



OCCASIONAL PAPER NO 185

Governance and APRM Programme

May 2014

The African Union and the Promotion of Democratic Values in Africa: An Electoral Perspective

J Shola Omotola

South African Institute of International Affairs

African perspectives. Global insights.

ABOUT SAIIA

The South African Institute of International Affairs (SAIIA) has a long and proud record as South Africa's premier research institute on international issues. It is an independent, non-government think tank whose key strategic objectives are to make effective input into public policy, and to encourage wider and more informed debate on international affairs, with particular emphasis on African issues and concerns. It is both a centre for research excellence and a home for stimulating public engagement. SAIIA's occasional papers present topical, incisive analyses, offering a variety of perspectives on key policy issues in Africa and beyond. Core public policy research themes covered by SAIIA include good governance and democracy; economic policymaking; international security and peace; and new global challenges such as food security, global governance reform and the environment. Please consult our website www.saiia.org.za for further information about SAIIA's work.

ABOUT THE GOVERNANCE AND APRM PROGRAMME

SAIIA's Governance and African Peer Review Mechanism (APRM) programme aims to place governance and African development at the centre of local and global discussions about the continent's future. Its overall goal is to improve the ability of the APRM to contribute to governance reforms, institutions and processes. The programme focuses on: Enhancing meaningful and authentic participation of non-state actors in Country Self-Assessment Review (CSAR) and National Programme of Action (NPOA) processes; increasing knowledge amongst key decision-makers of the need for Country Level Institutions to be functional, have political support and enjoy legitimacy; increasing the capacity and functionality of official APRM institutions; and contributing to the identification of critical issues for governance reform in Africa through the APRM.

SAIIA gratefully acknowledges the Swiss Agency for Development and Cooperation (SDC), which generously supports the Governance and APRM Programme.

Programme head: Steven Gruzd, steven.gruzd@wits.ac.za

© SAIIA May 2014

All rights are reserved. No part of this publication may be reproduced or utilised in any form by any means, electronic or mechanical, including photocopying and recording, or by any information or storage and retrieval system, without permission in writing from the publisher. Opinions expressed are the responsibility of the individual authors and not of SAIIA.

Please note that all currencies are in US\$ unless otherwise indicated.

ABSTRACT

Since its official inauguration on 9 July 2002, the African Union (AU) has made the promotion of democracy and good political governance for the development and stability of Africa one of its main priorities. After a decade of its existence, it is pertinent to assess how the AU has fared in its commitments to the promotion of democratic values in Africa. This is the primary concern of this paper, which seeks to assess the state of democracy and political governance in Africa. Given the centrality of elections to the theory and practice of democracy, the study evaluates the role of the AU in promoting democratic values in Africa from an electoral perspective. Drawing essentially on the AU's declaration governing democratic elections and the declaration on observing and monitoring elections, the paper submits that while these declarations have positively affected Africa's electoral landscape, there is still ground to be covered. Despite the AU's interventions, elections in Africa remain one of the weakest links in the democratisation process, turning out to be democratic liabilities, instead of assets. Moreover, the AU's election-monitoring activities have also been undermined by two closely related challenges, most notably the contexts of electoral governance in the host countries and certain administrative and implementation challenges.

Consequently, the politics of the AU's election monitoring in Africa has, inevitably, produced mixed results. While it has, together with other monitoring groups, contributed to raising the general level of awareness and generated some pressure for electoral reforms, it has also tended to be less critical, especially of incumbents seeking re-election. Worse still, its reports and recommendations are not binding on the host country because they do not have the force of law. Urgent steps are needed to redress these contradictions, including reconciling international standards of elections monitoring with African realities, broader coverage of the field for each election and the use of medium- and long-term approaches. Finally, there is a need to strengthen the links between the AU and local monitoring groups. This can help improve understanding of the electoral geography of the host state, and facilitate the sharing of information and logistics.

ABOUT THE AUTHOR

J Shola Omotola, PhD, Senior Lecturer in Political Science at Redeemer's University, Nigeria, is a University of the Witwatersrand (Wits) Africa Residency Fellow (2014–2016). His research interests are in comparative African elections and democratisation studies; African government and politics; and oil and environmental politics in the Niger Delta. He has published in leading journals, including *African Affairs*, *Africa Today*, *Commonwealth and Comparative Politics*, *Journal of African Elections*, *Journal of African Law* and *Taiwan Journal of Democracy*. He is co-editor of *Horror in Paradise: Frameworks for Understanding the Crises of the Niger Delta Region of Nigeria*, 2014, and of *The Legislature and Governance in Nigeria*, forthcoming, 2014.

ABBREVIATIONS AND ACRONYMS

ACDEG	African Charter on Democracy, Elections and Governance
AU	African Union
CAR	Central African Republic
DEAU	Democracy and Electoral Assistance Unit
DPGDE	Declaration of Principles Governing Democratic Elections
ECOWAS	Economic Community of West African States
EMB	electoral management body
EPCG	Eminent Persons Contact Group
GCEDS	Global Commission on Elections, Democracy and Security
GPA	Global Political Agreement
IDEA	International Institute for Democracy and Electoral Assistance
MDC	Movement for Democratic Change
MMD	Movement for Multiparty Democracy
OAU	Organisation of African Unity
ODM	Orange Democratic Movement
PNU	Party for National Unity
PSC	Peace and Security Council
SADC	Southern African Development Community
SWAPO	South West African People's Organisation
UNECA	UN Economic Commission for Africa
ZANU-PF	Zimbabwe African National Union-Patriotic Front

INTRODUCTION

Since the transition from the Organisation of African Unity (OAU) to the African Union (AU) on 9 July 2002, several governance institutions and mechanisms have been devised to accelerate democratic development and socio-economic good governance in Africa. These commitments are spelt out not only in the AU Constitutive Act itself, but also in the declaration on unconstitutional changes of government; the declaration governing democratic elections; and the declaration on observing and monitoring elections. The institutionalisation of these instruments suggests that African leaders have come to attach a reasonable measure of importance to democracy and good political governance as prerequisites for the development and stability of Africa.

A decade after its inauguration, how has the AU fared in its commitments to the promotion of democratic values in Africa? This is the main question that this paper seeks to address, the primary aim of which is to assess the state of democracy and political governance in Africa critically. Given the centrality of elections to the theory and practice of democracy, the study focuses on elections. From a minimalist perspective, elections are the first and most basic indicator of democracy because of their presumed capacity to guarantee political participation, competition and legitimacy which, in turn, are pivotal to democratic transition and consolidation. However, elections are not in themselves a guarantee of sustainable democratic transition and consolidation; they can also be used to disguise authoritarian rule, held only as transitional rituals, where the people have little or no choice. This is the focus of an expansive body of knowledge on electoral authoritarianism, especially in Africa.¹

This study critically evaluates the state of electoral governance and the democratisation process in Africa. Relying mainly on the AU's declaration governing democratic elections in Africa and the declaration on observing and monitoring elections, the paper assesses the AU's commitments to the execution of these declarations, challenges confronted and possible ways forward. The paper submits that while these declarations have had positive consequences for Africa's electoral landscape, there is still ground to be covered, most notably with respect to observable inconsistencies in handling similar cases in different countries.

The paper is organised into a number of sections. Following this introduction, the first substantive section discusses elections in democratic theory. The second explores the AU's institutional architecture and norms for democratic development in Africa. It, however, places greater emphasis on the declaration on the framework for the AU's response to unconstitutional changes of government; the declaration governing democratic elections in Africa; and the declaration on observing and monitoring elections. The third section is an analytical exploration of the state of democratic development in Africa, showing notable progress and setbacks. This is crucial to driving home the point that while the AU has been able to make some positive contributions to democratic development from an electoral perspective, there are still major challenges to be surmounted. Some of these challenges include the reincarnation of military coups, refusal by defeated incumbents to hand over power to the victorious opposition and the preponderance of electoral authoritarianism, among others. The final section underscores the electoral connections to democratic setbacks, and how the AU has faltered in the effective application of its own

institutional architecture and norms. The conclusion recapitulates the core arguments of the study, lessons learnt and the way forward.

ELECTIONS AND DEMOCRATIC DEVELOPMENT

Elections have been identified as an indispensable foundation of democracy. As a concept, an election is ‘primarily a contest among groups, mainly political parties’.² Elections have also been seen as ‘institutional mechanisms that implement democracy by allowing citizens to choose among candidates or issues’.³ An election is ‘a modality of freely choosing leaders/representatives and democracy’.⁴ Essentially, therefore, elections have to do with the process of choosing a person or a group of people for a position, usually by voting.

The relationship between elections and democracy is considered to be so strong that some scholars have argued that all democratic variables revolve around elections.⁵ It is, therefore, hardly surprising that some scholars have, in the Schumpeterian tradition, attempted to reduce democracy to elections.⁶ For these scholars, democracy is best defined in terms of electoral politics and the institutional parameters that underpin them. Mesfin, for example, argues that ‘the founding pillars of any democratic political system, whether considered fragile or established, remain undoubtedly elections’.⁷ In a related vein, Agbaje and Adejumbi contend that ‘election is a viable mechanism for consummating representative government’.⁸ Lewis also added his voice to the democratic significance of elections when he wrote that ‘elections serve as an affirmation of democratic rights, inclusion, and transparency’.⁹

Other important democratic significances attributed to elections include their capability to institutionalise the process of democratic succession by creating a legal-administrative framework for handling inter-elite rivalries and providing a platform for popular backing for the new leaders;¹⁰ serve the instrumental purposes of legitimisation and mobilisation of popular support for the government and for development;¹¹ and institutionalise the process of democratic competition and participation by affording all eligible adults the right to vote and be voted for.¹²

The foregoing exposition on the democratic and developmental roles of elections raises the fundamental question about the standards of democratic elections. In the extant literature, three core issues have been identified as central to determining the democratic quality of any elections. These are competition, participation and legitimacy.¹³

However, a crucial issue underlining these democratic qualities of elections relates to their measurement or operationalisation. With respect to participation, for example, studies have demonstrated that the main determinants explaining political participation are institutional factors. Accordingly, the literature has identified three core elements for measuring the level of participation in any election, namely voter turnout, opposition participation and the presence of authoritarian ‘old guards’. Voter turnout is usually measured as a percentage of registered voters. The assumption is that the higher the level of voter turnout, the higher the level of participation and, by extension, the democratic quality of elections.¹⁴ As Bratton puts it, ‘voter registration was revealed as the single most important determinant not only of a citizen’s behaviour, but also of overall participation, outweighing any other institutional, cultural, or social consideration’.¹⁵ The issue of

opposition participation is also considered central to measuring the democratic quality of elections. This is because the level of participation by opposition parties is seen as a reflection of the level of available and open democratic space. The ‘absence of viable political oppositions,’ some have argued, ‘makes it even more difficult for voters to have any leverage over a political party which is predictably returned to power time after time.’¹⁶ In such a situation elections are of limited democratic value because ‘the outcome is a foregone conclusion’.¹⁷

