI and TCC because they did not come from friendly countries.

Election observers do not operate in a perfect environment. Their freedom is constrained by immense pressure from the public, the government and the opposition to endorse their claims vis-a-vis the polls (Elklit & Reynolds 2005). This leaves election observers in a position where they can be condemned by at least one side irrespective of the nature of their reports. In other words, the impartiality of election observers depends on whom you ask, the victor or the loser. Those favoured by the assessments generated by the observers tend to praise the observers for their impartiality. On the other hand, those not favoured will criticise them for having an open bias. In the second scenario, the aggrieved party may single out the leadership of an observer mission for criticism without reference to the truth of the facts articulated in their reports (Participant 2, Personal Communication, 16 February 2018). This is likely where the chief observer has a history of a close relationship with the side that benefits from their assessment.

The role played by the heads of a particular observer mission has emerged as a central issue. Normally key leaders such as former presidents, cabinet ministers, diplomats and other high-ranking officials are appointed to head the observer missions. These individuals have extensive experience in political leadership, elections, and diplomacy, which may be quite useful in the event of post-election disagreement. While this confers an obvious advantage to these leaders, it can also provide fertile grounds for critics to question their integrity. Indeed, after the August 2017 elections James Orendo, a key NASA leader and Odinga's ally, singled out John Mahama, former President of Ghana who led the Commonwealth Observer Group (COG), claiming that he was a friend of Uhuru Kenyatta. He insisted that Mahama harboured bitterness towards Odinga due to his closeness

to the Ghanaian president Nana Akufo Addo, who had defeated Mahama in 2016 (Olick & Awitch 2017). For this reason, his role as a head of observer mission undermined the perceived impartiality of the COG. The controversy surrounding John Kerry, who led the Carter Center observer mission, was an interesting one. Upon his appointment the opposition praised Kerry's record in his tenure as a politician and as secretary of state in the United States. However, they accused him of bias when he described the elections as largely smooth and peaceful and urged the opposition to use constitutional means to address its grievances (Obwocha 2017). Similar accusations were levelled against Thabo Mbeki, head of AU-EOM and former president of South Africa.

Historically, the IGOs have dominated the field of election observation. Regional organisations such as the AU, EU, and EAC OSCE have a tradition of dispatching LTOs to undertake election observation in countries of interest. Others such as IGAD, EAC and COMESA establish ad hoc mechanisms that engage in short-term observations. Scholars have questioned the validity of observer missions from IGO on various grounds. In his assessments, Chand (1997) suggests that IGOs whose members have a weak democratic culture engage in observation as a mere formality and rarely report irregularities. Moreover, Simpser and Donno (2012) aver that typically, IGO missions tend to be very cautious in the wording of their reports when assessing elections in a key member state.

Since its establishment in 2002 the AU has encouraged the formation of robust regional organisations and encouraged them to take the leadership in managing regional issues. Subsequently, regionalism has become evident even in the field of election observation, with regional IGOs routinely sending their own observers to witness members' elections. In 2017, five regional organisations including the AU observed Kenya's elections. Of these, only the AU and EAC sent LTOs. In their preliminary statements the AU, IGLR, EAC and COMESA described the polls using terms such as 'free and fair', 'peaceful', 'credible', 'verifiable' and 'up to the standards set by Kenya and the AU' (AU 2017; *Daily Nation* 2017; COMESA 2017). IGAD, on the other hand, termed the elections as 'peaceful, orderly and transparent' and directed the opposition to 'respect the will of the people and refrain from activities that could endanger peace and stability' (IGAD 2017). Issues such as the secrecy of the vote, security checks and the failure of KIEMS, which were covered by preliminary statements from EU EOM and TCC, were not addressed by regional observer missions.

NGOs have also become active participants in election observation in recent years. This involvement is a reflection of their growing influence in governance, which has taken place since the 1990s when NGOs were at the centre of democratisation movement, especially in Africa (Chernykh & Svolik, 2015). Today, international NGOs such as TCC have become some of the most respected actors

in election observation. National NGOs such as Kenya Human Rights Commission (KHRC) and African Centre for Governance (AFRICOG) from Kenya participate in election observation in their home countries as citizen observers.

Generally, scholars have showered NGOs with praise for exhibiting high levels of autonomy and professionalism in election observation. For example, Kelley (2010) argues that as a whole, observers from NGOs wield greater autonomy and therefore provide more reliable assessments than IGOs. However, in some instances NGOs have been accused of serving foreign interests and showing open bias against the incumbent or the opposition. In 2017 Odinga accused the TCC of bias. When elections were eventually nullified KHRC and AFRICOG, which had observed the election and had backed NASA's position, became subjects of a crackdown led by the NGO Coordination Board. This bias was attributed to a perception that they showed open bias against the government by working with the opposition to file an election petition in 2013 and again in 2017 (Kanyinga 2017). That said, Participant 2 clarified that such accusations of bias are rarely proven (Personal Communication, 16 February 2018). In fact, just like IGOs, assessments by NGOs show wide variations which can also be explained by their methodologies, technical and financial capacity to undertake election observation and environmental factors.

ELECTION OBSERVATION IS NOT SUFFICIENTLY EXTENSIVE

Another issue that has dominated the debate in election observation is that it is not extensive enough. This is because, in practice, the majority of election observers engage in short-term observation as opposed to long-term observation. This raises serious concerns about the validity of their reports. With reference to the foregoing, Elklit and Reynolds (2005) reason that elections must be seen as a continuous process beginning with voter registration, party nominations, the creation of a voter register, campaigning, voting, counting ballots and finally the announcement of the winner. Elections are not a simple event that start with voting and end with the announcement of the results. Once the elections are over, the electoral agency begins the cycle all over again in preparation for the next elections. Electoral fraud can thus occur at any stage. Indeed, Schmitter and Karl (1991) have demonstrated that one of the most commonly used approaches is falsifying the voter register or using covert tactics to ensure that large numbers of voters in opposition strongholds are not registered. Incumbents also use reward systems and deploy public resources to boost their chances of being re-elected. STOs may not be able to detect these abuses because they take place in the early stages of the electoral cycle.

In view of the foregoing, international organisations are increasingly investing in long-term observation which entails sending out election observers several months before elections. Moreover, observer's missions recruit experts who assist them to understand and consider the effect of historical factors on the election process (Aubyn 2012). This way they can understand how rigging takes place in that country and develop measures to detect it if and when it occurs. The EU is a good example of an organisation with a tradition of sending long-term observers who start operations months before the actual election date. In 2017, LTOs from the EU were active in Kenya as early as June (EU 2018). The AU and EAC also deployed LTOs who arrived in June-July. Reports generated by longer-term missions are also crucial because they identify areas that require improvement in future elections. Local civil society organisations (CSOs) also complement the activities of these foreign LTOs. Their permanent location in the country gives them a superior understanding of its political history and the loopholes that can be exploited to facilitate electoral fraud (Beaulieu & Hyde 2009). Coordination between international observers and CSOs enable the STOs to benefit from their extensive knowledge of the local political dynamics.

However, the perception that civil society has political interests jeopardises their efforts to project themselves as impartial actors (El Baradei 2012). Their involvement in election observation therefore tends to elicit strong reactions, especially from less democratic countries. In Kenya, CSOs have had an acrimonious relationship with the government due to suspicions that they had been driving the opposition's agenda since the 1990s. On a number of occasions the government has launched a sustained clampdown which weakened the capacity of CSOs to observe the elections. For instance, after the 2017 elections in which the leading CSOs in Kenya supported the opposition's assertions that the elections were not credible, the NGO Coordination Board undertook a crackdown which targeted the leading NGOs, including the Kenya National Commission on Human Rights (KNHCR) and the Africa Centre for Open Governance (AFRICOG). Other issues that weaken the capacity of CSOs are inadequate funding and lack of technical capacity.

Election observers recognise the fact that it is practically impossible to have a perfect election. They therefore consider both the scale and the nature of the malpractices (rather than mere presence of malpractice) and whether those faults have been serious enough to change the outcomes of the elections (RuthRauff 2017). The effectiveness of the observers is also impinged on by the circumstances in which they operate. Recently, rapid advancement in election technology has made the technological know-how of observer missions a key determinant of their effectiveness (Cheeseman 2017). As a result, observers are increasingly under pressure to hire data analysts and IT experts to cope with

changing trends in election technology. Indeed, the primary reason why NASAs rejected the electoral outcomes after the August elections was the claim that the KIEMS had been hacked and the results manipulated in favour of Jubilee. The key reason why observers were condemned by NASA was also their failure to address this concern. The inability of the IEBC to respond to weighty questions on the integrity of the KIEMS also formed the basis for the Supreme Court to nullify the presidential results (Participant 3, Personal Communication, 9 February 2018).

Another factor is that even in the best circumstances observers are few and far between. Their small number compared to the enormous number of polling stations renders them unable to cover all polling stations. To mitigate this challenge, election observers sample their stations carefully to maximise effectiveness and guarantee representativity. This ensures that despite their limited numbers, their findings are valid. In unstable and insecure countries, observers perform their duties at significant risk to their physical security. In Kenya, the Commonwealth, EU and TCC scaled down their observation operations during the repeat poll held in October 2017 due to security concerns. The remoteness of some regions coupled with poor infrastructure and bad weather may also impede access in some regions. That said, Hyde (2011) demonstrates that the credibility of election observers is also weakened by the fact that some observers conduct their business as a formality, and thus have earned the reputation of either giving positive assessments or of discrediting elections with little reference to the actual credibility of the elections. This erodes their perception of impartiality.

CALMING THE WATERS OR STOKING THE FIRE?

There are three competing arguments for how the presence of election observers shapes the perception of both the contenders and the public about the electoral process. The predominant school of thought is that the presence of international election observers has a positive impact in the country in question. Election observers primarily reassure the political players in the country that the election process will be protected from abuse (Daxecker 2012). This confers credibility on the outcomes of the election and legitimacy on those elected into office. Other than deterring rigging, election observation also encourages the growth of sustainable democracy and facilitates the development of intimate relations between the actors concerned and the state in question (Simpser & Donno 2012).

Secondly, there is emerging evidence that election observation can have negative effects on the stability of a country. Pre-election analysis by LTOs showing poor preparedness on the part of the electoral agency may establish a basis for the opposition to reject the election outcome by citing these concerns (Kelley 2010). Scholars have also documented evidence suggesting that when

observers report electoral fraud, they may ratchet up political tension, trigger an outbreak of electoral violence or aggravate the scale and duration of post-election protests (Hyde & Marinov 2008). Reports by the media and a section of election observers of massive rigging in Kenya's 2007 elections helped convince the Orange Democratic Movement (ODM) supporters that Kibaki had snatched their victory, hence stirring up tension.

The third perspective is that the presence of observers has no effect whatsoever on the events that transpire on election day. Simply put, this perspective holds that perpetrators will still use alternative channels to rig the elections regardless of the presence of observers (Chernykh & Svolik 2015). This view perceives election monitors as helpless bystanders with inadequate power to shape events on election day. For instance, Cheeseman (2017) observes that even though citizens hold observers in high regard, the role they play in securing the integrity of the elections is overrated. This view holds that politicians can orchestrate abuses in the preparatory stages of the elections or migrate their schemes to regions not covered by observers. These reasons lead Obi (2008) to conclude that election observations are fraught with contradictions, because whereas they are supposed to offer legitimately free and fair elections, they occasionally encourage the acceptance of flawed polls. Recognising this possibility, the opposition in Kenya, Ethiopia, and Sudan have in the past boycotted elections despite the presence of international observers. The implication here is that the opposition was convinced that electoral fraud had already taken place or would take place regardless of the presence of election observers, and that there would be no consequence for perpetrators. In essence, when the opposition boycotts elections where international observers are present, they are questioning the ability of observers to have a meaningful effect on the integrity of the electoral process.

ELECTION OBSERVERS AND KENYA'S AUGUST 2017 ELECTION

More than 25 observer missions witnessed the August elections in Kenya (Oruko & Kimanthi 2017). They were headed by two former heads of state, diplomats, and other senior officials. Many countries with diplomatic missions in Kenya also took part in election observation by setting up diplomatic watcher missions

Most of the observers were there for a short term although a number of LTOs had been in the country months before the elections. Throughout 2017 a number of the LTOs that were active in the country released reports on the preparedness for polls which highlighted issues that could potentially affect the credibility of the polls. These included inadequate consultations (Kenya Human Rights Commission 2017), delays by the IEBC to open the voter register for the public scrutiny, ethnic polarisation (National Democratic Institute 2017), opacity around the awarding of

ballot printing tender and KIEMS, controversy over whether to use an electronic voter register or a manual register (AU 2017b), systematic abuses on the part of the government including the use of state resources to campaign (AFRICOG 2017), the deployment of public servants to assist in government campaigns, and heightened tension in the country (EU 2018). In these reports, a consensus emerged that there was a need to fast-track the preparedness of the IEBC and improve security and the political environment to guarantee free and fair elections.

Following the end of voting on 8 August, NASA called a press conference where it termed the results being streamed live by IEBC at the Bomas of Kenya a sham. They also advanced the claim that the result transmission system had been hacked and the actual results changed to give Jubilee a consistent 10% edge over NASA. The IEBC rejected these allegations. On the following day election observers from nine international missions added their voice to this development in a joint statement urging all sides to exercise restraint so as to allow the IEBC space to complete the vote tallying process (EU 2017). Individual observer missions also released their preliminary assessments of the situation.

On 10 August, the AU EOM released preliminary reports that praised the elections for being peaceful, verifiable and up to acceptable standards (AU 2017a). A joint statement by EAC and IGLR termed the process as 'free, fair, transparent and [an] expression of the will of the people' (*Daily Nation*, 2017). On the other hand, IGAD praised the IEBC for conducting polls in a 'peaceful, orderly and transparent manner' and urged those aggrieved with the outcomes to refrain from acts that would jeopardise peace and stability (IGAD 2017). The EU EOM released a statement on 10 August noting that the IEBC had upheld transparency in the voting process and tallying at constituency levels, although it highlighted concern over the secrecy of the ballot, security checks, some errors in ballot counting and the failure of KIEMS in some areas (EU, 2017). The statement by TCC on the same day stressed similar concerns (Carter Center 2017). However, NASA took issue with these statements arguing that they did not adequately consider the basis of their complaint regarding the transmission of the results.

When the IEBC announced the final results, they indicated that Uhuru Kenyatta of Jubilee retained his seat with 54.17% of the votes cast against Raila Odinga of NASA who garnered 44.94% of the votes. Moreover, Jubilee garnered a clear majority in both the Senate and the National Assembly. As it had already suggested, the NASA coalition refused to recognise the outcomes terming them 'computer generated results'. Contrary to initial indications, NASA filed a petition in the Supreme Court of Kenya challenging the validity of Kenyatta's victory one week after the declaration of results. In a historic ruling that shocked the world, the Supreme Court nullified the presidential elections on 1 September citing 'illegalities and irregularities', especially in the results transmission process. It also implicated the IEBC for failing to open its records for scrutiny. This ruling was the

first of its kind in Africa and was also hailed as a demonstration that democracy was taking root in Africa (Cheeseman, Lynch & Willis, 2017). As pointed out by Participant 3, it is worth emphasising that the Supreme Court ruling did not fault the voting and tallying process, but rather the opacity of KIEMS and the inability of IEBC to open it to scrutiny (Personal Communication, 16 February 2018).

Furthermore, the opposition escalated their attacks by singling out individual leaders of observer missions for criticism. In an interview with local media, John Kerry described the elections as 'largely a success' and voting as 'smooth and peaceful'. He called on all parties to exercise restraint as the IEBC prepared the results and urged the aggrieved parties to challenge the outcomes in court or move on. This was followed by an interview with CNN where he described the elections as positive and credible and observed that IEBC had used impressive measures to safeguard the integrity of the polls. However, in an interview with same TV station, Odinga condemned Kerry for ignoring questions on the integrity of the results system transmission system and of rushing to a conclusion (Heerden & Said-Moorhouse 2017). The opposition also dismissed Thabo Mbeki of AU EOM and John Mahama of COG as being close friends of the incumbent and who could thus not provide an objective assessment. Diplomats, particularly from the United States, were not spared criticism by NASA.

It should also be stressed that whereas the opposition had alleged that international observers had endorsed the polls, the full reports released by observer missions such as the Carter Center and EU-EOM provided further revelations on malpractices witnessed in the polls. The EU EOM reiterated that in the polling stations the observers visited, they were able to establish the paper trail from the moment the ballot was cast, counting and announcement of the results at the polling station. They also noted malpractices ranging from the falsification of figures, intimidation of IEBC staff and failure to countersign the forms in some polling stations (EU 2017). However, as results generated by ELOG suggests, this malpractice was limited in scale (Carter Center 2018; EU 2018). They also noted that observers could account for the voting and tallying process but had no access to the online transmission system. Interestingly, our analysis pointed out that KIEMS played a central role in the Supreme Court nullification of Kenyatta's victory. Failure by observers to address the fundamental concerns over the integrity of the vote transmission system was also a key reason why they were accused of being impartial (A. Bashir, Personal Communication, 25 May 2018).

ELECTION OBSERVATION DYNAMICS IN KENYA

Our findings suggest that the controversies that emerged around the role of election observers are an outcome of the political culture that has gained root in

Kenya since the 1960s. Since 1992, ethnic balkanisation has intensified. Politicians progressively retreated to their ethnic identities as the basis for voter mobilisation at the expense of national unity (Oyugi 1997). As observed by Participant 1, 'the political parties that emerged after the introduction of multipartyism are controlled with an iron-fist by regional kingpins, who are usually the most prominent leaders of their ethnic group, or region...' (Personal communication, 22 January 2018). Politicians use these ethnic political parties to pursue power in the guise of protecting their collective interests. Therefore, ethnic affiliation is a major determinant of how voters cast their ballots, with many dedicatedly voting for their own.

The growth of ethnic politics has polarised the country and heightened tension among groups. For instance, vicious competition between ethnic kingpins routinely breaks out into open inter-ethnic conflict as witnessed during and after the general elections of 1992, 1997, 2007 and 2017. Moreover, the big ethnic groups such as Gikuyu, Luhya, Kalenjins, and Luos dominate electoral politics, often at each other's expense. On the other hand, smaller groups bargain with the dominant groups hoping to reap benefits in exchange for support (Oyugi 1992). Tribalisation in Kenyan politics has made elections a zero-sum game in which only candidates from big communities stand a real chance of clinching the presidency. Because of the patronage role played by the president with regard to public projects and appointment to public service, losing an election is considered unbearable (Lafargue 2009). Presidential candidates, politicians and other election contenders also expect observers to support their cause, and when observers fail to do so they become the subject of scathing attack from the loser.

Secondly, electoral agencies have a troubled history which is also a reflection of the general attitude Kenyans have to public institutions. In 2007, the glaring malpractices in elections and failure of the chairman of the Electoral Commission of Kenya (ECK) to stamp his authority paved the way for a serious outbreak of post-election violence. The IEBC was established to replace its disgraced predecessor; however, since its establishment the IEBC has increasingly faced criticism and accusations of favouring the incumbents. In April 2016 the opposition started street protests to force radical reforms on IEBC with a view to improving transparency and weeding out individuals it accused of undermining its credibility. These agitations brought together a number of opposition parties under the umbrella of the NASA Coalition at the end of 2016. Opposition pressure found support from the diplomatic community and eventually the IEBC did acquiesce to some of the demands. For instance, the IEBC commissioners resigned, hence paving way for a new electoral commission chaired by Wafula Chebukati. However, the IEBC did not heed NASA's demands for the voter register to be published by IEBC, access

to KIEMS, and cancellation of the ballot-printing tender. In 2017 the opposition demanded the postponement of results claiming that the IEBC was not ready. These concerns emerged from the belief that IEBC gave away its victory in 2013. These tense relations between NASA and IEBC contributed to the lack of trust that paved the way for the results to be rejected.

Subsequently, the findings of this study suggest that election observers in Kenya have tended to be caught up in aggressive political manoeuvring by politicians in the context described above. For instance, whereas the opposition accused the western observers of bias after the August 2017 elections, a closer examination of the statements released by TCC and EU EOM did not endorse the elections in their entirety, as alleged by the opposition. Rather, both noted that election day had run smoothly despite a number of security and technological hitches and urged all parties to wait for the final results and go to court if dissatisfied. Interestingly enough, statements released by observers from IGAD, AU EOM, COMESA, EAC and IGLR offered relatively more positive assessments although these were generally spared from NASA's criticism (IGAD 2017; AU 2017a; COMESA 2017; *Daily Nation* 2017). It should also be stressed that the final reports by TCC and EU EOM highlighted a number of shortcomings in the electoral process (EU 2018; Carter Center, 2018).

In addition, this study notes that the leadership of both Jubilee and NASA selectively picked up on words or statements released by election observers to buttress their claim to victory or to justify their rejection of the electoral results. When observers released a preliminary report a few days after the elections that appeared to endorse the conduct of the elections, Jubilee cited these reports to justify Uhuru Kenyatta's victory. Opposition leaders on the other hand accused them of bias and of prematurely jumping to conclusions. However, the more detailed final reports by the EU EOM and TCC demonstrated how shortcomings such as the use of state resources, police brutality towards voters and the failure of IEBC to guarantee the integrity of the KIEMS had weakened the credibility of the August polls (EU 2018; Carter Center 2018; EU 2018). Jubilee dismissed these assessments (Participant 4, Personal Communication, 4 February 2018). The opposition, on the other hand, welcomed them because they appeared to buttress their claim that irregularities had taken place. A case in point was when the EU EOM chief observer Marietje Schaake released the full report on Kenya's elections on 10 January 2018, criticising the government for abuses orchestrated in the campaign period and failures by IEBC to demonstrate the integrity of the KIEMS (EU 2018). The opposition welcomed these findings; however Jubilee condemned the report and lodged a formal complaint about the conduct of the chief observer in Brussels (Kenya 2018).

BASIS FOR ACCUSATIONS OF IMPARTIALITY

Overall, our analysis of the controversies surrounding election observers in Kenya points to three scenarios under which accusations of bias have been advanced against election observers. Political leaders question the role of election observers if they feel that the odds are stacked against their chances of clinching victory in elections. Kenneth Matiba accused observers of failing to prevent Daniel Arap Moi both from rigging elections in 1992 and plans to rig the 1997 elections. On the other hand, Moi condemned them for attempting to force political change in Kenya (Brown 2001). In reality Matiba faced an uphill task winning the elections, thanks to the fragmented opposition. In 2017 NASA failed to consolidate its support base by allowing affiliate parties to field candidates in the same regions, hence weakening its internal unity (Kamau 2017). It is important to note that both Matiba and Odinga ended up withdrawing their candidature from the elections, hence handing their opponents a smooth path to victory.

Secondly, political contenders may advance allegations of bias against international actors as part of a campaign strategy intended to whip up public sympathy in order to turn the tide against their competitor. In 2013 Uhuru and Ruto made spirited efforts to portray diplomats from the United States and EU as meddlers in Kenya's affairs, and Odinga as a protégé of the west. On the other hand, Odinga exploited the west's concerns over Uhuru's presidency due to the ongoing cases at the International Criminal Court (ICC), in order to bolster his own candidature (Mangu 2015). After the 2017 August elections Odinga accused international observers and western diplomats of failing to criticise both electoral malpractices and the brutal repression of protests that broke out after the elections. NASA exploited the claims of a complicit cover-up to convince its supporters to boycott the repeat poll, which culminated in a record low voter turnout and violence in NASA strongholds.

Finally, the claims of bias may be used by the opposition to strengthen its rejection of the electoral outcomes and to justify protests, with a view to forcing a repeat poll or extracting a political bargain. After the disputed polls of 2007, the ODM called for mass action to force Kibaki to step down. This led to the death and displacement of people on an unprecedented scale. The opposition ended the protest after mediation steered by Kofi Annan resolved to form a coalition government, with Kibaki as the president and Odinga as prime minister (Lafargue 2009). A similar development unfolded in Zimbabwe after disputed polls in 2008 when Robert Mugabe, who controversially won the elections, was forced to form a government of national unity with the opposition leader, Morgan Tsvangirai (Chigora & Guzura 2011). After the 2017 elections NASA called for protests which continued until Odinga and Kenyatta reached an agreement that gave Odinga

a role in addressing critical issues such as corruption, ethnic animosity and historical injustice.

CONCLUSIONS

There were many challenges that characterised the 2017 elections in Kenya. These included political tension, questions concerning the preparedness of the IEBC and failure by all parties to work together to solve questions over the integrity of the KIEMS and the procurement of election materials. These disagreements set the stage for a rejection of election outcomes. There were remarkable levels of coordination among the EOMs, as demonstrated by the release of joint statements before and after the elections. However, individual preliminary statements revealed noteworthy differences. Some observer missions described the elections favourably, whereas others highlighted concerns with KIEMS, ballot tallying and the security environment. These differences can be attributed to different approaches used by observers. That said, the EOMs faced accusations of impartiality due to rushed endorsement and failure to adequately address the questions over the vote transmission system. Detailed reports released by some observer missions did address these concerns. Interestingly, the opposition warmed to the reports whereas the incumbent criticised them. It can therefore be seen that NASA and Jubilee reacted differently to observers' assessments depending on whether or not these favoured their interests, without interrogating the methodologies used and the substance of the reports. Finally, due to the central role played by KIEMS in the Kenyan election dispute, observers will need to pay more attention to electoral technology in future elections.

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LOCAL MEDIA OBSERVATION OF MOZAMBIQUE'S ELECTIONS

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ABSTRACT

Local journalists working together in Mozambique have overcome many of the limitations of international and domestic election observation. In a system developed during three pairs of municipal and national elections (2003-4, 2008-9, 2013-4), journalists from community radio and other local media reported to a national daily newsletter on registration, campaigning, voting and counting while continuing to work for their own organisations. Reports of local violence and misconduct were published nationally, usually bringing rapid responses. Evidence from local journalists, together with continued media pressure, forced elections to be re-run. This led to changes in the electoral law which reduced misconduct. Two aspects proved central: accuracy and local knowledge. Nothing was published in the cooperative newsletter unless it had been verified or sourced, thus providing an effective counter to exaggerated or false reports on social media. Local journalists known and trusted in their own communities received complaints about electoral malfeasance and had appropriate contacts to verify or refute these claims. Because central editorial control of their reports demands detail and authentication, these reports are both accurate and trusted. In addition, daily publication also meant that their reports had more immediacy than that of

other election observers. As a result, this collaboration by local journalists ensured the accountability of political parties and the electoral system.

Keywords: Mozambique, election, observation, monitoring, fraud, media, newsletter

INTRODUCTION

Election observation 'has become the flagship of democracy promotion', comments Judith G. Kelley in her study *Monitoring Democracy: When International Election Observation Works, and Why It Often Fails* (2012, p. 15). International election observation generally involves the observation of voting and counting, and sometimes of registration and the election campaign. Though Kelly uses both 'monitoring' and 'observation' in the title of her book, the use of these two terms is inconsistent. The most widely-used code published by the Global Network of Domestic Election Monitors (2012) is for 'non-partisan election observation and monitoring by citizen organizations' and always links observation and monitoring. Nevertheless, the *Guidelines for African Union Electoral Observations and Monitoring Missions* makes the following distinction: 'Observation involves gathering information and making an informed judgement; monitoring involves the authority to observe an election process and to intervene in that process if relevant laws or standard procedures are being violated or ignored' (African Commission 2011). In this article we accept that distinction.

The goal of international observer groups is to assess the management of the election¹ and to recommend possible changes in law and practice in a final report. Only in the most egregious circumstances are comments given to electoral authorities during the electoral process. The advantage of international observers is that they have electoral experience from other countries, can assess the election within a regional and international context and are not influenced by local politics. The disadvantages are that they rarely speak the local language and have only superficial knowledge of the local electoral law and system. They are seldom present for more than a few days, only visit areas with easy access that are near reasonable hotels, and usually stay in any individual polling station for only a short period. This problem has been recognised and increasingly the better-funded election observer groups have longer-term missions.

Kelley (2012, pp. 166-9) argues that international observers largely fulfil a verification role, and that they do seem to influence the government and

¹ The terms 'free and fair' are now rarely used, and there is more of an attempt to assess the validity of the election and if it represents the will of the people. (Kelley 2012, p. 163)

sometimes reduce electoral malpractice. Verification and the sense of surveillance, that someone is watching, are important; but even observed elections may be manipulated and international observation has failed to promote improvement in the conduct of elections. Also, international observation simply shifts the misconduct to periods when observers are absent, particularly during the long pre-election period. In their study of 144 elections, Simpsera and Donnob (2012) found that 'on average, high-quality election monitoring has a measurably negative effect on the rule of law, administrative performance, and media freedom'. A study of African elections between 1990 and 2009 showed that the presence of election observers increases the incidence of pre-election violence when observers are not present but has no effect on election-day violence when observers are present (Daxecker 2014).

