



ELECTORAL INTEGRITY IN AFRICA: UNDER THREAT?

CONCEPT NOTE

14TH ANNUAL EISA SYMPOSIUM

1. Introduction

EISA will organise its 14th annual symposium on 25 and 26 September 2019 in Johannesburg, South Africa, to share experiences, harness lessons, and interrogate the integrity of recent elections in Africa from the perspective of evolving norms and standards. Specifically, symposium will focus on the elections in Kenya, Sierra Leone, South Africa, the Democratic Republic of Congo (DRC) and Zimbabwe. It will provide a platform for dialogue among practitioners in the fields of elections and democracy such as representatives of Election Management Bodies (EMBs), Civil Society Organisations (CSOs), academia, as well as the African Union (AU) and Regional Economic Communities (RECs). The symposium aims to generate policy-oriented recommendations with a view to shaping future direction in fostering and contributing to the integrity of electoral processes and consolidation of democracy in Africa.

2. Background

Observation of recent electoral processes in Africa has highlighted certain trends in the conduct elections that impact on electoral outcomes and overall integrity of elections. The role of the judiciary in electoral processes in Kenya, Sierra Leone, and the Democratic Republic of Congo (DRC) points to an emerging trend of electoral outcomes being determined by the courts, rather than by the will of the people. Some practitioners have termed it 'democracy by court order'.¹ Some have argued that it signals an abdication of the people's will.

¹ <https://www.economist.com/middle-east-and-africa/2008/01/24/democracy-by-court-order> accessed 15/07/2019

The postponement of elections has also been observed as an emerging trend in recent elections, as seen in Sierra Leone, Liberia, DRC and Nigeria. The decision to postpone elections range from questions around the operational preparedness of Election Management Bodies (EMBs) to court decisions based on suspicion of fraud or irregularities. The question that remains unanswered however, is whether or not these postponements contribute to the integrity of the elections at the end of the process.

The use of technology across different aspects of electoral processes is fast becoming the norm in Africa. While the use of electronic voting is yet to be widespread, the DRC became the second country on the continent to use such technology, the discourse around the issue is fast catching up in countries like Nigeria and Botswana. Questions around cyber security, privacy and transparency have become key issues as most countries have introduced different forms of technologies in voter registration, voter identification and results management. The disputed outcome of the 2017 elections in Kenya centred around the security of the Independent Elections and Boundaries Commission's (IEBC) servers and transparency of the results management process. The recent outburst about suspicions of multiple voting in South Africa cast doubts on the voter identification technology (the Zip-ZIP machines) in the country. These and several other recent elections point to the impact of the use of technology on the integrity of elections in Africa.

Access to information is a fundamental principle for credible elections. The recent upsurge in access to mobile technology and the internet in Africa is rapidly changing the context of electoral processes. While such access opens new frontiers of civic engagement, it has also contributed to an emerging trend of disinformation in electoral processes. In response to increased access to alternative sources of information, an emerging trend of internet shut downs by authoritarian governments during elections has been observed. Recent examples include Mauritania, DRC, and Gabon amongst others.

Recent elections in Africa, specifically, the DRC, Egypt, Kenya, Nigeria and Zimbabwe, have led to outcomes that challenge existing norms and standards on democratic transitions and electoral integrity. Against the backdrop of these is the elusive concept of the 4th Industrial Revolution (4IR), which has impacted on human existence in diverse ways. It is notable that most of the abovementioned countries either experienced a change of power that existing African benchmarks are not able to define within the limits of 'unconstitutional change of governments' and outright military coup d'état. These transitions have put into the spotlight some key elements of the electoral

processes such as disparities in results management, the impact of the use of technology in elections, electoral justice and the impact of the 4IR² on election administration and electoral integrity.

3. Conceptual overview:

3.1. Democracy: Development or Regression within the framework of African Benchmarks?

The adoption of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa in 2002 and the African Charter on Democracy, Elections and Governance (ACDEG) in 2007 were milestones that defined the trajectory of democratisation in Africa. The adoption of these instruments signified the commitment of African leaders to democratic norms and standards which include the conduct of regular democratic elections and rejection of unconstitutional changes of government. The adoption of these instruments has seen progress towards conduct of regular elections but not much progress towards democratic elections in Africa.