Although Lindberg’s path-breaking study cited above, which turns on its head the conclusions of previous studies in the field, is a masterpiece by all standards, it can also be challenged on several grounds. There is a problem with the ineffective delivery of his measuring instruments; for instance, taking voter turnout as an indicator of participation in elections and measuring it as a percentage of total voters registered is problematic in contexts where voters’ registers are mired in controversies and contradictions. Some of them manifest in several ways in the African context in general. In Nigeria, for example, the voters’ register is usually bloated with fictitious names, including underage and deceased voters. Second, the register is sometimes so distorted that potential voters find it difficult to locate the appropriate centre to vote and when they eventually do, they may not find their names in the register. This is partly so because, in many instances, the voters’ register is not displayed in a timely manner before the elections, as statutorily required, for voters to confirm their registration and effect necessary adjustments, if any. Third, election results are so fraudulently manipulated that actual voters outnumber registered voters. Owing to such tendencies, some registered voters do not even bother to show up on election day, which presents election administrators with an easy opportunity to cast a vote on their behalf, without consent, for the highest bidder. What is more, the main determinants of voter turnout may not necessarily be personal conviction, that is, a kind of intrinsic, but instrumental support for democracy.¹⁸ Measuring participation with voter turnout in such circumstances obviously belies the reality. It was in this context that some scholars spoke of ‘pseudo participation’ and ‘a kind of multiparty fatigue’ in Africa, whereby ‘most people simply conclude that it is better not to vote’ because ‘African elections are so blatantly manipulated’.¹⁹

As beleaguered as Lindberg’s formulations appear, it remains one of the most authoritative, theoretically robust and analytically nuanced expositions on the subject. Even so, taking it as a benchmark reveals that not all elections could measure up to the standard of democratic elections. Studies have long begun to recognise these tendencies. Such literature speaks to the possibility of adapting elections to disguise authoritarian rule, as has been the case in most transitional settings under the ‘third wave’ of democratisation in the post-Cold War era, most notably Africa, Asia, Latin America and post-communist Soviet republics. It is in this regard that Andreas Schedler exposes the ‘manifold instruments ruling parties may deploy to contain the democratic uncertainty of political elections’; what he called the ‘menu of manipulation’.²⁰ In such situations, Schedler argues, ‘authoritarian incumbents contaminate electoral contests’ by co-opting the electoral process to legitimise their control of power, in which case, democracy becomes a game of deception.²¹ This is why some have argued that elections can also ‘inspire alienation from the system’.²²

In recognition of the dysfunctional and sometimes subversive role of elections, there is now a burgeoning literature on pseudo-democratic regimes, what many have

labelled *hybrid regimes* or *electoral authoritarian regimes*.²³ In such situations elections are mere democratic rituals, where participation, competition and legitimacy are actually eliminated, and the basic requirement is, according to Ekman, ‘closer to “elections make a potential difference”’.²⁴ In such political systems voting does not amount to choosing.²⁵ Instead, elections only manifest as ‘a fading shadow of democracy’,²⁶ functioning merely as ‘a system of ideological reification of the hegemony and power of [the] dominant class, a system of social acculturation through which dominant ideologies, political practices and belief are reproduced’.²⁷ Young buttresses this position when he views elections as providing ‘the opportunity to legitimise the political and economic pre-eminence of one group, to reward supporters of that group and compel them to adopt greater political conformity, and to impose a firm hand on challenging elements within or outside that group’.²⁸ These tendencies largely explain why political globalisation or, better still, democratisation, has become a major source of security threats in Africa, especially through post-election violence.²⁹

What has been the relationship between elections and democracy in Africa, and how has the AU responded to emerging challenges of elections and democratisation? These are the concerns of the following sections of this paper.

THE AFRICAN UNION’S ARCHITECTURE FOR DEMOCRATIC DEVELOPMENT³⁰

In order to promote the development of democratic values in Africa, the AU developed certain institutional architectures and norms. Such norms include the declaration on the framework for the AU’s response to unconstitutional changes of government, the declaration governing democratic elections in Africa, and the declaration on observing and monitoring elections. With respect to unconstitutional changes of government, the Assembly of Heads of State and Government agreed on the following definition of situations that could be considered to be unconstitutional changes of government, as spelt out in the Lomé Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government adopted in July 2000:³¹

- Military coup d’état against a democratically elected government;
- Intervention by mercenaries to replace a democratically elected government;
- Replacement of democratically elected governments by armed dissident groups and rebel movements; and
- The refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections.

This definition was expanded in January 2007 through the African Charter on Democracy, Elections and Governance (ACDEG) to include a fifth item, namely ‘manipulation of constitutions and legal instruments for prolongation of tenure of office by (an) incumbent regime’.³²

The inclusion of tenure elongation, otherwise known as the *third term agenda*, as a constituent of unconstitutional changes of government was understandable. Tenure elongation had, at that particular time, become attractive to African leaders.³³ Between

1990 and 2005, 18 Africa presidents had reached the completion of two terms and were constitutionally barred from seeking a third. Of these, nine resisted the temptation of a third term, while the other nine attempted it. Of the nine who made the attempt, three succeeded while the remaining six failed.³⁴

At a general level, however, confronting the challenges of unconstitutional changes of government was not negotiable, given its heavy tolls on sustainable democracy and development on the continent. Unconstitutional changes of government are symptomatic of democratic instability which, in turn, retards foreign direct investment, economic growth and freedom. Moreover, unconstitutional changes in government ‘establish dictatorships, subvert democratic governance, preclude the exercise of the rights of people to constitute or change their government, and lead to gross violations of human rights’.³⁵ The AU recognises this reality when it declares in the preamble of the Lomé Declaration that ‘the phenomenon of coup d’état has resulted in flagrant violations of the basic principles of our Continental Organisation and the United Nations’, calling for a strict adherence to ‘principles of good governance, transparency and human rights’, and the ‘strengthening of democratic institutions’.³⁶

Sub-regional and national instruments have been devised to deal with any of these issues or a combination of them.³⁷ At the regional level, for example, the Constitutive Act of the AU provides among its foundational principles measures to promote democratic values, including condemnation of unconstitutional changes of government. Article 4 of the Act states that the Union

shall function in accordance with:

- (m) Respect for democratic principles, human rights, the rule of law and good governance;
- ...
- (o) Respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities; and
- (p) Condemnation and rejection of unconstitutional changes of governments.

Specifically, Article 30 of the Constitutive Act provides that ‘[g]overnments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union’.³⁸

The imposition of sanctions in the form of suspension of any government that assumes power through extra-constitutional means may be seen as a demonstration of the AU’s commitment to this provision. Apart from suspension, the AU not only stipulates an ultimatum of a maximum period of six months within which to re-establish an elected government in the event of unconstitutional changes of government, but also establishes a peer-pressure instrument through the Eminent Persons Contact Group (EPCG) to be mobilised at the instance of the Chairperson of the AU Commission.

Closely aligned to the foregoing measures is the emergence of the principle of non-indifference, as opposed to the age-long principle of non-interference in the domestic affairs of member states. The legal foundations of non-indifference are spelt out in the Constitutive Act of the AU which, despite its emphasis on sovereign equality of member states, respect for borders existing on attainment of independence and non-interference,

envisages in its Article 4(h) an organisation that can intervene in the domestic affairs of member states ‘in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as *a serious threat to a legitimate order* to restore peace and stability’ (emphasis added). In addition, Article 4(j) of the same Act guarantees the rights of member states to request intervention to restore peace and security. It is needless to add that in all its ramifications, unconstitutional changes of government, as defined by the Lomé Declaration, constitute *a serious threat to a legitimate order*.

The instrumentality of the Peace and Security Council (PSC) was established in 2002 for the implementation of the doctrine of non-indifference. Essentially, the PSC’s mandate is to serve ‘as a standing decision-making organ for the prevention, management and resolution of conflicts, and collective security and early warning arrangements to facilitate timely and efficient response to conflict and crisis situations in Africa’.³⁹ More broadly defined, Article 9 of the Protocol Relating to the Establishment of the PSC of the AU stipulates the role of the PSC as follows:⁴⁰

[The PSC] shall take initiatives and actions it deems appropriate with regard to situations of potential conflicts, as well as to those that have already developed into full-blown conflicts. The Peace and Security Council shall also take measures that are required in order to prevent a conflict for which a settlement has already been reached from escalating. To this end the Peace and Security Council shall use its discretion to affect entry, whether through the collective intervention of the council itself or through its Chairperson and/or the Chairperson of the Commission, the Panel of the Wise, and/or in collaboration with regional mechanisms.

Furthermore, Article 7(g) of the Protocol Relating to the Establishment of the PSC, adopted in Durban, South Africa, on 9 July 2002, empowers the PSC to ‘institute sanctions whenever an unconstitutional change of government takes place in member states, as provided for by the Lomé declaration’. This provision was infused with new life by the ACDEG, when it provided the following punitive measures in cases of unconstitutional change:⁴¹

- Non-participation of the perpetrators of the unconstitutional change in the elections held for the return to the constitutional order and the ban on them from occupying senior positions in the political institutions of the state;
- Their trial by the competent bodies of the AU; and
- The possibility for the AU to apply other forms of sanctions, including economic sanctions.

The ACDEG provides for the sanctioning of any state party that foments and supports an unconstitutional change of government in another state; refusal by the state parties to receive or grant asylum to the perpetrators of unconstitutional changes of government; signing of bilateral agreements; and the adoption of legal instruments on extradition and mutual legal assistance. In order to add teeth to these instruments, the PSC finally established the committee on sanctions in conformity with the provisions of Article 8(5) of the PSC protocol on 13 March 2009.

Apart from these regional frameworks, there are also sub-regional frameworks against unconstitutional changes of government in Africa. In the Economic Community of West

African States (ECOWAS), for example, the ECOWAS Protocol 1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security, December 2001, provides the following in its Article 1 (b–e):⁴²

- Every accession to power must be made through free, fair and transparent elections;
- Zero tolerance for power obtained or maintained by unconstitutional means;
- Popular participation in decision-making, strict adherence to democratic principles and decentralization of power at all levels of governance;
- The armed forces must be apolitical and must be under the command of legally constituted political authority; no serving member of the armed forces may seek to run for elective political office.

In a related vein, Article 9 of the same protocol provides that ‘the party and/or candidate who loses the elections shall concede defeat to the political party or candidate finally declared the winner, following the guidelines and within the deadline stipulated by law’.⁴³

Finally, national mechanisms against unconstitutional changes of government also abound in many Africa countries. This is usually done through constitutional provisions that forbid unconventional ways of capturing power, especially military coups. In Nigeria, for example, section 14 (1–2) of the constitution states, as part of the fundamental objectives and directive principles of state policy, that ‘the Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice’. Therefore, ‘sovereignty belongs to the people of Nigeria from whom government through this constitution derives all its powers and authority’. Unfortunately, the enforcement of this constitutional provision, valuable as it may appear, cannot be totally predicated on legality, but requires a greater deal of political will on the part of the managers of the system.

At a more specific level, however, sections 217 (1–3) and 218 (1–4) detail the provisions regarding the establishment, purpose and control of the armed forces of Nigeria. Two relevant issues stand out from these provisions. First, the military are not allowed any civil-related duties, only purely military duties, most notably defending the sovereignty and territorial integrity of the country against any form of aggression. Second, all military establishments and officers are constitutionally subjected to civil authorities. Specifically, the president of the country doubles as the Commander-in-Chief of the Armed Forces, with power to appoint all service chiefs and the power to appoint, promote and discipline all members of the armed forces of the federation. In fact, the operational use of the military, for any reason, is the sole prerogative of the president. These constitutional measures are instituted to subject the military to civilian control.

