Africa Current Issues

Africa's New Electoral Playbook

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Executive Summary

- *A new electoral playbook in Africa is emerging, which is seeing the credibility of elections on the continent being undermined by increasingly autocratic behavior*
- *Incumbent politicians have adopted a mix of old and new tactics and methods to maintain their grip on power.*
- *Opposition candidates have also adopted new tactics, aimed at leveling playing fields and eroding the legitimacy of incumbents, especially those who abuse power*
- *Governance is suffering as a result of these developments, leading to growing fears of a democratic regression toward populism headed by charismatic but flawed leaders.*
- *Such rapidly changing realities expose the inadequacy of simplistic views of African elections. A more nuanced and considered approach is essential to understanding current trends and preparing for future elections on the continent*

Elections in Africa are often tense and anxiety-inducing affairs. In the past, concerns in and around polls tended to center around the likelihood during these periods of severe fiscal blowouts, increased risk of systemic violence, elongated periods of policy inertia, and rampant corruption.

Given the overwhelming power of incumbency in Africa, the question of political transitions has historically received little attention. But as polls become increasingly competitive and populations demand greater accountability from their leaders, succession issues now attract a following.

This trend has attracted international attention. Independent think tank Freedom House reports that only 11 percent of the continent is politically "free," and the average level of democracy, understood as respect for political rights and civil liberties, fell in each of the last 14 years. Also, the Ibrahim Index of African Governance shows that democratic progress lags far behind citizens' expectations.

In recent times, elections have been far from predictable, as evidenced in changes in the African political landscape. This trend began with a peaceful transition of power to an opposition party in Nigeria for the first time in 2015,[i] followed by a surprising electoral loss for a long serving autocrat in The Gambia in 2016,[ii] an annulled 2017 Kenyan election result,[iii] and the flawed 2018 election in the DRC (which saw the ballot rigged in favour of an 'opposition' candidate). [iv] Indeed, surprises are no longer exceptions, but occur with increasing frequency.

In each instance above, a seminal moment dramatically altered the political trajectory in each country. As a result, many long-held assumptions about African politics were flipped on their head.

Now, with almost 20 elections scheduled in Africa this year, a rethink of the pre-conceived ideas around elections on the continent is definitely in order. Examination of the actions and reactions of incumbents and opposition politicians around these periods reveals the emergence of a new electoral playbook.

The key focii of this paper are to deconstruct this playbook, containing the methods that stakeholders may employ to achieve their objectives, to identify the associated governance implications. The paper will use specific examples from across the continent to identify and assess emerging and evolving trends, and provide a framework to reveal (as Nic Cheeseman and Jeffry Smith argue in their January 2019 article for Foreign Affairs) whether and why "democracy is in retreat".[v] Finally, the paper will conclude by assessing future implications and outlooks for actions to halt the threats to electoral accountability and governance on the continent.

1) Opportunistic or outdated opposition tactics?

From an opposition party perspective, the modus operandi is quite straight forward.

First, the opposition casts aspersions on the credibility and independence of the electoral commission by alleging bias and a lack of impartiality. This narrative is pushed aggressively to create sufficient doubt in the minds of the voting public, so that when candidates throw mud, it is likely to stick. Then as tension builds in the run up to the poll, the opposition have a trump card up their sleeve. The threat of an electoral boycott remains on the table until the 11th hour. This is a tactic used to dilute the legitimacy of the election – especially when it becomes exceedingly clear that their efforts to win are unlikely to succeed. However, if and when the opposition participates, they adopt a range of approaches: first, there is a strategy of claiming victory pre-election or peri-counting - something that occurred in Malawi, Cameroon and Nigeria. Alternatively, and/or additionally, when it becomes clear they are losing, the opposition rejects the results by claiming that the elections were rigged and the playing fields were not level. Thereafter they typically appeal for help from foreign observers and regional bodies, and challenge the results in the courts and then the streets. This creates a prolonged period of uncertainty until the finality appears regarding the result of the election. The last act of this play – at least in Kenya and Zimbabwe – can be a very theatrical parallel inauguration to further stain the legitimacy of the incoming government.[vi,vii]

With victory in the polls or through the courts unlikely in most instances, what then is the rationale behind these endeavors by the opposition? Critics argue that these are frivolous and theatrical exercises which simply delay an inevitable outcome. Whilst this may be true, and in many cases reflects sheer opportunism on the part of opposition politicians, some argue that this form of post electoral contestation is actually a legitimate, necessary and effective form of political protest.