Because of the limitations of international observation, domestic observation has grown (Grömping 2017). One of the largest studies of the factors influencing electoral conduct, by Birch and Van Ham (2017), shows that 'the effect of international observers is insignificant, while the effect of domestic observers is positive'. They find that the following three institutional checks are far more significant: the independence of the media is the most important, followed by the independence of the judiciary, and then civil society freedom which does, significantly, include the organisation of domestic observation. There is increasing discussion of the 'downward accountability' of electoral management bodies to civil society which is seen to include both nongovernment organisations (NGOs) and the news media (Norris & Nei 2017). Pippa Norris (2017, p. 25) points to the importance of collective action, of 'representatives from political parties observing voting processes and counts, domestic election watch NGOs and the role of the independent media and investigative journalists in providing accurate, impartial, and balanced coverage of electoral malpractices'.

Mozambique has had five multi-party electoral cycles (detailed below) and all have had both observation and monitoring. In Mozambican law, only party-nominated monitors have the right to intervene during registration, voting and counting, and they also have the right to file formal protests. Mozambique thus has both partisan monitors and non-partisan observers.

For the past three electoral cycles, Mozambique has had an unusual combination of media and NGOs in civil society. An election newsletter (detailed below)² published by a civil society organisation (CSO) had more than 100

2 The frequent elections newsletters add the election to the beginning of the title, thus *2013 Local Elections - Mozambique political process bulletin* in English and *Eleições Autárquicas 2013 - Boletim sobre o processo político em Moçambique* in Portuguese. All newsletters are posted on an Open University website, bit.ly/mozamb, and the election newsletters from 2013 are also posted on the CIP website <http://www.cipmoz.org>.

journalists across the country as correspondents. A small editorial team of professional journalists within the organisation ensured accuracy, timeliness and limited bias. In this paper, we look at the structure, impact and limitations of that experience, and the potential for linking media and other parts of civil society.

This newsletter satisfies the Global Network of Domestic Election Monitors (2012) *Declaration of global principles for non-partisan election observation and monitoring by citizen organizations*. The declaration and linked code contain nothing to prevent the inclusion of journalists as non-partisan observers subject to two relevant conditions: that the observer body is 'non-partisan', and that individual observers cannot speak for the group. In one respect, however, the newsletter does better than conventional observers. The *Declaration* commits observer groups to 'issue regularly to the public ... accurate, impartial and timely reports'. International and domestic observer groups rarely do so, while the newsletter does issue regular, accurate, impartial and timely reports.

MOZAMBIQUE ELECTIONS AND OBSERVATION

Mozambique has had five multi-party general elections, in 1994, 1999, 2004, 2009, and 2014, to elect the president of Mozambique, 250 members of parliament and, from 2009, 10 provincial parliaments. There have been municipal elections in urban areas for mayor and municipal assembly in 1998, 2003, 2008, and 2013. There is no single electoral code and the group of electoral laws is revised regularly, leading to regular changes in detail. But the system of a five-year electoral cycle, with new voter registration for each pair of municipal and national elections, has remained throughout. Turnout in the three most recent general elections ranged from 43% to 49% (MPPB 28 November 2014).

Mozambique achieved independence in 1975 under the Mozambique liberation movement Frelimo, but subsequently faced a decade-long civil war (1982-92) in which Renamo guerrillas, backed by apartheid South Africa, fought against the government. A peace accord in 1992 led to multi-party elections. In all five national elections, Renamo head Afonso Dhlakama stood for president but lost to the Frelimo candidates Joaquim Chissano in 1994 and 1999, Armando Guebuza in 2004 and 2009, and Filipe Nyusi in 2014. In all five national elections, Frelimo won a majority of seats in the national Parliament. Thus, Mozambique is often described as an elected dominant party state (Rønning 2011). However, opposition parties have won in some municipal elections, and in 2013 they gained mayors and municipal assembly majorities in four of 53 municipalities including the third, fourth and fifth largest cities in Mozambique.

Afonso Dhlakama alleged that he was cheated of victory and had actually won all five general elections. Both international and domestic observers have

largely, albeit increasingly begrudgingly, confirmed the validity of the election outcomes. This is despite reports of ballot-box stuffing and other misconduct, and substantial criticism of the National Elections Commission for the way it conducted the elections and its lack of transparency (Nuvunga 2017; Nuvunga & Salih 2010; Nuvunga & Siteo 2013; Hanlon 2011). After the 2014 election, the *Mozambique Political Process Bulletin* (28 November 2014) ran an article headlined 'Déjà vu again' which said:

After the 2009 election we had an article headlined 'Déjà vu – An unnecessarily tainted election'. We said the Frelimo victory had been 'overshadowed by unfairness and misconduct. Long term readers of this Bulletin will recognise that little has changed in response to harsh criticism of 1999 and 2004 elections; like a film being seen again, the same problems recur.' And they recurred again this year. Inside this Bulletin we again report on the misconduct, unfairness, secrecy, sloppiness and confusion.

Observers and their limitations

Kelley (2012, pp. 166-9) claims that in Mozambique in 1994 'the environment was so polarized that without international monitors the victor might not have been able to establish a governing mandate.' But this begs the question of whether international observers were much use in subsequent elections. Mozambique's national elections have typically had six or more international observer missions, including those from the European Union, African Union, Commonwealth and Carter Center. These are usually supplemented by local diplomats who speak Portuguese, the official national language. The main benefit of international observers has been their presence, providing the sense that the world is watching. Observer reports have generally accepted the outcome of the elections, thus providing an international stamp of approval. Most have been critical; but these international comments and suggestions are largely ignored by Parliament and the National Elections Commission. However, pressure from media, the courts, civil society and opposition parties has brought changes.

Augmenting international observation, a domestic observation system developed which since 2003 has been primarily by a coalition, the Electoral Observatory. In 2014 the Observatory brought together eight national civil society groups, including the three main religious groups, and observers were chosen locally by the groups in the coalition. Unlike international observers, they stayed in individual polling stations for longer periods of time, sometimes for the entire voting day. As with international observers, the main output was a final report

(*Observatório Eleitoral* 2014). The two problems with domestic observation have been lack of training, so that observers often do not know what to look for, and a failure to adequately collate the large number of observer reports. The only study to look for observer impacts in Mozambique (Leeffers & Vicente 2017) reports that for the 2009 elections 'we find significant effects of domestic observers, suggestive of a reduction in ballot fraud. In particular, ballot box stuffing and the validation of blank votes seem to be deterred. We do not find evidence that the presence of international observers deters ballot fraud'.

Finally, there has been a sample count or PVT (parallel vote tabulation) which combined national and international organisations. In Mozambique ballots are counted at each polling station and the results are posted on the door, making a PVT relatively easy. The sample count was organised by EISA³ and used observers from the Electoral Observatory to record results from the selected polling stations.

In the 2009 national elections there were 3 678 national observers (1 662 from the Electoral Observatory) and 502 international observers (131 from the European Union) to cover 12 584 polling stations. The parallel count (PVT) covered a statistically selected sample of 967 polling stations, 8% of the total (Hanlon 2011).

Local media

Mozambique has a free press but it is highly polarised. The state owns the largest circulation daily newspaper, *Notícias*, the national radio network (Radio Moçambique, with good coverage and broadcasting in local languages), and television network TVM (largely available in urban areas). These are seen as biased towards the ruling party. A private group has a smaller national daily newspaper (*O País*) and TV network STV, seen to have a balanced coverage. In addition, there is a large group of weekly newspapers and daily e-mail newsletters which see their role largely as that of opposing the government and the ruling party.

National media has limitations. Apart from Radio Moçambique, national media is based in the capital, Maputo, and has few correspondents outside of major cities. This means that election coverage is primarily urban and based in the capital. Furthermore, polarisation means that reports tend to be either for or against the governing party. Finally, competition between newspapers has prevented cooperation on election coverage.

There is, however, a vibrant local media. In larger cities and provincial capitals there are websites, social media and print-based local newspapers and magazines. There are also 114 community radio stations, many based in market towns and predominantly using volunteers. Community radio is a mix of state,

3 Electoral Institute for Sustainable Democracy in Africa, based in Johannesburg.

private and community-owned and with a full range of political sympathies. Their journalists are local people, speaking local languages as well as Portuguese, and with local knowledge, which gives them a very different perspective from the Maputo-based national media. Community radios share information and programmes through a national association FORCOM (Fórum Nacional de Rádios Comunitárias), but they have had little pooling of election coverage.

Social media has not played a major role in election reporting. Facebook is the most widely used in Mozambique, but this is primarily for partisan comments. Various attempts at citizen reporting have been unsuccessful, largely due to lack of participation.

A core problem with election reporting is that traditional media, and even more social media, is based on exception reporting, that is on the extreme and the unusual, such as violence, very large or very small crowds at rallies, long waits at polling stations or no voters at all, and allegations of misconduct. Observer groups attempt to put this in context by trying to assess whether the violence or long waits at polling stations are common; but they report only after the election when most people have lost interest in the issues and it is too late to respond.

THE MEDIA ALTERNATIVE

No media organisation in Europe and the US has enough of their own staff to cover all polling stations and counting centres, so their media works together with various pool systems. Organisations cooperate and agree to send reporters to different counting centres and then share the information. Press agencies usually use 'stringers' – reporters who often work for local media and in addition are paid to report to the agency.⁴

Municipal elections in 2003 were held in 33 municipalities and the two authors of this paper established an e-mail election newsletter, with stringers from local media in each municipality and a small editorial office in Maputo. This was under the umbrella of the *Mozambique Political Process Bulletin* which was published from 1992 by the Maputo office of AWEPA (European Parliamentarians for Africa). Despite relatively few correspondents at the start this first election newsletter soon showed that it had better and more integrated coverage than other media.

Meanwhile, the Public Integrity Centre (CIP, Centro de Integridade Pública) had been created in 2005 as a CSO which would use the techniques of

4 Terminology is not consistent, but normally a 'stringer' is a journalist who contributes reports to a news organisation on an ongoing basis but is paid individually for each piece of published. They may be freelance or may be employed by local media and also report for national or international media. A 'correspondent' is often an employee of a media company reporting only for that company. However, the term 'correspondent' is often used more loosely and is more widely understood, so it is used by the newsletter to refer to its pool of journalists.

investigative journalism to report on corruption and misconduct. CIP has become the Mozambique chapter of Transparency International and continues the style of producing readable but accurate reports exposing corruption and conflict of interest. More recently it has investigated relations with transnational corporations involved in the exploitation of gas and other natural resources. It also works with the authorities in drafting anticorruption legislation and supporting Parliament to improve its oversight role.

This watchdog journalism made CIP a natural home for the *Mozambique Political Process Bulletin* and election newsletter, which moved to become part of CIP. Election coverage continued to expand. For the 2014 national elections, there were 150 correspondents covering nearly all districts, plus an editorial office of three people in Maputo. Voter registration, campaigning, voting, and counting were all covered. A total of 77 election newsletters were issued concurrently in Portuguese (the official national language) and English, by e-mail and on Facebook; frequency ranged from weekly during registration to three times on polling day.

The primary target audience was the media and reports were frequently used, with the independent media citing the election newsletter while state-owned media used the material without citing a source. E-mail subscription was free and the list grew to 5 000; as the newsletter was frequently circulated to non-subscribers, readership figures were probably far higher. It became an important source for diplomats writing reports on elections, and for international election observers.

Correspondents

From the start the goal was not only to provide accurate and balanced reports so that the election newsletter became a trusted source, but also to report as quickly as possible. That required a mix of careful selection and training of stringers, active editing, and the creation of an understanding that all articles had to be accurate and verifiable. Whatever the politics of individual journalists and their own radio station or publication, correspondents learned that they were expected to report on all aspects of the electoral process.

An attempt was made to turn the correspondents' pool into a team that would share information. Stringers were encouraged to use their own local reporting, and to draw on the newsletter for a wider national context for their own publications and radio stations.

Selection and training have been particularly important as some correspondents were community radio volunteers without formal media training. As regional coverage increased, it was not always possible to find experienced journalists and as a result some correspondents were teachers, civil society

activists, or workers with international non-government organisations who lack media training. Correspondents were interviewed, selected and then trained by the deputy editor. Those who proved effective as correspondents in an election were invited to continue, and a few have been correspondents in all six elections.

Newsletter correspondents are known and no attempt has been made to conceal their identity, for three practical reasons. First, many of these communities are not large and people's affiliations are well known, so it would be hard to conceal their identity.⁵ Second, it is important to give them access to polling stations and to the district election commission, which means they need to have press credentials for the election. Third, it is important that they make themselves known to party and election officials and the police, so they can make official contacts to ask for information. This also means party officials can contact them with complaints.

Newsletter correspondents must commit to neither standing as a candidate nor becoming active in the campaign of any party. Inevitably this requirement was breached and stringers have been dismissed when strong party links were discovered.

For the most part, the public identity of correspondents has not been a problem. Indeed, local journalists are known and trusted so they are approached by people who have complaints and they have the contacts to verify or refute these claims. In the six elections under consideration there has been only one serious incident compromising the freedom of the press. The correspondent in Mabalane, Gaza province, witnessed and reported a violent incident in which the district administrator, aided by thugs, beat up two market stall holders who had displayed opposition campaign literature (*2009 National Elections* 20, 26 October 2009). The correspondent was arrested for making the report and was released only after high-level intervention by the deputy editor. However, people have been prevented from becoming correspondents; for example in several provinces journalists working for government-affiliated community radio stations⁶ are not allowed to freelance as newsletter correspondents during the election.

Training

Correspondents need training in electoral law and procedures as well as on what to look for, including techniques for spotting misconduct and fraud. Few of the correspondents have any formal journalistic training and their experience is often limited, so part of the training is about basic journalistic skills and how to provide key information – the who, what, when, where, why and how of a

5 An exception is the few journalists in larger cities working for state-owned media who have been allowed to conceal their identity.

6 Run by the government's Social Communications Institute, Instituto de Comunicação Social, ICS.

story. But most of the training is about guaranteeing accuracy and verifiability. Rumour and exaggerated claims are often repeated in social and local media and are a major problem. Reporters are told they must have been present at an event and seen it themselves or have made an effort to verify the facts – for example, where a party spokesperson claims that one of its members has been arrested, the journalist is expected to check immediately with the police. Where a claim cannot be confirmed or refuted it must have a named source, often a party official. A source may be kept secret in exceptional circumstances, but the correspondent must at least identify the source to the editor and explain reasons for believing that the source is credible. The demand for verifiability forces the correspondent to check and thus be able to justify the story to the editor.

Verification is important because of the tendency to exaggerate; opposition parties often say an official has been arrested when there has perhaps been only a verbal argument. The correspondent must check with the police who may respond that no one has been arrested, in which case the correspondent should relay this to the party official. Often the party official will admit that the claim was not true and the police had only shouted at the official. This way the party official learns that he cannot make exaggerated claims to the correspondent. On social media such a claim would never be checked, and this encourages exaggerated claims. One of the most important recent changes has been the availability of smartphones and correspondents now send in pictures as evidence, some of which are published.

Training also highlights particular issues to which the correspondents must pay attention. During the campaign the focus is on violence, the destruction of party posters by opposition parties, and the obstruction of justice. In all these instances correspondents are expected to monitor the neutrality of police and state officials.

The importance of training was underlined in 2014 when the newsletter expanded its correspondents' pool for voter registration. New correspondents were recruited through personal recommendation by telephone and as there was no training prior to the registration period, the performance of the new correspondents was weak. Regional training of these new correspondents took place after registration but before the electoral campaign; subsequently the correspondents' performance correspondents was much improved.

Editing and context

Unlike social media, the election newsletters follow a tight editing procedure. Correspondents submit articles, send text messages⁷ or simply phone the editor and provide information. They are asked to report on serious incidents and

7 The software FrontlineSMS has been used to collect text messages.

problems as well as on normal proceedings. The editor will ask for details, especially with respect to verification, and often ask the correspondent to make further enquiries. The editors may also hear rumours or complaints about events in a particular place and contact the local correspondent asking them to follow up and verify a claim. By 2014 the newsletter had correspondents in almost every district; they in turn were in mobile telephone contact with friends and sources in the area, which considerably expanded their footprint.

Violence and serious incidents grab the normal media headlines, but how common are those problems? Observers in their post-election mission reports try to put incidents into context and suggest the extent of incidents and misconduct. The election newsletter tries to contextualise events within a day or two rather than after the election.

Contextualising events is seen as a central role of the newsletter, and the editors have conducted quick surveys by sending SMS text messages to correspondents. For example, at the start of registration in May 2013 some correspondents reported that voter registration cards could not be printed due to toner cartridges being incompatible with the printer in some areas. The newsletter reported this problem before the electoral authorities were aware of it. Editors also sent out a text message to correspondents to ask how widespread the problem was. The newsletter published lists of registration centres with toner problems as well as others with different problems, and also noted the many registration posts which were functioning normally.

In an overlap between observation and journalism, the newsletter tried to provide a survey of the on-going electoral process with single line or summary reports of those processes running normally. The newsletter was thus able to report that violence did occur but was limited. In contrast, there was widespread and explicitly illegal use of state resources, particularly cars, by the governing party as part of the campaign. As part of the verification demand correspondents were asked to report the registration number of any state cars used, and the newsletter published daily lists of cities and registration numbers of government cars being used in the campaign.

In other instances, problems occurred in specific places. For example, on voting day in Beira in 2014, some polling stations had the wrong electoral register book so could not open.

Finally, correspondents were asked to undertake specific surveys. For example, one hour after polls were scheduled to open on voters' day correspondents were asked to send a text confirming whether polls were open and functioning, and to estimate the length of the queue. Using this information a newsletter was issued in the late morning estimating national turnout and indicating any problem spots. In the early afternoon correspondents again estimated the length of the queue (or

mentioned if there were no queue) and reported on any problems. An afternoon newsletter reappraised the turnout. When polls were due to close correspondents reported on any people still waiting to vote.

After the count at the polling stations the first tabulation took place at district level, which was open to the press for the first time in 2014 following pressure from the newsletter. Correspondents were expected to attend, report on the process, and send in the district results which were used to provide a check on the national tabulation. The reports surprised even the editors, because correspondents reported that as there was no official tabulation procedure each district used a different method, highlighting a major organisational failure.

Providing both surveys and context is one of the most important roles of the newsletter and its correspondents, bridging the gap between media and observation. These allow serious incidents to be contextualised thus indicating whether they are isolated incidents in an otherwise smooth election or are more widespread. A large team also means having a wider perspective to assess the adequacy of responses made by authorities in the capital, Maputo, and the extent to which problems were followed up. Thus, when outlying correspondents reported registration problems with the printing of voters' cards, the Maputo team could follow up on the response and correspondents could then assess whether the problem had been resolved.

Technicalities and Number Crunching

Mozambique has not developed the concept of specialist or sectorial journalists. As a result there are few journalists who regularly cover the electoral process, are familiar with the electoral law or understand the implications of decisions of the National Elections Commission. This is also true of observers and members of civil society, and this lack of insight leads to confusion and unintentional misreporting in the media. In order to address this deficiency, one role of the Maputo editorial team is to report on and interpret actions of Parliament, the election administration and the courts.

Another role of the Maputo team is to assess the statistics, for example by comparing results announced at district and provincial levels with those announced as official at national level and to look for discrepancies. This is important because the National Elections Commission can, and does, make changes to the results in secret and without explanation. Comparison of this kind is the only way to identify such changes, and at present neither observers nor media do this.

Although the election observation team is disbanded at the end of each election, the editor and deputy editor continue to publish as and when necessary,

pushing for legal action in the event of misconduct and parliamentary changes to the electoral law.

IMPACT

This mix of journalism and election observation on the part of citizen journalists has led to both short-term and long-term responses. At the simplest level, reports of the registration numbers of state vehicles used in the election campaigns had a rapid and noticeable response. Some registration plates were simply covered with paper, making it obvious that it was still a state car. One correspondent told us: 'I met a friend who is working in the Frelimo [governing party] campaign, and he told me: "you guys are causing me trouble. I had a phone call this morning from Maputo to say be careful about the cars"'.

Civil rights are often protected by press coverage; for example, the publication of a verified report of the arrest of an opposition party official does seem to speed their release – probably by prompting an official call from senior officials in Maputo.

Publication has been an important factor in curbing the spread of violence. In Gaza province, at the height of the presidential election campaign on 23 and 24 September 2014, the car of opposition presidential candidate Daviz Simango was repeatedly attacked by organised groups. They used bottles, stones and machetes, causing damage and injury – violence which the newsletter was able to confirm and detail. The president of the Elections Commission promptly issued a statement calling the violence 'disgraceful' and requesting party leaders to desist. Frelimo presidential candidate Filipe Nyusi then called on his supporters to stop the violence, which they did (2014 *National Elections* 47 & 48; 24 & 28 September 2014). While the role of the newsletter is impossible to quantify it is highly likely that its credible and unexaggerated reports spurred official action.

In working with civil society, the newsletter played an important role in forcing a re-run of the municipal election in Gurué, Zambézia province. Official results of the 20 November 2013 election showed that Frelimo's mayoral candidate defeated the MDM candidate by 106 votes. But a parallel count indicated that the MDM candidate had won by only 52 votes. The MDM protested; however, it appeared to have been publicity in the newsletter about the parallel count that forced the Constitutional Council to take up the issue. The Constitutional Council investigated and found 'flagrant violations of the law by polling station staff as well as the Zambézia Provincial Elections Commission' and annulled the election. In the rerun on 8 February 2014, which had a higher turnout, the MDM candidate won by 1 427 votes (2013 *Local Elections* 63, 67, 72; 12 December 2013; 23 January 2014; 9 February 2014).

The newsletter's investigative journalism has also been instrumental in changing the electoral law. Mozambique uses paper ballots which are counted in the polling stations immediately after they close. A ballot paper is considered invalid if it has marks for two different candidates, and all invalid ballot papers – typically at least 500 000⁸ – are sent to the National Elections Commission in Maputo to be reconsidered and sometimes accepted. One exception, for example, is when an ink fingerprint has smeared but the voter intent is clear. In the polling station the counting process is slow and can take eight hours or more, and polling stations often have only a single lamp and no electricity. In the 2004 national election, the opposition Renamo party complained to the newsletter that in several polling stations officials in the shadows were invalidating ballot papers for the Renamo presidential candidate by adding an extra inked fingerprint. Checks by the newsletter showed there were polling stations with 10% or more invalid votes, suspiciously high compared to the average of 3%. Newsletter editors in Maputo attended the reconsideration of the invalid ballot papers and found incidents where an entire batch of ballot papers had the same extra fingerprint in exactly the same place, indicating that a group of votes had been invalidated. This was publicised but drew little official reaction. The problem was repeated during the 2009 national election, and this time pictures of improperly invalidated ballots were published (*Mozambique Political Process Bulletin* 31 & 43; 29 December 2004; 18 November 2009). The newsletter showed this to be a serious problem with up to 40 000 opposition votes falsely invalidated and was the only media publication that repeatedly raised this problem, thereby revealing that opposition complaints were justified. When Parliament revised the electoral law in 2012, a change was inserted in the law requiring that all ink be removed from the polling station before the start of the count. That simple change was effective and invalid presidential ballots fell from 4% in 2009 to 3.2% in 2014 (*Mozambique Political Process Bulletin* 43, 52, 56; 18 November 2009; 23 January 2013; 28 November 2014).

IS THIS A REPLICABLE MODEL?

This mix of journalism and election observation has been successful in Mozambican elections in providing a balanced, impartial, timely, accurate and respected observation of three pairs of elections. But it is not clear whether this was specific to that time and place or could be repeated in Mozambique and replicated

8 Full data has not yet been published for the 2014 national election, but the limited results published by the National Elections Commission (CNE) show that 213 014 presidential ballot papers were reconsidered by the CNE in Maputo (4.4% of the total vote) of which 41 635 were considered valid and 171 765 (3.2% of the total vote) were considered as invalid. For Parliament, the total was not published but 264 819 were considered as invalid. In addition, a similar number of ballot papers for provincial assemblies were reconsidered in Maputo, but that number was not given.

elsewhere. The operation of the newsletter depends on the existence of a neutral space in a highly polarised environment; this in turn requires tolerance by the state, the willing participation of an adequate pool of journalists in neutral election coverage, and rigorous central editing.

Acquiescence

Frelimo is the predominant party, from having been a liberation movement, then ruling a one-party state, and subsequently winning all five multi-party national elections. The result is a strong Frelimo party presence in state administration and security services. This has been balanced by allowing a vibrant media – not just independent press, but also space for debate within the state-owned Radio Moçambique and the daily *Noticias*. Thus, the newsletter and its pool of correspondents have been tolerated and allowed to operate, despite criticisms by the government and the electoral administration. In some other countries in southern Africa this would not be possible.

However, even in Mozambique there is a fragile acceptance of and reluctant tolerance for journalists and observers. Mozambique is a large country and power within the party and state is significantly decentralised, leading to a wide variation in attitudes, actions and the amount of latitude allowed. As noted earlier, journalists at state-controlled community radios in Zambézia province were not allowed to freelance as correspondents for the newsletter, but this did not occur in other provinces. In the largest province, Nampula, issuance of observation credentials for members of the Electoral Observatory was delayed by several days and began only after the start of voting; again, this was an isolated occurrence and there were no similar problems elsewhere.

There has, however, been some pressure to close the space for debate. In 2013 Rogério Siteo, the respected long-time editor of the state-owned daily *Noticias*, was dismissed. He was replaced with an explicitly political appointment, a Frelimo local government official with no journalistic experience. After the 2014 national elections there was a campaign against academics noted for public comments critical of government. These included vitriolic Facebook campaigns and two academics were shot dead.⁹ There have been threatening telephone calls to one of the authors of this paper and to his family. Thus, the newsletter can operate in an open way only on the sufferance of the governing party.

⁹ Constitutional lawyer Gilles Cistac was shot and killed on 3 March 2015 and social sciences lecturer José Jaime Macuane was shot and seriously injured on 23 May 2016. Both were at the country's largest university, Universidade Eduardo Mondlane.

Neutrality and Polarisation

A free press and acquiescence sit side by side with deep political polarisation and a complex history. In 1981, six years after independence, Mozambique became victim of a proxy Cold War. The Frelimo government had socialist policies and was supported by the then Soviet Union; the West backed apartheid South Africa to launch a vicious guerrilla war in which one million people died (Hanlon 1996, p. 16). The 1992 peace accord brought multiparty elections in which the South African-supported guerrilla movement Renamo became the main opposition party. Unusually, Renamo is the main opposition party in Parliament but has been allowed to maintain an armed wing, which from 2013 resumed small military actions and attacked road traffic in central Mozambique. Frelimo remains the dominant party and has won all five national elections and control of most municipalities in local elections. The MDM (Mozambique Democratic Movement) broke away from Renamo and became an independent unarmed opposition party in 2009. Divisions are partly, but not completely, regional. The opposition won majorities in the two largest provinces in 2014, but the Frelimo presidential candidate won 44% and 39% respectively in those two provinces.

Frelimo is accused of using its position as the dominant party to tighten control over the state apparatus, which has led civil society and the independent media increasingly to see their role as providing a check on the state. This also affects election observation. A minority of official observers come from the Electoral Observatory and are non-partisan, but most come from organisations that are aligned. Increasingly opposition-aligned civil society observers see their role as watching the election administration for Frelimo bias, and reporting during polling day on Facebook. In turn, there are now Frelimo-aligned civil society observers watching the opposition-aligned observers.

Mozambique is a poor country and civil society (other than religious groups) is largely donor-driven and -funded. This has created two problems. First, high salaries paid by donors mean that officials of local non-government organisations (NGOs) earn more than they would in Europe or the United States, even though Mozambique is poorer. Second, donor fashion is constantly changing, making it harder to build institutions. And it would appear that the current fashion no longer supports neutral institutions and is more inclined to promote polarisation. Public acceptance of the election newsletter depends on its ability to be seen as neutral in a highly polarised environment. It is not clear whether this can continue.