With the foregoing, it is obvious that certain regulatory norms and principles are increasingly being codified into the democracy and governance architecture of Africa; the primary aim of which is to deter any form of unconstitutional changes of government across the continent. These norms and principles exist at national, regional and sub-regional levels, and are, indeed, interconnected; for instance, regional and sub-regional frameworks only assume the force of law within a national jurisdiction when ratified by the affected country. What remains to be seen, however, is the level of institutionalisation of these regulatory norms and principles; in other words, the challenges of preventing unconstitutional changes of government in Africa only begin with the enactment of these

norms and principles. However, the greater challenges lie in the degree of respect for, and strict adherence to, such norms and principles in practice. The law in theory is, after all, not essentially the same in practice.

ACDEG, the AU's Declaration Governing Democratic Elections, and Declaration on the Observation and Monitoring of Elections are the most relevant in this context. ACDEG was adopted by the AU during the 8th Ordinary Session of the Assembly of the Heads of State and Government convened in Addis Ababa, Ethiopia, on 30 January 2007. The charter has six substantive sections, each devoted to specific elements of elections, democracy and/or governance; for example, the first addresses the issue of human rights and the rule of law in a democratic society. The second reinforces the longstanding belief that democracy is not attainable, let alone sustainable, without peace, emphasising the inseparable nexus between them. The charter also articulates the centrality of viable and robust institutional foundations of democracy, for instance, the existence of independent, professional and impartial election management bodies for the consolidation of democracy. This is important because in the absence of such bodies, as stipulated in the fourth section of the charter, it will be difficult, if not impossible, to hold credible, legitimate and acceptable elections that will satisfy international standards.

Albeit as a reflection of the weight attached to the problem of unconstitutional changes of government by African leaders, section five of the charter also addresses the mechanisms for combating the challenge of unconstitutional changes of government on the continent. Finally, the charter underscores the crucial point that democracy cannot be restricted only to the political spheres. Rather, it must accommodate the social and economic bases of governance, where adequate attention is also devoted to the welfare needs of the people, not only to the expansion of the political space for party and electoral politics.

Election monitoring has come to be universally accepted as an important component of election governance and democratic development. Baradei defines 'election monitoring' as the process of 'following and observing the election process, ensuring that it is devoid of any violations, is in accordance with governing laws and regulations, then taking stock of any violations and documenting them, whilst maintaining objectivity as an observer or monitor'.⁴⁴ It is 'a process through which election is scrutinised and evaluated for purposes of determining its impartiality in terms of organisation and administration'.⁴⁵ In a more elaborate definition the International Institute for Democracy and Electoral Assistance (IDEA) defines it as follows:

[Election monitoring is] the purposeful gathering of information regarding an election process and the making of informed judgments on the conduct of such a process on the basis of the information collected by persons who are not inherently authorised to intervene in the process, and whose involvement in mediation or technical assistance activities should not be such as to jeopardise their main observation responsibilities'.⁴⁶

Holistically speaking, election monitoring encompasses, or should encompass, the three main stages of the electoral cycle, namely before, during and after the elections.⁴⁷ The pre-election phase may involve 'diverse activities such as following up on media coverage of elections, monitoring elections spending, and checking voter lists, plus training volunteers on the monitoring process'.⁴⁸ 'On election day,' as Baradei argues, 'the monitors check on all aspects of the polling process and document all details related thereto, whether the

availability of voting material, the privacy issue, the security available and the pressure exerted, if any. They may additionally conduct quick parallel counts of voters using sampling techniques to validate the later announced government results'.⁴⁹ During the post-elections period, election monitoring 'may engage in other related activities such as educating citizens and lobbying for reform of the elections process'.⁵⁰ This partly explains why Baker equates election monitoring to an examination process which is now 'a well understood procedure whereby hundreds of assessors representing dozens of self-appointed "examination boards", both domestic and external, scrutinise the poll and pronounce their verdicts'.⁵¹

The import of the foregoing is that the literature on the relationships between election monitoring and democratic development is contested between positive and negative readings. On the positive side are those who see election observation as generally capable of constructing 'international accountability for the process through which national authorities assume powers, a "seal of quality" to legitimise them'.⁵² Beyond this, attention has also been drawn to the more fundamental democratic significance of election monitoring, especially when assessed using the output, outcome and impact perspectives for election monitoring.⁵³ In such a situation tangible output would include the monitoring reports produced and disseminated, the volunteers trained, and the awareness sessions conducted. The long-term outcomes would include election system reformed, the political awareness level raised, the improved monitoring regulations adopted and the monitoring code of ethics adhered to. The long-term consequences would be the overall predominance of a more democratic regime and culture, culminating in the improvement of the election system and promotion of a democratic culture in society.

Some scholars have argued to the contrary, emphasising the other sides of election monitoring.⁵⁴ Baker, a leading light in this school of thought, drawing insights from the monitoring of the 2002 Zimbabwe election, argues that 'the current system of election monitoring lacks adequate justification, is vulnerable to being deceived, is an inexact science, and at times appears to follow scripts pre-written by their sponsors'.⁵⁵ Drawing on the same 2002 elections in Zimbabwe, Dorman also emphasises the increasing politicisation of international election monitoring which, according to him, 'had less to do with the levels of violence or of electoral fraud and much more to do with the Mugabe government's violent attacks on white farmers and rhetorical confrontations with European donors'.⁵⁶ Kohnert also contends that 'the growing professionalism' often attributed to election monitoring 'did not necessarily lead to less biased observation results'.⁵⁷ It is, therefore, hardly surprising to see Carothers also observing that international election observation is 'not a cure all', given what he calls the 'inevitable limitations of observing', including scant attention to deeper political functions and contexts of elections, elusive standards, and the partiality of some observers.⁵⁸

Despite the ongoing debate over the democratic utility of election monitoring, there seems to be some measure of consensus in the literature that if well managed, election monitoring could be a viable strategy for improving the integrity of elections worldwide.⁵⁹ An election can be said to be of high integrity when it is 'based on democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparations and administration throughout the electoral cycle'.⁶⁰ Election monitoring offers some prospects in this regard through the commitment and collaboration of civil society organisations,

democratic governments, and regional and international organisations in designing proactive ways of engaging with the electoral cycle at every stage.

The import of the foregoing is that viable regional and international organisations can develop institutions, processes and networks that can help promote election integrity and democratic development through election monitoring. It is, therefore, hardly surprising to see that election monitoring would appear to have become a democratic ritual; an integral part of the electoral process in both developed and developing democracies.

With respect to Africa, many rate election monitoring as a plausible process of identifying universal standards of electoral practice and as a reliable way to assess the extent to which African states live up to these standards. Consequently, the AU has devoted substantial attention and resources to fostering democratic development in Africa through election monitoring. The AU has been doing this through the creation of institutional norms, most notably the Democracy and Electoral Assistance Unit (DEAU) established within the Department of Political Affairs of the AU Commission, whose core responsibility is not only the observation of elections, but also the implementation of the AU's programme for the promotion of democracy and democratic elections on the continent.⁶¹ Drawing essentially on the defunct OAU Declaration of Principles Governing Democratic Elections, for example, the AU sets guidelines for its electoral observation and monitoring missions. The principles, which were adopted by Heads of State and Government at the 38th Ordinary Session of the OAU on 8 July 2002 in Durban, South Africa, state the following, *inter alia*:⁶²

Democratic elections are the basis of the authority of any representative government . . . and must be conducted a) freely and fairly; b) under democratic constitutions and in compliance with supportive legal instruments; c) under a system of separation of powers that ensures in particular, the independence of the judiciary; d) at regular intervals, as provided for in National Constitutions; e) by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics.

The principles also mandate all member states to adhere strictly to these provisions in accordance with their constitutional processes. As such, the document spells out in some detail the criteria for determining the nature and scope, mandates, rights and responsibilities, and codes of conduct for AU observers and monitors; for example, one important criterion is the fact that the AU can only observe or monitor elections in any country if it receives a formal invitation from the country organising the elections through the appropriate government institution such as the electoral body. However, an official invitation is not a sufficient basis for the deployment of monitors. It must be supported by a careful assessment of the availability of resources to the AU, most notably the availability of lead-time for preparations, essential planning information, professional expertise and financial resources, among others. These are in addition to a preliminary evaluation of the host country's prevailing social, economic, political and constitutional arrangements.

If a decision is taken to send observers or monitors, the mission is entitled to freedom of movement within the host country; non-discrimination in the accreditation process; freedom to communicate with all competing parties, candidates, other political organisations, civil society organisations, electorate, the media and election administrators; and should have free access to other institutional infrastructure that may

aid its assignment. Moreover, the mission has a right to cover specific aspects or the entire electoral cycle, depending on the nature of the mission, whether short or long term. Also of crucial importance is that the number of long-term observer teams is usually a function of the number of electoral units across the country; the infrastructure and geography of the country; problematic or 'hot spot' areas that are likely to be contested; human and financial resources; and the deployment of other national and international observers. Once deployed, AU observers and monitors are mandated to comply with all national laws and regulations; maintain strict impartiality and neutrality; resist all pressures, including offers of gifts, favours or inducements from any candidate, party or organisation involved in the election; and other stipulated codes of conduct in sections 5.1 (i–xvi), and 5.2 (x) of the principles.

The DEAU, as noted earlier, has the responsibility of not only co-ordinating and organising the participation of the AU in the observation of elections, but also of implementing the AU Commission's programmes for the promotion of democracy and democratic elections on the continent. The passage of ACDEG, which entered into force on 15 February 2012, has added more weight to the AU's commitments to the promotion of democracy in Africa.

Since the institutionalisation of these election and democratic instruments, the AU has continued to play an increasingly significant role in monitoring African elections. AU observer teams have been deployed to over 50 elections in different African countries. In 2012, for example, election-monitoring teams were deployed to observe the elections of 25 February in Senegal; 15 March in Guinea-Bissau; 25 March in the Gambia; 10 May in Algeria; 26 May in Lesotho; 7 July in Libya; 15 July in the Democratic Republic of Congo (DRC); 31 August in Angola; and 10 September in Somalia. In 2011 AU observer teams also observed and reported on the 31 January Nigeria elections; 6 February Cape Verde elections; 13 February Chad elections; 18 February Uganda elections; 8 April Djibouti elections; 9 and 16 April Nigeria elections; 20 September Zambia elections; 11 October Liberia elections; and 24 November Gambia elections. In 2010 the AU also monitored elections in Burundi, Ethiopia, Gabon, Guinea-Bissau, São Tomé and Príncipe, Tanzania and Togo. Its observers were also present in Algeria, Gabon, Guinea-Bissau, Malawi, Mauritania and South Africa. The AU also monitored elections in Congo-Brazzaville, Madagascar and Nigeria in 2007, among others.

At the end of each monitoring exercise, the AU usually produced reports of its activities, showing its perception of the observed elections in a way that reflects on both the positive and negative realities of the elections. It also usually makes recommendations on alternative pathways for improving future elections.

While it may be difficult to ascertain the specific effect of the AU's monitoring of elections in Africa, given the dearth of measurable data, it can still be argued that monitoring African elections has had some positive impact on the electoral and democratisation process. At least it can create the consciousness that someone is watching, thereby engendering some measure of self-censorship among political actors. Even so, there are also other matters arising from the monitoring experience that may serve to undermine the supposed positive effects of election monitoring. Such matters that may undermine the results of the AU's electoral activities and democratic development in Africa will be explored shortly. Before then, it is apposite to engage with the current state of democracy in Africa.

