Conference Proceedings Report
EISA 20th Anniversary Symposium

Current Democratic Realities in Africa:
Where Are We Headed Beyond The Vote?

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20 YEARS OF PROMOTING CREDIBLE ELECTIONS AND DEMOCRACY IN AFRICA

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EISA

Electoral Institute for Sustainable Democracy in Africa

Contents

Opening Ceremony

The opening ceremony which was attended by international dignitaries including former Heads of State and Government was chaired by Dr. Christiana Thorpe, Chairperson of EISA Board of Directors and former Chairperson of the National Electoral Commission, Sierra Leone.

Mr. Denis Kadima, EISA's Executive Director gave brief remarks to welcome participants.

Keynote address
His Excellency, Mr. Cyril Ramaphosa - Deputy President of the Republic of South Africa

The Deputy President of the Republic of South Africa, His Excellency, Mr Cyril Ramaphosa, thanked EISA for inviting him as the keynote speaker. Mr. Ramaphosa's presence at the symposium was particularly noteworthy as he was the first chairperson of the EISA Board when EISA was established 20 years ago. He noted that he was honoured to have been associated with the organisation in its formative years. Mr Ramaphosa, noted that at its inception, EISA was established to contribute towards building a democratic South Africa and it has surpassed that initial purpose by becoming a pioneer organisation in the field of elections and democratic governance in the whole of Africa. EISA has become a valuable continental institution for democracy, peace, accountability and development. The Deputy President also noted that EISA's work extends beyond the support for democracy through fair and free credible elections, to promoting and entrenching the democratic ethos aimed at improving the quality of life for the people of every country where it operates.

Regarding whether or not Africa has a democratic deficit, he made reference to an article by Carla Kweifio-Okai and Josh Holder titled *Democracy in African countries: five myths explored*. The article argues that most countries grapple with a democratic deficit yet there's a popular perception that Africa lags behind the rest of the world in this area. This is despite the fact that millions of people elsewhere in the world are living under authoritarian regimes whereas millions of Africans enjoy the benefits of democratic governance.

Deputy President Mr. Ramaphosa argued that an examination of Africa's recent history reveals democracy has made great progress on the continent as broad based electoral democracies have supplanted many authoritarian and military regimes. Additionally, practices such as holding democratic elections have become the norm rather than the exception and although elections do not automatically lead to representative governance, competitive multiparty elections indicate progress towards ensuring citizens are able to participate in choosing their leaders.

He cited Okai and Holder's reference to Winston Churchill's words, stating that "democracy is the worst form of government except for all others". This highlighted that democracy has its imperfections and is difficult to define. Moreover, countries that describe themselves as democratic are members of a very broad church, ranging from nations that respect citizen's political freedoms and civil liberties to those that repress dissent and hold elections that are neither free nor fair. Hence, in matters pertaining to democracy there are discrepancies amongst African nations, just as other regions of the world display varied interpretations of this system.

The Deputy President mentioned the lack of credible electoral processes; disputed election results; poverty and inequality as some of the factors that threaten the consolidation of democracy in Africa. Thus, it is crucial to appreciate the role played by organisations such as EISA in safeguarding electoral processes that reflect the will of the people. Furthermore, when the will of the people manifests beyond electoral ballot voting - through the citizenry responsibly exercising their rights to freedom of peaceful protest, freedom of expression and freedom of association - it should be accepted as the oxygen that democracy breathes. He concluded his keynote address on a congratulatory note to EISA.

1. Session 1: Swinging between democratic consolidation and democratic regression

1.1 Session Summary

- Among other factors, legitimate elections are a pivotal aspect of democratic development in Africa.
- The extent to which consistent elections are a common feature of governance in African countries has been increasing, particularly in comparison to the rate of regression of electoral processes.
- Democracy should be sought after in a manner that considers interrelated features of the state system such as peace, development and institutions.
- Increased youth participation is essential for the future of African democracy. Their needs and aspirations, along with the entirety of the citizenry including other groups such as women, should be taken into consideration when governments plan ahead.
- Term limits have generally been beneficial for African states. Although, it is debatable whether notions of the will of the people or specific term limits should take precedence.

1.2 Speaker: Tom Lodge - University of Limerick, Ireland and member of EISA Board of Directors, Ireland

Topic: Sliding back or moving forward? A critical review of the current state of democratic development in Africa:

Elections alone are not sufficient for democratisation; however, they can be used to assess democratic progress as they are a necessary condition for a democratic system of governance. Several countries have achieved turnovers towards becoming more democratic and the number of countries that have improved their electoral procedures exceeds the number of countries that have experienced a regression in democracy. Nigeria is particularly noteworthy as it was a benchmark, indicating consistent improvements from 2011 to 2015.