Editing

The *Mozambique Political Process Bulletin* election newsletter is unusual in Mozambique because of the way it combines a large pool of journalists with rigorous central editing. Many journalists see their role as publishing partisan reporting, and the small staff numbers of the independent press make it difficult

to follow up stories. Meanwhile, there is increasing use of social media for unverified and even fake reports. Thus, the newsletter's stress on verification, neutrality and context can only be enforced through tight central editing. This requires the willingness of correspondents to participate in such a system, but that may be easier for local journalists who have gained experience with a more balanced reporting of very local events. Verification and sourcing are important, as is the demand to be even-handed and report complaints relating to both sides.

SATISFYING ELECTION OBSERVATION PRINCIPLES

Two decades ago, in the early days of election observation, a speaker at a Dutch Ministry of Foreign Affairs conference noted that the role of international election observers was most useful in the first elections. This was especially after a violent conflict, when 'the broader democratic process requires "monitors of democracy", but this role is best left to local actors, notably independent media'. However, she continued by noting that 'governments – not only in Africa – have a tendency to dismiss media as "irresponsible" and therefore not very relevant to the democratic process' (van Kessel 2000, pp. 72-3). This is still the situation, with international observers who rarely cooperate with the local media and observers who are consistently briefed not to talk to the press or to post on social media. In his survey of domestic election observation, Max Grömping (2017, p. 414) specifically defines domestic observers as 'non-state, non-profit, non-partisan and non-media'.

The election newsletter challenges this position. Its goal is to make journalists a responsible and relevant part of the democratic process and especially of election observation. Although it was never a specific goal, the stress on neutrality, accuracy and central editing and publication means that the newsletter satisfies the Global Network of Domestic Election Monitors (2012) *Declaration of global principles for non-partisan election observation and monitoring by citizen organizations*, and in some respects does so better than conventional observers.

That *Declaration* and its linked Code of Conduct contains nothing to prevent the inclusion of journalists as non-partisan observers. There are two relevant sections of the Code. One is that observer bodies will 'report impartially, accurately and timely all observations and findings, both positive and negative, with sufficient documentation of all serious problems to permit verification of the events, and with sufficient documentation of positive aspects of the process to provide an impartial and accurate picture of what took place'. The other is that observer bodies will 'maintain strict non-partisanship, by remaining politically neutral in all activities concerning the election process', and 'work independently of government in support of a genuine democratic election process, without regard to who wins or loses'. These accord very closely with the procedures followed by the election newsletter.

The question of media arises in the Election Monitor Pledge contained in the *Declaration of Global Principles*. Monitors promise that: 'I will refrain from making any personal comments about my observations to the news media or members of the public before the election observation/monitoring organization makes a statement, unless specifically instructed otherwise by the organization's leadership'. That fits closely with election newsletter rules. Journalists are never allowed to speak or write personally as observers or correspondents of the newsletter; they must report to the newsletter editors and the newsletter publishes its own verified report. What is perhaps unusual is that pool correspondents are, according to the rule, 'specifically instructed' to also report for their own media but only as a writer for that media. This distinction is maintained in that they cannot speak for the newsletter as only the editors may do so. At the same time, as journalists they are encouraged to use their material to write for their own website, magazine or community radio, but always in their own name and never as a spokesperson for the newsletter.

Finally, the *Declaration of Global Principles* contains one section which most observer groups ignore. This commits observer groups to 'issue regularly to the public (including electoral stakeholders) accurate, impartial and timely reports, statements and releases that present fact-based analysis, observations and findings'. Failure to do so is the main gap in both international and domestic monitoring, whereas the Mozambique correspondents' pool and newsletter has been able to issue regular, accurate, impartial and timely reports.

Newsletter correspondents never register as observers but always as journalists. However, a tacit recognition has grown of the newsletter's de facto dual status, and there have been closer links and information sharing with domestic and some international observer groups.

CONCLUSION

In Mozambique, international observer missions are small. In many cases they are on site for only short periods, lack local knowledge and report after the election. Their focus is often a brief press conference at the end of the mission, which gives a simple thumbs up or thumbs down. Detailed reports are frequently critical, but by the time of publication the president will have been installed in office and the report shelved and ignored. For these reasons there has been a move to domestic observation. Mozambique's domestic Electoral Observatory has had better coverage than international monitors, and the PVT has proved particularly important for domestic verification; but the Observatory also reports only after the election. Media and partisan domestic observation groups report quickly but with few checks on accuracy or context.

Conventional election observation in Mozambique does serve an important verification function but fails to influence the immediate conduct of the election because of its delays. It reports only after the election and fails to improve electoral conduct because reports are rarely read or used. Media and partisan domestic observation also has limited influence because of the assumption of bias.

The *Mozambique Political Process Bulletin's* local correspondents pool and election newsletter has attempted to fill important gaps in election observation by bringing together journalistic and observation skills and processes, and by providing accurate information in context during the entire electoral process. This involves four different periods of reporting:

- Firstly, with the Maputo team following the process of changing the laws in each electoral cycle.
- Secondly, detailed and verified coverage of registration, campaigning and voting which involves a large team of correspondents. This is the most high-profile period for the newsletter, but reporting cannot stop at this point.
- Thirdly, reporting on and analysing the confirmation of the election by the Constitutional Council which takes place more than six weeks after the vote, when all observer teams are disbanded. At this point the Constitutional Council often changes the results and make critical comments.
- Finally, and equally important is the follow-up. This requires checking and comparing numbers to look for changes made in secret by the National Elections Commission. It also involves analysing the results for evidence of fraud, campaigning for election re-runs when fraud is obvious, and providing technical input on proposed law changes.

Media is part of civil society but having this special link in which the newsletter is embedded in a civil society organisation, has links to election observation, and obeys observer rules, increases the immediate and longer-term impact of both media and civil society.

The question arises as to whether this experience is specific to the three pairs of Mozambique elections (2003-4, 2008-9 and 2013-4), or is more broadly applicable. The Mozambican experience depends on having community radio and local journalists willing to participate, government acquiescence, and a structure to provide editorial coordination. There are probably few other places where this example could be replicated.

The broader lesson is that it is possible to use a pool of correspondents and central editing to combine journalism and election observation techniques in order to fill the gaps in election observation.

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VOTING RIGHTS OF INTERNALLY DISPLACED PERSONS IN NIGERIA'S 2015 GENERAL ELECTIONS

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ABSTRACT

The study examines the extent to which Nigeria's electoral body complied with existing legal frameworks on Internally Displaced Persons' (IDP) voting during the 2015 general elections. The existing legal frameworks in question consist of two international frameworks which Nigeria adopted, and two domestic frameworks. The United Nations Guiding Principles on Internally Displaced Persons, and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, otherwise known as the Kampala Convention, are the two international frameworks. The domestic legal frameworks include the 1999 Constitution (as amended) and the Electoral Act 2010 (as amended). Data for the study was generated through interviews with officials of the electoral body of Nigeria. This was complemented by documentary evidence based on secondary sources, including Nigeria's election reports, the Electoral Act 2010, the 1999

Constitution of the Federal Republic of Nigeria, and other relevant materials. Data were analysed using content analysis rooted in logical deduction. The result of the data analysis shows that the handling of the voting rights of IDPs in Nigeria's 2015 general elections by the electoral body contravened all the existing legal frameworks that guide IDP voting. The study therefore recommends that a system of electronic voting should be introduced in Nigeria to enable all eligible Nigerians, including IDPs, to vote in whichever part of the country they are resident at the time of the election.

INTRODUCTION

Since the introduction of the electoral principle in 1922, Nigeria's electoral laws have been deficient in ensuring the electoral rights of all adult Nigerians who have attained the voting age of 18 years. The Clifford Constitution of 1922 introduced the elective principle but restricted elections to Lagos and Calabar only. This restriction meant that only four Nigerians – three from Lagos and one from Calabar – were elected onto the legislative council (Okereka 2015). Under this constitution, franchise was further restricted to male Nigerians with a minimum gross income of US\$100 annually (Aghalino 2006). A further condition was the residential qualification of one year in either Lagos or Calabar (African Heritage 2012). The implication of the above is that franchise was granted only to Africans who must have been residents of either Lagos or Calabar for at least one year, and who had a minimum gross income of US\$100 annually. Subsequent constitutional amendments broadened the electoral space, but it was not until 1979 that Nigeria's Constitution granted the right to vote and to be voted for to all Nigerians who had attained the age of 18, irrespective of economic status and gender. Thus, the first time women in northern Nigeria were allowed to participate in elections was in 1979 (Azinge 1994).

The quality of elections is measured not only by the extent to which the franchise is guaranteed and elections are impartially administered for the majority of voters, but also by accommodations to enfranchise voters who are marginalised in the polity. The 1979 Constitution that introduced the universal adult suffrage in Nigeria, and subsequent electoral laws, failed to accommodate all eligible voters. Voters with special needs are often neglected when these electoral laws are designed. In other words, electoral laws in Nigeria often disregard the need for special provisions to facilitate voting by citizens who are elderly, disabled, or live in remote locations. More importantly, these laws have often failed to accommodate citizens who have been displaced from their homes or their places of residence due to conflicts, natural disasters, and other sources of dislocation. Thus, as the 2015 general elections in Nigeria drew closer, the upsurge in the

number of displaced persons and the fact that there were no legal provisions to guarantee their electoral rights became an issue. Enfranchising these displaced voters was one of the biggest challenges that confronted Nigeria in the run-up to the 2015 general elections.

Francis Deng was the United Nations' first Special Rapporteur on the Human Rights of Internally Displaced Persons. In his introductory note to the *Guiding Principles on Internal Displacement* he defined internally displaced persons as 'persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries' (UNHCR 1998, p. 1). In the same vein, the Internal Displacement Monitoring Center (IDMC), a leading source of information and analysis on internal displacement and part of the Norwegian Refugee Council (NRC), defined internal displacement as a situation in which persons or groups of persons have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border (IDMC 2015b; UNHCR 1998). This implies that the causes of internal displacement are multifaceted, complex and often over-lapping. In Nigeria specifically, internal displacement has been caused by intercommunal clashes fuelled by ethnic and religious tensions; flooding; urban renewal/state-sponsored evictions by both federal and state governments; and fear of electoral violence. However, the highest singular cause of displacement in Nigeria after the floods of 2012 is insurgency orchestrated by the Islamist Boko Haram, mainly in the north-eastern states of Adamawa, Borno and Yobe. The activities of this group have not only left thousands of people dead, but have also left even more homeless as many have been displaced from their residences. IDMC (2016) estimated that there were about 2 152 000 IDPs in Nigeria as of 31 December 2015. This figure is based on an assessment conducted from November to December 2015 by the International Organization for Migration (IOM) Displacement Tracking Matrix (DTM) team in 207 Local Government Areas (LGAs) covering 13 states in northern Nigeria. According to the same IDMC report, of these 2 152 000 IDPs in Nigeria, 12.6% (271 152 IDPs) were displaced due to communal clashes, 2.4% (51 648 IDPs) were displaced by natural disasters, and 85% (1 829 200 IDPs) were displaced as a result of insurgency attacks by the Islamist Boko Haram.

These numbers are significant in any electoral contest, since they could make the difference between either winning or losing an election. More importantly, displaced persons have equal rights to those of every other citizen to participate in the electoral activities of their countries. The need to protect these rights and the

fact that there were no legal instruments that specifically provided for IDP voting in Nigeria compelled the Independent National Electoral Commission (INEC), Nigeria's elections management body, to resort to international protocols that guide IDP voting and some sections of domestic law (which granted franchise to all eligible citizens) to administer IDP voting in the country. This study, therefore, assesses the extent to which INEC complied with these existing international and domestic requirements in the conduct of the 2015 general elections.

PROBLEM STATEMENT

Before the 2015 general elections, management of the humanitarian crisis caused by the surge in the number of IDPs was a serious issue for the government and its agencies. The provision of shelter, healthcare, and rehabilitation was a huge challenge; so too was preventing and addressing the causes of displacement in the first place. The immediate priorities of IDPs then were food, water, health, shelter, protection, security, and sanitation. To address these challenges, the government provided 17 temporary IDP camps in Adamawa state and another ten in Borno state by December 2014 (Ibeanu 2015). These camps were located in churches, mosques, schools and other public places. Relief materials and drugs were sent frequently to these camps by government agencies such as the National Emergency Management Agency (NEMA), State Emergency Management Agencies (SEMAs) and other humanitarian agencies. However, as the 2015 general elections drew closer, the voting rights of IDPs were also elevated to being equally important, and formed part of the topical issues that engaged stakeholders. There were concerns that a significant number of registered voters might be disenfranchised owing to the fact that they had been displaced from their homes/wards where they registered to vote. Before the 2015 general elections, IDP voting was alien to Nigeria's political and electoral lexicon because the country had not experienced prolonged displacement of this magnitude in the past. This was captured by Ibeanu (2015, p. 20) when he noted that it was the proposed gubernatorial by-election in Adamawa State that 'brought the full magnitude of the IDP challenge in the electoral process to the attention of the Commission for the first time'. According to Ibeanu, the large number of IDPs in Adamawa State convinced INEC of the need for urgent response to the situation, otherwise a significant percentage of registered voters would be disenfranchised.

The attention of the National Assembly was also drawn to the debate on whether IDPs would vote in the 2015 general elections or had been disenfranchised as a result of having been displaced from where they had registered to vote. The Senate in particular considered an amendment to the Electoral Act 2010 (as amended) to make provision for IDPs to vote in their respective camps nationwide

through a proposed insertion of Section 42 (2) into the Electoral Act. The insertion of this sub-section into the Electoral Act would have given a legal backing to IDPs voting in Nigeria. However, the bill was later stalled at its second reading in December 2014 as the Senate was of the view that a resolution employing INEC to use all administrative mechanisms within the Electoral Act to ensure that IDPs of adult age exercise their franchise in time of general elections would be more effective (PLAC 2015). Hence, on 16 December 2014, Senate directed its Committee on INEC to liaise with INEC to establish special polling units for IDP victims of insurgency in the north-east (CLEEN Foundation 2014). Consequently, INEC established a task force on how to get the IDPs to vote during the elections. One important recommendation of the task force was that special voting centres should be set up for the IDPs in the north-east. Thus, weeks before the elections, Attahiru Jega, then INEC chairman, gave the assurance that these special centres would not only be set up, but also that they would be used for the distribution of Permanent Voters Cards (PVCs) to the IDPs. To allay the fears of the opposition that these camps (with the voting centres) would be hijacked by the parties in power in those states, the Chairman of INEC confirmed that these centres would not be set up inside the IDP camps (African News 2015).

As arrangements were being put in place to ensure that the IDPs in the north-eastern part of the country were not disenfranchised, INEC announced that registered voters fleeing their present abode to return to their states of origin for fear of outbreak of violence during and after the general elections would not be allowed to vote in their home states (Nweje 2015). This seems to be the problem, especially considering that no other reason was adduced by INEC for taking such a decision except that of convenience, and the fact that IDPs in the three states of Adamawa, Borno and Yobe were more accessible because most of them lived in camps. According to the definition of internally displaced persons, those people who fled from their abode qualify as IDPs because they have been forced or obliged to flee or to leave their homes or places of habitual residence. This is particularly as a result of, or in order to avoid the effects of armed conflict; situations of generalised violence; violations of human rights; natural or human-made disasters; and who have not crossed an internationally recognised state border.

Why then was arrangement made for some IDPs to exercise their franchise while others were denied such rights? According to INEC, those people who registered and obtained their Permanent Voters Cards (PVCs) in one part of the country but fled to another could only return to the place of registration if they wished to vote. Those in question feared that there might be a repeat of the painful experience of the post-election violence of 2011, where dozens of people were killed, many more injured, and several houses and vehicles were either destroyed or burnt. This fear was exacerbated by the threats issued during the

campaigns, especially in the north where hate speech was the order of the day. The presidential candidate of the opposition All Progressives Congress (APC) openly threatened violence if the elections were rigged. In order to escape the violence that was palpable, especially in the northern part, most southerners residing in the north resolved to go back to their home states for safety and to vote there. This was despite the fact that they had registered to vote in the north.

The question that arises from the foregoing is: based on extant laws, were the voting rights of the IDPs in Nigeria adequately protected during the 2015 general elections in the country? Against this background the study examines the extent to which INEC complied with the relevant legal frameworks that guide IDP voting in the conduct of the 2015 general elections in Nigeria. The findings show that to a large extent, INEC did not comply with the legal frameworks that guide IDP voting in the administration of the 2015 general elections in Nigeria.

METHODOLOGY

The study relied on both survey and documentary methods. First, to generate data from the survey, unstructured interviews were used. To augment these interviews, Focus Group Discussions (FGD) were also used. Here, the opinions of experts knowledgeable about IDP voting were sampled. We restricted our respondents to the most senior INEC officials that worked in the three IDP voting states of Adamawa, Borno and Yobe. There were two of these officials in each of these states: a chief administrative officer in charge of logistics (deployment of ad hoc staff and voting materials) and another in charge of operations and elections monitoring. Purposive sampling technique was used to select only the chief administrative officers in charge of operations and elections monitoring. We adopted this technique because we intended to concentrate on those who had been in the field as election monitors and were best suited to assist with relevant information. As a result, they had first-hand information on the administration of IDP voting in the three IDP voting states. The essence of the entire interview exercise was to corroborate or cross-match the documentary evidence in order to arrive at the facts of our study. Many of the issues raised in the study, especially as regards to reasons for not extending the franchise to IDPs in the southern part of the country, were based on the FGD and interviews. The FGD and interviews also afforded the authors insight into options available for INEC in subsequent elections regarding IDP voting. In particular, those interviewed suggested that electronic voting would go a long way to solving the problems encountered in the 2015 IDP voting exercise. Second, we also relied on secondary data generated by the documentary method. These included data collected from external sources such as official documents which include INEC's 2015 General Elections Report, other institutional reports, text books, journals, conference papers, magazines,

the internet, and studies from civil society organisations (CSOs) and other stakeholders in the election.

In order to analyse the data, content analysis rooted in logical deduction was used. This means sifting through and retrieving meaningful information from the mass of data we gathered from the interviews, books, documents, journal articles, conference papers etc., then systematically reducing them to a logical, meaningful and coherent interpretation, and on that basis drawing our inferences and conclusions.

VOTING RIGHTS OF IDPS IN THE 2015 GENERAL ELECTIONS AND EXISTING LEGAL FRAMEWORKS FOR IDP VOTING

This section examines the extent to which INEC complied with the relevant legal frameworks guiding IDP voting with a view to determining whether it infringed on the voting rights of IDPs in Nigeria. There are two such international frameworks: the *United Nations Guiding Principles on Internally Displaced Persons*, 1998 and the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, 2007 otherwise known as the Kampala Convention. There are also two such domestic legal frameworks: the *1999 Constitution of the Federal Republic of Nigeria* (as amended) and the *Electoral Act 2010 of the Federal Republic of Nigeria* (as amended). As regards the voting rights of the IDPs, they include, but are not limited to: the right to vote and to be voted for (Nigerian 1999 *Constitution* 77[2], 117[2]; Nigerian *Electoral Act 2010* 12[1]; *Kampala Convention* 9[2] [1]); right to freedom from discrimination in the political process (*Guiding Principles* 1[1], 22[1d]); right to voluntary return to former places of habitual residence (*Guiding Principles* 15[d]; *Kampala Convention* 11[2]); and right to replacement of documents lost during displacement (*Guiding Principles* 20[2]; *Kampala Convention* 13[3]).

IDP Voting Rights, the United Nations Guiding Principles, and the Kampala Convention

The *Guiding Principles* is one of the two most comprehensive frameworks that have shaped current international standards on IDPs. They were developed as a response to the growing global challenge of internal displacement. Ibeanu (2015) has articulated the different stages of global population displacement from 1648 to 2015. In response to the changing character of the global problem of population displacement, in 1992 the then United Nations Secretary General, Boutros Boutros-Ghali appointed Francis Deng as the Representative of the UN Secretary General on Internally Displaced Persons, with a mandate to compile international standards comprising the normative framework for addressing internal displacement. The result was the *Guiding Principles on Internal Displacement*,

which was presented to the UN Commission on Human Rights in 1998 (Brookings Institution 2008). These principles reflect, and are consistent, with international human rights law and international humanitarian law. They restate in greater detail guarantees relevant to the displaced that are implicit in the more abstract prescription of these bodies of law.

Although the *Guiding Principles* have yet to metamorphose into a global convention, they have over the years acquired political, if not legal force. Since their promulgation, they have been accorded almost universal recognition as the normative departure point for dealing with displacement. The Brookings Institution (2008, p. 3) has noted that the heads of states and governments assembled in September 2005 in New York for the World Summit recognised the *Guiding Principles* as an ‘important international framework for the protection of internally displaced persons’, an endorsement reiterated by the General Assembly on several occasions. In addition, the African Union, the Organization of American States, and the Council of Europe have called upon their member states to use the *Guiding Principles* and incorporate them into their domestic laws and policies (Brookings Institution 2008). The *Guiding Principles* formed part of the legal frameworks considered by INEC in the administration of IDP voting during the 2015 general elections in Nigeria (Ibeanu 2015; INEC 2015b). Table 1 below shows the provisions of the *Guiding Principles* that provide for the voting rights of IDPs.

Table 1
Provisions of the Guiding Principles on the Voting Rights of IDPs

Principle	Provisions
1(1)	IDPs shall enjoy in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
15(d)	Internally displaced persons have the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.
20(2)	The authorities concerned shall issue IDPs all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one’s area of habitual residence in order to obtain these or other required documents.
22(1)(d)	IDPs, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of . . . the right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right.

29(1)	Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall... have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
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Source: UNHCR (1998). *Guiding Principles on Internal Displacement*

Mooney and Jarrah (2004) have argued that it was important to include in the *Guiding Principles* the provisions listed in Table 1 for protecting the voting rights of IDPs, because it had been determined that these rights were routinely at risk of being violated in situations of internal displacement. It is in this light, therefore, that we analyse INEC's handling of the voting rights of IDPs in the 2015 general elections vis-a-vis the provisions of the *Guiding Principles*.

First, Principle 1(1) of the *Guiding Principles*, which could be termed the principle of non-discrimination, was not adhered to in the conduct of the 2015 general elections. There was an official discrimination against IDPs from other parts of the country as only IDPs in Adamawa, Borno and Yobe states were accommodated in the special arrangements INEC made to ensure that IDPs were not disenfranchised during the 2015 general elections. Second, Principle 15(d) provides that IDPs cannot be forcibly sent back to the troubled areas where their life, safety, liberty and/or health would be at risk. In this regard, there was clear violation of the *Guiding Principles* in INEC's insistence that other IDPs who were no longer within the three states, or those displaced in other states, and most importantly, those preventively escaping from anticipated electoral violence, must return to those areas where they registered if they wished to vote. This affected mainly southerners who fled from the north either as a result of insurgency or in anticipation that violence might break out during the elections, as was the case in previous elections. They were technically denied the right to vote because they could not risk their lives by returning to the same area from which they escaped, only in order to vote. Third, Principle 22(1) (d) of the *Guiding Principles* provides that IDPs, whether or not they are living in camps, shall not be discriminated against. But one of the reasons advanced by INEC for concentrating the arrangements in the north-east alone was that of convenience and accessibility: IDPs in the affected states were mostly in camps and could be easily accessed. The implication of such an arrangement is that IDPs in those three states who were neither living in camps nor close to voting centres (which had been established where there was a large concentration of IDPs) were also disenfranchised. The National Emergency Management Authority (NEMA) (2015) has noted that only 12% of the IDP population in Adamawa State and 18% of IDPs in Borno State lived in camps or camp-like settings by the end of 2014. This means that a larger

percentage of IDPs who were scattered among host communities and who did not live close to voting centres were disenfranchised, in violation of the *Guiding Principles*. Tables 2 and 3 show IDPs living in different camps and their population in Adamawa and Borno States.

Table 2
IDPs in Camps in Adamawa State (December 2014)

S/N	Name of Camp	Location	Population
1	Girei	Girei LGA	3 000
2	NYSC Camp	Damare Area, Girei LGA	5 382
3	Malkoli Camp	Malkoli Ward, Yola South LGA	892
4	St. Theresa Catholic Church	Luggere Ward, Yola North LGA	5 034
5	State Polytechnic	Karewa Ward, Yola North LGA	468
6	Cocin Church	Kofare Area, Yola North LGA	97
7	Daware	Fufore LGA	1 540
8	Malkoli Village	Malkoli Ward, Yola South LGA	319
9	Bekaji A&B	Karewa Ward, Yola North LGA	387
10	Karewa	Karewa Ward, Yola North LGA	1 564
11	Nyako Housing Estate	Wuro Jebbe Area, Yola South LGA	1 232
12	Girei 1 (Transit Camp)	Girei LGA	1 074
13	Low Level Water Board	Jimeta, Yola North LGA	600
14	Yola Central Mosque	Yola North LGA	4 253
15	Izala Mosque Jam Block	Jimeta, Yola North LGA	1 230
16	GSS Numan	Numan LGA	1 432
17	Ganye	Ganye LGA	315
	Total		28 819

Source: Ibeanu (2015, p. 32)

Table 3
IDPs in Camps in Borno State (December 2014)

S/N	Name of Camp	Location	Population
1	Yerwa GGSS	Bama and Damboa	8 567
2	NYSC Camp	Bama and Damboa	10 234
3	Government College Maiduguri	Gwoza	17 689

4	Arabic Teachers College	Askira/ Uba and Gwoza	8 176
5	Government Girls College, Maiduguri	Bama	6 532
6	Women's Teachers College, Maiduguri	Bama	4 289
7	Sanda Kyarimi Day Secondary School	Ngala and Dikwa	10 451
8	CBDA Headquarters	Marte, Ngala and Dikwa	10 975
9	Teachers Village	Ngala, Mobbar and Gubio	10 342
10	E.Y.N. Church	Gwoza	10 349
	Total		97 604

Source: Ibeanu (2015, pp. 32-33)

The two tables above indicate that there were 126 423 IDPs in 27 camps in Adamawa and Borno States (there were no camps in Yobe State at the time). This figure, though electorally significant, is small when juxtaposed with the over one million registered voters in the affected areas of the three states. In other words, fewer than 127 000 IDPs living in camps, plus a few others living close to special voting centres, were enfranchised. Meanwhile, there were over one million registered voters in the troubled areas of these three states. When IDPs in other states are added, the number of disenfranchised IDPs, that is those not living in camps, becomes very large (about 2 152 000 going by IDMC [2016] estimates). This is in clear violation of the *Guiding Principles* 1(1) and 22(1) (d). Meanwhile, Adamawa State had 34 voting centres, Borno State had sixteen, and Yobe State had two (Ukaibe 2015). These few centres could not have adequately taken care of all the registered voters who were displaced in the three states. Apart from the discrimination against other geopolitical zones of the country, some states in the north-east with insurgency-induced displaced persons were also discriminated against. Table 4 below shows the six states of the north-east with the number of internally displaced persons as at February 2015.

Table 4
Total IDPs Population (North-East) by Current Location (as at February 2015)

Current Location	IDPs Individuals	IDPs Households
Adamawa	220 159	25 807
Bauchi	60 555	9 881
Borno	672 714	76 842

Gombe	24 655	3 335
Taraba	74 125	11 599
Yobe	135 810	21 893
Total	1 188 018	149 357

Source: NEMA (2015, p. 3)

Of the six states in the region listed in Table 4 above, Bauchi, Gombe and Taraba with a total IDP population of 159 335 were completely neglected in the arrangement. Fourth and finally, Principle 20(2) of the *Guiding Principles* provides that the authorities concerned shall issue IDPs with all documents necessary for the enjoyment and exercise of their legal rights without imposing unreasonable conditions. Meanwhile, there is a provision in Section 13(2) of the *Electoral Act* 2010 (as amended) stipulating that a voter who intends to transfer his registration to another constituency must do so not less than 30 days before the date of the election and that the application must be accompanied by the applicant's voter's card. While this provision/condition was relaxed or waived for the IDPs in the north-east, those from the other geopolitical zones were not given the waiver – in total disregard of the *Guiding Principles*. In particular, there is only a remote possibility that IDPs fleeing from threats to their lives would remember to take their voter's card along with them. Therefore, the condition that the application for transfer must be accompanied by the voter's card makes it all the more difficult for IDPs to exercise their franchise.