Recent research points to a global democratic regression. Freedom House in its the 2016 Freedom in the World Report³ marked a decade of democratic decline while the 2019 report⁴ reiterates that there has been a consistent decrease in global freedoms over the past 13 years. Diamond (2015) however argues that what was initially regarded as the growth of democracy on the continent turns out to have been the establishment of 'competitive authoritarian' regimes that over time have become hardened. In his assessment of the decline of democracy between 2000 and 2014, he identified 25 countries of which only eight instances were caused by military intervention in politics. He noted that the decline of democracy has been more as a result of authoritarian regimes consolidating themselves through '*erosion in electoral fairness, political pluralism, and civic space for opposition and dissent, typically as a result of abusive executives intent upon concentrating their personal power and entrenching ruling-party hegemony.*' Similarly, Levitsky and Way (2015) in their argument about recent trends in democratisation noted that break down of authoritarian regimes and attempts to hold elections as a means of deflecting international sanctions have been mistaken as milestones in democratic transitions. They noted that some countries go through elections but not necessarily transitions.

²² 'The Fourth Industrial Revolution is a way of describing the blurring of boundaries between the physical, digital, and biological worlds. It's a fusion of advances in artificial intelligence (AI), robotics, the Internet of Things (IoT), 3D printing, genetic engineering, quantum computing, and other technologies. It's the collective force behind many products and services that are fast becoming indispensable to modern life.'

<https://www.salesforce.com/blog/2018/12/what-is-the-fourth-industrial-revolution-4IR.html>

³ <https://freedomhouse.org/report/freedom-world/freedom-world-2016>

⁴ https://freedomhouse.org/sites/default/files/ABRIDGED_FH_FITW_2019_Report_FINAL.pdf

Diamond (2015) however notes at the end of his argument that the decline of democratic norms could be observed at a global level, but at the individual level, there is a genuine recognition of democracy as the source of legitimacy for any regime, hence authoritarian regimes will not be stable for long. A recent Afrobarometer survey from 54 African countries shows that 4 in every 10 respondents prefer regular, free and fair elections as the means of achieving leadership change.⁵ This is encouraging because there remains a commitment to democracy at the individual level on the continent. The Arab Spring and more recent events in Zimbabwe, Sudan and Algeria are pointers to the demand for democracy.

The adoption and coming into force of the ACDEG in 2012 was expected to herald further deepening of democratic norms and standards on the continent. Developments at the sub-regional level also point to further recognition of democratic norms, as seen in the adoption of the SADC Principles and Guidelines Governing Democratic Elections in 2015. These benchmarks rather than entrenching democratic elections seem to have provided the basis for endorsing regular elections regardless of the quality of those elections. The trajectory of elections since these benchmarks, began with an era of power-sharing as a means of legitimising the outcome of elections that lacked integrity to more recent trends in endorsing transitions that cannot be clearly defined as democratic transitions, nor constitutional changes of government. The application of the provisions of these instruments seem to have entrenched the conduct of regular elections that have produced new trends of competitive authoritarian regimes. Recent developments in Egypt (2013) and Zimbabwe (2018) saw concerted regional and sub-regional efforts to refrain from labelling the transitions that took place in those countries as unconstitutional or to pronounce on the political context of the elections that led to the emergence of the Sisi and Mnangagwa regimes. The interpretation and enforcement of the instruments across different African countries has led to different results in the entrenchment of democracy on the continent. A look at the conduct and outcome of elections over the past decade points to the fact that the integrity of elections is declining and is consistently under threat. It seems that the instruments that were adopted with the intention of entrenching democracy have become tools for affirming elections that lack integrity, thus contributing to the democratic recession.

3.2. Democracy and Elections in the Context of the 4th Industrial Revolution:

Within the context of democratic decline and deepening of authoritarianism, the fast pace of digitalisation that impacts on everyday life presents a new frontier to rethink the integrity of

⁵ https://www.washingtonpost.com/politics/2019/07/09/new-afrobarometer-data-shows-africans-want-elections-especially-if-they-bring-change-top/?noredirect=on&utm_term=.26ea37d72fa

elections and entrenchment of democracy. Diamond (2015) noted that the impact of globalisation, economic development and the information revolution will in the long run, challenge the deepening of authoritarianism and provide an opportunity for democratic development. He argues that citizens using emerging platforms of engagement will in the future challenge authoritarian regimes. This trend has been observed in Tunisia, Egypt, Algeria and Sudan.