THE CURRENT STATE OF DEMOCRACY AND POLITICAL GOVERNANCE IN AFRICA

Despite these institutions and norms mentioned above, democracy does not appear to have taken deep roots in Africa. While promising new hopes in a few instances, the democratisation processes in many African countries obviously raise some concerns. In this section these concerns are discussed in terms of the increasing manifestations of diverse forms of unconstitutional change of government, at least by the AU's own standards.

The reincarnation of military coups

The resurgence of military coups in Africa under the current wave of democracy may not be entirely surprising to those familiar with scholarly debates as to whether or not democratisation reduces the risks of military intervention in politics.⁶³ Although not an entirely settled issue in the literature, studies have demonstrated that democracies that rank very highly in their legitimacy rating have better prospects of avoiding military interventions. What factors can enhance the legitimacy of political power? David Beetham gave an insight into this poser when he argued that the exercise of power becomes legitimate (1) if and when it is in accordance with existing rules; (2) if these rules can be justified by shared beliefs; and (3) if there is evidenced consent to the arrangements.⁶⁴ These three conditions for institutionalised legitimacy, as articulated by Beetham, were severely criticised by Lindberg and Clark, who felt shared beliefs hardly existed since the constitution was usually a reflection of what the dominant elites at the time of its drafting considered to be the appropriate regime; and that those requirements depended heavily on the subjective evaluation of the people and the main elites. These criticisms and the absence of sufficient longitudinal data across African countries, perhaps, made Lindberg and Clark simply submit that 'when military interventions occur, it seems more likely than not that the regime in question has not "earned" enough legitimacy among crucial elites'⁶⁵ and vice versa.

The import of this submission for the analyses of recent military coups in Africa is that in most cases the regime lacked sufficient legitimacy, as a result of either its mode of ascension to power or its abysmal performance in power, thereby compromising the human security of the populace. For this and related reasons, the military is readily provided with excuses for intervention in politics. Such a position is questionable, given that it portrays the military as a form of revolutionary vanguard, which provides not only an exit route to the people under oppressive, dictatorial and corrupt government, but also one able to do better and govern in the overall interest of the people. From comparative African experience, this is seldom the case. Rather, military regimes have been a conduit to the extraction of national wealth. This is usually done by devoting a huge chunk of the national budget to the defence sector at the expense of other crucial sectors of the economy such as health, education, agriculture and infrastructure development.⁶⁶ Worse still, military regimes govern without respect for the rule of law and the fundamental rights of the people. It is, therefore, hardly surprising how the seeming enthusiasm that usually attended their rise to power easily and quickly evaporated into thin air.

The democratic retrogression is exemplified by the reincarnation of military coups under the new wave of democracy, as represented in Table 1.⁶⁷

Table 1: Most recent military coups/interventions in Africa, 2003–2012

No	Country	Date
1	Central African Republic (CAR)	2003
2	Guinea-Bissau	2003, March 2009 and May 2012
3	Togo	2005
4	Mauritania	2005 and 6 August 2008
5	Guinea	23 December 2008
6	São Tomé and Príncipe	February 2009 (foiled)
7	Niger	29 May 2009 and 18 February 2010
8	Madagascar	17 March 2009
9	Mali	May 2012

Source: Author's compilation; updated from Omotola JS, 'Unconstitutional Change of Government in Africa: What Implications for Democratic Consolidation?', Discussion Paper, 70. Uppsala: Nordic Africa Institute, 2011

As Table 1 indicates, military coups, once considered to be a thing of the past at the dawn of the current wave of democratisation in Africa, have begun to rear their ugly head in a threatening manner.

In most of these cases military interventions have been connected with deepening crises of legitimacy and governance. In Mauritania, for example, 'allegations of corruption, claims of inadequate representation, and ongoing disputes with parliament'⁶⁸ were the hallmarks of President Sidi Ould Cheikh Abdallahi's administration. Besides, Mauritania is considered one of the poorest countries in the world, 'with an estimated 20 percent unemployment rate and much of the population living on less than \$2 a day'.⁶⁹ This was partly why despite hostile international responses, there was some appreciable level of domestic support for the coup, especially among the political class. More than two-thirds of the members of parliament and the same proportion of senators reportedly put their names to a statement supporting the coup led by General Mohamed Ould Abdelaziz.⁷⁰ Care must be taken not to fall into the trap of the misleading assumption that the seemingly high level of domestic support reinforces, more than any other factor, the claims by the coup plotters that the military had acted to save Mauritanian democracy by putting the country back on course. The fact that the military head of state went ahead to participate in the attendant transition programme by contesting in the elections and transformed into a civilian president, against the AU's protocol, meant that the coup plotters did so out of selfish interests.

Similarly in Guinea coup leaders hinged their intervention on debilitating poverty, despite abundant resources, occasioned by massive corruption at all levels of governance and the need to remedy the situation: 'Embezzlement of public funds, general corruption,

impunity established as a method of government and anarchy in the management of state affairs have eventually plunged our country into a catastrophic economic situation which is particularly tragic for the overwhelming majority of Guineans.⁷¹

The case of Niger, where President Mamadou Tandja was arrested and detained by the army on 18 February 2010, was no different in any fundamental sense. The coup probably became the last resort after Tandja had dissolved the parliament and orchestrated constitutional reform in 2009 that gave him added powers and extended his term beyond his second five-year mandate. The reform also 'removed most checks on Tandja's authority, abolished term limits, and gave him an initial three more years in power without an election'.⁷² The Supreme Council for the Restoration of Democracy, the code name of the military junta, however, set and honoured 31 January 2011 for the presidential and parliamentary elections.

Tenure elongation or third term agenda⁷³

The attempt to foster tenure elongation in office by incumbent power holders has been another strategy often employed to disguise unconstitutional changes of government in Africa, as if they were constitutional. This disguise becomes more glaring when one considers the fact that some Africanists, most notably Posner and Young, have credited the process as part of the institutionalisation of power in Africa.⁷⁴ This is because, as these writers argue, some African leaders were pressured into seeking a third term in office but they resisted because the constitution did not allow it. Again, African leaders who succumbed to the pressure and attempted to elongate their power beyond the statutory two terms sought to do so within the ambit of the law by resorting to the parliament for constitutional amendments that would accommodate their intentions:⁷⁵

Some leaders have managed to circumvent restrictions on seeking more than two terms in office, yet have done so through formal institutional channels rather than extraconstitutional means . . . our claim is simply that leaders today are more constrained by formal rules in trying to achieve their most preferred outcome.

These are dangerous and misleading conclusions, which not only help disguise the third term agenda as a form of constitutional change of government, but also reify it as a benefit to African politics. Tenure elongation, in whatever guise, is problematic. First, Posner and Young ignore the fact that there could be some other more plausible reasons why African leaders who resisted the pressure of a third term did so other than a mere commitment to the rule of law; for instance, the fear of failure and attendant humiliation may be a compelling factor. Second, the divisive tendencies of attempted term extensions may generate tensions in the country, especially among the political class, which could provide the basis for military intervention, as was the case in Niger in 2010, or set the tone for unhealthy succession politics, electoral corruption and violence, as was the case in President Olusegun Obasanjo's Nigeria in 2007. Third, Posner and Young also ignore the fact that even those who succumbed to the pressure and pursued the agenda did so with many contradictions; for example, the resort to parliament for constitutional amendment, as the Nigerian experience under Obasanjo demonstrated, was at huge cost to the country. This cost included the looting of the national treasury to 'mobilise' the legislators, and

the defeat of the agenda eventually set the tone for the ‘do or die’ nature of the 2007 succession politics that produced the worst election in the annals of Nigeria’s political development.⁷⁶

Nevertheless, Posner and Young’s essay is useful for its comprehensive data on how African leaders exited power between independence and the end of 2005. The authors’ sample included some 227 leaders from 46 sub-Saharan countries. Their findings reveal that around 70% of African leaders exited power through unconstitutional means in the 1970s and 1980s, but this dropped drastically to 19% between 2000 and 2005. In this period, all 18 directly elected presidents in Africa ‘who faced term limits’, according to Posner and Young, ‘heard strong calls from their supporters to find a way to stay in power’.⁷⁷ Here again, Posner and Young fail to consider the politics of ‘crowd renting’, which is increasingly gaining ground among African elites, civilian and military alike. This was the case with Daniel Kanu’s ‘1 million man march’ under his infamous Youth Earnestly Ask for Abacha, to drum up support for the late General Sani Abacha’s self-succession bid.⁷⁸ Similar things happened more recently during the health crisis and attendant absentee presidency by then President Umaru Yar’Adua of Nigeria, during which rented crowds were used to counter the popular movement spearheaded by the Save Nigeria Group led by Professor Wole Soyinka and Pastor Tunde Bakare.⁷⁹ By implication, there are no guarantees that these so-called strong calls from their supporters were not simply cases of crowd-renting. In any case, a more important issue before us is how these leaders dealt with the ‘strong calls’.

Table 2: Outcome of the third term agenda, 2000–2010

No	Country	President then	Mechanism/Date	Outcome
1	Algeria	Abdelaziz Bouteflika	Constitutional Amendment 12 November 2008	Successful
2	Cameroon	Paul Biya	Constitutional Amendment 10 April 2008	Successful
3	Chad	Idriss Deby	Constitutional Amendment	Successful
4	Djibouti	Ismail Omar Guelleh	Constitutional Amendment 19 April 2010	Successful
5	Gabon	Omar Bongo	Constitutional Amendment	Successful
6	Guinea	Lansana Conte	Constitutional Amendment	Successful
7	Malawi	Bakili Muluzi	Constitutional Amendment July 2002	Failed
8	Namibia	Samuel Nujoma	Constitutional Amendment December 1998	Successful
9	Nigeria	Olusegun Obasanjo	Constitutional Amendment 2006	Failed
10	Senegal	Abdoulaye Wade	Constitutional Court 2011/2012	Successful, but failed at the poll
11	Togo	Gnassingbe Eyadema	Constitutional Amendment	Successful

No	Country	President then	Mechanism/Date	Outcome
12	Tunisia	Zeni el-Abidine Ben Ali	Constitutional Amendment 2002	Successful
13	Uganda	Yoweri Museveni	Constitutional Amendment	Successful
14	Zambia	Frederick Chiluba	Constitutional Amendment April 2001	Failed

Source: Author's compilation; updated from Omotola JS, 'Unconstitutional Change of Government in Africa: What Implications for Democratic Consolidation?', Discussion Paper, 70. Uppsala: Nordic Africa Institute, 2011

As can be seen from Table 2, these 14 African presidents had, at various times, attempted a constitutional amendment that would allow them a third term in office; 11 of them were successful, and the other three were not. Of the 11 successful cases, one lost out at the polls, namely Abdoulaye Wade of Senegal. In the successful cases the presidents were able to take advantage of the power of incumbency, especially control over national resources, including the treasury and security agencies, which were deployed to silence opposition voices. However, this was not without some initial resistance and/or criticism from both within and outside the ruling party, which were defeated with control over state resources. This was particularly the case in countries where the ruling party did not have the required majority to effect a constitutional amendment, as was the case in Yoweri Museveni's Uganda. Success was, however, greatly aided in those countries where the ruling party had the required two-thirds of the seats in the parliament, and was able to hold the party together effectively, preventing it from splintering and fractionalising, as was the case with Namibia's South West African People's Organisation (SWAPO).⁸⁰

One interesting thing about the politics of third term constitutional amendments, especially in the cases where they were successful, is the high rate of approval in parliament usually achieves. In Namibia, for instance, 50 members of the 72-seat National Assembly, all of whom were members of SWAPO, supported the Bill to ensure a smooth passage. In Tunisia President Zine el Abidine Ben Ali reportedly secured almost 100% support for the constitutional amendment; while President Ismail Omar Guelleh of Djibouti garnered the support of 59 MPs in the 63-seat parliament.⁸¹ This speaks to the stranglehold of the executive on the legislature, thereby reinforcing the widespread perception about the relative weakness of the legislature in Africa,⁸² as well as its seeming corruptibility, which allows the executive to hijack and dominate politics.