As regards the Kampala Convention, Article 1(k) of the Convention defines internally displaced persons as persons or group of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border. The Convention is the world's first continental instrument that legally binds governments to protect the rights and wellbeing of people forced to flee their homes by conflict, violence, disasters and human rights abuses (IDMC 2014). The Convention was adopted on 23 October 2009 and came into force on 6 December 2012. Nigeria signed the Kampala Convention on 23 October 2009, and ratified same on 17 April 2012. However, the Nigerian Government has not domesticated the Kampala Convention in accordance with Section 12(1) of the 1999 Constitution. Nevertheless, since Nigeria has signed and ratified the Convention, Nigeria is bound by it (Ibeanu 2015). As with the UN *Guiding Principles*, the Kampala Convention also provides for the electoral rights of IDPs (see Table 5 below).

Table 5
Provisions of the Kampala Convention on the Voting Rights of IDPs

Article	Provisions
9(1)(a)	States parties shall protect the rights of internally displaced persons regardless of the cause of displacement by refraining from, and preventing...discrimination against such persons in the enjoyment of any rights or freedoms on the grounds that they are internally displaced persons.
9(2)(l)	States parties...shall take necessary measures to ensure that internally displaced persons who are citizens in their country of nationality can enjoy their civic and political rights, particularly public participation, the right to vote and to be elected to public office.
11(2)	States parties shall enable internally displaced persons to make a free and informed choice on whether to return, integrate locally or relocate by consulting them on these and other options and ensuring their participation in finding sustainable solutions.
13(2)	States parties shall ensure that internally displaced persons shall be issued with relevant documents necessary for the enjoyment and exercise of their rights, such as passports, personal identification documents, civil certificates, birth certifications and marriage certificates.
13(3)	States parties shall facilitate the issuance of new documents or the replacement of documents lost or destroyed in the course of displacement, without imposing unreasonable conditions, such as requiring return to one's area of habitual residence in order to obtain these or other required documents. The failure to issue internally displaced persons with such documents shall not in any way impair the exercise or enjoyment of their human rights.

Source: UNHCR (2009). *Kampala Convention*

The provisions of the Kampala Convention listed in Table 5 above are drawn directly from the UN Guiding Principles. In other words, the two documents complement each other in their provisions for the electoral rights of IDPs. From the analysis thus far, it is clear that INEC's handling of the voting rights of IDPs in the 2015 general elections clearly contravened the provisions of the *UN Guiding Principles* and the *Kampala Convention*.

IDP Voting Rights and the Constitution of the Federal Republic of Nigeria 1999 (As Amended)

The Nigerian 1999 Constitution (as amended) is one of the two domestic legal frameworks that shaped the conduct and administration of the 2015 general elections in Nigeria. The Constitution did not make any specific provision for IDP voting, but in several sections of the Constitution (Sections 77, 117, 132, and 178), provisions were made for all eligible Nigerians who had attained the age of 18

years to register and vote during elections. These provisions do not discriminate against any eligible Nigerian, as the Constitution itself provided in Section 42(1) that a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person, be subjected to restrictions to which other citizens of Nigeria are not made subject, or be accorded any privilege or advantage that is not accorded to other Nigerians. In other words, internally displaced persons and other disadvantaged groups shall not be discriminated against, or accorded undue advantage in the exercise of their voting rights simply because of their prevailing status as displaced persons. They shall enjoy what other Nigerians enjoy, and be denied what other Nigerians are denied. Table 6 below shows the provisions of the 1999 Constitution which guarantee the right to vote to all eligible Nigerians, including IDPs.

Table 6
Provisions of the 1999 Constitution (as amended) on the Voting Rights of Eligible Nigerians

Section	Provisions
77(2); 117(2)	Every citizen of Nigeria, who has attained the age of eighteen years residing in Nigeria at the time of registration of voters for purposes of election to a legislative house, shall be entitled to be registered as a voter for that election.
132(5)	Every person who is registered to vote at an election of a member of a legislative house shall be entitled to vote at an election to the office of President.
178(5)	Every person who is registered to vote at an election of a member of a legislative house shall be entitled to vote at an election to the office of Governor of a State.

Source: Federal Republic of Nigeria (1999)

Table 6 above indicates that every eligible Nigerian who has attained the age of 18 years shall be entitled to register and vote during elections. These provisions also apply to IDPs irrespective of their status as displaced persons. The 1999 Constitution does not discriminate against IDPs. But in the administration of the 2015 general elections, some IDPs from some sections of the country were discriminated against even when they were duly registered to vote. As arrangements were being made for IDPs in the three north-east states of Adamawa, Borno, and Yobe, INEC announced that for the sake of the 2015 general elections, IDP voting would be restricted to those states. This deprived IDPs from other states from exercising their franchise, even when the 1999 Constitution had guaranteed such right to vote. Though it is an incontrovertible fact that these three states were the most affected by insurgency, and as a result had the highest

number of displaced persons (as shown in Table 4 above), other states such as Bauchi and Taraba also had large numbers of displaced persons. Also, if data on the number of southerners displaced from the north as a result of insurgency and electoral violence had been available, it would have made INEC's reasoning for concentrating only in the north-east untenable. In addition, the argument that the choice of only these three states was because IDPs were living in clusters in camps and camp-like settlements, was unacceptable. NEMA (2015) and Ibeanu (2015) observed that before the 2015 general elections, there were no IDP camps in Yobe State; yet, there was IDP voting in this state.

From the foregoing, it is evident that to a large extent INEC's handling of the voting rights of IDPs in Nigeria's 2015 general elections did not comply with the provisions of the 1999 Constitution (as amended). IDPs in other states (especially those in the southern part of the country) could not vote, even when they had registered to vote prior to their displacement. In addition, while IDPs in the three states of Adamawa, Borno and Yobe were given the opportunity to re-register in order to vote, such opportunities were not extended to IDPs in other states.

IDPs Voting Rights and the Electoral Act 2010 (As Amended)

Just as with the 1999 Constitution, the Electoral Act 2010 had no provisions specifically protecting the right to vote of displaced persons or making specific provisions to ensure such voting. The National Assembly, whose duty it was to enact these laws, made attempts to incorporate IDP voting into the amendments being proposed before the elections. Thus, on 19 November 2014, a bill was introduced in the Senate seeking to amend Section 42 of the Electoral Act 2010 in order to establish polling units for IDPs in their respective camps. The bill, cited as the Electoral Act 2010 (Amendment) Bill 2014, was meant to establish polling units for eligible voters who had been forced to flee from their homes by the terrorist group Boko Haram. The bill sought to amend Section 42 of the Electoral (Amendment) Act 2010 by inserting subsection 42(2) to ensure that IDPs were able to exercise their right to vote in the 2015 elections. The amendment to Section 42 of the Electoral Act 2010 stated that 'The Commission shall establish Polling Units for Internally Displaced Persons (IDPs) in their respective camps nationwide' (PLAC 2014). However, the bill was later stalled at its second reading in December 2014, as the Senate was of the view that a resolution employing INEC to use all administrative mechanisms within the Electoral Act 2010 to ensure that IDPs of adult age exercised their franchise in time of general elections would be more effective (PLAC 2015). Hence, on 16 December 2014, Senate directed its Committee on INEC to liaise with INEC over the possibility of enfranchising IDPs. Subsequently, INEC set up a task force on IDP voting. Table 7 below shows

sections of the Electoral Act 2010 (as amended) that provide for the voting rights of eligible Nigerians, including eligible IDPs.

Table 7
Provisions of the Electoral Act 2010 (As Amended) on the Voting Rights of Eligible Nigerians

Section	Provisions
12(1) (a) (b) (c) (d) (e)	A person shall be qualified to be registered as a voter if such a person: is a citizen of Nigeria; has attained the age of 18 years; is ordinarily resident, work in, originate from the Local Government Area Council or Ward covered by the registration centre; presents himself to the registration officers of the Commission for registration as a voter; and is not subject to any legal incapacity to vote under any law, rule or regulation in force in Nigeria.
13(1)	A person who before the election is resident in a constituency other than the one in which he was registered may apply to the Resident Electoral Commissioner of the State where he is currently resident for his name to be entered on the transferred voters' list for the constituency.
13(2)	An application under Subsection (1) of this Section shall be accompanied by the applicant's voter's card and shall be made not less than 30 days before the date of an election in the constituency where the applicant is resident.
58	No person shall be permitted to vote at any polling unit other than the one to which he is allotted.

Source: Federal Government of Nigeria (2010).

Before the other conditions as stipulated in paragraphs (c) to (e) of Section 12(1), the Electoral Act 2010 (as amended) firstly granted the right to register and vote to all Nigerians (paragraph [a]) who have attained the age of 18 years (paragraph [b]). It did not preclude IDPs from exercising this right. As much as this right was granted to some IDPs in the north-east, the same right was denied to the majority of other IDPs, especially those from the southern part of the country. Section 58 of the Electoral Act 2010 stipulates that no person shall be permitted to vote at any polling unit other than the one to which he/she is allotted. This seemed to have provided an alibi for INEC to deny the right to vote in the 2015 general elections to those who escaped insurgency and electoral violence in the north and returned to their home states in the south. But this argument cannot be sustained since Senate had already mandated INEC to use all administrative mechanisms within the Electoral Act 2010 to ensure that IDPs were not disenfranchised. This was based on the Senate's directive that IDP voting was made possible in the north-east.

Since it was possible in the north-east, why was it not possible in other parts of the country? This disenfranchisement of other IDPs gave credence to the belief in some quarters that the entire IDP voting arrangement was tailored towards giving an undue advantage to the presidential candidate of the opposition All Progressives Congress, who had a large following in the north, especially as the INEC chairman also hails from the north. The argument is thus that the Electoral Act 2010 did not only fail to make adequate protection for IDP voting, but also that the inability to apply relevant provisions of the Electoral Act 2010 resulted in discrimination against the voting rights of IDPs, especially those from the southern part of the country.

Section 13(1) and (2) of the Electoral Act 2010 provides the conditions which a prospective voter, intending to vote in a constituency other than where she or he has registered, has to meet before her or his registration is transferred. But as noted earlier, the process is cumbersome, and for a person fleeing danger, thinking about voting would be the least of his/her problems. Moreover, INEC itself announced before the polls that it was at that time encumbered with the distribution of permanent voters' cards, and as such, there would be no time to entertain applications for transfer of registration, thereby sealing the fate of those who might have wanted to do so. If INEC had wanted to apply Sections 13(1) & (2) and 58 of the Electoral Act 2010 strictly, IDPs in the north-east would not have voted. In the first place, they voted in constituencies other than where they registered (in violation of Section 58 of the Electoral Act 2010). Secondly, these IDPs could not have made formal applications to INEC for their registrations to be transferred to the camps where they voted, given the circumstances under which they were displaced. Enfranchising these IDPs also violated Section 13(1) and (2) of the Electoral Act 2010. From the foregoing analysis it is also evident that INEC's handling of the voting rights of IDPs in the 2015 general election to a large extent contravened the provisions of the Electoral Act 2010 (as amended). Nevertheless, it is also important to note that INEC had some challenges implementing all the necessary mechanisms needed to ensure that IDPs were enfranchised.

First, 2015 was the first election in which Nigeria allowed for IDP voting so there was no existing structure for such an exercise.

Second, the preparation for the IDPs voting did not commence on time. It was after the INEC management team visited Adamawa State in preparation for the governorship by-election in the state that the Commission became aware that many Nigerians would be disenfranchised if there was no urgent action to incorporate IDPs into the voting arrangement.

Third, pooling resources to cater for all IDPs scattered all over Nigeria was complex, since INEC's budget had been approved long before the issue of IDP voting was considered.

Having examined the four legal frameworks that shaped the conduct and administration of IDPs voting in the 2015 general elections in Nigeria, and given the available empirical evidence, we establish that INEC failed to conform to the relevant provisions of these legal frameworks regarding IDP voting.

INADEQUATE PROVISION FOR IDP VOTING IN THE 2015 GENERAL ELECTIONS

Thus far, the study has demonstrated that to a large extent INEC did not comply with the relevant provisions of the legal instruments guiding IDP voting in Nigeria's 2015 general elections. This resulted in the disenfranchisement of several IDPs who had registered to vote during the elections. While some of the IDPs voted, particularly in the three IDP states of the north-east, several were disenfranchised, especially in the southern part of the country. These included southerners who were escaping danger and returning to their states of origin. The official reason given by INEC for inadequate provisions for IDP voting hinged on issues relating to the lack of institutional capacity, costs and logistics. As already noted above, there were challenges regarding the implementation of all necessary mechanisms for IDP voting. This was corroborated by the INEC staff that were interviewed, who posited that there was no existing structure for such an exercise since 2015 was the first time IDP voting would take place in Nigeria. Also, enfranchising all IDPs in the country seemed problematic because there was paucity of data regarding their number and location. Substantial resources and time would be required for this and INEC was constrained on both, since IDP voting was not originally budgeted for.

However, there was another school of thought, especially amongst southerners. They believed that the main reason why INEC's arrangement for IDP voting did not include southerners in particular, was to disenfranchise the many southerners who returned from the north before the elections. The People's Democratic Party (PDP) candidate, then incumbent President Goodluck Jonathan, had a large support base in the south (being a southerner himself), and the assumption was that the majority of southerners living in the north (who had to return to the south to escape post-election violence likely to occur in the north) would vote for him. This school of thought believed that INEC's announcement that those preventively fleeing from anticipated electoral violence would not be allowed to vote in their new location, was meant to give undue advantage to the presidential candidate of the then opposition All Progressives Congress (APC). This was because the APC had a large following in the north especially given the fact that the INEC chairman also hails from the north. Though there is no data on how many people in the south were affected, it is generally believed

that the number was high enough to change the electoral outcome. Southerners, especially the Igbo of the south-east, had a large representation in the north, and they returned in droves prior to the elections.

The argument above seems superior to the one offered by INEC. The reason for this position is based on the fact that since INEC was able to get IDPs both in camps and those close to the camps in the north-east to vote in areas where they had not registered, there was no basis for asking those in the south to return to the places where they registered in order to vote. Secondly, if the extra costs were the issue, Nigeria's National Assembly had supplementary budgets from government ministries, departments and agencies; if personnel/capacity was the case, INEC has always depended on ad-hoc staff to execute elections in Nigeria. The Commission could have recruited more ad-hoc staff both for the planning and actual conduct of the IDP voting.

ELECTRONIC VOTING

Electronic voting (or what is commonly known as e-voting) refers to a system of voting through electronic means, or which is technology-based. E-voting 'is often seen as a tool for making the electoral process more efficient and for increasing trust in its management' (International IDEA 2011, p. 1). Electronic voting is a system in which the casting, counting and recording of votes in elections and referendums involves information and communication technologies. E-voting solutions, when they are well implemented, can increase the security of the ballot and make voting easier. Electronic voting also ensures more accurate results as human error is substantially eliminated. To a large extent, e-voting also protects the electoral process against fraudulent practices by politicians, speeds up the process of collating election results, and in the long term could reduce the cost of conducting elections, by at least eliminating shipment costs. More importantly, for countries faced with the problem of internal displacement, electronic voting solves the problem of disenfranchisement that could arise from displacement because it allows eligible voters to vote regardless of their location at the time of elections. In other words, it encourages the electoral participation of eligible voters who might have relocated from the areas where they originally registered to vote. Thus, in countries where e-voting is practised, the geographical location of voters at the time of the elections is immaterial, as they can vote anywhere – that is, anywhere in the country concerned. However, some advanced countries have also introduced internet or online voting. This enables even those citizens who are resident in foreign countries to vote during their national elections. The United States of America introduced this system in 2000 (Kelleher 2013). Norway piloted internet voting in its 2011 local elections after several years of system development

and pre-testing (Gjosteen 2013). Kenya also used electronic voting in their 2017 presidential elections. Kenya's electoral body introduced a system known as Kenya Integrated Elections Management System (KIEMS) whose aim was to make sure that the election was secure and transparent. KIEMS was to hold data on voter and candidate registration, voter verification and result transmission. The KIEMS tablets were configured to reject entries that exceeded the voter turnout in respective polling centres, making it impossible to cast more votes than the station was allowed. The system was capable of transmitting the text results and the results declaration form that is scanned (Kamau 2017).

However, electronic voting is not without its challenges. In countries that are not technologically advanced, and coupled with (or compounded by) concerns of forced migration, e-voting attempts could result in disaster. In such countries, the system could create several problems capable of discrediting the exercise, and thereby undermining confidence in the entire electoral process. In countries such as Nigeria where the illiteracy level is high, many eligible voters might be disenfranchised owing to their inability to understand the technology and how it is used. As a corollary to the above, e-voting systems therefore require vigorous, additional voter education campaigns, which cost more time and money. There is also the risk that the system could be manipulated by people with privileged access to the system, or by hackers from outside. In other words, politicians who are desperate to win elections could compromise those whose duty it is to manage the system. Therefore, large-scale electoral fraud and manipulation by a small group of people is highly likely. Finally, the additional cost of purchasing and maintaining electronic voting systems increases the financial burden of elections.

CONCLUSION AND RECOMMENDATIONS

From the data at our disposal, the research findings reveal that INEC's handling of the voting rights of IDPs in the 2015 general elections in Nigeria was inconsistent with the extant global legal frameworks that guide IDP voting. Such legal frameworks include the United Nations Guiding Principles on IDPs; the Kampala Convention; the 1999 Constitution (as amended); and the Electoral Act 2010 (as amended). Therefore, to a large extent INEC did not comply with the existing global legal frameworks on IDP voting in the conduct of the 2015 general elections in Nigeria. Based on the above findings, the study makes the following recommendations:

INEC should, as a matter of urgency, introduce the system of electronic voting in Nigeria. This is one of the recommendations suggested by the INEC staff who were interviewed. Though electronic voting is not entirely free from corrupt manipulation by officials and politicians, it will go a long way towards minimising

disenfranchisement resulting from the location of the electorates during elections. Therefore, this system will enable all eligible Nigerians to vote in whichever part of the country they are resident at the time of the election. It will settle issue of disenfranchisement based on residency requirements. It is good news that the Nigerian Senate has already given legal backing to electronic voting by passing the Electoral Act 2010 (Amendment) Bill 2017 which incorporates electronic voting.

The National Assembly should amend the necessary sections of the electoral laws to provide for IDP voting. The fact that there were no laws that expressly supported IDP voting in the 2015 general elections limited INEC's capacity to deliver. Whenever an election is about to take place in Nigeria, there is always a review of the extant electoral law by the National Assembly. The idea is to improve on the laws following the experiences of the previous election, especially the hitches encountered therefrom. Presently, a review of the 2010 Electoral Act (as amended) – which was used for the 2015 elections – is in progress. INEC should leverage on this and liaise with the National Assembly to ensure this bottleneck is removed by getting IDP voting enshrined in the electoral act. In addition to this, some of the international conventions and statutes on political participation of IDPs, which Nigeria has ratified, should be domesticated and incorporated in the national laws.

Finally, the federal government of Nigeria and INEC should ensure that in subsequent elections, IDPs in other parts of the country are also allowed to vote. Certainly, this would require more rigorous planning and costs in terms of funds and personnel. Government should, therefore, empower INEC by providing more funding to enable the commission to recruit and train more ad-hoc staff during the elections. Arrangements for this should start long before the elections so that there would be enough time for planning, unlike the recent incidents involving with IDPs during the 2015 general elections. Having been enabled both in terms of legal provisions and funding, the onus would then lie with INEC to ensure that all eligible Nigerians vote in subsequent elections irrespective of where they are resident at the time of the elections.

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ETHNICITY AND ELECTION OUTCOMES IN NIGERIA

Interrogating the 2015 Presidential Election

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ABSTRACT

The objective of this paper is to investigate the effects of ethnicity on the outcome of the 2015 presidential election in Nigeria. In order to achieve this, the descriptive-statistical analysis of the official election results released by the country's Election Management Body (INEC) as well as a historical analysis of past presidential elections in Nigeria was adopted. The findings revealed that the major contestants received bloc votes from their various states and geo-political zones. This indicated that candidates appealed to ethnic sentiments to garner votes. The policy implication of this scenario includes the fact that ethnic bloc voting destroys inter-ethnic accommodation and efforts at nation building. It is, however, recommended that efforts should be intensified towards providing a compelling statutory set of principles for nation building and national integration which will in turn guarantee the peaceful co-existence for people of diverse ethnic backgrounds.

Keywords: ethnicity, voting behaviour, elections, rational choice, ethnic bloc voting

INTRODUCTION

Periodic free and fair elections constitute one of the most significant institutions of liberal and participatory democracy. Elections involve a democratic process of choosing who governs a particular group, society or state. As a critical aspect of democracy elections can take different forms depending on what the polity in question deems appropriate for use (Robert & Obioha 2005). However, Ujo (2008) makes the distinction between elections and voting. He asserts that election is an umbrella word with a wide coverage that includes other activities before, during and after voting. These activities include planning, voter registration, constituency delimitation, arrangement of the polling stations, polling procedure, vote counting and announcement of results. However, voting is the actual process in which individual choice is made from various alternatives.

The extent to which elections contribute to the development and sustenance of democracy, particularly in those that are new and developing, is largely dependent on factors which influence the electorates in making their choice. Studies have been conducted to show the interplay of electoral choice and ethnic structure (Norris & Mattes 2003; Glaeser 2005; Posner 2006). These studies demonstrate that African elites often manipulate ethnic cleavages to win elections, thereby showing that election results in African countries usually follow ethnic lines.

Nigeria is undoubtedly one of the most heterogeneous countries in the world. With a population of over 186 million (Worldometers 2015), Nigeria is also the most populous black nation with over 250 ethnic groups and several sub-groups (Olayode 2015, p.13). Despite these characteristics, the country's political scene is dominated by three major ethnic groups, namely Yoruba, Hausa and Igbo. Other sub-groups exist but are regarded as minorities. The existence of sub-groups among the large and dominant groups raises the fear of dominance of the minority groups by the major ethnic groups. Consequently, politics is played by these ethnic groups and sub-groups in such a manner as to maintain the domination by the majority groups or to prevent and resist domination by the minority groups.

Presidential elections in post-colonial Nigeria have always generated tensions, anxieties and controversies, particularly among the electorate. This is connected to the fact that electioneering periods are characterised by hate speeches which in most cases have an ethnic undertone. In particular, the 2015 presidential election in Nigeria generated more tension and controversies than ever before. Apart from being held in a period of insecurity largely orchestrated by the Boko Haram sect, the 2015 general elections have been described as the most competitive election to be held in post-colonial Nigeria. It was claimed that prior to the elections there had been increasing tension between the north and the

south. This was attributed to what the northerners saw as a golden opportunity to reclaim the presidency which, in their opinion, would reverse the perceived economic marginalisation of their region (Olayode 2015, p. 3).

All these factors aggravated the traditional ethnic, regional and religious cleavages which have characterised Nigerian politics since independence (ibid.). This is the background to an examination of the extent to which ethnicity influenced the outcome of the 2015 presidential election in Nigeria. The study uses both a descriptive statistical analysis of election data provided by the Independent National Electoral Commission and an analysis of historical and empirical data. Data was analysed through the use of tables to ascertain the effect of ethnicity on the voting behaviour of the electorate and consequently on the election outcome. This paper has four sections. The first part contains the introduction which provides a generic background to the study and the methodology adopted in the study. The second part consists of a conceptual exposition of ethnicity and voting behaviour as well as the theoretical framework. The third section contains an overview of the 2015 presidential election and an analysis of results, and the fourth section discusses these results. The final section considers the implication of ethnic bloc voting on democratic advancement.

ETHNICITY AND VOTING BEHAVIOUR: A CONCEPTUAL EXPOSITION

Ethnicity

In contemporary heterogeneous societies ethnic group affiliation gives each member of that society an ethnic identity. Ethnicity, like any other social science concept, has several definitions. According to Afkhami (2012, p. 6) 'ethnicity describes a collective identity and is based on the assumption that a collectivity has its roots in common ancestry, heritage, religion, culture, nationality, language and a territory'. To Nnoli, (1978, p. 5) ethnicity is a social phenomenon associated with interactions among members of different ethnic groups.

These definitions suggest that ethnicity is characterised by social-cultural phenomena including ancestral descent, culture and norms and the feeling of nationhood. This suggests that ethnicity can only exist in heterogeneous societies. In a more radical approach, Enloe (1978, p. 33) conceived of ethnicity as 'an as unreal, an artificial basis of identification and collective organisation, conjured up by outsiders looking for an efficient instrument of political and economic control'. To Azeez (2009, p.2) ethnicity is a strategic weapon chosen by a disadvantaged group as a new mode of seeking political redress, or by a privileged group in order to protect its advantages. In similar vein, Oladiran (2013, p. 698) suggests that the phenomenon of ethnicity should be expected in any situation where a

group of people, irrespective of size and with distinct cultural and linguistic qualities from other groups, uses a feeling of oneness as a medium to interact with others (Edlyne 2000 cited in Oladiran, 2013 p. 698). Put succinctly, ethnicity can be defined as the feeling of oneness and solidarity of a group based on socio-cultural phenomena such as language, norms, tradition and ancestral origin which distinguish this group from others.

Voting Behaviour

One of the effective means through which citizens in a democratic dispensation take part in the governance process is through casting votes in elections. It is the most distinguishing political tool possessed by citizens to ensure that government responds to their needs. Gordon (1998) observed that voting is the principal mode of participating in politics and that the specialised study of voting behaviour is one of the most developed sub-fields in political science.

Voting behaviour thus refers to factors that determine the manner in which a particular group of people vote for a specific political party or candidates in elections (UK Essays 2013). It can also describe that form of electoral behaviour which explains how and why decisions are reached by public decision makers, or how a voter make his or her choice of candidate in elections.

Chronology of Ethnic Politics and Election Outcomes in Nigeria

The start of ethnic politics in Nigeria can be traced to the emergence of political parties and party politics made possible by the Clifford Constitution of 1922. Consequently, the first political party to be established was the Nigerian National Democratic Party (NNDP). Other political parties which emerged after this were based on ethnicity. Oladiran (2013, p. 699) observes that during this period the seed of ethnic politics was sown, germinating in the First Republic and then spreading to subsequent republics. In pre-independence Nigeria party politics and the formation of political parties assumed an ethnic colouration. Prominent parties of the pre-independence era and the First Republic emerged from ethno- and socio-cultural organisations in the country. The National Council of Nigeria and the Cameroon (NCNC), later renamed National Council of Nigerian Citizens, was led by Dr Nnamdi Azikiwe; the Northern People's Congress (NPC) led by Sir Ahmadu Bello was an offshoot of a Hausa socio-cultural group called Jamiyar Mutanen Arewa (association of the people of the north).

Similarly, the Action Group led by Chief Obafemi Awolowo developed from a Yoruba socio-cultural organisation called the Egbe Omo Oduduwa

(the association of the descendants of Oduduwa, the mythical ancestors of the Yoruba). The National Party of Nigeria drew the bulk of its membership from the northern part of the country. In a similar vein, the Action Group drew most of its support from the western region. Other parties which existed included the Northern Elements Progressive Union (NEPU) led by Aminu Kano, the United National Independence Party (UNIP), the United Middle Belt Congress (UMBC) led by Joseph Tarka, the Bornu Youth Movement (BYM) and the Dynamic Party (DP). All these political parties championed ethnic courses and drew membership from their ethnic bases. What aggravated the politics of ethnicity in the pre-independence era was the adoption of the principle of regionalism as contained in the Richards Constitution of 1946 (Oladiran 2013, p. 700). This led to the association of major political parties with the major ethnic groups and the three regions, i.e. Western, Eastern and the Northern regions. The tensions and conflict generated by ethnic politics and the acrimony between political parties led to a breakdown of law and order and consequently the premature termination of the country's first attempt at democracy.

In an attempt to ensure that political parties registered to contest elections in the Second Republic did not emulate those of the First Republic, the then military government included a clause for the registration of political parties in the 1979 Constitution. This clause stated that political parties willing to be registered should have a national outlook and national spread. This was to ensure that membership of political parties in the Second Republic should not be drawn from their ethnic bases alone but should include members beyond these ethnic boundaries. Consequently, the following five political parties were registered to contest the Second Republic general elections: Unity Party of Nigeria (UPN), the National Party of Nigeria (NPN), Great Nigeria People's Party (GNPP) Nigerian People's Party (NPP) and People's Redemption Party (PRP). These parties were copies of the First Republic political parties. The Unity Party of Nigeria was a derivative of Action Group and was led by Chief Obafemi Awolowo, while the National Party of Nigeria emerged from the remains of the First Republic Northern People's Congress. The Nigerian People's Party was led by Dr. Nnamdi Azikiwe and the Great Nigeria People's Party (GNPP) by Ibrahim Waziri. The People's Redemption Party also adopted the nature and character of the First Republic political parties. These parties were described as old wines in new bottles because their forms and ideology were no different from those of the First Republic (Adamolekun 1983, p. 73). Consequently, Second Republic elections were characterised by the same politics of acrimony and ethnic grudges which characterised First Republic politics. This was reflected in the result of the 1979 presidential election results presented in Table 1 below.