"Without flagging such perceptions, inaction by the opposition ultimately provides tacit legitimacy to illegitimate processes. By challenging the process, opposition leaders likely hope to garner enough attention by both local & external stakeholders to either ensure that a) future electoral processes are subject to reform or to b) create socio-political conditions in which an elected government may be leveraged into concessions - which may go some way in reducing the democratic deficit that exists in such contexts", argues Ryan Cummings, a political analyst and Director at Signal Risk.

The controversial 2017 election in Kenya clearly exhibited the above trends. For months preceding the poll, opposition candidate Raila Odinga pushed a narrative questioning the credibility and legitimacy of the IEBC. A boycott of the poll was threatened up until the very end. Subsequently, the result was annulled by the courts on the basis of irregularities, and a fresh election was called. A period of limbo and political uncertainty followed - an unsurprising result given the unprecedented nature of the ruling. Odinga, fearing a poor electoral showing in the rerun, boycotted the new poll and in so doing effectively created a credibility gap for the Kenyatta government. This tactical and face-saving move was soon followed by a theatrical parallel inauguration. To address ongoing tension, electoral fatigue and the increasingly farcical situation, a truce, which saw Odinga become an AU Envoy, was reached in 2018.[viii] Observers speculate that an agreement for a future Presidential run for Odinga has now been brokered between Kenyatta and Odinga.

As anticipated, opposition MDC leader Nelson Chamisa adopted similar tactics in his failed bid for the Zimbabwean Presidency in 2018. Predictably, given his reduced chances of victory and the heavy-handed approach to dealing with dissent by the Zimbabwean government, these preemptive tactics were seen as the best hope of creating the conditions for a level playing field. Unsurprisingly, the recently concluded election in Malawi again saw the opposition follow the template step by step: allegations of partiality and electoral fraud, rejection of the results, followed by protests, a petition through the courts, and protests on the streets.

In both instances above, one result was increased scrutiny and awareness of nefarious practices of incumbent politicians. Although the opposition may not have changed the outcome of the polls, their efforts were not wasted. As Cummings articulates, there is indeed logic behind these approaches. By challenging election results through constitutionally valid avenues, opposition movements demonstrate

their commitment to pluralistic democracy – an institution which some incumbent leaders are actively undermining. Simply put, the opposition is playing checkers, but incumbent governments are playing chess. Opposition parties, who must play by an entirely different set of very unequal rules, require a different approach to achieve their goals.

But whilst the methods used by opposition leaders are noble and perhaps useful to prove a point, are they actually effective? The jury is still out on this issue, with some arguing that opposition antics are self-indulgent and opportunistic attempts to maintain relevance. The key concern centres on the economic impact of ongoing political uncertainty. With protracted election cycles already acting as a major drag on the economy, any prolonged period of uncertainty is something that most economies, in Africa and elsewhere, can ill afford.

2) (In)fallible incumbents?

Meanwhile, incumbents are not likely to rest on their laurels. They are adapting to the changing realities through their own methods. Observing recent elections in a number of countries across Africa reveal the emergence of a 'new and improved' template on how to ensure victory at the polls. This not only leverages many traditional tactics employed by incumbents, but introduces certain techniques designed to make an opposition victory almost impossible.

The trick appears to lie in subtlety. By avoiding obvious red flags and flagrant violations of electoral norms that will lead to condemnation by observer bodies, incumbents are able to "hack" the system while maintaining sufficient credibility to be seen as satisfactory. This typically happens before, rather than during the election period. Importantly, it avoids crude and unsophisticated tactics such as rigging. By subtly, rather than explicitly, altering playing fields in a manner that allows incumbents to receive "passing marks", they have mastered a tactic that is growing increasingly prominent on the continent.