The few cases where third term politics failed despite the legislative majority of the ruling party, as with Obasanjo's Nigeria, Chiluba's Zambia and Muluzi's Malawi, offer an alternative analytical perspective on the subject. In each of these cases, the ruling party was unable to keep its legislative majority together effectively as a united front over the third term agenda. In Nigeria and Zambia, for example, there was a groundswell of public opposition to the agenda. This was championed by civil society movements across all walks of life, including academia, mass media and democracy activists, which helped raise popular awareness about the third term agenda and associated evils. The opposition gained added momentum in these two countries with the serving vice-president (Atiku

Abubakar of Nigeria, for example) coming out openly to oppose the agenda. This reflected the deep level of fractionalisation engendered within the ruling party over the agenda.⁸³

In Zambia, where the ruling Movement for Multiparty Democracy (MMD) had a slim majority in parliament and what VonDoepp called 'shaky coalitions with other allies',⁸⁴ the success of the agenda was certainly going to be a function of the MMD's ability to keep its MPs united. Ultimately, the MMD was unable to do so. Internal fractionalisation ensured the failure of the Bill by three votes.

In Malawi the leading role of the church in mobilising against the agenda was observed, with the church being one of the strongest and most consistent arms of civil society in the country under the current democratic transition.⁸⁵

These cases strengthen the literature on state–society relations in Africa, where civil society is often portrayed as the vanguard of democratisation. If well institutionalised, civil society in many of Africa's young democracies has demonstrated its democratic credentials in crucial times, as its role in the defeat of third term politics in these countries illustrates.

Failure to concede power to winning party by power incumbents

Several incumbents have lost elections in Africa but blatantly refused to accept defeat and concede power to their opponents. Rather than do this, they deliberately engineer post-election violence that will help them remain in power at all costs. This development, another form of unconstitutional change of government, has been complicated by one of the emerging mechanisms of resolving post-election conflicts in Africa, namely power-sharing. This occurred in Kenya and Zimbabwe, two cases where the opposition reportedly won, but the incumbents refused to concede power. The post-election violence in Côte d'Ivoire also at one point appeared as if it would follow a similar pattern, until the eventual forceful removal of President Laurent Gbagbo from power by the French–UN force. Indeed, the popularity of power-sharing among its promoters and negotiators after electoral conflicts in Africa has made some analysts wonder if power-sharing has become the 'new' democracy on the continent.⁸⁶

In Kenya after the 2007 elections, power-sharing was adopted as a viable option for managing the attendant impasse between the two main political parties, the Party of National Unity (PNU) and the Orange Democratic Movement (ODM). This was largely facilitated by Kofi Annan, a former UN Secretary-General. After protracted negotiation and occasional setbacks, it was agreed that a grand coalition government would be created in which the two parties would share power in such a way that executive authority would be divided between the two, with the PNU maintaining control of the Presidency and the ODM filling the newly created position of prime minister.⁸⁷ Cabinet positions would be distributed according to the principle of 'portfolio balance', by which each party would receive a share of ministerial positions equal to the number of seats it controlled in parliament.⁸⁸

The accord, no doubt, marks a significant path to post-election peace-building in Kenya. It succeeded in curtailing violence, at least in the short run, and helped in the formation and inauguration of a coalition government.⁸⁹ However, a more fundamental issue relates to the prospects the coalition holds for sustainable democracy in Kenya.⁹⁰ Can the coalition eradicate the basic fault lines and rifts, especially ethnic divisions? Does it have internal insulation against abuse or violation by either of the coalition partners?

Are there adequate institutions for the effective implementation of the agreements? To what extent does the coalition recognise the fundamental bases of the violence, including the identity bases of the struggle for power at the centre? These are vital questions that were not adequately addressed in the coalition. Some have argued that once divisions already existed, no amount of power-sharing could remove them. Rather, 'what power-sharing does is it recognises those divisions and institutionalises them'.⁹¹

More fundamentally, observers are of the view that the scorecard of the coalition has so far been unsatisfactory.⁹² Among other shortcomings, the coalition has failed to address substantial issues, particularly constitutional reform, land reform and inter-ethnic inequalities, all of which underlined the electoral logjam. There are genuine concerns that if these fundamental issues are not addressed in a timely way, the current peace deal may end up as a palliative. This agrees with the conclusion reached by Cheeseman and Tendi that neither mode of power-sharing in Kenya and Zimbabwe 'creates conditions for effective reform, which leads to a more general conclusion: a unity government serves to postpone conflict, rather than to resolve it'.⁹³

The situation in Zimbabwe was not that different from the one in Kenya. In the 28 March 2008 presidential and parliamentary elections, opposition candidate Morgan Tsvangirai of the Movement for Democratic Change (MDC) won the first round of the presidential election. However, with his total votes less than the required 50% there was a need for a run-off, from which he withdrew, citing violence against his supporters and himself. The failure of President Robert Mugabe's Zimbabwe African National Union–Patriotic Front (ZANU-PF) to concede defeat, and the subsequent resort to self-help strategies, including calculated onslaughts against opposition forces and the independent press, generated a high level of violence comparable only to that of the anti-colonial struggles.

The attendant process of post-election conflict resolution efforts led to the Global Political Agreement (GPA), signed on 15 September 2008 between the contending forces, namely ZANU-PF, the MDC and a small breakaway faction of the MDC led by Arthur Mutambara.⁹⁴ The GPA called on its signatories to 'build a society free of violence, fear, intimidation, hatred, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality'.⁹⁵ It, however, stalled as a result of disagreement relating to the sharing of ministries.⁹⁶ On 30 January 2009 the MDC decided to join a unity government with the ruling ZANU-PF. This finally paved the way for the implementation of the September 2008 power-sharing agreement. The GPA took effect on 11 February 2009 with the swearing-in of Tsvangirai as prime minister, while Mugabe remained as president.

The development threw up many contentious issues. First, was the agreement desirable in the first place? What were the chances of its workability, considering Mugabe's antecedents? More importantly, could the agreement help salvage Zimbabwe and its oppressed people from the brink of political and socio-economic collapse? Looking back, it now seems very clear that these fears were genuine. Mugabe and his ZANU-PF seemed to enter into the deal for self-serving interests that had to do with a power survival game. As Nicoll in *Strategic Comments* rightly argues, 'The new government desperately needs major financial help, but key donors want to see better governance and respect for human rights in Zimbabwe before releasing the purse strings'.⁹⁷ One way to convince the international community about its willingness to shift ground was through the façade of power-sharing.

This was true to the extent that most of the offices conceded to the MDC directly relate to the economy. Moreover, the agreement was threatened on several occasions as a result of Mugabe's highhandedness and breach of provisions of the agreement. The coalition did not seem to have significantly altered the pre-GPA structure of power.

More importantly, Zimbabwe's power-sharing agreement, like Kenya's, largely failed to address the fundamental political economy issues underlying the problem; for example, the much-anticipated constitutional reform, expected to be completed within two years of the agreement, was a slow and ultimately unsatisfactory process. The basic issue of the rights of the citizen has also not featured on the government's agenda. Worse still, both ZANU-PF and the MDC continued to trade accusations and counter-accusations about the level of compliance and non-compliance with the agreement.⁹⁸ While Tsvangirai asked the South African Development Community (SADC) to review compliance with the 2008 GPA underpinning the power-sharing arrangement, accusing ZANU-PF of 'acting in bad faith and failing to respect the terms of the GPA', Mugabe's ZANU-PF kept lobbying SADC to create the impression that 'all is well in the inclusive government with the only problem the Western-targeted sanctions that remain in place'.⁹⁹ Certainly, Zimbabwe needs 'a range of fundamental reforms that the power-sharing government should undertake to improve the human rights situation in Zimbabwe. Without these institutional and legislative reforms, as well as the establishment of genuine respect for the basic rights of all Zimbabweans, there can be no long-term, sustainable peace and stability in Zimbabwe'.¹⁰⁰

The experience of Côte d'Ivoire represents another sad commentary on the electoral process and democratisation in Africa. Following protracted controversy between the ruling and opposition parties, and after a series of peace talks, elections were finally held in October 2010. These could not produce an outright winner. This necessitated a run-off between President Laurent Gbagbo and opposition leader Allasane Ouattara, who was declared winner of the run-off by the country's independent electoral commission. However, in a dramatic turn of events, Gbagbo went to the Constitutional Court to challenge the result. The court, after cancelling some votes for alleged rigging in the opposition-dominated northern part of the country, declared Gbagbo the winner. Although the international community, including the UN, European Union, International Monetary Fund, United States and France, recognised Ouattara, Gbagbo refused to concede defeat, as had been the case in Kenya and Zimbabwe, leading to the emergence of two parallel governments in the country until the eventual forceful removal of Gbagbo.

The AU's responses to the Ivorian crisis left much to be desired. Initially, the AU seemed to favour the power-sharing approach, at least until the removal of Gbagbo. The feasibility of this became more evident when the AU sent former South African President Thabo Mbeki, who brokered the Zimbabwean GPA, to engage in mediation with the two camps.¹⁰¹ It was, therefore, not surprising when shortly after the visit, Gbagbo expressed his readiness to share power with Ouattara, offering him the position of prime minister.

In all these cases, one thing stands out clearly, irrespective of official responses: the refusal by incumbents to concede power after defeat in elections, but instead to devise extra-constitutional means of clinging on to power, especially through electoral violence and power-sharing, constitutes an unconstitutional change of government, at least by AU standards. The situation could have been different, if the AU had been more forthcoming in the application of its own rules in dealing with such cases. The failure of the AU to be decisive in applying its rules to the Kenyan and Zimbabwean cases indirectly constitutes

an open invitation to other would-be incumbent losers in competitive elections not to concede power to winners. However, with the experiences of Kenya and Zimbabwe, power-sharing could only have helped postpone the evil day, especially when not effectively implemented to address the roots of the problem.

ELECTORAL CONNECTIONS

The preceding analyses not only underscore the centrality of elections in fostering democratic development in Africa, but also suggest elections as arguably the weakest link in the democratisation process. In what follows, this paper evaluates how the AU's responses to these democratic challenges, through its democratic architecture and norms, particularly those that have direct bearing on elections, have tended to complicate democratic development in Africa.

Such a focus on the electoral links to democratic development in Africa is understandable. While elections alone do not make a democracy, the centrality of elections to democracy remains indisputable. It is pertinent to re-emphasise that elections have been identified as central to the theory and practice of democracy. This is because from a minimalist perspective, elections are the first and most basic indicator of democracy. Elections are regarded as central to competitive politics because of their presumed capacity to guarantee political participation, competition and legitimacy which, in turn, are pivotal to the consolidation of democracy.

However, as noted earlier, only well-governed elections can make a positive democratic impact. Generally, electoral governance connotes 'the wider set of activities that creates and maintains the broad institutional framework in which voting and electoral competition take place'.¹⁰² It is a comprehensive and multi-tasked activity, involving three salient elements, namely (1) rule-making, (2) rule application and (3) rule adjudication. Rule-making involves designing the basic rules of the electoral game; rule application deals with implementing these rules to specifications to organise the electoral game; and rule adjudication involves resolving disputes arising from the electoral game. This suggests that effective electoral administration is a crucial element in democratisation. Depending on their administration, elections can be a positive or negative reinforcement of the democratisation process.