Table 1
State by state result of the 1979 presidential election

State	Registered voters	NPN	UPN	NPP	GNNP	PRP	TOTAL
Anambra	2,601,548	163,164	9,053	1,002,082	20,228	14,500	1,209,028
Bauchi	2,084,059	623,989	29,960	47,314	154,218	143,202	998,683
Bendel	2,376,410	242,320	356,381	57,629	8,242	4,939	669,511
Benue	1,563,413	411,648	13,864	63,097	42,993	7,277	538,879
Borno	2,753,400	246,778	23,885	9,642	384,278	46,385	710,968
Cross River	2,442,227	425,815	77,775	50,671	100,105	6,737	661,103
Gongola	2,284,500	227,057	138,561	27,856	217,914	27,750	639,138
Imo	3,465,198	101,516	7,335	999,636	34,616	10,252	1,153,355
Kaduna	3,420,839	596,302	92,382	65,321	190,926	447,771	1,381,712
Kano	5,174,447	243,643	14,960	11,041	18,468	907,136	1,195,248
Kwara	1,085,163	190,142	140,006	1,830	20,251	2,376	354,605
Lagos	1,811,973	59,515	681,762	79,320	3,943	3,824	828,364
Niger	1,040,753	287,072	14,155	4,292	63,273	14,555	383,347
Ogun	1,603,004	46,358	689,655	2,343	3,974	2,338	744,668
Ondo	2,422,714	57,361	1,294,666	11,752	3,561	2,509	1,384,788
Oyo	4,520,120	177,999	1,197,983	7,732	8,029	4,804	1,396,547
Plateau	1,618,378	190,458	29,029	296,666	37,400	21,852	548,405
Rivers	1,409,472	499,114	71,114	98,754	15,025	3,212	687,751
Sokoto	3,756,139	898,994	34,102	12,499	359,021	44,977	1,349,593
Total	47,433,757	5,688,857	4,916,651	2,822,523	1,686,489	1,732,113	16,846,633

Source: *Nigerian Muse* (2006) Note: 48,279 votes rejected in Plateau

This table lists votes won by the major political parties in the 1979 presidential election. Out of a total number of 47 433 757 registered voters, the NPN Presidential candidate, Alhaji Shehu Shagari (from Sokoto in North West Nigeria), emerged as winner with a total of 5 688 857 votes. A critical observation of the election result reveals that the NPN presidential candidate received most of his votes from the geo-political zones of North West, North East and North Central. The UPN presidential candidate, Chief Obafemi Awolowo, from the South West, came second with 4 916 659 votes, receiving a substantial portion of his votes from the South Western states of Ogun, Ondo, Oyo, Lagos and the Mid-Western state of Bendel. The NPP presidential candidate, Dr. Nnamdi Azikiwe (Anambra) came third with 1 764 762 votes. This party received a large portion of its votes from the South-East states of Anambra and Imo and South-South states of Rivers and Cross Rivers. However, despite the clause in the Constitution guiding against the registration of sectarian parties, political parties still had strong ties and appeals to their ethnic affiliations. This election attracted criticism from all quarters due to the fact that the Supreme Court delivered a controversial decision on the winner of the election, Alhaji Shehu Shagari. This was based on a questionable mathematical theory introduced to determine the winner instead of the use of an electoral college as provided for in the Constitution (Nwolise, 2007).

The 1983 presidential elections were contested by six political parties. These included the five political parties which contested the 1979 general elections together with the newly registered National Advance Party (NAP) headed by Chief Tunji Braithwaite. The second phase of the First Republic was short-lived as it was terminated by a military coup led by General Ibrahim Babangida. The presidential election on 12 June 1993, which would have ushered in a new democratic dispensation, was truncated before the election results could be announced. The ethno-political dimension which characterised the elections of the First and Second Republics again manifested in the 1999 general elections. This time there were three parties, namely: the All Peoples Party (APP), the Alliance for Democracy (AD) and the People's Democratic Party (PDP). The APP was seen to be dominated by the Hausa-Fulani, while the AD was identified with the Yoruba tribe and was seen as a reincarnation of the Unity Party of Nigeria (UPN). The dominance of this party was felt mainly in the south-western states where it won all the gubernatorial seats. Only the PDP won a pan-Nigeria mandate as it was able to win seats in all six geo-political zones. In 2003 the PDP maintained its leadership when it won the presidential election, returning the then-incumbent President Chief Olusegun Obasanjo as the president-elect for the second time. Ethnic politics during this period was downplayed as the AD, which in the previous election had a firm grip of the six South West states, lost five states to the PDP. These includes: Ekiti, Ogun, Ondo, Osun and Oyo. The party was however able to retain Lagos state. The 2007 general elections were described as the worst to be conducted in post-independence Nigeria. According to Egwu, Leonard, Matlosa, and Smith (2008) 'widespread malpractice occurred throughout all stages of the elections, with failures in the late delivery of voting materials, late commencement of polls in most of the states, ballot box stuffing, allocation of votes where voting did not take place, falsification of votes, deliberate denial of election materials to perceived strong-holds of the opposition, and other such action'. These downplayed other factors which might have influenced the election outcome.

The result of the 2011 presidential election revealed the influence of ethnicity on the outcome of the election. Though the presidential election was won by Acting President Goodluck Jonathan, he had fewer votes in the northern part of the country though Oladeji (2015, p. 22) noted that the only exception occurred in Borno state. This was 'due to the general perception of citizens of the state that the state had suffered so much and lacked much of federal presence simply because they have always been in opposition' (ibid.). The major contestants in the election were Goodluck Jonathan who was the flag bearer of the PDP, Muhammadu Buhari who represented the Congress for Progressive Change (CPC), Nuhu Ribadu of the ACN and Shekarau for the All Nigerian People's Party (ANPP). Tables 2 and 3 below illustrate the geo-political summary of presidential election results.

Table 2
2011 Presidential Election Result in the Southern Geo-Political Zone

Geo-Political Zone	Jonathan (PDP)	Buhari (CPC)	Ribadu (ACN)	Shekarau (ANPP)
South-West	2 786 417	321 609	1 369 943	30 906
South-East	4 985 246	20 225	25 577	20 357
South-South	6 118 608	49 978	144 141	11 026
Total South	13 890 270	391 922	1 539 601	62 289

Source: Authors compilation with data from INEC (2011)

Table 3
2011 Presidential Election Result in the Northern Geo-Political Zone

Geo-Political Zone	Jonathan (PDP)	Buhari (CPC)	Ribadu (ACN)	Shekarau (ANPP)
North-West	3 395 724	645 3437	146 216	612 514
North-East	1 832 622	3 624 919	84 273	198 837
North-Central	3 123 126	1 612 999	306 684	40 175
FCT	253 444	131 576	2 327	3 176
Total North	8 351 472	11 691 355	537 173	851 553
Total Country	22 495 187	12 214 853	2 079 101	917 012

Source: Authors Compilation with data from INEC (2011)

*Registered Voters 73 528 040; Total Votes (Voter Turnout) 39 469 484; Invalid/Blank Votes 1 259 506; Total Valid Votes 38 209 978 (Osimen & Ologunowa, 2013, p. 51)

Tables 2 and 3 above reveal that Goodluck Jonathan of the PDP, who hails from Bayelsa in the South-South region, emerged as winner of the 2011 presidential election with 22 495 187 votes. It is, however, important to note that he polled 13 890 270 votes in the southern region. This accounts for 62% of the total votes he polled in the southern region of the country which comprises the South-West, South-East and South-South. He was followed by the CPC Presidential candidate Muhammadu Buhari from Katsina state in North-West geo-political zone. Buhari came second with 12 214 853 votes of which 11 691 355 were in the north alone, accounting for more than 90% of the total number of votes he won in the entire nation.

It is equally worthy to note that CPC flag bearer Muhammadu Buhari received most of his votes in the northern part of the country which serve as his

base, compared with 391 922 votes which he won in the southern zone. Nuhu Ribadu of the ACN and Ibrahim Shekaru of the ANPP polled 2 079 101 and 917 012 votes respectively. This result indicates the impact of ethnicity on the voting pattern of the electorate during the election. The announcement of the results triggered unprecedented post-election violence in the northern part where Buhari had overwhelming support, particularly in the North-East and North-West. The supporters of the CPC presidential candidate believed that the election was rigged in favour of the incumbent president Goodluck Jonathan. Despite the fact that the 2011 general elections were described by both local and international observers as free, fair and credible, the outcome of the presidential election portends the danger of ethnic bloc voting in future. According to Jameel (2011) the results of the election exposed the ethnic and religion schism in the country. This was explained as follows:

Elections in Nigeria are not necessarily about issues but about ethnicity, religion and regionalism. It is the first time in Nigeria's recent history (Fourth Republic) that the election result has exposed the huge division between the Muslim north and Christian south. Incumbent Goodluck Jonathan had won in nearly all southern states, which are predominantly Christian except for one (Osun), while his main challenger Muhammadu Buhari won in the Muslim north-east and north-west. This election, described by international observers as the most successful for decades, seems to be compounding the country's regional and ethnic divisions.

Jameel, 2011

Ethnic Voting Behaviour and the Rational Choice Theory

The Rational Choice Theory (RCT) is one of the major theories explaining and predicting the socio-political and economic tendencies of human behaviour. This theory tends to explain human behaviour as being based on logical and explicable principles. According to Bakalova (2013, p.104) 'RCT offers a formal analysis of the process of rational decision-making under the assumption that individuals are capable of making reasoned choices based on their goals and beliefs'. Downs (1957) popularised the RCT when he applied the theory to electoral behaviour and party competition.

The basic assumptions of the RCT as espoused by Turner (1991) are that human beings act purposively in order to archive certain set goals, and that human beings have sets of hierarchically ordered preferences or utilities. In the

political context, the rational choice theory of ethnic bloc voting assumes that 'a voter tends to vote for a party candidate who is a member of the same ethnic group because of the higher probability that the candidate will keep his or her political promises to members of their own ethnic community and because of the lower costs of communicating with a candidate of one's own community' (Lander & Copeland 1995, p. 436). The assumption here is that 'voters belonging to a particular ethnic group are more likely to vote for candidates belonging to the same ethnic group especially if the ethnic group is small relative to other ethnic groups, than other voters' (ibid.).

The theory sees political parties in democratic politics as being similar to entrepreneurs in a profit-seeking economy. In order to achieve their aims, they formulate policies they believe will gain the most votes, just as entrepreneurs produce whatever products they believe will gain the most profits for the same reason (Ajiboye 2015). This implies that there is a relationship between ethnicity and voting behaviour. In demonstrating the nexus between ethnicity and voting behaviour Horowitz (1993) offered an explanation of the relationship between ethnicity, party systems and voting behaviour in developing societies. According to him 'ethnicity exerts a strong direct impact on electoral behaviour in ethnically-segmented societies, through generating a long-term psychological sense of party loyalty anchoring citizens to parties, where casting a vote becomes an expression of group identity. By implications, other social divisions become subsumed as secondary to ethnicity' (Horowitz 1993, p. 19).

This particular scenario, in the view of Horowitz (1985 p. 293) brings about what is known as ethnic parties. He defined ethnic parties as 'those that derive their support from an identifiable ethnic group and serve the interests of that group'. According to him, 'to be an ethnic party, a party does not have to command an exclusive hold on the allegiance of group members. It is how that party's support is distributed, not how the ethnic group's support is distributed' (ibid.).

According to Bratton, Bhavnani and Chen (2011, p. 1) scholars have described ethnicity as the predominant organising principle of society and politics. Horowitz (1985, p. 293) for instance, perceives the psychological relationship between certain ethnic groups and political parties in ethnically-segmented society to mean that ethnicity has 'a direct and unidirectional impact on political behaviour'. Consequently, he sees elections in such highly polarised countries as mere ethnic census that decides the numerical strength of such ethnic groups. To buttress Horowitz's view, Posner (2005) posits that sub-national groups expressing solidarity seek to elevate leaders from their own cultural background into positions of power, especially that of top executive, thereby gaining collective representation. Ethnicity is widely held to be the major variable influencing political behaviour in Africa.

Much as the rational choice theory of ethnic voting behaviour is crucial and applicable to the study of ethnic bloc voting, particularly in heterogeneous societies, this theory has come under criticism. It has been criticised for ‘mathematising the obvious’ (Roskin 2016). In searching for universal patterns, the theory is considered to have ‘ignored important cultural contexts, which thus rendered it unable to predict much of importance’. It has also been criticised on the grounds that the choices the theory sought to explain appeared rational only in retrospect (Roskin 2016). Despite these criticisms, the rational choice theory has remained a tenable model for explaining human behaviour and has reached an unrivalled position among theoretical models that explain human behaviour. According to Monroe (1991) this prominence cuts across all social science disciplines.

THE 2015 PRESIDENTIAL ELECTION RESULT: ANALYSIS AND DISCUSSION

Prior to the 2015 presidential election, INEC Chairman Attahiru Jega promised to announce the results within 48 hours after the close of polls. According to the European Union Election Observation Mission (2015, p.1) ‘the presidential collation process was completed within four days, with the declaration of results and certificate of return given to the winning candidate on 1 April’. The early commencement of the collation and prompt announcement of the result gave credence to the vote collation and counting process. The total number of registered voters for the 2015 presidential election was 67 422 005; the total number of accredited voters was 31 746 490, and the total number of votes cast was 29 432 083. The total number of valid votes stood at 28 587 564 while the total number of rejected votes was 844 519 (Independent National Electoral Commission, 2015). Table 4 below shows the result of the presidential election result on state-by-state basis.

Table 4
State by State Results of the 2015 Presidential Election

S/N	State	APC (Buhari)	PDP (Jonathan)
1.	Abia	13 394	368 303
2.	Adamawa	374 701	251 664
3.	Akwa-Ibom	58 411	953 304
4.	Anambra	17 926	660 762
5.	Bauchi	931 598	86 085
6.	Bayelsa	5 194	361 209

S/N	State	APC (Buhari)	PDP (Jonathan)
7.	Benue	373 961	303 737
8.	Borno	473 543	25 640
9.	Cross-River	28 368	414 863
10.	Delta	48 910	1 211 405
11.	Ebonyi	19 518	32 653
12.	Edo	208 469	286 869
13.	Ekiti	120 331	176 466
14.	Enugu	14 157	553 003
15.	Gombe	361 245	96 873
16.	Imo	133 253	559 185
17.	Jigawa	885 988	142 904
18.	Kaduna	1 127 760	484 085
19.	Kano	1 903 999	215 779
20.	Katsina	1 345 441	98 937
21.	Kebbi	567 883	100 972
22.	Kogi	264 851	149 987
23.	Kwara	302 146	132 602
24.	Lagos	792 460	632 327
25.	Nasarawa	236 838	273 460
26.	Niger	657 678	149 222
27.	Ogun	308 290	207 950
28.	Ondo	299 889	251 368
29.	Osun	383 603	249 929
30.	Oyo	528 620	303 376
31.	Plateau	429 140	543 615
32.	Rivers	69 238	1 487 075
33.	Sokoto	671 926	152 199
34.	Taraba	261 326	310 800
35.	Yobe	446 265	25 526
36.	Zamfara	612 202	144 833
37.	FCT	146 399	157 195
	TOTAL	15 424 921	12 853 162

Source: Authors compilation with data from INEC (2015)

From Table 4 above it can be deduced that the APC Presidential candidate Muhammadu Buhari won 15 424 921 votes which accounted for 54% of the total valid votes cast. The PDP presidential candidate and then incumbent Goodluck Jonathan won 12 853 162 votes, which accounted for 45% of the total valid votes cast. APC candidate Buhari, having satisfied the requirement of the Constitution and having scoring the highest number of votes, was declared winner and sworn in as the President and Commander-in-Chief of the armed forces of the Federal Republic of Nigeria. It is, however, important to note from the table that each candidate scored the highest number of votes per state from the three states located within the geo-political zone from which they each come. Muhammadu Buhari scored 1 127 760 votes in Kaduna, 1 903 999 votes in Kano and 1 345 441 votes in Katsina, amounting to a total of 4 377 200 votes. His opponent on the other hand received 953 304 votes in Akwa-Ibom, 1 211 405 votes in Delta and 1 487 075 votes from Rivers states respectively. These totalled 3 651 784 votes. This implied that Buhari secured approximately 28% of the total votes he won from only three states within the North-West geo-political zone, including his home state of Katsina.

In a similar vein, Goodluck Jonathan received 28% of the total votes he won from three states of the South-South geo-political zone. This can be described as the result of ethnic and territorial bias, and can be better understood by a breakdown of the state-by-state result of the presidential election into that of geo-political zones. The country is divided into six geo-political zones: North-Central comprising Benue, Kogi, Kwara, Nasarawa, Niger and Plateau states; North-East comprising Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe states; North-West comprising Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara states; South-East comprising Abia, Anambra, Ebonyi, Enugu and Imo states; South-West comprising Oyo, Lagos, Ogun, Ekiti, Osun and Ondo states; and South-South which consists of Bayelsa, Rivers, Delta, Akwa-Ibom, Cross-Rivers and Edo states. Table 5 below indicates the 2015 presidential election results based on the six geo-political zones.

Table 5
Six Geo-Political Results of the 2015 Presidential Election

S/N	Geo-Political Zone	APC (Buhari)	PDP (Jonathan)
1.	North-Central	2 264 614	1 558 623
2.	North-East	2 848 678	796 588
3.	North-West	7 115 199	1 339 708
Total	Northern Zone	12 228 491	3 694 919

S/N	Geo-Political Zone	APC (Buhari)	PDP (Jonathan)
4.	South-East	198 248	4 714 725
5.	South-West	2 433 193	1 821 416
6.	South-South	418 590	4 714 725
Total	Southern Zone	3 050 031	11 250 866

Source: Authors compilation with data from INEC (2015)

From Table 5 above it can be observed that the two presidential candidates secured more bloc votes from their various geo-political zones compared with other zones. Muhammadu Buhari secured 7 115 199 votes from the North West geo-political zone of the country which includes Katsina, his home state. Goodluck Jonathan on the other hand secured 4 714 725 votes from the South-South zone. Again, it can also be observed that the APC presidential aspirant made a tremendous impact on other parts of the northern zones. In the North-Central and North-East geopolitical zones, Muhammadu Buhari received more than double the votes of his counterpart, Goodluck Jonathan. In the South-East geo-political zone, Goodluck Jonathan secured a landmark victory with close to five million votes compared to Buhari's 198 248. The significance of this is that approximately 79% of Buhari's winning votes came from the Northern geo-political zone. In the same vein, Goodluck Jonathan received approximately 88% of the total votes he scored to come second with 12,853,162 votes from the Southern geo-political zone. The exception was in the South-West where both candidates gained a considerable number of votes. However, APC candidate Buhari received 611 777 more votes in this zone than his PDP counterpart, with 2 433 193 compared to his opponent Goodluck Jonathan's 1 821 416.

The analysis above clearly indicates that both Muhammadu Buhari and Goodluck Jonathan received bloc votes from their ethnic bases. The bloc votes garnered by the contestants from each candidate's geo-political zone can thus be described as being influenced largely by ethnic affiliation. The pre-election campaign period leading to the 2015 presidential election was dominated by anti-ethnic speeches. What can be regarded as the genesis of anti-ethnic hate speeches started in 2011 when Goodluck Jonathan declared his intention to contest the 2011 presidential election. This the northerners saw as a breach of agreement. At the death of the then President Ya' Adua, the northerners believed that since Ya' Adua was unable to complete his tenure as the president, another northerner should contest the 2011 presidential election based on the PDP rule of rotational presidency. Goodluck Jonathan's resolve to contest this election met with stiff opposition, particularly from the northern political elites.

It was clear that the northerners wanted a northern contestant and more importantly a northern president. However, the eventual triumph of Goodluck Jonathan at the 2011 presidential polls dashed their hopes. Consequently, they were set for a showdown with the south in the forthcoming 2015 presidential election. The pre-election period was also laced with anti-ethnic speeches from both northerners and southerners. The Arewa People's Congress was reported in the *Vanguard Newspaper* of 15 October 2014 as saying: 'those who vote for Jonathan and the PDP in 2015 will be considered an enemy of the north' (Ezeibe 2015, p. 15). Similarly, Abu King Shuluwa was also reported in the *Daily Independent* of Friday 8 March 2013 to have said that: 'Nigeria will disintegrate if Jonathan contests in 2015' (Ezeibe 2015, p. 15).

*Ethnic Bloc Voting:
Implications for Democratisation in a Heterogeneous State*

Ethnic bloc voting has far-reaching implications for the development of democracy in deeply divided societies such as Nigeria. Scholars have for years predicted the possibility that elections in deeply divided societies would produce only ethnic consensus. Ishiyama (2012) considers that such elections create hindrances which erode inter-ethnic tolerance. Rather than give rise to harmonious co-existence and political stability, ethnic bloc voting can drive large-scale ethnic confrontation in ethnically diverse societies. Elections under these circumstances become mere expressions of ethnic bias or prejudice. This position contends that voters employ the act of voting to express (and hence register) their identities as part of an ethnic group.

During election periods political elites jostle for the support of citizens who in turn look up to their leaders for guidance. Having been politicised, ethnic groups are prepared for conflict with competing groups whose elites also embark on the same mission, and the end product is usually inter-ethnic violence (Okonta 2012, p. 13). However, the interrelationship between ethnicity and democratisation has been a subject of debate among students of politics. In the words of Ibeanu (2000, p. 55) studies on ethnicity and politics have 'focused principally on the reciprocal impact of ethnicity and multi-party democracy'. Parenti (1967) argues that multi-party democracy fosters ethnicity and therefore, he claims, there is a negative relationship between a multi-party democratic system and ethnicity. Others however argue that there is a positive relationship between the two and that through the use of egalitarian pluralism, democracy presents a promising environment in which to deal with ethnic differences (Osaghae 2008).

Ethnic bloc voting in highly fragmented societies poses a great challenge to efforts at nation-building. Votes cast along ethnic lines for a particular candidate who belongs to the same ethnic group as the voter constitutes a voting pattern

that translates to a 'psychological affirmation of group identity' (Horowitz 1985). This feeling of ethnic identity thwarts efforts geared towards achieving a strong and united nation amidst fragmented and highly distinct ethno-cultural linguistic groups. While voting based on ethnic affiliation undermines the legitimacy of the resultant regime, a candidate who emerges as winner with votes widespread across a heterogeneous country tends to have the support of the citizens irrespective of their ethnic and regional affiliation.

When an individual emerges as the winner with most of his votes from his ethnic base, the fear of exclusion may grip other ethnic groups who might have cast their votes for their co-ethnic candidates. This was exemplified in President Muhammadu Buhari's statement on international media that he does not expect to give equal treatment to those who give him 97% of the votes with those who gave him 5%. In an ideal electoral democratic system the equitable treatment of all citizens should be the priority of the government of the day, and is how electoral democracy is able to receive support from the majority of their population (Gjefsen 2012, p. 14).

Other Factors besides Ethnicity

The study of voters' behaviour and election outcomes is complex due to the fact that no single variable or factor can adequately explain voting behaviour and what determines voters' choices at the polls (Roth 1998). Scholarly literature which dwells on the determinants of voting behaviour and election outcomes indicates that variables such as money, religion, social status, political party affiliation and charisma shape voters' decisions (Agomor & Adams 2014; Akhter & Sheikh 2014; Goldberg 2014; Andrews & Inman 2009). While studying determinants of voters' behaviour in Ghana, Agomor and Adams (2014) investigated what determines the choice of the Ghanaian electorate in making voting decisions based on evaluative and non-evaluative variables. The evaluative variables include the characteristics and accomplishments of candidates, the performance of government and the policy platform of political parties, while the non-evaluative factors are political affiliation and family ties. However, findings from their study revealed that while ethnicity, gender, religion and money still exist as determinants, evaluative rationales such as education, health and the employment policies of the parties are major determinant of voters' behaviour in Ghana (Agomor & Adams 2014).

In a similar vein, Andrews and Inman (2009) adopted the 2005 Round 3 Afro-barometer survey to study why citizens in seven African countries (Benin, Botswana, Ghana, Mali, Namibia, Senegal and South Africa), which hold regular periodic elections, turn out to vote and why they choose a particular political party or candidate. They concluded that citizens in these seven African

democracies display a complex and overlapping tendency to vote for a particular political party or candidate. They also discovered that retrospective evaluations of the performance of government serve as a major driver of voters' decisions in these countries. They asserted that retrospective evaluations such as economic performance and the corruption of the president have a significant impact on voters' choices. In essence, the better an individual's perception and evaluation of government performance is compared with previous years, the more likely it is that this individual will cast his or her vote for the president's party in the next election. In addition, evaluations of the extent of corruption of a president or government also have a tremendous impact on voters' choices. Thus, the more corrupt a president or government is the less likely it is that voters' will cast their votes for the president or his party in the next election (Andrews & Inman, 2009).

In their study of voting behaviour in India, Akhter and Sheikh (2014) assert that the determinants revolve around religion, caste, community, language, money, policy or ideology, the purpose of the polls and the extent of the franchise. They aver, however, that the use of money, religion and caste is detrimental to democracy as these have a negative impact on the democratisation process. In their view it is therefore imperative that such factors should be avoided in voter decision-making and that more emphasis should be placed on freedom of thought, expression and association. In this regard, the will of the people is expressed through a free and fair voting process which is devoid of undemocratic practices such as electoral malpractice and rigging (Akhter & Sheikh 2014). Goldberg's 2014 study focused on religion as a determinant of voting behaviour in Switzerland, looking particularly at the Christian Democrats and using a multilevel approach. It highlighted the significance of two issues in defining religion as a determinant of voters' choices: one is the religious community to which the voter belongs, and the other is the extent of individual religious attendance and belief (Dalton 2002). These two issues go a long way in revealing why religion plays a significant role in voting behaviour.

Some reasons have been advanced by Goldberg (2014) to explain why religion plays such a crucial role in determining voting behaviour or choice. The strong link between religious ideals and a range of general political and social principles, which are in turn connected to party choice, is one of the reasons why religion has such a great influence on voters' behaviour. Another reason has to do with the ability of an individual to determine his or her political point of view (Goldberg 2014). It has also been discovered that long-adopted value systems, identification with a religious denomination and the urge to vote for religious political parties are accountable for the recurrent influence of religion on voting behaviour (Schmitt 1984). Findings from the study revealed that citizens who live in strongly Catholic cantons are more prone to vote for the Christian Party than citizens who live in

cantons with less Catholic belief. This implies that religious considerations exert great influence on the preference to vote for the Christian Party, and further indicates that the behaviour of voters is likely to be determined by the extent to which such voters have strong beliefs in religious ideals and values.

The role of money and the charisma of candidates have also been established as crucial determinants of voter choice and election outcomes (Ovwasia 2013; Chressanthis, Gilbert & Grima 1991). Money politics has been described as a particular feature of the Nigerian electoral process. Ovwasia (2013) noted that money politics as manifested in vote-buying has been at the forefront of democratic politics in Nigeria. According to Ovwasia this is because political parties and candidates have demonstrated by their actions during electioneering periods that a quality party manifesto and the integrity of contestants are not enough to influence voters' choices and secure their votes, hence they engage in vote buying. In describing the rampant vote-buying in developing democracies, Fredric and Andreas (2005) observed that political candidates buy and the electorate sell their votes as goods in the market. This commercial act is regarded as a contract in which an individual voter has the obligation to cast his or her vote for a political party or candidates on voting day.