The first method is to use legislative mechanisms to disqualify or to limit political opponents from competing. This approach serves a dual agenda – first, it acts as a side-show and distracts opposition candidates when they should be campaigning and building politician momentum. Second, it 'demonises' the opponent, undermining their credibility and legitimacy in the eyes of the electorate.

In addition, the 'extend and pretend' tactic of delaying elections until circumstances for victory are more favorable is another means of creating an undue advantage. Elections are expensive affairs; prolonged delays and periods of uncertainty invariably favour an incumbent, who can leverage resources (financial and otherwise) associated with the power of incumbency.

In the increasingly likely event that election results are challenged via the courts, another backstop or 'insurance policy' is available: to ensure the alignment of interests well in advance. By cherry picking allies in key positions in the judiciary, incumbent leaders can assume a high degree of confidence that these decision makers will not bite the hand that feeds them. In theory, judiciaries are intended to be independent; but in practice this leaves much to be desired. .

Clampdowns on the media go hand in hand with such measures. Restricting negative media reports and suppressing dissenting views are key components for incumbents in this 'playbook'. Increasingly, the clampdown play extends to the realm of social media– where measures such as internet shutdowns, social media taxes and other restrictive practices are becoming prominent in and around election periods, especially as tensions become elevated.

Then legacy 'dark arts' tactics – such as manipulation of voter rolls, faulty registration, propaganda, and voter intimidation – can all be deployed to varying degrees during the build up to the vote.

Finally, in the face of criticism from external parties around unsavory and undemocratic behaviors and question marks around the freeness and fairness of polls, incumbents can invoke an external collusion narrative. This play accuses the opposition of being in cahoots with the West and/or counter-revolutionary forces while positing the incumbent as a veritable champion of the people.

For incumbents, the equation is simple: leverage existing advantages to maintain a grip on power, then new plays to add to these advantages.

Across the continent, there have been numerous examples of leaders flexing their muscle to do this. The recently concluded DRC election provides a prime example of adoption of this playbook.[ix] With the polls initially scheduled for December 2016, Joseph Kabila, who was unable to change the constitution to run for a third term, adopted a strategy called 'le glissement' (loosely translated as slippage) which sought to postpone elections in a bid to amend existing legal conditions which would have rendered him eligible to participate.[x]

Strong political opponents Moise Katumbi and Jean-Pierre Bemba were disqualified from participating whilst the delays and constantly shifting goalposts sought to sap vitality from opposition candidates.[xi] Early in the poll cycle, the ruling administration made clear that the sovereignty of the county was sacrosanct, and that external interference in the country's election would not be tolerated. In this way, the ruling party effectively neutralized external power brokers (such as the African Union) and created a convenient bogeyman in the event of upheaval. This play also served as a convenient excuse to deflect legitimate criticism of their behaviors.

Similarly, in Senegal, once hailed as one of the continent's model democracies, President Macky Sall's increasingly authoritarian behavior was evident in the build-up to the recent February election. Passage of two bills which effectively disqualified leading opposition candidates Karim Wade and Khalifa Sall from participation was seen as a use for political battles of incumbent power over law, and allegations of voter disenfranchisement via deliberate efforts to reduce political competition also stained the poll.[xii] The January crackdown by security forces on opposition coalition C25 provides further evidence of Sall's heavy handed responses to threats to the power of incumbency.

Key personnel changes or disappearances have also attracted concern in countries such as Kenya and Nigeria. In Kenya, the murder of a key electoral official a week before the ballot suggested sinister forces in play with the electoral process,[xiii] whilst in Nigeria the sacking of the Chief Justice just prior to the election was seen as a move designed to create an advantageous environment for the incumbent.[xiv] Meanwhile in Zambia, opposition leader Hakainde Hichilema[xv] was arrested on spurious treason charges following a disputed 2016 election that saw significant clampdowns on actors in the press, the opposition and civil society.[xvi] Pastor Evan Mawarire, the Zimbabwean activist who spearheaded the #Thisflag protest movement in Zimbabwe, was charged and arrested by authorities for inciting violence. Eliminating political threats emerges as a key feature of this new playbook.[xvii]

Another worrying development is the increasing use of internet shutdowns (for example in Zimbabwe and the DRC), increasingly employed by governments under pressure to quell protest actions and maintain their grip on power.[xviii] Although this play is usually justified in the interest of public safety, evidence points to political calculations to circumvent democratic practices. Increasingly, incumbent leaders, fearful of losing their grip on the spoils of power, have skillfully adopted these plays in a covert, rather than overt manner and in so doing, quietly skewed the playing fields in their favour.