It should, however, be noted that effective electoral governance alone does not guarantee good elections. A number of forces, including social, economic and political variables, intervene to play prominent roles in influencing the process, integrity and outcome of elections. Nevertheless, good elections are said to be impossible without effective electoral governance.

Winners and losers can regard electoral processes and results as acceptable provided the elections meet some established standards, notably participation, competition and legitimacy. These indicators of democratic quality can only be guaranteed provided the electoral management bodies (EMBs) satisfy some important conditions that strengthen effective electoral administration. These conditions have been identified to include the autonomy of the EMBs, measured basically in terms of their structure, composition or recruitment and funding. Other requisites include professionalism, accountability, motivation, transparency and general capacity. These conditions are important in order

for the EMBs to discharge their duties effectively. As Hasen argues, ‘one of the hallmarks of a mature democracy is professionalised, centralised, and non-partisan election administration’.¹⁰³

Though largely underdeveloped, the literature has not been totally silent on models of election administration. From available studies, three models are identifiable, namely (1) the independent model, (2) the government model and (3) the mixed model of electoral management designs. Under the independent model, the EMB is institutionally independent and autonomous from the executive arm of government. The EMB also has and manages its own budget. It is, however, accountable to oversight agents such as the legislature and judiciary. The EMB also exercises full responsibility for implementing its activities and enjoys security of tenure. The reverse is the case under the government model, where the executive is directly in charge of election administration, usually through a ministry. As such, the EMB does not have its own separate budget, enjoys limited power, lacks autonomy and is accountable to the executive arm of government. The mixed electoral model combines features of the independent and government models, as the case may be.¹⁰⁴

Table 3: Characteristics of the three models of electoral administration

Aspect of the model and the components EMB	Independent EMB	Government EMB	Mixed model	
			Components of independent EMB	Components of governmental EMB
Institutional arrangement	Is institutionally independent from the executive branch of government	Is located within, or under, the direction of a department of state and/ or local government	Is institutionally independent from the executive branch of government	Is located within, or under, the direction of a department of state and/ or local government
Implementation	Exercises full responsibility for implementation	Implementation is subject to the executive branch of government direction	Has autonomy to monitor or supervise, and in some cases set policy for, implementation	Implementation is subject to the executive branch of government's direction. Monitoring or supervision and in some cases policy setting by independent component

Aspect of the model and the components EMB	Independent EMB	Government EMB	Mixed model	
			Components of independent EMB	Components of governmental EMB
Formal accountability	Does not report to the executive branch of government but, with very few exceptions, is formally accountable to the legislature, judiciary or head of state	Fully accountable to the executive branch of government	Does not report to the executive branch of government and is formally accountable to the legislature, the judiciary or the head of state	Fully accountable to the executive branch of government
Powers	Has powers to develop the electoral regulatory framework independently under the law	Powers are limited to implementation	Often has powers to develop electoral regulatory framework independently under the law. Monitors or supervises those who implement elections	Powers are limited to implementation
Composition	Is composed of members who are outside the executive branch while in EMB office	Is led by a minister or public servant. With very few exceptions, has no 'members', only a secretariat	Is composed of members who are outside the executive branch while in EMB office	Is led by a minister or public servant. With very few exceptions, has no 'members', only a secretariat
Term of office	Offers security of tenure, but not necessarily fixed term of office	Usually no members, therefore not applicable. Secretariat staff are civil servants whose tenure is not secured	Offers security of tenure, but not necessarily fixed term of office	Term of office is not secured.
Budget	Has and manages its own budget independently of day-to-day governmental control	Budget is a component of a government ministry's budget or local authority budget	Has a separately allocated budget	Budget is a component of a government ministry's budget or local authority budget

Source: International IDEA (International Institute for Democracy and Electoral Assistance), *Electoral Management Design: The International IDEA Handbook*. Stockholm: International IDEA, 2006, p. 9.

There is, on balance, preference for the independent model. This is because of its inherent advantages over other models. For example, it has been argued that in countries that use the independent model of election administration 'each has become renown[ed] for regularly scheduled, clean and typically hotly contested elections'.¹⁰⁵

It is, therefore, hardly surprising to see that many of the AU's interventions for democratic development, especially through its grand norms and governance architecture, have been geared towards the promotion of the democratic qualities of African elections. The African Peer Review Mechanism and framework on unconstitutional changes of governments are notable examples. However, another primary area of intervention has to do with the AU's involvement in the monitoring of African elections.

As an integral part of its democratic development agenda in Africa, the AU has, over the years, developed certain institutional structures for election monitoring. Drawing essentially on the defunct OAU Declaration of Principles Governing Democratic Elections (DPGDE), the AU sets guidelines for its electoral observation and monitoring missions. This was discussed at length earlier in this paper.

There are two matters arising from the monitoring experience that may serve to undermine the supposed positive effects of election monitoring, namely (1) contextual variables prevailing in the host country, and (2) administrative and implementation challenges.

With respect to contextual variables, several issues are at stake. The first relates to the institutional designs of election administration, especially regarding the EMB. In cases where the EMBs are fashioned along the independent model, with substantial administrative and financial autonomy, there is usually a superior level of professionalism and security of tenure, which may embolden election administrators to act without fear or favour and vice versa. Unfortunately, even in some African countries where the EMBs are supposedly independent, prevailing realities tend to point to the contrary. Consequently, election administration tends to be more problematic, as is the likelihood of election fraud and violence. In such circumstances, monitoring elections not only becomes much more problematic, but also has limited chances of success, measured in terms of short-term impact, output and outcome.

The second has to do with the history of electoral politics in the host country, whether peaceful or violent. Wherever the latter prevails, election observers tend to be conscious of that and may be much more circumspect in the discharge of their monitoring roles. The state of infrastructural facilities, especially good road networks and communication tools, can also influence the course of election monitoring.

Whereas several African countries have made steady progress in terms of infrastructural development, there are still obvious gaps to be filled. Worse still, many elections in Africa have been characterised by various forms and degrees of fraud and violence, most notably in Kenya, Nigeria, Zimbabwe and Côte d'Ivoire, among others. Such contextual variables vary from country to country and have served to undermine the AU's election-monitoring efforts to varying degrees.

The more crucial matters arising from the AU's monitoring experiences, however, relate to notable administrative and implementation challenges. The first and most basic challenge here is the problem of poor representation and coverage. By this it is meant the usually low number of observers often deployed by the AU in its monitoring teams. Obviously, there is the acute problem of accurate data documentation in this regard.

The lack of minor details in the AU's election-monitoring reports, particularly those relating to the exact number of people deployed and the usually nebulous claim that a given number of teams were deployed for a given election without specifying the number per team, reinforces the validity of this claim. Nevertheless, it seems reasonable to claim that on average 20 observers are usually deployed by the AU to monitor specific elections. This was the case recently in Lesotho in May 2012 and the Republic of Congo in July 2012. It follows that with such a small delegation, it is impossible to cover a substantial portion of the terrain. Consequently, what usually transpires is that a few districts and polling units, usually in the capital cities, are visited at the expense of more vulnerable polling centres in remote towns and villages. Worse still, most members of the AU's observer teams are usually 'big personalities' such as past presidents or heads of state and ambassadors or diplomats, who may not be willing and able to countenance what their counterparts in civil society may be willing to do.

Another factor that tends to limit the scope of coverage is closely related to the above, which is that most of the AU's election-monitoring exercises are usually short term, focusing essentially on election-day events. The implication is that crucial pre-election events such as electioneering campaigns, media accessibility and related issues, which are usually very volatile and set the tone for election-day activities, are not sufficiently covered, if not neglected altogether. The same goes for post-election activities, during which the attention of election monitors and international media may have shifted elsewhere. From the listed cases, AU teams, with the exception of the Republic of Congo in 2012 where it stayed from 6 to 21 July, hardly stay beyond three to five days. This is too short to gain a firm and realistic grasp of the institutional architecture of the elections in any country, including the electoral laws, voters' register and electoral geography. The import of this is that their reports may be suspect, based as they are on a few observed electoral units.

Another major challenge confronting the AU's election observation missions is the fact that their reports, like those of other monitoring groups, be they domestic or international, do not have the force of law. Consequently, no matter how damning the reports might be, the AU is largely powerless to intervene in the internal affairs of the host country, except in exceptional cases where electoral irregularities degenerate into acute post-election violence beyond what can be handled internally. While this remains one of the fundamental weaknesses of election monitoring the world over, one could expect some marginal variations in the case of the AU's interventions in Africa. This is because the AU has its regulatory institutional instruments on election and democracy in Africa, including the recent ACDEG to which its members subscribe, to fall back on. It, therefore, should be able to sanction any breach thereof, as may be reported by its election observers in any elections. Sadly, this is not yet the case; a limitation that reinforces the widely held assumption that succession politics is a matter of internal sovereignty, where external influences are permitted restricted space. It is, therefore, hardly surprising that despite reservations about the democratic qualities and integrity of certain elections, as contained in its reports, the AU has not been able to prevent the inauguration of any governments whose elections were adjudged to have fallen short of internally prescribed standards of election administration.

The AU's election-monitoring reports are known, in several instances, to have contradicted those of sister organisations, both international and domestic. Such

contradictions were discernible in its reports on the 2007 Nigerian elections,¹⁰⁶ and Nigeria's 2011 presidential elections.¹⁰⁷ In a related example, while the international and domestic observer groups condemned the 2011 Republic of Congo election as lacking in integrity, citing various irregularities, the AU observers described it as 'successful'.¹⁰⁸

Such contradictions can be explained in terms of the manifestation of two other implementation challenges. First, there is a seeming poor level of networking and collaboration between the AU's election observer teams and other monitoring groups, especially the domestic groups, which are usually more grounded with regard to local peculiarities. Such a low level of interconnectedness between local and external actors also underscores the state-centric approach to governance, development and security issues, which tends to privilege formal institutions not only over but also at the expense of civil society organisations. Second, the contradictions can also be linked to the existence of unwritten rules and informal alliances that tend to make the AU show solidarity with one of its own. The rule seems to be that unless in grave circumstances, incumbents should be protected from humiliation. This solidarity thesis tends to be much more applicable to second-term elections where incumbents are seeking re-election, as the cases of President Joseph Kabila in the DRC in 2011 and President Goodluck Jonathan in Nigeria in the same year illustrate. A much more prominent case was the Obasanjo-led initiative in Senegal in 2012, which sought to work out a kind of soft-landing arrangement for Wade. In such cases the ease with which the AU's reports gloss over blatant irregularities captured by other monitoring groups is easily discernible.

CONCLUSION: PROMOTING DEMOCRATIC VALUES THROUGH CREDIBLE ELECTIONS

This study critically evaluates the role of the AU in promoting democratic values in Africa from an electoral perspective. It relies mainly on the AU's declaration governing democratic elections in Africa and the declaration on observing and monitoring elections to assess the AU's commitment to the execution of these declarations and the challenges confronted. The paper submits that while these declarations have had an impact on Africa's electoral landscape in positive ways, there is still ground to be covered, most notably with respect to observable inconsistencies in handling similar cases in different countries. This emphasises the need for best practices in the implementation of the democracy and political governance frameworks of the AU.