Vote-buying and the prevalence of money in politics in African democracies in general and in Nigeria in particular, do not occur in a vacuum; they are made possible by various enabling factors. Davies (2006) outlined some of these factors as follows: the inability of political parties to produce inclusive and understandable manifestoes for voters to base their choice on; pessimism expressed by voters that politicians are corrupt and that nothing can be done to change them; emphasis on individual rather than on campaign issues on the part of the voters; voter perception of the ostentatious lifestyle of politicians and the insatiable need of politicians to win elections at all cost and to retain elective positions by all means (Davies, 2006). Chressanthis et al. (1991) assert that the personal perception of voters regarding a candidate's charisma also determines the voter's preference for a charismatic candidate. According to Weber (1968) charismatic individuals are perceived as possessing a personality that distinguishes them as extraordinary persons and are thus treated as being endowed with exceptional qualities. Charismatic individuals thus enjoy tremendous personal loyalty from their followers by virtue of these characteristics, and so receive a commitment from the citizens to accomplish their electoral aims (Bryman 1993). While all the aforementioned variables determine voters' choices and election outcomes, the bulk of the literature on political behaviour, voters' choice and the determinants of election outcomes – particularly as these relate to Africa – suggests that ethnicity matters for political affiliation and voters' choice. As noted by Erdmann (2007) ethnicity is the major deciding factor for voting behaviour and the formation of

political parties, and as a result politicians are more likely to direct public and private resources to their ethnic base and Nigerian homeland. This buttresses the notion that African politics is embedded in ethno-religious sentiments. Other determinants of voters' choices and election outcomes therefore derive from an ethno-religious bias and how these manifest during elections.

CONCLUSION AND POLICY RECOMMENDATIONS

The Nigerian state is characterised by ethnic fragmentation and pluralism. This has manifested in the rise of ethnic militia and ethnic clashes across the country and ethnicity in the form of ethnic bloc voting has remained an impediment in the Nigerian democratic process. Ethnicity has been a prominent factor in the Nigerian political landscape from the time of its independence. Indeed, the formation of political parties in Nigeria was influenced by ethnicity in that political parties of the Nigerian First Republic emerged out of the socio-cultural organisations of the various ethnic groups in the country, therefore giving political parties an ethnic identity. Consequently, votes were cast during elections with ethnicity as the major determining factor. However, this paper notes that aside from ethnicity, there are other factors that shape the outcome of the 2015 presidential election. These include: money politics, religion, social status, political party affiliation and charisma.

The 2015 presidential election was keenly contested, with each contestant having a firm grip of his ethnic base. An analysis of the election results shows that each candidate had bloc votes from his geo-political zone. It has been demonstrated that ethnic bloc voting is inimical to Nigeria's democratisation process as well as efforts aimed at uniting and integrating the country. To establish a sound electoral democracy and a strong united country, the menace of ethnicity and ethnic bloc voting should be addressed. To achieve this, efforts should be intensified towards providing a set of principles for nation-building which should be included in the constitution. In addition, there should be commitment to an even distribution of socio-economic and infrastructural development. Uneven distribution of socio-economic and infrastructural development in a country breeds a sense of exclusion, and the fear of domination and marginalisation by the undeveloped segment of the country. Furthermore, there should be a formulation of policies and programmes to re-orientate those that are divided along ethnic lines in order to promote good relations among the different ethnic groups.

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GERONTOCRACY IN AFRICAN POLITICS

Youth and the Quest for Political Participation

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ABSTRACT

By the late 1950s and early 1960s most African colonies had attained independence from British and French rule, resulting in great optimism regarding the future of the nascent democracies on the continent. A buoyant populace transformed their memories of harsh political struggles into images of heroism and confirmed the victory of the national movement for liberation. There was hope that these new nations would soon steer their own ships of state and conduct free, fair and regular elections that would be true reflections of the wishes of the majority of the population. Sadly, what transpired afterwards was (and still is) far from what had been expected. Civil unrest and anarchy soon reigned in most African countries as the so-called 'founding fathers' considered themselves above the law. In a bid to retain power, they initiated a system of electoral manipulation and violence that continues to pervade the continent. More worrisome was the birth of a culture that excluded Africa's youth from active participation in politics; this resulted in the retention of old politicians, evident in a leadership occupied mostly by septuagenarians and octogenarians. This study examines gerontocracy in Africa and its impact on the political participation of Africa's youth.

Keywords: Africa, elections, electoral violence, nationhood, nationalism, youth

INTRODUCTION

In the summer of 2017, France elected the 39-year-old Emmanuel Jean-Michel Frédéric Macron as its president, displacing Napoleon as the youngest president in French history (Leicester 2017). This election created huge excitement across the globe. For those empathetic to the plight of migrants, the emergence of centrist Macron, as opposed to far-right candidate Marine Le Pen, provided hope that France would continue to provide succour to legitimate asylum seekers, albeit with improved security and background checks.

Macron's victory at the polls set a fresh agenda for public debate in Africa. While global leaders sent congratulatory messages to the newly elected president, the question of youth involvement in mainstream politics moved to the front burner of public discourse. Some salient questions became pertinent: When would Africa have its own youthful leader like Macron? Why has it been near impossible for a generational change of guard in most African countries, from the old to the young? What must African youths do to initiate change and produce a Macron-like leader? These questions are germane when one considers that Macron was an infant when some of Africa's longest-serving leaders assumed power in their respective countries. He was barely two years old when Teodoro Obiang Nguema Mbasongo of Equatorial Guinea assumed power close to four decades ago, and the same age when Jose Eduardo dos Santos assumed office as president of Angola in the late 1970s; he was three years old when Zimbabwe's Robert Mugabe became president and was barely five when Cameroon's Paul Biya became president.

Recent elections on the continent do not offer much hope of a generational shift. President Muhammadu Buhari was elected as Nigeria's president in 2015 at the age of 73; Ghana's president Nana Akufo-Addo was also 73 years old at the time of his election in 2017; Malawi's president, Peter Mutharika was elected in 2014 aged 74; South Africa's president, Jacob Zuma was re-elected for a second term in 2014 aged 70. Suffice to add that there have been attempts by younger men to vie for political office across the continent but with little or no success. For example, in the 2014 general elections in South Africa, expelled former youth leader of the African National Congress (ANC) Julius Malema, then aged 33, led the Economic Freedom Fighters (EFF) to third position in the overall election result, winning 25 seats in Parliament and 1 169 259 popular votes. While many hailed his young party's debut performance at the polls as a positive indication of a possible generational shift in political leadership, others argued that the EFF had won a sizeable percentage of the popular votes because it played on the frustrations of the impoverished population (particularly blacks) who hankered after the possibility of land ownership and socioeconomic equality. Fakir (2014) described the EFF's victory thus:

While the party appeared to be radical in its approach, it is essentially an empty rhetoric captured in the politics of spectacle, where even complex ideas get pared down to mere slogans. The party's strategies of 'nationalising the commanding heights of the economy (mines, banks and large factories to the rest of us), expropriating and redistributing land seized by "white thieves" in a process of grand theft, without

compensation, and distributing unused state land' were, ironically, part of the policy arsenal of the apartheid era National Party.

Although Fakir and other scholars discounted the EFF's nominal success as unsustainable, the fact that the party was led by a young man, and the unexpected number of votes it accrued, gave rise to renewed optimism of the possibility of a youth renaissance, not only in South Africa but across the continent. Even more encouraging was the election of Mmusi Aloysias Maimane as the leader of South Africa's largest opposition party, the Democratic Alliance (DA), on 10 May 2015, and his position as leader of the opposition in the National Assembly since 29 May 2014. Even more significant was the fact that his predecessor in the National Assembly was a young woman, Lindiwe Mazibuko, who was elected DA parliamentary leader in 2011 at the age of 31. Both Malema and Maimane were born in the early 1980s and their active political participation anticipates the possibility of more African youth participation in politics, especially in vying for elective positions. They are nonetheless exceptions to and not the norm across the continent. In contrast, the norm in Africa seems to be a growing youth population and a diminishing but powerful aged cohort that has tenaciously held on to power.

The central argument of this article is that, for many reasons, Africa's youth has not shared in post-colonial governance. These range from political apathy and passivity on the part of the youth, to governments that are skewed to prevent new entrants into mainstream structures and a culture that silences the young. The article examines the role played by the founding fathers of Africa's independence and their political understudies (godfathers) in the emergence of a generation of acquiescent youths. These young people are frequently used to perpetrate violence before, during and after elections, rather than participating in any real political decision-making and governance.

METHODOLOGY

The study involves content and textual analysis of secondary data regarding the political involvement of the youth in Africa. The findings result from a study conducted in South Africa and it would be imprudent to extrapolate these to experiences in the rest of the African continent. Also, it is important to state that the study involved selected students of the University of Cape Town; thus, the findings and/or biographical data in no way reflect the larger South African youth population. Firstly, student dynamics and even racial composition would differ significantly, depending on the province, age and ranking of the institution. Given the sociocultural and sociopolitical similarities between African countries, particularly those in the sub-Saharan region, the result of this study can however

serve as template or guide to understanding the broader dynamics of Africa's youth involvement in politics.

Interviews were conducted with 200 students at the University of Cape Town on their views of the political participation of young people in Africa's political milieu. Stratified probability sampling technique was adopted because of the researcher's intent to capture samples with a demographic profile that included a similar number of subgroups (women, men, black people, whites, coloureds, Indians, undergraduate and postgraduate). This goes a long way to increasing credibility and fostering inclusivity. Using this design, the researcher ensured that there was some form of racial and gender balance, given the sensitive nature of race discourse in South Africa. The breakdown of the participating students is presented in Figure 1 below:

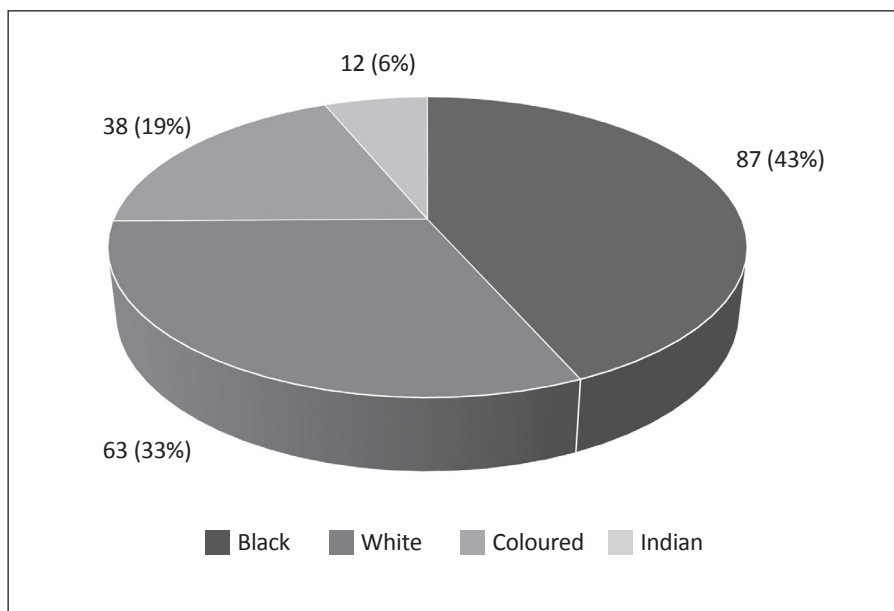


Figure 1
Racial distribution of participating students

As can be gleaned from Figure 1 above, 87 students (or 43%) of the respondents were black, 63 students (or 32%) were white, 38 students (or 19%) were coloured, while 12 students (or 6%) were Indian. Also, 102 (or 51%) of the sampled students were females, 91 (45.5%) were males, while 7 students (or 3.5%) of the students ticked 'other' as their gender. In addition, 133 of the students were undergraduates, while 67 were postgraduate students.

Rethinking the Labour of our Heroes Past

'It is far better to be free to govern or misgovern yourself
than to be governed by anybody else.'

Kwame Nkrumah

From the 1950s through to the 1970s, decolonisation swept across Africa with attendant hope and anticipation from enthusiastic citizens. While freedom was greeted with euphoria in many places, it could not mask the deep political uncertainties. These uncertainties often accompanied independence in nations with ethno-religious diversity which had been merged into single countries by colonialists for the sake of administrative convenience. Thus, it was not long after independence that former freedom fighters and symbols of liberation metamorphosed into self-styled demagogues and unrestrained kleptomaniacs who pilfered their nations' treasuries and whipped up ethno-religious sentiments in order to retain power.

Africa's struggles against colonialism are well-documented; equally well known are the roles played by the continent's founding fathers in the struggle for sociopolitical emancipation. Nelson Mandela, Kwame Nkrumah, Jomo Kenyatta, Julius Nyerere, Obafemi Awolowo, Nnamdi Azikiwe, Kenneth Kaunda, Shirley Graham Dubois, Ramatu Baba, Funmilayo Ransome-Kuti, Robert Mugabe and Patrice Lumumba are names that still evoke deep emotional reactions from citizens in their respective countries – and indeed the entire continent. So highly revered were and are these leaders that long after their deaths, tales of their heroism still reverberate across the continent. Praise poems were included in the national anthems of these new nations as reminders of their sacrifices and the need for their memories to be eternally revered and preserved. For example, a line in the first stanza of the national anthem of Nigeria admonished the citizens to ensure that: '... the labour of our heroes past shall never be in vain' while a line in the Zimbabwe's anthem overtly proclaims the heroics of the liberation fighters by stating clearly: 'we praise our heroes' sacrifice...'

While some of these died with their heroic status and public image intact, history may remember others differently. Shortly after independence, signs of existing ethno-religious fault lines started to emerge as inter-tribal wars, and coups d'état and full-blown civil wars tore apart the new republics. From building a semblance of national consciousness – which aided the ousting of the colonialists – the focus shifted to regaining some sort of new identity within clans and ethnic groups, thereby creating a confused form of national consciousness. Fanon (1967, p. 118) gives a succinct description of that sentiment:

National consciousness, instead of being the all-embracing crystallisation of the innermost hopes of the whole people, instead of being the immediate and most obvious result of the mobilisation of the people, will be in any case only an empty shell, a crude and fragile travesty of what it might have been. The faults that we find in it are quite sufficient explanation of the facility with which, when dealing with young and independent nations, the nation is passed over for the race, and the tribe is preferred to the state.

Calderisi (2007, p. 61) argues that the unrepressed veneration accorded to the nationalists by the populace transformed most of them into vain and conceited demagogues. No sooner had their nations gained independence than they implemented forms of subjugation reminiscent of colonialism, employing much of that repressive legislation and practice. Shortly after Ghana attained independence Kwame Nkrumah was quoted as saying the following:

The ideological development here is not very high. There are but two or three of us who know what we are doing.... I do not want to make too much of myself, but in a way, this nation is my creation; if I should die, there would be chaos.

Calderisi 2007, p. 61

Once independence was achieved, these founding fathers became aware of their ethnic affiliations and both demonised and subtly conspired against the other ethnic groups. In Nigeria, for example, frontline nationalists like Sir Ahmadu Bello and Dr Nnamdi Azikiwe (Zik) had diverse views on the structure of post-colonial Nigeria. According to Adebani (2007, p. 22), while Zik favoured a more centrist political architecture, Bello favoured a looser federation which guaranteed the preservation of the dominant Islamic religious culture of the northern region. Bello had this to say to Zik: 'No, let us (first) understand our differences; I am a Muslim and a Northerner. You are a Christian and an Easterner. By understanding our differences, we can build unity in our country'.

What Sir Ahmadu Bello proposed was the need for the various units that made up the amalgamated Nigeria to understand their place and significance in the nation as individuals and groups before any attempt to forge a unified country could be successful. With the benefit of hindsight, the quagmire the country currently finds itself in regarding the national question would have been avoided if the nationalists had paid attention to Bello's admonition. Failure to heed his

warning led to the emergence of a divided country at the time of independence. The scenario was in many ways similar to other countries on the continent that attained independence at much the same time.

Thus, when the time came for elections in the newly independent nations, tempers ran high and the stage was set for carnage. It did not take long before the First Republic in Nigeria crumbled. Shortly after the country attained independence, the nationalists disregarded calls for free and fair competition for elective power. Instead they retreated to their regional enclaves and transformed their political parties into tools for regional identity. The 1964 elections predictably uncovered hidden suspicion and animosity between the major ethnic groups in the country and the result was wanton loss of lives and property.

Possibly one of the saddest fallouts of the election crisis of 1964 was the involvement of the youth in the ensuing violence, because the protests were mostly student-led. According to Anifowoshe (1982), student-led protests degenerated before long into violent exercises with attendant inter-communal conflicts that claimed more than 200 lives. Diamond (1988) recalls that students of universities in Southern Nigeria, concerned that the Northern People's Congress (NPC) was manipulating the electoral process, called for a three-month army take-over to organise the elections as they had no confidence in the electoral process put in place by the then Prime Minister, Abubakar Tafawa Balewa. The students became tools in the hands of politicians and barricaded roads in order to inflict mayhem on perceived opponents. According to Umar, Ali and Siedelson (2015), the 1964 elections in Nigeria marked the unfortunate beginning of youth involvement in political violence. They aver that rather than build youth capacity to take part in the electoral process by putting themselves forward for elective positions, politicians used them as tools to disrupt political organisation in the nascent democracies emerging across the continent.

Government of the Old, by the Young and for the Old

There is no generally accepted definition of the term youth because of its fluidity as a category describing a period of transition from the dependence of childhood to the independence of adulthood. Globally, age has generally been used as the best possible means of defining the group. For example, the United Nations defines youth thus: '...the United Nations, for statistical purposes, defines those persons between the ages of 15 and 24 as a youth without prejudice to other definitions by the Member States' (Secretary-General's Report to the General Assembly, A/40/256, 1985).

Several UN entities, instruments and regional organisations have different definitions of youth, which the United Nations secretariat recognises, as summarised below in Table 1.

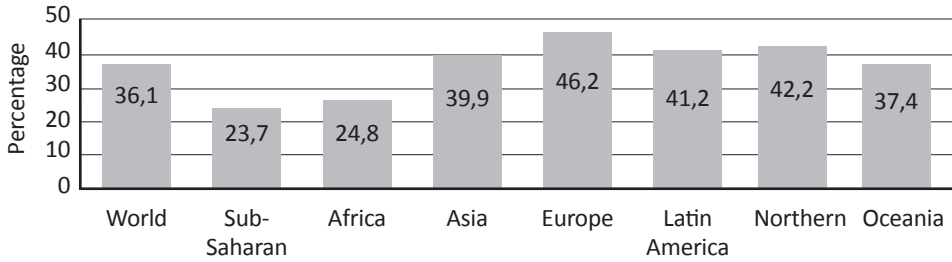
Table 1
Definitions of youth according to various UN entities

Entity/Instrument/Organisation	Age	Reference
UN Secretariat/UNESCO/ILO	Youth: 15-24	UN Instruments, Statistics
UN Habitat (Youth Fund)	Youth 15-32	Agenda 21
UNICEF/WHO/UNFPA	Adolescent: Youth: 15-24	UNFPA
UNICEF /The Convention on Rights of the Child	Child until 18	UNICEF
The African Youth Charter	Youth: 15-35	The African Union, 2006

Source: www.un.org/esa

Olaiya (2014) is of the opinion that the term youth has both cultural and political implications in Africa and that a generic definition would not capture the dynamics of the youth question on the continent. He makes a distinction between 'modern-civic' and 'traditional-primordial' notions of youth and avers that it often gives rise to the social and cultural tensions that characterise many African nations. According to Olaiya, Africa's adverse economic conditions mean that a sizeable proportion of its youth population is unable to meet socially ascribed responsibilities even when they have become adults, according to their chronological age (e.g. 40 years and above). Thus, the youth phase in the continent is often extended due to the harsh and lingering socioeconomic conditions in many countries.

Whatever definition of youth in Africa is preferred, the fact remains that the continent, which has the world's largest youth population, has been run predominantly as a gerontocracy. According to Mills, Davies, Obasanjo and Herbst (2017, p. 7), Africa's population is growing at an alarming rate with an attendant growth in the number of young people, and this trend is not expected to slow down in the foreseeable future. The populations of 28 countries on the continent are projected to double by 2050. Angola, Burundi, the Democratic Republic of the Congo, Malawi, Mali, Niger, Somalia, Tanzania, Uganda and Zambia are expected to have their populations increase at least fivefold. Not only will the anticipated population explosion have a socioeconomic impact, it is also expected to have sociopolitical significance as the continent will probably consist mostly of youths below the age of 25. When compared to the rest of the world's demographic decline, Africa's population growth means that it will be increasingly differentiated by the age of its population. Mills et al. (2007, p. 8) project that Africans will make up a larger share of the world's young people as it would account for 48% of those aged 14 and under.



Source: Mills et al. (2017, p. 9)

Figure 2: Projected median age of world’s population by 2050

Africa’s rapidly growing population has drastically transformed the number of eligible voters with the introduction of a significant proportion of young voters in recent elections. The largest age cohort is the one born in the mid- to late-1980s who reached their twenties at the time of the 2014 general elections in some countries. For example, estimates from Statistics South Africa show that there are now 11.8 million eligible voters between 18 and 29 years, who constitute 35% of the voting population. The percentage of eligible youth voters is even higher in Ghana where youths make up 58% of the country’s voting population (UN Youth, 2010). At the time of the Ghanaian general elections of 2016, eligible youth voters made up 65% of the entire voting population. What these figures show is that most of Africa’s old leaders have been voted into power by young voters. According to Chirimumimba (2017), while the average median age of the African population was 20 in 2016, the average age for heads of state was 66, making Africa a continent of the young led by the old.



Source: <http://venturesafrica.com>

Figure 3
Africa’s median age in relation to President/PM’s age

As can be seen from Figure 3 above, there is a sizeable gap between Africa's average median ages and the ages of the continent's presidents and prime ministers. The reasons for the perceived apathy amongst Africa's youth, as well as the age disparity in leadership positions, are multifaceted. One of the major explanations adduced for this is a subservient culture that maintains the infallibility of elders. According to Adeleke (2017, p. 6), in some African cultures elders are never considered to be wrong even when they palpably are so; and young people may never evince more knowledge than their elders, even when they do. He further remarked thus:

The elder can say whatever he wants to the youth, he can be rude to the youth, he can disrespect him and talk down on him, even when he (the elder) is at fault, and the youth must take it because he is the youth. This is often reflected at grassroots levels where, in villages and wards, elders hold all the key positions. There is even a saying in a Nigerian tribe that "when elders are talking, the youth must be quiet." When you take this idea and magnify it, you start to see how the culture is already rigged to make elders think that youth have nothing beyond physical strength and youthful exuberance to offer when they (the elders) are around. The few times young people are allowed to lead are times when they are leading their peers, as seen in student unions and community age groups.

Adeleke 2017, p. 6

Adeleke further believes these cultural barriers are wittingly or unwittingly experienced within the political terrain, resulting in a burgeoning population of youth without political pedigree. Given the complex nature and cost of electioneering in Africa, it becomes very daunting for the youth with a culturally and economically repressed mindset to break into political leadership. To be elected into political office in Africa requires political connections that are usually built over decades and across several ethno-religious divides. Unfortunately, Africa's youth do not appear to possess the sort of political influence and connections that have defined the outcomes of elections on the continent. The peculiar socioeconomic realities of the continent mean that the youth stage often stretches to mid-thirties and early forties, leaving little or no time for the network building required for political success.

This practice of excessive respect for elders is uniform throughout Africa. Sesanti (2010, p. 347) argues that across the length and breadth of the continent, respect is a key part of national culture; difference lies in the degree to which

actions are regarded as respectful or disrespectful. He further posits that this has unfortunately led to the abuse of authority by elders on the continent. Citing the example of so-called respect in the profession of journalism, he contends that ethics has been relegated to the background. This is because of the fear of being labelled disrespectful for exposing the ills of national leaders even when they are proved to have been in the wrong. Okigbo (1994, p. 17) contends that such unnecessary respect within the field of journalism has dire consequences, not just to the profession, but to society at large because the journalistic tenet of social responsibility is sacrificed to that of veneration.

Cultural barriers aside, there is also the challenge posed by money. Shulika, Muna and Mutula (2013) studied the impact money had on the electoral process in Kenya and concluded that money was a major deciding factor in electoral success. Electoral outcomes, especially in the context of African democracies, have frequently been influenced by the wealth of the candidate(s) or their parties. This is not a new phenomenon, given that rulers and contenders for public office have throughout history leveraged power through the wealth they own or control. Equally, the economic strength of their political base gives them an edge over rivals, competitors, and detractors. The modern political landscape is replete with political systems in which rulers and governing bodies across continents – monarchs, military dictators, elected heads of state, and legislatures – rely on their economic and financial influence, whether ill-gotten or legitimately accumulated, to gain access to and/or maintain political power (Shulika, Muna & Mutula, 2014).

An African Democracy Encyclopaedia Project by the Electoral Institute for Sustainable Democracy in Africa (EISA), updated in 2010, indicates the enormous amounts of money spent by African nations to conduct elections on the continent (see Table 2 below). Although the cost of elections in Africa has almost tripled in the sampled countries (for example the 2017 elections in Kenya is estimated to have cost \$1 billion), it nonetheless proves the decisive impact that money, or lack of it, can have in the outcome of elections.

Table 2
Cost of elections in selected African countries (in US dollars)

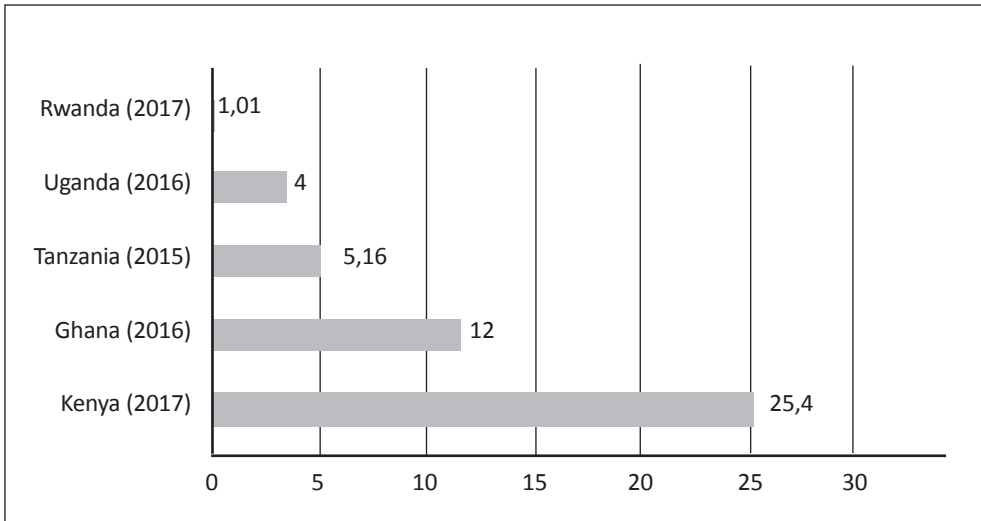
Country	Election	Total cost	Per voter
Angola	1992	US\$100 million	US\$22
Botswana	2006	US\$500 million	US\$27.9
	1994	US\$1 million	US\$2.7
DRC	2005	US\$546 million	US\$2.5

Lesotho	2002	US\$13.5 million	US\$15
	1998	US\$6 million	US\$6.9
Malawi	1994	US\$8 million	US\$2.1
Mauritius	2005	US\$10.0 million	US\$ 11.0
	1995	US\$3.8 million	US\$ 5.6
Mozambique	2004	US\$21.5 million	US\$6.46
	1994	US\$64.5 million	US\$10.2
Namibia	1999	US\$0.98-1.15 million	US\$1.8-2.2
	1994	US\$1.46 million	US\$3
Seychelles	1998	US\$276 626	US\$5.8
South Africa	2004	US\$122 million	US\$7.8
	1999	US\$117 million	US\$7.3
	1994	US\$265 million	US\$13.5
Tanzania	2000	US\$49.6 million	US\$7.66
	1995	US\$38 million	US\$7.88

Source: <https://www.eisa.org.za/wep/comcosts.htm>

Table 2 above and Figure 4 below indicate how African countries spent millions of dollars conducting elections, sometimes in periods of biting economic recession. Figure 4 below includes amounts spent by political parties and candidates. Given that a large proportion of Africa's youth population is either unemployed or underemployed, it presupposes that the African youth stands no chance when it comes to competing financially. The amounts spent on recent elections on the continent have made the expenditure on previous elections seem paltry. For example, Figure 4 (below) shows the cost per voter in the elections of Rwanda, Uganda, Tanzania, Ghana and Kenya between 2015 and 2017.

As can be observed from Figure 4 below, \$1.01 per voter was spent in the Rwandan election of 2017; \$4 per voter was spent in the 2016 Ugandan general elections; \$5.16 was spent in the 2015 general elections in Tanzania; \$12 per voter in the 2016 elections in Ghana and \$25.4 in the recent elections in Kenya. The Kenyan National Treasury estimates that the election on 8 August 2017 election would cost 49.9 billion Kenyan Shillings (\$480 million), making the 2017 election in Kenyan reputedly one of the most expensive in the world. Similarly, the 2016 election in Ghana cost \$182 million, 35 times more than it cost to conduct the 2004 elections (Ghana News Agency). It is ironic that while the costs of elections on the continent keep rising, youth unemployment is also on the rise. How then can supposedly unemployed youths finance elections without support?