So what?

So what do these shifting political contours mean for the African continent?

The changing nature of elections highlight a number of accountability deficiencies, which need to be viewed in a broader context of democratic slippage on the continent. With civil society, media and private sector groups[xix] also being targeted in an attempt to neutralise dissent and stymie opposition forces, these point to worrying signs. And despite the vast majority of Africans wanting to live in a democracy, the proportion of those who believe they actually do falls almost every year, as "old leaders learn new tricks".[xx]

Reversing this decline will require transforming the attitudes of the citizenry, whose limited trust in democratic processes and institutions will make the task that much harder.

For these shifts to occur, multi-stakeholder mobilisation and co-ordination is essential, says Rohitesh Dhawan, a director at Eurasia group. Citing the recent example of protests in Hong Kong, he explains "A key reason these protests succeeded when the umbrella movement didn't is that people from every walk of life participated - up to a third of the island's population came out, including businesses who would generally stay neutral. African countries would need the same level of collective mobilisation for any pushback to be successful."

Clearly citizens cannot do this alone. Other stakeholders need to develop pragmatic methods of influencing the political agenda. For starters, the private sector cannot be apolitical. Assuming a stance of non-interference and neutrality, which has been the case in many countries, allows for autocratic 'drift' and the gradual erosion of democratic freedoms. Assuming a more activist stance in areas such a telecoms – where government interference is growing, private service providers should exercise a responsibility in challenging directives to suspend communication.

As for civil society, the focus should be on exhausting all constitutionally mandated channels of appeal and centering their campaigns on how democratic processes have not conformed to those key tenets. In many appeals, there is not enough clarity provided by the opposition in terms of how specific clausal aspects of the country's electoral code or constitution are violated amid electoral disputes. Crying foul is one thing but highlighting from a procedural manner how malfeasance has occurred could purchase better coverage of their grievances and leverage a sharper international focus and pressure on an issue.

But this too will not be enough – bad behaviour needs to bring consequences. The African Union, for so long ineffective and behind the curve on these matters, will need to significantly strengthen its efforts at holding its member states to account (as it recently demonstrated in the case of Sudan).[xxi] The AU must explicitly outline its electoral guidelines and the underpinning criteria and consider enforcing legislation that ensures that all member states commit to their processes being subject to audit by AU observer missions.

Linked to this is the role of international community and how they choose to engage governments elected from unclear processes, both diplomatically and commercially. Both can be use as carrots and sticks to engage reforms and build stronger foundations for future elections.

Finally, and arguably most importantly, building functional, competent and non-partisan institutions is central to the necessary processes of improving governance, fostering accountability and ensuring that democratic institutions are fit for purpose.

Pursuit of fair elections becomes even more important in an environment where a more insular Western world, facing its own their own internal governance issues, is no longer putting as much pressure or scrutiny on African leaders to comply with 'good democratic behavior'. This has emboldened despots on the continent to act without the fear of being held to account or being shunned as pariahs. This diminished moral authority of traditional powers, combined with global rise of strongmen politicians, and the non-interference approach to diplomacy from the likes global powers like China suggest, is perhaps another factor fueling the growth of undemocratic trends.

Failure to correct the course of action threatens to create significant upheaval. As political unrest in Egypt, Burkina Faso, Zimbabwe and more recently Algeria and Sudan, indicate, when citizens are suppressed and frustration boils over, people are willing and able to take matters into their own hands at any cost.

Sham elections and unmet expectations carry their own grave set of risks. Politicians on the African continent are well advised to ignore this at their own peril.

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