After discussion of the interface between elections and democratic development, the paper then reflected on the state of democratic governance in Africa, which leaves much to be desired. In underscoring this position, the paper draws insights from the various forms of unconstitutional change of government in Africa, most notably the reincarnation of military coups, tenure elongation and refusal of defeated incumbents to transfer power to victorious oppositions. Worse still, the mechanisms of managing attendant conflicts, especially at the electoral level, have not been encouraging. The resort to power-sharing arrangements, for example in Zimbabwe and Kenya, remains as problematic as the original problems the arrangements sought to address.

Above all else, it is at the level of election monitoring that the AU appears to show its resolve to promote democratic values in Africa. However, as the study reveals, the AU's

election-monitoring activities have been undermined by two closely related challenges, which have had (and will continue to have) ramifications for the success or otherwise of the initiative. These are the contexts of election governance in the host countries and certain administrative and implementation challenges. When unpacked, the notable matters include poor representation (coverage) in the field; emphasis on election-day events at the expense of the pre-election events (short-term strategy); political solidarity with incumbents seeking re-election; and limited collaboration with domestic monitoring groups. As with those of all other monitoring groups, the AU's election-monitoring reports not only lack the force of law, making them difficult, if not impossible, to execute, but at times also conflict with those of other monitoring groups, particularly the domestic groups that are much more grounded in local realities.

As a result of these contradictions, the politics of the AU's election monitoring in Africa has, inevitably, produced mixed results. On the one hand, while it has, together with other monitoring groups, contributed to raising the general awareness level and generated some pressure for electoral reforms,¹⁰⁹ it has also tended to be less critical, especially of incumbents seeking re-election. Worse still, its reports and recommendations are not binding on the host country because it does not have the force of law.

In the final analysis it is imperative that urgent steps are taken to redress identified contradictions. This must be done in a way that will help reposition the AU's election monitoring for democratic development in Africa. While it is crucial to respect international standards of elections monitoring, efforts should also be made to reconcile such standards with African realities. Moreover, it is important to improve on the level of representation and field coverage for each election to be observed. A medium- to long-term approach, where the entire electoral cycle can be covered, is also critical. Both will pose some financial challenges. All member states and the donor partners should collaborate in making adequate funds available. Above all else, there is a need to strengthen the links between the AU and local monitoring groups. This can help improve understanding of the electoral geography of the host state, and facilitate information and logistics sharing in a way that can help save costs.

ENDNOTES

- 1 Omotola JS, 'Elections and democratic transitions in Nigeria under the Fourth Republic', *African Affairs*, 109, 437, 2010, pp. 535–553; Omotola JS, 'Elections Administration and Democratic Consolidation in Ghana and Nigeria under the Fourth Republic', unpublished PhD Thesis, Department of Political Science, University of Ibadan, Nigeria, 2012; Lindberg SI (ed.), *Democratization by Elections: A New Mode of Transition?* Baltimore: Johns Hopkins University Press, 2009.
- 2 Alabi MAO, 'Electoral reforms and democratic consolidation in Nigeria: The Electoral Act 2006', *Central European University (CEU) Political Science Journal*, 4, 2, 2009, p. 281.
- 3 Ojo EO, 'Nigeria's 2007 general elections and succession crisis: Implications for the nascent democracy', *Journal of African Elections*, 6, 2, 2007, p. 7.
- 4 Obi C, 'International election observer missions and the promotion of democracy: Some lessons from Nigeria's 2007 elections', *Politikon: South African Journal of Political Studies*, 35, 1, 2008, p. 73.

- 5 Almond G, Powel GB, Stromand K & RJ Dalton, *Comparative Politics Today: A World View*. Eighth edition. New York: Pearson/Longman, 2004.
- 6 Dahl RA, *Democracy and its Critics*. New Haven: Yale University Press, 1989; Huntington SP, *The Third Wave: Democratisation in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press, 1991.
- 7 Mesfin B, 'Democracy, Elections and Political Parties: A Conceptual Overview with Specific Emphasis on Africa', ISS [Institute for Security Studies] Paper, 166. Pretoria: ISS, July 2008, p. 1.
- 8 Agbaje A & S Adejumobi, 'Do votes count? The travails of electoral politics in Nigeria', *Africa Development*, XXXI, 3, 2006, p. 26.
- 9 Lewis P, 'Identity, Institutions and Democracy in Nigeria', Working Paper, 68. Cape Town: Afrobarometer, 2007, p. 13.
- 10 Hughes A & R May, 'The politics of succession in black Africa', *Third World Quarterly*, 10, 1, 1988, pp. 1–22.
- 11 Kambudzi A, 'Turning Elections into a Developmental Asset in Africa', ISS Paper, 163. Pretoria: ISS, June 2008.
- 12 Cohen D, 'Election and Election Studies in Africa', in Barongo Y (ed.), *Political Science in Africa: A Critical Review*. London: Zed Books, 1983, pp. 72–93; Bratton MM, 'Second elections in Africa', *Journal of Democracy*, 9, 3, 1998, pp. 51–66.
- 13 Lindberg SI (ed.), *Democratization by Elections: A New Mode of Transition?* Baltimore: Johns Hopkins University Press, 2009; Lindberg SI, 'The democratic qualities of competitive elections: Participation, competition and legitimacy in Africa', *Commonwealth and Comparative Politics*, 42, 1, 2004, pp. 61–105.
- 14 Altman D & A Perez-Linan, 'Assessing the quality of democracy: Freedom, competitiveness and participation in eighteen Latin American countries', *Democratization*, 9, 2, 2002, pp. 85–100; Omotola JS & G Ayedogbon, 'Political participation and voter turnout in Nigeria's 2011 elections', *Journal of African Elections* (Special Issue on Nigeria's 2011 Elections), 11, 1, 2012, pp. 54–73.
- 15 Bratton MM, *op. cit.*, p. 570.
- 16 Southall R & J Daniel, 'The state of parties post-elections 2004: ANC dominance and opposition enfeeblement', in Daniel J, Southall R & J Lutchman (eds), *State of the Nation: South Africa 2004–2005*. Cape Town: HSRC Press, 2005, pp. 34–57.
- 17 Ballard R, 'Participation, democracy and social movements', *Critical Dialogue: Public Participation Review*, 1, 1, 2007, p. 17.
- 18 Omotola JS, *op. cit.*, pp. 535–553; Omotola JS & G Ayedogbon, *op. cit.*, pp. 54–73.
- 19 Mentan T, *Held Together by Pins: Liberal Democracy under Siege in Africa*. Trenton, New Jersey and Asmara, Eritrea: Africa World Press, 2007, pp. 6–7.
- 20 Schedler A, 'The nested game of democratization by election', *International Political Science Review*, 23, 2, 2002, p. 118.
- 21 *Ibid.*
- 22 Lewis P, *op. cit.*, p. 13.
- 23 Diamond L, 'Elections without democracy: Thinking about hybrid regimes', *Journal of Democracy*, 13, 2, 2002, pp. 21–35; Levitsky S & LA Way, *Competitive Authoritarianism: The Emergence and Dynamics of Hybrid Regimes in the Post-Cold War Era*. New York: Cambridge University Press, 2009; Levitsky S & LA Way, 'The rise of competitive authoritarianism', *Journal of Democracy*, 13, 2, 2002, pp. 51–65.

- 24 Ekman J, 'Political Participation and Regime Stability: A Framework for Analyzing Hybrid Regimes', *International Political Science Review*, 30, 1, 2009, p. 12.
- 25 Ake C, *The Feasibility of Democracy in Africa*. Dakar: CODESRIA Book Series, 2000.
- 26 Adejumobi S, 'Elections in Africa: A fading shadow of democracy?', *International Political Science Review* 21, 1, 2000, pp. 59–73.
- 27 *Ibid.*, p. 61.
- 28 Young T, 'Elections and electoral politics in Africa', *Africa: Journal of the International African Institute*, 63, 3, 1993, p. 305.
- 29 Omotola JS, 'Political globalisation and citizenship: New sources of security threats in Africa', *Journal of African Law*, 52, 2, 2008, pp. 268–283; Omotola SJ, 'Explaining electoral violence in Africa's "New" Democracies', *African Journal on Conflict Resolution*, 10, 2, 2010, pp. 52–73.
- 30 This section draws on the author's previous works, particularly Omotola SJ, 'Unconstitutional Change of Government in Africa: What Implications for Democratic Consolidation', Discussion Paper, 70. Uppsala: Nordic Africa Institute, 2011, pp. 1–49.
- 31 *Ibid.*, p. 16.
- 32 AU (African Union), African Charter on Democracy, Election and Governance (ACDEG). Addis Ababa: AU, 2007, Article 25.
- 33 Omotola JS, 'Third term politics and the de-institutionalisation of power in Africa', *Africa Review*, 3, 2, 2011, pp. 123–140.
- 34 Posner DN & DJ. Young, 'The institutionalization of political power in Africa', *Journal of Democracy*, 18, 3, 2007, pp. 126–140.
- 35 Odinkalu CA, 'Concerning Kenya: The current AU position on unconstitutional change of government', Open Society Initiative Africa Governance Monitoring and Advocacy Project (AfriMAP), 2008, http://www.afriMAP.org/english/images/paper/AU&UnconstitutionalChangeGovt_Odinkalu_Jan08.pdf, accessed 12 January 2011.
- 36 AU Monitor, 'Challenges of unlawful changes of regime', *Pambazuka*, 2009, <http://www.pambazuka.org/aumonitor/comments/2295/>, accessed 14 January 2011.
- 37 Akokpari J, Ndinga-Muvumba A & T Murithi (eds), *African Union and its Institutions*. Johannesburg: Centre for Conflict Resolution, 2008.
- 38 See Article 30 of the Constitutive Act of the AU.
- 39 Nwanasali, M 'From non-interference to non-indifference: The emerging doctrine of conflict prevention in Africa', in Akokpari J, Ndinga-Muvumba A & T Murithi (eds), *op. cit.*, pp. 41–62.
- 40 *Ibid.*, p. 43.
- 41 Engel U, "'Unconstitutional Changes of Government": New AU Policies in Defence of Democracy', paper presented at the South African Association of Political Studies, Stellenbosch, South Africa, 1–4 September 2010.
- 42 ECOWAS (Economic Community of West African States), Protocol 1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security, 2001, <http://www.comm.ecowas.int/sec/en/protocoles/Protocol%20on%20good-governance-and-democracy-rev-5EN.pdf>.
- 43 Article 9 of , the ECOWAS Protocol 1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security, December 2001.
- 44 Baradei EL, 'The role of civil society organizations in monitoring elections: Lessons learned for the new Egypt', *International Journal of Public Administration*, 35, 9, 2012, p. 588.