The fourth industrial revolution (4IR) is described by the World Economic Forum as a new wave of industrialisation that builds on the third industrial revolution, *'characterised by a fusion of technologies that is blurring the lines between the physical, digital, and biological spheres'*.⁶ It's a fusion of advances in different technologies such artificial intelligence (AI), robotics etc. It's the collective force behind many products and services that are fast becoming indispensable to modern life.⁷

The 4IR within the African context is specifically defined and driven by the level of mobile and internet penetration over the past decade on the continent. The UN in a report on global sanitation crisis noted that more people have access to mobile phones and the internet than they have access to basic sanitation in Africa.⁸ Similarly, the Economist in a 2016 report, noted that more sections of the Sub-Saharan African population have access to mobile phones than they have access to electricity.⁹ This level of internet penetration in Africa, makes it more and more difficult to run non-transparent elections as information reaches citizens quicker than election managers can control. Furthermore, it has contributed to the spread of misinformation and disinformation which has a deep impact on electoral processes. With the high level of internet access comes a new form of civic engagement that is crucial for the future of electoral integrity.

Recent developments in the fields of artificial intelligence and cyber security have raised questions about the future of democracy in the context of the 4IR. The Cambridge Analytica privacy violation case highlights some aspects of the impact of artificial intelligence in the electoral process as seen in targeted political advertising. A review of recent elections in Africa point to the fact that election managers are yet to take on board the rapid developments in the areas of technology, social media, artificial intelligence and other related issues as they impact on the integrity of elections.

⁶ <https://www.weforum.org/agenda/2016/01/the-fourth-industrial-revolution-what-it-means-and-how-to-respond> accessed on 07/07/2019

⁷ <https://www.salesforce.com/blog/2018/12/what-is-the-fourth-industrial-revolution-4IR.html> accessed on 18/07/2019

⁸ <https://news.un.org/en/story/2013/03/435102-deputy-un-chief-calls-urgent-action-tackle-global-sanitation-crisis#.VpzAAfkrLIX> accessed on 07/07/2019

⁹ <https://www.economist.com/graphic-detail/2017/11/08/in-much-of-sub-saharan-africa-mobile-phones-are-more-common-than-access-to-electricity> accessed on 07/07/2019

4. Rationale and problem statement

Rationale: electoral processes in 2017-2019 have illustrated new procedural and institutional trends in electoral integrity that regional norms and standards do not currently speak to. The rapid societal and technological changes brought on by the 4th Industrial Revolution pose an additional challenge to the relevance of existing norms and standards in guiding and evaluating African elections. In a context where change is a constant, how do African norms and standards articulate the guiding principles underpinning democratic elections in a way that does not render them obsolete and irrelevant? Put another way, is it possible to ‘future-proof’ existing norms and standards against evolving challenges and trends to democracy in Africa?

Problem Statement: While continental and sub-regional norms and standards have enjoyed success in areas such as the regularising of electoral contests and the normalisation of democratic alternations of power, electoral integrity continues to remain elusive in many African states.

5. Key objectives

1. Explore current contextual, procedural and institutional norms and standards for elections in Africa in 2019 and the suitability of these standards in guaranteeing the integrity of elections in Africa;
2. To examine the disruptive effect of new technologies and the 4th industrial revolution on the integrity of elections in Africa, and the opportunities presented by these technologies; and
3. To explore recent trends in political transitions in Africa and their implications for democratic consolidation.

6. Methodology

EISA will hold its 14th EISA annual symposium from 25 to 26 September 2019 to share experiences and to draw lessons from the evolving electoral trends that impact on the integrity of elections in Africa and continue to shape the trajectory of democratisation on the continent.

The symposium will review specifically the recent electoral processes in DRC, Egypt, Kenya, Nigeria, Sierra Leone and Zimbabwe. Speakers will be drawn from research and academic institutions, election management bodies and independent experts in the field of elections.

The symposium sessions will cover the following sub-themes:

- Trajectory of elections and democracy
- Political transitions and non-transitions

- Administering electoral process in the context of 4th industrial revolution
- Social Media, internet access and elections in Africa
- Ensuring the integrity of results management systems
- Integrity of postponed elections
- Trends in electoral justice: an abdication of the people's will?

Each session will feature lead presentations and plenary discussions. The symposium will wrap up with a facilitated discussion on the future of democratic elections within a fast-changing context.

Drawing on the recommendations from the symposium, EISA will produce a policy brief that contributes to the discourse on electoral integrity and democratisation in Africa.

7. Participants

Participants will be drawn from key democratic governance stakeholders including representatives of EMBs, CSOs, academia, as well as the AU and RECs.

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