Source: Government Election Budgets

Figure 4
Cost per voter in elections across selected African countries (in US dollars)

One of the major challenges militating against the involvement of youth in mainstream politics is the structure of the continent's political parties. Akande (2000) defines political parties as organisations or a coalition of individuals and groups whose commonality is their shared political beliefs, ideologies and orientations. They are also usually united by their quest to control government and the apparatus of administrative power within a state. Akande further posits that political parties serve two subordinate goals. First, they are agents of political socialisation by helping to spread and deepen political culture and principle. Second, they help to mobilise and aggregate the choices available to the electorate. Akande presents an idealised definition of political parties that in practice is not typical in Africa. According to Olaiya (2014), political parties have not only become outlets for a display of ethno-religious bigotry in most African states, they have also successfully relegated the youth to the background. It is common to find youth wings formed as addendums to mainstream parties in most political parties in Africa, with the youth becoming a kind of pseudonym for foot soldiers or political thugs. Olaiya further describes the scenario thus:

... There is no systematic and consciously planned process for engaging youths in politics and governance process. It is deducible that a reason why the political arrangements in many African states have been dominated by adult recycling politicians is because most of the

parties lack clear-cut process of renewal to accommodate the youth members and taking them through a process of political socialization that bring value-added opportunities to political parties and by extension governance of many African states...More than anything, this buttresses the position that the party leaders in the various political parties are merely interested in creating a coordinating avenue for the physical mobilization of the youth not an attempt to create a corporate entity of youth to partake in the day-to-day administration of the parties.

Olaiya, 2014, p. 7

It can be argued that youth involvement in the political life of most African states does not acknowledge the autonomous agency of the youth. Rather, the narrative about youth involvement in the political life of most African countries assumes that they (the youth) lack a voice of their own. This is suggested by the way adults presuppose that whatever roles played by youths are ultimately those assigned to them by adults, and that they are passive agents. This perspective suggests that even where the youth is brought into politics it is hardly on their own terms but on those of the adults who command the political heights. However, successful youth engagements across the globe negate these perceptions. The Soweto uprising of 1976, the EFF's steady rise to political prominence in South Africa's politics and the catalytic role played by the youth during the Arab Spring clearly show that young people have the capacity not only to initiate social change, but also to sustain it.

It would be imprudent to suggest that Africa's youth have been in a state of political inertia. Although Africa's youth involvement in elective politics has been minimal, as studies highlighted in this research have shown, they have nonetheless had a dynamic role in political activism. For example, Bob-Milliar (2014, p. 169) argues that although Africa's youth have been accused of political apathy, they have not received enough credit for their ability to initiate collective action through social movements. As witnessed in Tunisia, South Africa, Nigeria, Togo and indeed the entire continent, the youth have been instrumental in uniting the citizenry against incompetent, corrupt and authoritarian ruling elites. This view is similar to that held by Casale and Resnick (2011) who posit that while Africa's youth may not be effective in political participation with regard to seeking elective positions, they nevertheless help in building a critical mass of the populace who are discontent with government inefficiency. This was evident in the Soweto uprising, the Arab Spring, and also in efforts by the National Association of Nigerian Students (NANS) during the heyday of military dictatorship in Nigeria to mobilise Nigerians against military tyranny.

The Way Forward: Suggestion from the Youth

As stated earlier, the researcher conducted interviews with randomly selected students of the University of Cape Town's Rondebosch campus. The aim of the interview was to establish suggestions from the youth themselves on the way forward regarding youth involvement in politics.

Questions posed to the students include:

- Are you a card-carrying member of political party?
- Did you vote at the last election?
- Do you think your votes count?
- Would you vote a youth instead of an adult into elective position?
- What is the way forward?

Are you a card-carrying member of political party?

The researcher sought to find out from the students whether they were card-carrying members of a political party. This is important when one considers that one of the criticisms of the youth in Africa is that they complain of marginalisation but do not take concrete steps to address it. Of the 200 students interviewed, 73 respondents said they were active card-carrying members of political parties in the country. Of these 73 students, 41 belonged to the ANC Youth League, 11 belonged to the EFF, and 14 were members of the Democratic Alliance (DA), while 127 participants said they did not belong to any political party.

Did you vote at the last election?

The researcher subsequently sought to establish whether the participants had voted in the last election. The findings were that 103 of the sampled students affirmed that they had voted during the last general elections, while 97 said they did not vote because they believed their votes would not count, that the machinery was already in place for rigging the election, and that it did not matter whether or not they voted. Another reason given by the students who did not vote was that they had not registered with the Independent Electoral Commission (IEC) and 47 students (or 23.5%) said they did not believe enough in the process to register.

This apathy (expressed by the 97 non-voters) can be explained by the fact that across the globe, young people often find nontraditional means of political participation other than casting votes in ballot boxes. Milan (2005) avers that young people often express their political preferences and frustrations through demonstrations, marches, rallies, and riots. Similarly, Schoeman and Puttergill (2007) argue that although youth participation in the electoral process is significantly low in South Africa, they (the youth) are nonetheless at the forefront

of service delivery protests and other forms of social protest aimed at positive social change. Thus, it can be argued that although some youths do not participate actively in the electoral process, especially actual voting, they contribute in their own way to the success or failure of the process.

Would you vote a youth instead of an adult into elective position?

The researcher asked the respondents whether they would prefer to vote a young person instead of an adult into an elective position. Of the respondents 127 said no, while 73 said yes. When the researcher probed further for the reasons behind the responses, most of the students who said they would not vote for a young person cited immaturity as their major reason.

One student had this to say:

I doubt that the youths in South Africa are mature enough to lead the nation. Our country is complex; we are daily confronted with the issue of widening inequality, racial segregation, Afrophobia and even ethnic rivalries. It would be difficult for a young person to manage these differences without heating up the polity. Can you imagine if we had Julius Malema shortly after apartheid? Do you think we would still have a nation today? Look at the current land question put forward by the EFF; do you think a mature leader who understands the cost of our democracy would speak in that way? I think that our young people are not ready to lead at any level in the country; you only need to read online discourses to find out how shallow our young people are.

Another student remarked:

Why do you think organisations require extensive work experience before you can attain senior management level? The reason is simple; they require people with emotional intelligence and maturity that mostly comes with age. If organisations require that individuals acquire wide-ranging experience before assuming managerial positions, why should we commit the future of our country in the hands of learners?

As stated above, 73 of the respondents affirmed that they would vote for a young person. Most of the respondents in this category argued that the only way young people can learn is by putting them in a leadership position. One student recalled that the likes of Chris Hani, Steve Biko and even Nelson Mandela were youths when they took up the gauntlet to lead the struggle against apartheid. One

student had this to say on why she would vote for a youth instead of an adult to elective position:

Look at the entire continent, which country is working in the real sense of the word? Nigeria, Angola, Zimbabwe and even South Africa, countries with so much potential, have not had any significant socioeconomic and socio-political growth post-independence. If the old system is not working, why not try something new? I am of the opinion that decolonisation as a process is supposed to include a total overhauling of the polity, including removing the so-called founding fathers who suddenly felt a sense of entitlement as if the countries they helped liberate belonged to them.

This assertion was a position held by most of the students who said they would vote for a young candidate if the opportunity presented itself. Most of them averred that the likes of Thomas Sankara, Steve Biko and Patrice Lumumba would have made great leaders had they been given the opportunity to lead. One student who took a more revolutionary position remarked that he would vote for a young candidate whether or not he thought they were competent.

To be honest, if I see a young candidate on the ballot, I would vote him or her irrespective of his or her competence. I know this may sound illogical, but do not forget that most African countries have been run by trial and error for the past six decades. Why then should we not give a young person a chance so that he/she can learn on the job and earn his or her mistakes. We are already in a dire situation and we honestly have nothing more to lose. Infrastructure is non-existent in most African countries, corruption has been institutionalised, insecurity is a norm and the entire social structures of most countries have collapsed. What exactly are we protecting? What are we afraid of?

Based on these discussions, the researcher sought to know the students' views on how active youth political participation can improve. Some of the common themes that emerged are presented here.

Unbiased media framing

Most of the interviewed students were of the opinion that the media portrays young people only in support roles and not as political actors. They argue that even in parliaments across the continent, but with specific reference to South

Africa, the laudable contributions of young people in law-making do not get as much media attention as their disruptive behaviour. Grabe (2009) states that the media, particularly television, have been used to sway public opinion about candidates and political parties during elections. Given that young people often lack the financial wherewithal to buy media time, their stories are frequently ignored or negatively skewed. It is common to see media depictions of young people as protesters and campaigners but they are rarely framed as political leaders (Strömberg 2004, p. 265; Jankowski & Strate 1995, p. 91).

Abolition of youth wings in political parties

Another common theme that emerged from the interviews was the almost unanimous call by the students for the abolition of youth wings in political parties. Their main argument was that youth wings often serve as a compensation for young people, a devious way for the political class to tell the youth 'we have given you your space'. There was consensus amongst the students that political parties should not have youth wings. Instead, they advocated for greater youth involvement in party decision-making process.

One of the students had this to say:

I am of the opinion that the problem of youth active involvement in the political process has its roots in political party structures across the continent. Take for example youth wings of political parties across the continent, how many youth wing presidents have emerged as presidential flag bearers of their parties? The youth wing, in my honest opinion, is a simple case of political settlement of the young. There are no deliberate, strategic and committed efforts aimed at a measurable transition from youth wing to mainstream control of party structures. The success stories in this regard have been rare.

The students' responses corroborate the views of Kanyadudi (2010, p. 10) who remarked that political party youth wings are generally redundant in most African countries. He asserts that for youth leagues to be effective, they must serve not only as foot soldiers for political parties, but they must also be an integral part in nurturing a participant political culture. He argues that it is only if this happens that youth wings will be able to make a meaningful contribution to the process of democratisation in African countries. Kanyadudi further highlighted several points to consider when integrating youth wings into mainstream political party decision-making. He avers that youth wings can be involved in the management of the following activities:

- Coordinating together the financial, human, and material resources in order to facilitate the achievement of organisational (party) goals
- (Jointly) responding to the social needs of the environment surrounding the organisation (party)
- Cultivating an organisational (party) climate so that both individual and collective goals can be achieved
- Carrying out certain functions of the party that are deemed necessary such as planning, goal setting, organising, implementing and controlling
- Party or youth league managers have to be involved in interpersonal, informational, and decision-making roles.

Demonetisation of the political process

The significant impact money has on the political process has been highlighted in this study. Unsurprisingly, most of the students interviewed averred that the political process in Africa is so monetised that the youth is unable to participate because they do not possess the amount required to fund the electoral process ranging from campaigns to advertising and PR stunts. Thus, they advocated for the demonetisation of the electoral process so that potential candidates would not need to have billions in order to run for political office. One of the interviewed students remarked:

The kind of money spent during elections in Africa is frightening. In South Africa for example, politicians spend billions of rand every time there is an election. How does the youth desirous of partaking in the process compete? The solution is to demonetise. I think that political parties should completely fund the process and not candidates. That way, the youth would only focus on winning the party's ticket and not on funding his/her campaign. This will go a long way in reducing the pressures posed by money or a lack of it, and also encourage greater participation of young people in politics.

CONCLUSION

The Nigerian Senate recently passed the 'not too young to run' bill which amended sections 65, 106, 131 and 177 of the country's Constitution, thereby reducing the age of eligibility for elective offices across board. The implication of this amendment is that the youth in Nigeria can now run for the position of president at the age of 35, and for governor or senator at the age of 30, as opposed to the former 40-

and 35-year limits previously the norm. The bill also provides for persons at age 25 to contest for House of Representatives and state Houses of Assembly across the country. Prior to this, the minimum age to run for elective office in Nigeria was 30 years for the House of Representatives or House of Assembly. Although the passage of the bill by the Nigerian Parliament is commendable, it nonetheless addresses only the surface issues and not the root of the problem of youth political apathy in Africa. Structural issues such as youth unemployment, highly monetised political spaces, as well as none too youth-friendly political parties also need to be addressed. There is in addition a need for youth empowerment through job creation to enable them to be independent when seeking elective positions.

Although it is imprudent to use Macron's experience in France as a template for the youth in Africa with regard to their participation in politics, it nonetheless provides an example of how youth involvement in politics should be structured. Competence rather than age should be the major yardstick in choosing leadership and political parties should trust young people as able flag bearers during elections. The continent's youth population is growing astronomically and before long they will be in positions of leadership. The challenge of this scenario is that unprepared youths may assume power, thus negatively affecting the polity. The onus now lies with the current political elites to consciously initiate a process of politically mentoring the youth within their ranks, ensuring that the next generations of leaders are adequately prepared before they move into the political space.

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THE RISE AND FALL OF THE GOVERNMENT OF NATIONAL UNITY IN ZANZIBAR

A Critical Analysis of the 2015 elections

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ABSTRACT

This article analyses the pitfalls that characterised the emergence and eventual demise of the Government of National Unity (GNU) in Tanzania's semi-autonomous region of Zanzibar. Drawn from continuous political and electoral observations in Zanzibar, the article analyses how the 2015 general elections contributed to the eventual dissolution of the GNU. The GNU in Zanzibar was a negotiated political settlement between two parties – the incumbent Chama cha Mapinduzi (CCM) and the Civic United Front (CUF). In particular, this article looks at how the start of the constitutional review process in Tanzania contributed to the withering of the GNU. Despite its undeniably noble agenda, the constitutional review process resuscitated old enmities between CCM and the CUF. The two parties' divergent stances on the structure of the Union revived the rifts that characterised their relationship before the GNU. We analyse the election cycle rhetoric following the run-up to the elections and how this widened the GNU fissures leading to its eventual demise after the re-election in March 2016. After the 2015 elections were nullified, the CUF, which had claimed victory, boycotted the re-election. As a result, the CCM won an overwhelming electoral victory.

Keywords: Zanzibar, Tanzania, Government of National Unity, elections, reconciliation, political settlement

INTRODUCTION

The October 2015 general elections in Zanzibar, a semi-autonomous state of the United Republic of Tanzania, proved to be a watershed. It was the first election after the constitutionalisation and formation of the Government of National Unity (GNU) as the result of the Maridhiano Agreement, the reconciliation agreement entered into prior to the last election in 2010 (Bakari & Makulilo 2012; Moss & Tronvoll 2014). The previous general election in 2010 saw the perennial incumbent party Chama cha Mapinduzi (CCM) controversially win by a narrow margin over the opposition party Civic United Front (CUF). Pursuant to the power-sharing agreement, it established itself as the senior and dominating partner in the GNU (Roop, Tronvoll & Minde 2018). The 2015 election would hence be a litmus test of the robustness and durability of the reconciliation agreement and the consolidation of political stability on the islands under a GNU framework. The GNU in Zanzibar was a power-sharing agreement aimed at managing Zanzibar's electoral and political crisis, a crisis that had lasted for more than a decade following the trend of power-sharing formulas for the management and mitigation of conflicts and political crises (Cheeseman 2011; Mehler 2009).

After two days' delay in the official tabulation and announcement of the final 2015 election results, the CUF called a press conference. In order to pre-empt any manipulation of the numbers as allegedly experienced in previous elections, they presented their unofficial tabulation of the results. These showed a clear defeat of CCM for the first time since the reintroduction of multipartyism in 1992. Immediately thereafter the chairman of the Zanzibar Election Commission (ZEC) unilaterally annulled the election, claiming widespread voting irregularities. After a failed process of interparty talks to negotiate the October 2015 election results, the ZEC called for a re-run election in March 2016. CUF, insisting on the legitimacy of the October 2015 vote, rejected this re-run and decided to boycott the elections. Since Zanzibar is a *de facto* two-party system, the re-run election resulted in a total victory for CCM, winning the presidency and all the seats in the legislature. By implication, these results meant that the GNU was effectively dead after just one five-year term.

This article explores the political dynamics in Zanzibar and Tanzania from the establishment of the GNU in 2010. It further analyses how they impacted, undermined and eventually led to the discontinuation of the unity government and the Maridhiano political reconciliation framework. The impacts and outcomes of power-sharing agreements have for some time been a subject of analysis in the African context. The viability of unity governments has been analysed according to their institutional transformation and impact on peace and stability, as well as electoral and democratic reforms (see for example Cheeseman & Tendi 2010; Mehler 2009; Mukherjee 2006). This article is guided by the following questions:

- How did the constitutional review process of 2011-2013 shape political party positions in Zanzibar
- What influenced the shifting of party loyalties going into the elections in 2015; and
- Did the power-sharing formula in the GNU envisage a sustainable political transition.

This article attempts to answer these questions through an analysis of the electoral cycle of 2015. Given the intense party rivalry in Zanzibar, the paper argues that, unlike the 2010 election cycle which was conducted in a reconciliatory atmosphere, the 2015 election reincarnated old animosities between the CCM and CUF.

The analysis is drawn from a prolonged project on electoral observation and political reconciliation in Zanzibar between 2009 and 2015 in which the authors participated. Through a qualitative research design, the article draws data from observing the constitutional review process, voter registration, campaign rallies and election day. The research also used semi-structured interview data collected from various groups such as journalists, political party representatives, the Constitutional Review Commission, government, the Electoral Commission and ordinary citizens on the island of Zanzibar.

ZANZIBAR'S POLITICAL CONTEXT

Zanzibar is an archipelago off the East African coast in the Indian Ocean, consisting of the two main islands of Unguja and Pemba. It is a semi-autonomous region under the United Republic of Tanzania. Zanzibar has had a long and turbulent political history from its pre-colonial days to the racialised politics of the colonial and post-colonial era (Killian 2008). Zanzibar was the bastion of commercial activity along the East African coast and is noted in particular for its role in the regional slave trade. As a trading hub Zanzibar cultivated close ties with Oman, the Persian Gulf, India, Kenya and Comoros (Boswell 2008) and thus became an important site for the emergence of mixed cultures and identities.

Intermittent control by the Sultanate of Oman for close to 200 years and thereafter as a British protectorate meant that Zanzibar experienced external dominance for many years. On 10 December 1963, the Zanzibar protectorate was granted independence from Great Britain but it remained under the Sultan, who was violently deposed in a revolution in January 1964. The 1964 revolution replaced a largely Arab government with an African government in which the Afro-Shirazi Party was the dominant actor. On April 26 1964, Zanzibar joined with Tanganyika to form the United Republic of Tanzania. To consolidate the Union, in 1977 the ASP merged with the Tanganyika African National Union

(TANU) to form Chama Cha Mapinduzi (CCM) – the Revolutionary Party. CCM has since dominated politics in Tanzania and Zanzibar.

THE MARIDHIANO AGREEMENT AND THE CONSTITUTIONALISATION OF THE GNU

Zanzibar elections have been fraught with violence and accusations of rigging and manipulation since the return to multiparty politics in 1995. After every election there have been attempts to negotiate and reach a political settlement between CCM and CUF on the consolidation of peace and democracy on the isles (see for example Anglin 2000; Cameron 2002; Karume 2006). The Muafaka accords, as they were labelled (Muafaka means reconciliation in Swahili), largely failed to be implemented due to a lack of trust between the parties and the incumbent's hesitation to relinquish power (Karume 2006).

New outbursts of violence occurred with the commencement of the voter registration process in August 2009 during the run-up to the 2010 elections. Concern about sustained violence and economic decline on the islands led the two senior political leaders, the incumbent President Amani Abeid Karume who was reaching the end of his second term in office, and the CUF leader Maalim Seif Sherif Hamad, to initiate confidential talks. A secret inter-party committee was established consisting of three trusted representatives from each side, led by the most senior CCM revolutionary Mzee Hassan Nassor Moyo.¹ The Moyo Committee, as it was called, advised President Karume and Maalim Seif on a reconciliation framework based on the establishment of a GNU. Previous attempts at brokering the political impasse in Zanzibar (Muafaka I and Muafaka II) had paid few dividends in terms of a political settlement. The Moyo Committee proposal led to the historic event on 5 November 2009 when President Amani Abeid Karume and CUF's leader Seif Shariff Hamad met at State House in Stone Town. They committed themselves by a hand-shake agreement – a gentleman's agreement – to an amicable settlement of the long and protracted political crisis which had haunted the islands for decades (Bakari & Makulilo 2012).

The resultant agreement, called the Maridhiano (reconciliation accord) signaled a commitment to reconciliation and pacification between CCM and CUF parties through the establishment of a unity government. It included grassroots participation on the two islands of Unguja and Pemba. In order to institutionalise and formalise the accord, CUF presented a private motion in the House of Representatives proposing constitutional amendments to the 1984 Zanzibar

1 The three members from CCM were Hassan Nassor Moyo (Chairman), Mansour Yusuf Himid and Mohamed Al Mugheiry Riyami while CUF members included Abubakar Khamis Bakari, Ismail Jussa Ladhu and Salim Bimani.

Constitution to cater for the formation of a GNU, creating two vice president positions and a sharing of cabinet posts. In addition, as a show of common interests and nationalism, the amendments furthermore declared Zanzibar to be one of the two constituent countries under the United Republic of Tanzania. In a subsequent referendum held on 31 July 2010, some 66.4% of voters approved the formation of a GNU, to be effected depending on the outcome of the October 2010 general elections (Nassor & Jose 2014).

Unlike the previous elections of 1995, 2000 and 2005, the 2010 elections were largely peaceful from the start of the campaigns to the announcement of the election results. The spirit of *Maridhiano* was evident in the electioneering process, with the political environment remaining largely positive and calm. This was made possible by the reconciliatory campaign messaging from President Amani Karume (CCM) and opposition CUF leader Seif Shariff Hamad on the need to unite all Zanzibaris. The leadership was focused on initiating and implementing change by fostering leadership trust between the two parties and bridging the identity gap between the parties and the people of Zanzibar (Moss & Tronvoll 2014). The 2010 results were similarly controversial, but with heavy pressure from the mainland on CUF presidential candidate Maalim Seif, and in the spirit of *Maridhiano* the two leaders accepted CCM's candidate Ali Mohammed Shein. They agreed to declare him as the winner of the 2010 general elections with 50.1% of the vote, with CUF's Seif Shariff Hamad garnering 49.1% of the vote. In other words, this was a manifestation of a true *Maridhiano* result. Building on the work of Andreas Mehler (2009) together with that of Aley Soud Nassor and Jim Jose (2014), we argue here that whereas power-sharing agreements can resolve political crises through position sharing, intervening factors such as the constitutional review process and the 2015 election process contributed to the fall of the GNU in Zanzibar.

THE FORMATION OF THE GNU

The GNU was established in November 2010 with Ali Mohammed Shein as President, Seif Shariff Hamad as the largely ceremonial first vice-president and Seif Ali Iddi as the second vice-president and leader of government affairs in the House of Representatives. The president subsequently appointed a cabinet comprising 16 line ministers and 3 ministers without portfolio, with a fair amount of balance between the two partners in terms of the key ministries, though CCM retained the most powerful and important ministries.

In its inception, the GNU had broad-based popular support and was carried forward by a societal euphoria celebrating the fact that the political conflict that had ridden the islands for decades was finally settled. Top-level leaders and

ministers from both parties expressed surprise that the working spirit in the cabinet was very amicable and constructive in its first year or so. Gradually, however, the GNU was overtaken and impacted by a set of political events. Eventually these would derail the Maridhiano process and lead to the collapse of the GNU after its first period in existence.

CONSTITUTIONAL REVIEW PROCESS AND THE GNU

The main issue to undermine the collaborative spirit in the GNU was the Tanzanian constitutional review process which commenced in late 2011. As anticipated, the Union issue, that is the organising principles of the relationship between the autonomous political entity of Zanzibar and the Union level (reflecting the mainland) dominated the review process. There were two crucial Union issues on which CCM and CUF diverged:

- (a) Which issues should be included under 'Union matters', and which should be left to the prerogative of Zanzibar to decide upon alone;
- (b) What government structure should Tanzania adopt:
 - continue the status quo of a two-government asymmetrical union structure (a Zanzibar executive, government, and legislature deciding on all non-Union matters prevailing to Zanzibar; and a combined Union executive, government and legislature deciding on all Union matters for both entities, in addition to serving as an executive, government and legislature for mainland affairs);
 - or transform into a three-government structure (which had a rather lean Union government overseeing Union matters for both entities and a separate executive, government and legislature for Tanganyika mainland and Zanzibar respectively).

These positions were founded on long-held popular grievances among large segments of Zanzibar's population to the effect that the Union framework discriminated against and marginalised Zanzibar's interests and rightful prerogatives under the original Articles of the Union, as was intended in 1964 (Tronvoll 2006).

The review process was initiated by Union president Jakaya Kikwete in late 2011 and was aimed at collecting citizens' opinions on a new constitution. CCM was torn between one faction advocating for reform, and another that was happy with the status quo. According to one Constitutional Review commissioner, 'CCM's opinion was flexible. Of course, they proposed a two-government

structure, because that is their party policy, but they are ready for change.’ (Anonymous interview in Zanzibar, June 2012). CCM had accepted that many of the Union issues could be removed, including international cooperation, which would facilitate the long sought-after direct bilateral development programs for Zanzibar. Prominent CCM members in both Zanzibar and the mainland admitted that change was coming and it was likely that three governments would be the format agreed upon for the Union in the new constitution. CCM was apparently more concerned about reforming the local government systems, a move which a majority of citizens, political parties and NGOs all supported. Such a reform would negatively impact CCM as it would challenge their hold on power in local and regional governments in the short term and their grip on the central government in the longer term. The reason for this was the decentralisation of power through the scrapping of regional commissioners (RCs) and district commissioners (DCs) and replacing them with elected officials.

In Zanzibar, discussions with CCM officials recognised that CUF was scoring political points by capitalising on the advent of Zanzibari nationalism in the wake of the formation of the GNU and the Union debate. They also acknowledged that the likely outcome of the process would be a three-government structure. As one more progressive CCM member put it, ‘it is good CUF wants the Treaty-based Union because then we can support three governments in the Constitutional Assembly and referendum without appearing to give in to the opposition, which is still unthinkable here’ (Interview, Zanzibar May 2014). This statement must be seen against a backdrop where just a few years earlier people could be arrested if they advocated for Union reform.

CUF as a party was divided over the constitutional process, and the split generally ran along the mainland vs. Zanzibar sides of the party. The party’s official stand was and continues to be a three-government structure Union; however, in his submission to the CRC, Secretary-General Maalim Seif Shariff Hamad argued in favour of a treaty-based Union. This concept involved a split-sovereignty model (where both Zanzibar and Tanganyika were sovereign entities), with the European Union and the East African Community as reference points.

On the other hand, CUF National Chairman Ibrahim Lipumba, from mainland Tanzania, warned that the political Union had existed for nearly 50 years. A break would not be clean and his colleagues in Zanzibar were not taking into account the potential hazards of advocating such a policy (interview, Dodoma, July 2014). Lipumba further explained that since the Union of Tanzania is primarily a political one, to argue for an economic model based on the EU or EAC is wrong and dangerous, given the religious tensions and political immaturity of Tanzanian society. According to him the two parties to the Union were currently

too intertwined to break up and the cost to ordinary citizens would be too high. In Zanzibar however, the party and its leaders remained fully committed to pushing a strong nationalistic agenda towards sovereignty, and repeatedly stated that they would not back down from this position. CUF's position was enhanced further by an Islamic NGO called UAMSHO (Swahili for Awakening) which advocated for a break-up of the Union and full Zanzibari sovereignty. With the GNU taking shape, the constitution review process began affecting the discourse within both parties as well as unity in the cabinet.

QUALMS ABOUT THE CCM

The low turnout in CCM strongholds in Zanzibar and the referendum for establishing a GNU in 2009 indicated that large segments of the CCM leadership and constituency were obviously hesitant about accepting the arrangement. President Karume had more or less single-handedly imposed the Maridhiano solution on the party and chastised anyone opposing it. After President Karume stepped down, his faction and followers within CCM were under pressure from the new hardline leadership. The three CCM members of the Maridhiano committee were the first to feel the consequences.