- 45 Adesina O, 'Monitoring and observing Nigeria's 2011 elections', *Journal of African Elections*, 11, 1, 2012, p. 154.
- 46 *Ibid.*, pp. 154–155.
- 47 Baradei EL, *op. cit.*, p. 588.
- 48 *Ibid.*
- 49 *Ibid.*
- 50 *Ibid.*
- 51 Baker B, 'When to call black white: Zimbabwe's electoral reports', *Third World Quarterly*, 23, 6, 2002, p. 1145.
- 52 Laakso L, 'The politics of international election observation: The case of Zimbabwe in 2000', *Journal of Modern African Studies*, 40, 3, 2002, p. 438.
- 53 Baradei EL, *op. cit.*, p. 598.
- 54 For a representative view, see Omotola JS, 'The limits of election monitoring: The 2003 Nigerian general elections', *Representation: A Journal of Representative Democracy*, 42, 2, 2006, pp. 57–67.
- 55 Baker B, *op. cit.*, p. 1145.
- 56 Dorman S, 'Make sure the votes count nicely this time: The politics of elections and election observing in Zimbabwe', *Commonwealth and Comparative Politics*, 43, 2005, p. 171.
- 57 Kohnert D, 'Election observation in Nigeria and Madagascar: Diplomatic vs. technocratic bias', *Review of African Political Economy*, 31, 3, 2004, p. 83.
- 58 Carothers T, 'The rise of election monitoring: The observers observed', *Journal of Democracy*, 8, 3, 1997, pp. 21–26.
- 59 Kelly JG, *Monitoring Democracy: When International Election Observation Works, and Why it Often Fails*. Princeton and Oxford: Princeton University Press, 2012.
- 60 GCEDS (Global Commission on Elections, Democracy and Security), *Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide*, Stockholm: Report of the GCEDS, September, 2012.
- 61 Omotola JS, 'African Union, election monitoring and democratic development in Africa', paper presented at the United Nations University, Brussels, Belgium and the United Nations Economic Commissions for Africa (UNECA) joint conference on 'After the Arab Spring: The Role of Regional Organisations in Promoting Democratic Governance', Le Plaza Hotel, Brussels, Belgium, 21–23 November 2012.
- 62 AU, 'Guidelines for African Union Electoral Observation and Monitoring Missions', 8 July 2002, p. 1.
- 63 Lindberg SI & JF Clark, 'Does democratization reduce the risks of military intervention in politics in Africa?', *Democratization*, 15, 1, 2008, pp. 86–105.
- 64 Beetham D, *The Legitimation of Power*. London: Macmillan, 1991, quoted in Lindberg SI & JF Clark, *op. cit.*, pp. 86–105.
- 65 *Ibid.*, p. 89.
- 66 Adekanye JB, 'Military Occupation and Social Stratification', an inaugural lecture. Ibadan: University of Ibadan, 1993.
- 67 Lynch G & G Crawford, 'Democratization in Africa 1990–2010: An assessment', *Democratization*, 18 (2), 2011, pp. 275–310.
- 68 Boucek C, 'Mauritanian's Coup: Domestic Complexities and International Dilemmas', Carnegie Endowment for International Peace, August 2008, http://carnegieendowment.org/files/boucek_mauritania.pdf, accessed 12 January, 2011.

- 69 *Ibid.*, p. 2.
- 70 BBC News, 'Politicians back Mauritanian coups', 14 August 2008, <http://news.bbc.co.uk/2/hi/africa/7559943.stm>, accessed 12 January, 2011.
- 71 BBC News, 'Full text: Guinea military statement', 23 December, 2008. <http://news.bbc.co.uk/2/hi/africa/7797629.stm>, accessed 12 January, 2011.
- 72 RTE News, 'Military stage coup in Niger: Report', 18 February, 2010, <http://www.rte.ie/news/2010/0218/niger.html>, accessed 12 January 2011.
- 73 Based on Omotola JS, 'Third term politics and the de-institutionalisation of power in Africa', *Africa Review*, 3, 2, 2011, pp. 123–140.
- 74 Posner DN & DJ Young, *op. cit.*, pp. 126–140.
- 75 *Ibid.*, pp. 127, 137.
- 76 Siddique A, *Obasanjo: The Lust for Power and its Tragic Implications for Nigeria*. Zaria, Nigeria: Centre for Democratic Development, Research and Training, 2006; Omotola JS, 'Democracy and constitutionalism in Nigeria under the Fourth Republic, 1999–2007', *Africana*, 2, 2, 2008, pp. 3–29.
- 77 Posner DN & DJ Young, *op. cit.*, p. 132.
- 78 Omotola JS, 'From importer to exporter: The changing role of Nigeria in promoting democratic values in Africa', in Pretorius J (ed.), *African Politics: Beyond the Third Wave of Democratisation*. Cape Town: Juta Academic Press, 2008, pp. 32–54.
- 79 Omotola JS, 'A cabalised regime: Neopatrimonialism, President Yar'Adua's health crisis and Nigeria's democracy', *CEU Political Science Journal*, 6, 2, 2011, pp. 222–253.
- 80 VonDoepp P, 'Party cohesion and fractionalization in new African democracies: Lessons from struggles over third term amendments', *Studies in Comparative International Development*, 40, 3, 2005, pp. 65–87.
- 81 Reuters, 'Djibouti president hints at third term', 22 March 2010, <http://af.reuters.com/article/topNews/idAFJJOE62L01G20100322?pageNumber=2&virtualBrandChannel=0>, accessed 15 January 2011; Roble MA, 'Djibouti: President gets third term', April 2010, http://www.africa.news.com/site/list_message/27200, accessed 12 January 2011.
- 82 Randal V & L Svasand, 'Political parties and democratic consolidation in Africa', *Democratization*, 9, 3, 2002, pp. 30–52.
- 83 VonDoepp P, 'The problem of judicial control in Africa's neo-patrimonial democracies: Malawi and Zambia', *Political Science Quarterly*, 120, 2, 2005, pp. 275–301.
- 84 VonDoepp P, 'Party cohesion', *op. cit.*, p. 74.
- 85 Rose KR, "'Worrisome trends": The voice of the church in Malawi's third term debate', *African Affairs*, 103, 410, 2004, pp. 91–107.
- 86 Moghalu T, 'Electoral conflict in Africa: Is power-sharing the new democracy?', *Conflict Trends*, 12, 4, 2008, pp. 32–38.
- 87 Omotola JS, 'Mechanisms of post-election conflict resolution in Africa's "new" democracies', *African Security Review*, 19, 2, 2010, pp. 2–13.
- 88 Harowitz J, 'Power Sharing in Kenya', Policy Brief. Oslo: Centre for the Study of Civil War, The International Peace Research Institute, March 2008.
- 89 Mehler A, 'Peace and power-sharing in Africa: A not so obvious relationship', *African Affairs*, 108, 432, 2009, pp. 453–473.
- 90 Omotola JS, Mechanism of post-election conflict resolution, *op. cit.*
- 91 Holmes S, 'Power-sharing: Conflict or compromise?', BBC News, 10 March 2008, <http://news.bbc.co.uk/2/hi/africa/7286592.stm>, accessed 9 September, 2009.

- 92 Baldauf S, 'Kenya's power-sharing report card: "Unsatisfactory"', *The Christian Science Monitor*, 13 March 2009, <http://www.csmonitor.com/2009/0313/p04s01-woaf.html>, accessed 9 September 2009.
- 93 Cheeseman N & B-M Tendi, 'Power-sharing in comparative perspective: The dynamics of "unity government" in Kenya and Zimbabwe', *Journal of Modern African Studies*, 48, 2, 2010, pp. 203–229.
- 94 Peta B, 'The big question: Will power sharing in Zimbabwe work, and is it time to lift sanctions?', *The Independent*, February 2009, <http://www.independent.co.uk/news/world/africa/the-big-question-will-power-sharing-in-zimbabwe-work-and-is-it-time-to-lift-sanctions-1544956.html>, accessed 9 September 2009.
- 95 Human Rights Watch, 'False dawn: The Zimbabwe power-sharing government's failure to deliver human rights improvements', 4 September 2009, <http://www.sokwanele.com/thisiszimbabwe/archives/4653>, accessed 9 September, 2009.
- 96 Lunn J, *In Brief: Power-Sharing in Zimbabwe*, British House of Commons Library, SN.IA/4972, London: 2009.
- 97 Nicoll A, 'Power-sharing in Zimbabwe: More experiment than genuine coalition', *Strategic Comments*, 15, 4, 2009, pp. 1–2. <http://www.informaworld.com/smpp/content~db=all~content=a911853709>, accessed 10 September 2009.
- 98 Zulu B, 'Zimbabwe power-sharing partners position ahead of regional summit', *VOA News*, 2 September 2009, <http://www.voazimbabwe.com/content/a-13-56-74-2009-09-02-voa49-68979137/1471242.html>, accessed 9 September 2009.
- 99 *Ibid.*, p. 1.
- 100 Mehler A & D Tull, 'The hidden costs of power-sharing: Reproducing insurgent violence in Africa', *African Affairs*, 104, 416, 2005, pp. 375–398.
- 101 Appiagyei-Atua K, 'A critical look at the post-Ivoirian election crisis through the prism of recognition of governments by the African Union (AU) and Economic Community of West African States (ECOWAS)', *The Nigerian Voice*, 8 December 2010, <http://www.thenigerianvoice.com/nvnewstthread1/40415/1/>, accessed 13 January, 2011.
- 102 Mozaffar S & A Schedler, 'The comparative study of electoral governance: Introduction', *International Political Science Review*, 23, 1, 2002, pp. 5–27.
- 103 Hasen RL, 'Election administration reform and new institutionalism', *California Law Review*, 98, 2010.
- 104 International IDEA (International Institute for Democracy and Electoral Assistance), *Electoral Management Design: The International IDEA Handbook*. Stockholm: International IDEA, 2006.
- 105 Lehouce FE & I Molina, *Stuffing the Ballot Box: Fraud, Reform and Democratization in Costa Rica*. New York: Cambridge University Press, 2002.
- 106 Adebayo PF & JS Omotola, 'Public perceptions of the 2007 Nigeria's general elections', *Journal of African Elections*, 6, 2, 2007, pp. 201–216.
- 107 Adesina O, *op. cit.*, pp. 153–170.
- 108 Ogude H, 'An appraisal of election monitoring and observation in Africa: The case of the Democratic Republic of Congo's 2011 presidential elections', Johannesburg: CIA (Consultancy Africa Intelligence), 2 April 2012, http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=992:an-appraisal-of-election-monitoring-and-observation-in-africa-the-case-of-the-democratic-republic-of-congos-2011-presidential-elections-&catid=42:election-reflection&Itemid=270, accessed 10 October 2012.

- 109 Omotola JS, 'Electoral reform and the prospects of democratic consolidation in Nigeria', *Journal of African Elections*, 10, 1, 2011 pp. 187–207.

SAIIA'S FUNDING PROFILE

SAIIA raises funds from governments, charitable foundations, companies and individual donors. Our work is currently being funded by, among others, the Bradlow Foundation, the UK's Department for International Development, the European Commission, the British High Commission of South Africa, the Finnish Ministry for Foreign Affairs, the International Institute for Sustainable Development, INWENT, the Konrad Adenauer Foundation, the Royal Norwegian Ministry of Foreign Affairs, the Royal Danish Ministry of Foreign Affairs, the Royal Netherlands Ministry of Foreign Affairs, the Swedish International Development Cooperation Agency, the Canadian International Development Agency, the Organisation for Economic Co-operation and Development, the United Nations Conference on Trade and Development, the United Nations Economic Commission for Africa, the African Development Bank, and the Open Society Foundation for South Africa. SAIIA's corporate membership is drawn from the South African private sector and international businesses with an interest in Africa. In addition, SAIIA has a substantial number of international diplomatic and mainly South African institutional members.

South African Institute of International Affairs
Jan Smuts House, East Campus, University of the Witwatersrand
PO Box 31596, Braamfontein 2017, Johannesburg, South Africa
Tel +27 (0)11 339-2021 • Fax +27 (0)11 339-2154
www.saiia.org.za • info@saiia.org.za