Because of the political opinions articulated during the constitutional review process, these three influential CCM party cadres were either expelled from the party or defected. In an unprecedented manner all three subsequently shifted their allegiance to CUF and began supporting Maalim Seif in the run-up to the 2015 elections. Key among them was Mzee Hassan Nassor Moyo, a CCM long-serving stalwart and one of the original members of the Revolutionary Council after the Zanzibar Revolution in 1964. He was a founding member of the Afro Shirazi Party in Zanzibar and helped to oversee the merger of TANU and ASP to create CCM in 1977. Mzee Moyo was a crucial pillar in the reconciliation talks that pacified CCM and CUF and led to the formation of the GNU in 2010. CCM accused Mzee Moyo of betraying the party through his three-government Union stance, and in April 2015 CCM announced that it had expelled him from the party (Sadallah 2015). Mzee Moyo's expulsion came a year after yet another member of the reconciliation team, Mansour Yussuf Himid, was dismissed from the party in August 2013 over similar accusations.

The expulsion of Mzee Moyo was significant for a number of reasons. First, CCM party officials in Zanzibar had become increasingly antagonised by Moyo's stance supporting a sovereign Zanzibar. In particular, his public announcements supporting the CUF stand on the Union at political rallies, where he appeared to be working directly against CCM interests and positions, had aroused their ire. For example, according to researchers at a rally in Chaani, Zanzibar on

28 December, Mzee Moyo publicly castigated some CCM members for not supporting the reconciliation agenda. Moyo's support for the treaty based on the three-government structure and with full sovereignty for Zanzibar posed a real threat to CCM in Zanzibar. It directly undermined their support of the proposed constitution which endorsed the status quo. CUF was trying to capitalise on the growth of Zanzibar nationalism not only to oppose the proposed constitution, but also to win State House in Zanzibar in 2015. Therefore, even though Moyo had not openly advocated for CUF, he knowingly opposed his party's position and in effect strengthened the opposition. Second, his detailed knowledge of the inner workings of CCM and support of more moderate factions in CCM Zanzibar were considered an asset in increasing support for CUF. Moyo's expulsion also strengthened CUF's attempts to recast and remodel themselves as the party defending and fighting for the ideological underpinnings of the Zanzibar Revolution, thereby appropriating CCM's main political argument and legacy.

Third, as the chairman of the informal bipartisan Maridhiano committee, Moyo appeared to give CUF full ownership of the GNU format and Maridhiano concept. The election was shaped by this turn of events with CCM distancing itself from the Maridhiano committee as well as the GNU format, as CUF increasingly embraced both in their manifesto and on the campaign trail.² CUF would most probably capitalise on this by branding itself as the party for peace, stability and continued political reconciliation.³

Mzee Moyo was critical of CCM Zanzibar's handling of the Union issues debate as well as CCM's commitment to reconciliation (Sadallah 2015). Mansour Yusuf Himid, another senior CCM cadre and minister, was also frustrated by his party and was later expelled, in the process losing his constituency seat of Kiembe Samaki. Later he defiantly joined CUF. As with Mzee Moyo, Mansour differed from his party on the format and structure of the Union. In particular, Mansour admitted that CCM had played the racial card in previous elections that divided the people of Zanzibar. Mohamed Al Mugheiry Riyami, the third member of the Maridhiano Committee and a trusted CCM cadre, had announced his defection from the party in August 2013. Like the others Riyami said he was disillusioned by the CCM's stance on the Union, accusing them of selling off the country and party in Tanzania's capital Dodoma. In addition, there were several

2 The CUF Election manifesto constantly reiterated claims of what a CUF-led GNU would do. This was in stark contrast to CCM. Both manifestos can be found here: http://www.temco.udsm.ac.tz/images/stories/Election_Manifesto/ILANI_CCM_2015.pdf and http://www.temco.udsm.ac.tz/images/stories/Election_Manifesto/ILANI_CUF_2015.pdf

3 This was exemplified in CUF's muted responses to alleged attacks on CCM's premises and supporters in Dimani in April 2015.

defections by other cadres and party officials, leaving the CCM party exposed ahead of the 2015 elections.⁴

SHIFTING LOYALTIES IN ZANZIBAR

Political competition in Zanzibar has been shaped largely by the politics of identity waged by the political leadership on the basis of race. Communal identities are, however, neither wholly inherited nor wholly invented, but are an overlap of the two (see for example Glassman 2011; Killian 2008). These identities have influenced and shaped all aspects of social, economic and political lifestyles in Zanzibar. Regarding the political aspect, these identities have historically shaped voting patterns and behavior in Zanzibar.

During the pre-election period we observed a shift in political behaviour in Unguja, an island historically dominated by CCM. These shifts were observed across the island but were particularly noteworthy in the old CCM strongholds of central, north and southern Unguja. In southern Unguja strong support has been shaped by a combination of revolutionary legacy and extreme levels of deprivation, causing a patrimonial symbiosis between the people and the government. In April 2015 the CUF, which had been banned from the area, held a large rally in the southern regional capital of Makunduchi at the invitation of the local community. At the rally an estimated 500 youths showed up and defected from CCM to CUF, according to local journalist interviewed on 9 June 2015 in Stone Town, Zanzibar. In an interview the previous day a senior government official, who spoke on condition of anonymity, shared these sentiments: 'The shifts are glaring and it is remarkable in the public service. This is partly as a result of the failure in the constitution process and the rise of Zanzibar nationalism.'

It was evident in our fieldwork observation that CUF's advocacy for full sovereignty was a key factor in the shifting loyalties among the youth and middle class in Zanzibar. One youngster who defected from CCM to CUF expressed his feelings in an interview on 10 June 2015 in Makunduchi: 'We want to reclaim our dignity, we want our country back, and we want a free port and more jobs'.

CO-OPTING THE REVOLUTIONARY LEGACY

Politics in Zanzibar has been dominated by hostile images born out of geographical locations, political allegiances, descent, ethnicity and even race (Moss

4 As for instance Juma Hamad Omar, a former CCM Minister in Salmin Amour's government, who defected to CUF and ran on a CUF MP ticket in Wawi constituency (Pemba) in the 2015 election; and Mohammed Hashim, a former deputy minister and commissioner of the Zanzibar Revenue Board (ZRB) who ran on a CUF ticket in Dimani constituency.

& Tronvoll 2014). The 1964 Zanzibar Revolution has been an important historical legacy in state formation in Zanzibar, one that imbues a sense of identity and independence to the people. For CCM the revolution symbolises its *raison d'être* and the party has always seen itself as the custodians of the 1964 revolution. CCM literally means 'the party of the revolution' and it has built its legitimacy on that legacy, as reflected in their key party slogan 'Mapinduzi Daima', Swahili for 'Revolution Forever'.

CCM views the revolution as an economic, social, and political reform that wrested power from the Arab oligarchy and their British colonial supporters in Zanzibar (Mmuya 2003). CUF has in the past challenged the 1964 revolution and has lambasted the decay of the revolutionary ideals (Fouéré 2014). The Afro-Shirazi Party (ASP), the precursor to CCM, advocated for African nationalism and imbued aspects of racialism, which led to the overthrow of the Arab oligarchy in 1964. When CCM was formed in 1977 after the merger between ASP and Tanganyika's TANU, ASP remained a symbolic relic.

In the period leading up to the election CUF consciously designed a strategy to co-opt the revolutionary legacy, partly because of the recent defections of key CCM senior cadres and also due to the rise of Zanzibar nationalism. The revolutionary discourse was co-opted in many CUF pre-election rallies and throughout the campaign. The flags of the revolutionary party ASP were flown in CUF rallies and the 'Mapinduzi Daima' mantra was used, much to the delight of CUF followers. For most CUF supporters the use of this chant during the campaigns was seen as a triumph over CCM and a preparation to take power. To them CCM had betrayed the revolutionary legacy through their antipathy to the reconciliation agenda as well as the derailing of the constitutional review process. They rallied on Zanzibari nationalism through the 'Zanzibar Kwanza – Zanzibar First' motto in reference to the contested relationship in the Union, that is the conflictual interpretations and different perceptions of the Union as seen from mainland and Zanzibar. The 'Zanzibar First' motto was popularised in CUF rallies throughout Zanzibar in the period leading to the 2015 elections.

Mansour Yusuf Himid, ex-CCM minister, took up the role of CUF campaign coordinator. Running on a CUF ticket as the candidate for the Zanzibar House of Representatives, he championed the revolution by honouring the heroes of the revolution, explaining the true meaning of revolution. Speaking during a public rally in Zanzibar in December 2013, he explained that the revolution envisioned an equal society, one that respects the rights of all regardless of race, religion or color. The rhetoric was particularly effectual, since it was delivered by Mansour, the son of one of Zanzibar's revolutionary leaders who was married to the granddaughter of Zanzibar's first president, Abeid Amani Karume. In a CUF rally on 21 February 2015, Mansour told the crowd that this was the start of '... a

journey to a government of the people, to carry forward the hopes of the people and to result from and serve the people...' (Hamid 2015, author translation). The rally used revolutionary symbolism, including the CCM chant of 'Mapinduzi Daima', posters showing CUF presidential candidate Maalim Seif with Zanzibar founding president Abeid Amani Karume, as well as flying the original Zanzibar flag used after the revolution and before the creation of the United Republic.

This symbolism fitted into the broader CUF narrative that they were the party seeking to fulfil its re-emergence and reclaim its past glory. Building on Mansour's speech, Maalim Seif spoke about how CUF and its leaders would not only lead Zanzibar to full sovereignty, but also build a new economy turning Zanzibar into the Dubai or Singapore of East Africa.⁵

These emerging trends were also seen in the rise of the UAMSHO movement, the Islamic mobilisation NGO, which spoke of the imbalances of the Union and promoted secession and Zanzibari nationalism. The movement gained prominence at the height of the constitution-making process and spoke of 'reclaiming Zanzibari independence' (Fouéré 2014). The message from UAMSHO resonated with that of CUF and by virtue of this CCM was quick to associate the two. In 2012, leaders of the movement were arrested for engaging in violent social protest during their agitation for Zanzibari independence (Hutton 2015). The UAMSHO leaders were jailed in mainland Tanzania, and CUF, in its campaign rhetoric, promised to release them should they win the elections.

In order to retaliate against the CUF's adoption of revolutionary rhetoric, CCM reintroduced the return of the Sultan narrative that had been used effectively to stigmatise the party in previous campaigns in the 1990s and early 2000s. During a public rally in northern Zanzibar, CCM reiterated that CUF's intention, once elected into office, was to bring back the Sultan through the back door (State House, 2015). The racial card was used explicitly and deliberately at several CCM rallies. For instance, Second Vice President Seif Ali Iddi tried to label CUF as a racially discriminating party at a campaign rally in northern Zanzibar 27 September 2015: 'Maybe because I am black and I can't pretend to be white like Jussa (a senior CUF cadre of Indian descent). If am black, that is how I was created by God. I assure you CUF will fall [lose the election].'

During the months leading up to the elections political rhetoric became increasingly divisive. CUF leadership made provocative statements about CCM not giving away power and that CUF would feel obliged to defend a CUF victory and 'take over control'. On the other hand, CCM stated that they would never hand over power [to CUF] by the ballot box since they had taken power by force during the Revolution.

5 CUF issued its manifesto for Zanzibar 21 September 2015. This manifesto presented a vision of a Zanzibar with full self-governing authority - *A new Zanzibar: Full Sovereignty, Prosperity for all within a Union with Tanganyika*. It outlined its position for a three-government format.

A SHAKY GNU DURING THE CAMPAIGNS

Maridhiano had withered, the political divide in Zanzibar had widened even before the start of the official campaign, and the fissures were evident. Some bold CCM members spoke out publicly against the GNU and argued that CCM should not co-operate with the adversarial CUF in government. The CUF, on the other hand, blamed CCM for conspiring to derail the GNU in order to revert to a position of political instability, which arguably gave CCM an excuse to use agents of law enforcement to restrict and intimidate the opposition. It is widely believed that the existence of the GNU had, to a great extent, restrained hardliners in CCM from taking advantage of the state and its coercive power.

CCM's pre-GNU political advantage was the monopoly of state power, which included decision-making in government without the knowledge of the opposition. Under GNU, the CUF gained considerable insight into the inner workings of government and government operations, giving them a great psychological advantage in the campaigns and elections. Furthermore, First Vice President Maalim Seif was for the first time conducting the political activities of his party under the protection of the state's security forces, unlike the past where he could easily have been restrained by the same security forces which were now legally obliged to protect him. Most of these advantages exploited by the ruling party during electoral races prior to the establishment of the GNU were now limited, adding to the sense of urgency and tension in the 2015 electoral cycle, with a level playing field in the run-up to the election.

Tensions between CCM and CUF escalated during the final days before the dissolution of the House of Representatives ahead of the elections in October 2015. For example, CUF members, including ministers in the government, boycotted the end of budget session because of allegations of irregularities and manipulation in the voter registration process by CCM. In retaliation, CCM house members voted to block First Vice President Maalim Seif from attending the presidential speech officially dissolving the House of Representatives before the elections. The GNU government appeared to be a government in name only, as the two parties' relationship was characterised more by confrontation than co-operation in the run-up to the elections. In an interview on 30 July 2015 journalist Ally Saleh, the CUF MP for Malindi constituency in Zanzibar, stated that 'The GNU is facing a rough patch, there is no trust anymore. The strained relations between CUF and CCM are bad sign for Zanzibar as we approach the elections'.

RE-EMERGING ENEMY IMAGES IN THE ELECTION CAMPAIGN

The election campaigns in Zanzibar officially began on 7 September 2015 with campaign discourse characterised by increasingly divisive rhetoric. CUF and its

presidential candidate Maalim Seif campaigned fiercely and reiterated that they would not allow their victory to be stolen as had allegedly been done in the past. At a rally in Nungwi on 18 October 2015 observed by researchers, Maalim Seif said 'This time I will not stop anyone from demanding his right. The youth are here and they are ready. I will be the president Inshallah! [God willing]'.

The main campaign promise from CUF, as outlined in their party manifesto, was increased autonomy for Zanzibar through a re-negotiation of Zanzibar's position within the Union. CUF subtly promised the full autonomy they believed would strengthen the Union in the long run, by emphasising principles of justice, equality and respect between the two states in the Union. In this regard, they outlined direct Zanzibari international relations and co-operation (bypassing the Union) as a key promise. In particular, the party emphasised Zanzibar's right to own the oil and gas within Zanzibari territories, which is a concern of Union and under the authority of the Union government. It is important to observe that during the constitutional review process, the Zanzibar and Union governments agreed in principle that oil and gas would not be a Union issue and Zanzibar would have autonomy over the resource. The CUF promised to develop and pass an oil and gas law and a policy for sustainable development within 100 days of taking office. The CUF leadership had always projected the party as one that would stand by the ideals of Maridhiano, and pursuant to their manifesto they promised to protect, maintain and build a cohesive society in the Maridhiano spirit.

CCM campaigned in general on a development platform, as outlined in their party manifesto. CCM Zanzibar's manifesto falls under the CCM Union Manifesto and focused on strengthening the current Union format by seeking alternative measures to solve the Union challenges under a continuation of a two-government system (see CCM Manifesto 2015-2020). The CCM party also promised victory to their supporters. At a rally in October 2015 addressed by CCM Union presidential candidate John Magufuli, CCM supporters sang victory songs saying that CCM would never allow CUF to take office. The tone on the ground was confrontational, undermining the Maridhiano spirit enshrined through the GNU. This sentiment emanated from the revolutionary legacy and CCM's long-standing perception of themselves as the patrons of the revolution, safeguarding and protecting its fruits. Translated into operational politics, this came to mean that only another revolution would unseat the party from power in Zanzibar. This was explicitly articulated in a controversial statement made by CCM's Asha Bakari during the constitution review process in the Constituent Assembly (CA) debates in Dodoma: 'Zanzibar is a revolutionary state, and I say this; we shall not relinquish! Maybe if they (CUF) overthrow us. A revolutionary government is not defeated in the ballot. This I tell you openly, they (CUF) don't have that power, because we (CCM) are the ones with power'.

During the campaigns, CCM senior leaders such as Balozi Iddi, Vuai Ali Vuai, Amina Salum Ali, Juma Borafya and Hamza spoke out openly against Maridhiano and the GNU. They felt that power-sharing had failed and the best way forward was a return to the winner-takes-all-system. The election competition between CCM and CUF had undermined the spirit of reconciliation and increased tensions, making co-operation in the next administration more difficult. Typical statements from CCM leaders during the campaigns included comments like those of Amina Salum Ali, speaking at a CCM rally at Kwa Mtipura on 6 October 2015 and observed by researchers: 'You can see CCM has a presidential flag, CUF doesn't have. Look at our flag. CUF cannot be allowed to win'.

In the final week of campaigning, a heavy military presence around key areas of Zanzibar such as the port, airport, television station (TV Zanzibar) and important roads was observed. The finalisation of the election campaigns showed a major rift between CCM and CUF, unlike the 2010 campaign which had been more reconciliatory.

AN ELECTION ANNULLED

On 25 October 2015 both Zanzibar and mainland Tanzania went to the polls, the fifth general elections since the reintroduction of multi-party politics in 1992. While the ZEC is the electoral management body in Zanzibar, the National Election Commission (NEC) is in charge of the elections in mainland Tanzania. ZEC oversees the presidential, House of Representative and councillor elections in Zanzibar, as well as administering the Union presidential and parliamentary elections on behalf of and under the oversight of NEC. Despite five years of a Government of National Unity in Zanzibar, the two governing parties, CCM and CUF, saw the 2015 elections as a must-win election, given the high stakes inserted into the Tanzanian constitutional review process and Zanzibar's status under the United Republic of Tanzania. National and international observer groups called it the best-run election ever on the isles, where the voting and counting process was generally peaceful and conducted according to the law. This was according to a joint statement on 29 October 2015 by the Commonwealth Observer Group, African Union, SADC and the EU, in which they expressed concern about the situation in Zanzibar. However, when it became clear during the tabulation and announcement of votes that CUF had won several constituencies previously held by CCM in Unguja, the Chairman of the Zanzibar Election Commission delayed further announcement. After some time, in a pre-emptive and what was considered a strategic political move, CUF's presidential candidate Maalim Seif Sharif Hamad called a press conference on 26 October 2015. He stated that

according to an independent tally he had won the election and called upon ZEC to declare him the winner (*The Guardian* 2015). Part of the statement read:

As of 9.30 this morning, Maalim Seif Hamad, the presidential candidate of the Civic United Front in Zanzibar, had secured 200,077 votes against his rival Dr. Ali Mohamed Shein of CCM with 178,363 votes. This constitutes a majority for CUF of 21,714 votes - 52.87% against 47.13%. The people of Zanzibar have spoken... [] There is now no question that Maalim Seif has won the presidential election in Zanzibar and that the ruling party has been defeated for the first time since 1977.

TEMCO 2015

CUF's announcement was quickly followed up by CCM who described it as a unilateral declaration which could create tensions and was illegal according to the Zanzibar Elections Act (*The Citizen* 2015). After two days of chaos, on 28 October ZEC Chairman Jecha Salim Jecha unilaterally annulled the elections after 31 of 54 constituencies had been tallied and their results announced, citing 'serious irregularities and gross violations of laws and election regulations' (*The Guardian* 2015). The Chairman also cited nine factors which had influenced his decision; these included the fighting among ZEC Commissioners and voting irregularities on Pemba island where many polling stations outnumbered the voters in the poll book (*Daily News* 2015). While NEC also oversees the elections of Union MPs in Zanzibar, it did not record any of the irregularities which were alleged by ZEC. It is important to note that the elections in both mainland Tanzania and Zanzibar run concurrently.

A day after the nullification of the election, the European Union Election Observer Mission together with the African Union, the Southern African Development Community (SADC) and the Commonwealth Observer missions issued a joint statement expressing their concern about this decision. According to the statement, the general conduct of the elections prior to the counting and verification process was in accordance with the election laws in Tanzania and they therefore called for a full disclosure of the nullification decision.

The nullification of the elections created a raft of legal and constitutional ramifications and plunged the isles into a political imbroglio. The decision to annul the elections was condemned by both international and domestic observer missions, most vehemently by the US Embassy in Tanzania which expressed 'grave concern' over the actions of the ZEC Chairman (TEMCO 2015). In a quick rebuttal, two ZEC Commissioners from CUF said the Chairman took this action alone and without informing or consulting with the other Commissioners,

according to an interview with ZEC Commissioner Ayoub on 29 October 2015 in Stone Town, Zanzibar. They contended that the decision was illegal as it did not adhere to procedures outlined in the Zanzibar Elections Act. Section 3(2) of the Elections Act requires the Commission as a collective body to provide consent for any direction, instructions or announcements in regard to elections in Zanzibar. Pursuant to this, the Zanzibar Constitution (1984/2010) Section 119(10) outlines the quorum of the Commission in the following way: 'The quorum of the Commission is the Chairman or Vice Chairman and four members and every decision of the Commission shall be supported by the majority of the members of the Commission'.

The CUF declared that the results were contested and rejected by CCM, accusing CUF of manipulating the election process. They hence supported the decision by the ZEC Chairman to annul the election and move towards a re-election.

INTER-PARTY NEGOTIATIONS AND THE RE-ELECTION

With the elections annulled, inter-party negotiations between CCM and CUF began with an attempt to amicably resolve the burgeoning political stand-off in Zanzibar. The main issues discussed included the legality of nullifying the elections, a possible re-election, and the legitimacy of the government that was still being led by Ali Mohammed Shein. The talks involved the two protagonists, CCM presidential candidate Ali Mohamed Shein and Maalim Seif Shariff Hamad, the CUF presidential candidate, together with a host of CCM luminaries such as former Union President Ali Hassan Mwinyi and former Zanzibar Presidents Salmin Amour and Amani Abeid Karume, together with Second Vice President Seif Ali Iddi.

Regarding the legality of ZEC Chairman's act, CUF contended that the nullification was unconstitutional and contrary to the Election Law based on section 119 (10) of the Constitution which requires that every decision of the Commission be decided by the majority. In their argument CUF reiterated that the ZEC Chairman made the decision to annul the election without consulting the Commission and without getting majority approval. CUF also pointed out that the Chairman made the decision contrary to the election law, which makes it clear that results for the election of the Members of the House of Representatives and councillors, once verified and announced by the returning officers, may not be challenged except through an election petition. On their part, CCM stood by the ZEC Chairman arguing that the Chairman had made the decision not as an individual but as the Chairman of ZEC.

On the question of a possible re-election, CCM came to the meetings with

only two options: re-election, failing which CUF would seek legal redress at the courts. CUF on the other hand was of the opinion that the re-election could not be called without first ascertaining the legality of the nullification. Maalim Seif proposed the formation of an independent, binding, arbitral tribunal composed of chief justices of East African countries such as Malawi, Kenya and Uganda. He also proposed that the two parties should provide terms of references to the tribunal and the two parties should make a prior undertaking agreeing to accept the findings of the tribunal. CCM refused this proposal, citing constitutional limitations as their reason without further elaboration. On the other hand, CUF's Maalim Seif rejected the proposal to take the matter to court. He cited three main grounds for this:

- the politicisation of the registrar of the courts in Zanzibar
- the lack of independence of high court judges; and
- the government treatment of the vice chairman of ZEC.

The deputy chair was a high court judge who had been arrested by the police while on election duty, probably to prevent him from announcing the results before the election was nullified. CUF took this as a clear indication that the government had no intention to respect the independence of the judiciary.

Furthermore, the issue of government legitimacy in the aftermath of the annulled election was extensively discussed. CUF was of the opinion that the presidential tenure had expired in accordance with the provisions of section 28(2) of the Zanzibar Constitution, although it was understood that the president was invoking the provisions of section 28(1) (a) which provides that the president will hold office until the next president is sworn in. But CUF asserted that the provision could not be used where the incumbent is part of the conspiracy, as he should not benefit from his own wrongdoing. CCM did not accept the points raised by the CUF in this regard. When the Attorney General was called to clarify the two issues, he addressed the first issue on presidential tenure as a purely literal interpretation of the Constitution, without addressing the meaning and application of section 28(2) and 29 which limit the presidential term and provide grounds for its extension.

Despite nine rounds of talks in late 2015 and early 2016 no agreement was reached, and ZEC Chairman announced in January 2016 that a re-election would be held on 20 March 2016. The announcement through state-run Zanzibar Broadcasting Corporation (ZBC), noted that the re-election would involve the president of Zanzibar, members of the House of Representatives and councillors; it would not be preceded by party nominations; and all candidates would remain on the ballot. Following this announcement, the CUF stated that they would

boycott the re-election. CUF also tried to have all their candidates – presidential, House of Representatives and councillors – removed from the ballot. However, this was rejected by ZEC Chairman who said that the proper procedures were not followed and that this was probably a strategy to strengthen the ‘legitimacy’ of the re-elections and the CCM position.

On 20 March 2016 the re-election was conducted in Zanzibar with an unprecedentedly low turnout, as the main opposition party CUF and eight other political parties boycotted the re-election. The CUF stand was that their presidential candidate Seif Shariif Hamad had won the October election, those polls were free, fair, and credible, and there was no legitimate justification for either the annulment or the re-election process. ZEC announced Ali Mohammed Shein of CCM as winner with 91.4% of the votes; in addition, CCM won all the House of Representatives seats. With these results legal questions regarding the formation of a GNU were bound to arise.

According to Section 9(3) of the Zanzibar Constitution 2010 (translated by the authors) the structure of the Revolutionary Government of Zanzibar will be one of National Unity and its functions shall be to carry out its duties to enhance national unity and to attain democracy. To fulfill this provision, Section 39(1) of the Constitution provides for a first vice president and second vice president who shall according to Section 39(5) and 39(7) be principal advisors to the president. According to Section 39(3)(i) the first vice president shall come from the party that came second in the election and must have garnered not less than 10% of the vote. In the results detailed above, no party other than CCM garnered more than 10% share of the vote. Section 39(3)(i) and (ii) states that if an appointment does not occur, that is if no opposition party wins the requisite votes or when the president lacks a competitor, the seat goes to the party with the second largest number of seats in the House of Representatives. As such the seat of the first vice president shall remain vacant given that no second party met either of the thresholds for appointing a candidate for the position. Further, in Section 39A (3), the seat of the first vice president can remain vacant if, seven days after the president is sworn in, the party that came second fails to offer a name to the president. This notwithstanding, Ali Mohammed Shein went on to reappoint Balozi Seif Iddi as the second vice president on 28 March 2016.⁶

Regarding the formation of a cabinet, the Constitution states in Section 42(2) that the president in consultation with both his vice-presidents shall appoint cabinet ministers from the members of the House of Representatives, taking into consideration a portfolio balance of the parties represented in the House of

6 Balozi Seif Ali Iddi had served in the position of second vice president during the first GNU and is a known party hardliner in Zanzibar.

Representatives. As all elected member were from the CCM, the unity government was de facto abolished. President Shein effectively ended the GNU when he announced a loyalist cabinet, albeit including three presidential candidates from minor loyalist opposition parties. CUF stated that they did not recognise Dr. Mohammed Shein's presidency or government as legitimate and announced a strategy of civil disobedience. Therefore, the culmination of the re-election in Zanzibar marked the end of the Maridhiano spirit in Zanzibar.

CONCLUSION

Mehler has argued that power-sharing remains in vogue, and through an examination of power-sharing agreements in Liberia, Cote d'Ivoire and Kenya he contends that power-sharing agreements do not necessarily offer miraculous solutions to complex crises (Mehler 2009). Ian Spears argues that power-sharing agreements temporarily offer transitional remedies and not long-term conflict resolutions (Spears 2002). Aley Nassor and Jim Jose, in their analysis of Zanzibar, argued that Zanzibar's experiment in power-sharing demonstrates that a multi-party political system need not be structured according to a two-party oppositional model so as to achieve sustainable democratic consolidation (Nassor & Jose 2014).

This article demonstrates the challenges of sustaining a power-sharing agreement in the form of a GNU in Zanzibar. Drawing from the literature around consensus democracy, we argue that intervening variables such as the constitutional review process and the election contributed to the re-emergence of enemy images in Zanzibar. This in turn led to the end of the Maridhiano spirit after a five-year experiment. The rift between CCM and CUF widened, leading to increasingly harsh political rhetoric against each other and withering the spirit of co-operation and partnership within the GNU as well as in the populace at large (Roop, Tronvoll & Minde 2018). The controversial re-election in March 2016 proved to be the end of the Mariadhiano spirit and the end of the first-phase GNU. The GNU format is still constitutionally enshrined, however, and pending electoral participation and outcome 2020, it may re-emerge from the ashes.

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