There has been a progressive trend of continental structures such as the African Union (AU) acting against military seizures of power. However, the AU has been less impressive in instances when incumbents refuse to concede to electoral defeats as it tends to mediate and push for governments of unity, rather than act against them. Furthermore, the AU does not decisively act against incumbents that maintain their tenures through amendments of term limits, for example in Zimbabwe and more recently Burundi.

A total of 33 out of 48 third wave constitutions in Africa have included term limits and 10 of them have had administrations change their constitutions to in order to increase their term of office. However, there's an alarming trend in countries such as South Africa indicating a preference for a regime that gets things done rather than upholds democratic principles. Hence democracy needs to be efficient in order to be effective.

Factors that contribute to democratic success or failure

Wealth contributes to the ability of a government to fulfil the needs and expectations of the electorate, however there is no correlation between relative wealth and the degree of democratic progress. Countries with a stronger claim to democratic progress exhibit an element of cooperation as strong incumbents and opposition parties bargain their way through a constitution with concessions being made on both sides to provide checks and balances at the point of transitioning to democracy.

<u>Is there a recession in democracy in Africa or are we on the brink of a fourth wave of democracy?</u>

Professor Lodge opined that a recession in democracy is not the case. The preponderance of African countries experiencing a decline in democracy were not truly committed to this system of governance in the first place.

Instead, they resembled a hybrid form of authoritarian governance combined with certain aspects of democracy. The continent has experienced gains through slow increases in frequent alternations of parties and presidential candidates in government. Furthermore, certain key countries, such as Nigeria have made progress in election management processes.

Developments that have occurred in parts of North Africa such as the Arab spring suggest the manifestation of a fourth wave of democracy. However, in these examples only the Tunisian transition has introduced a relatively more democratic governance system. He gave a point of caution - democratic regimes placed through insurgent pressure from below have proven to be less likely to succeed than regimes that are a product of tough bargaining and negotiation.

1.3 Speaker: His Excellency, Honourable Cassam Uteem - former President of the Republic of Mauritius

Topic: Drawing good practices and lessons learnt - Mauritius

The future of democracy in Africa is about both the next generation of democracy and democracy for the next generation. Therefore, the next generation has to be heard and listened to. This next generation is the youth and it is where dissent mainly emanates from. Thus, if dissent is the oxygen of democracy, then the youth are the oxygen of democracy. Hence, it is vital to engage with the youth and exchange with them, taking their aspirations into account when planning for the next generation of democracy.

Democracy, development, peace and poverty are all related. Democracy should not be viewed in isolation as all of these factors are interrelated through various priorities. Hence for democracy to remain relevant a holistic approach is required, for example, to address violence and conflict there should be consideration of a multiplicity of other factors such as governance, inequalities and institutions.

African states must place strong emphasis on the need to respect cultural, religious, ethnic and political diversity with strong curricula being implemented in schools and through regional institutions. Civil society must be prepared and capable of assisting the state in this regard. Electoral management bodies (EMB) must be autonomous and able to function competently thereby ensuring trust which can help assert the validity of election results. Co-operation between different African EMBs should also be encouraged as a means of strengthening their efforts.

Across the continent, there's a need for ensuring transparent funding of parties; gender inclusiveness in leadership; emphasis on the importance of opposition; and regulation by the constitution. Proper training must be made to teach people that there is no winner takes all in democracy. Power should be shared between presidents and parliaments without it resembling the authority of dictators. Therefore, the separation of powers must be effective not just nominal, and complemented by an

independent and credible judiciary. Furthermore, presidents should represent the will of as many of their people as possible and restrictions on term limits should reflect the will of the people.

1.4 Speaker: His Excellency, Dr. Goodluck Jonathan - former President of the Federal Republic of Nigeria

Topic: Drawing good practices and lessons learnt - Nigeria

Dr. Jonathan used Nigeria's political history to assess some of the points brought up by previous speakers. He described Nigeria's progression from the first, second and third republic to the democratic state it is in today. The importance of credible elections was again the main point of focus.

At certain points of his political career there were instances in which he contested and was not pleased with the outcomes of elections, despite winning. This was due to specific issues plaguing electoral procedures in the country. Violence, for example, was prevalent at different stages of electoral processes and he is against this because violence does not reflect will of the people. When he emerged as vice president in the 2007 elections he was a little embarrassed because the election results were contested in court and out of 7 judges of the Supreme Court, 4 ruled that the results should be maintained, while the other 3 questioned the validity of the results. The narrow margin by which the election results were validated by the Supreme Court justices highlighted the need for improved electoral processes in the country.

Thus, he made it his mandate to ensure elections are conducted correctly because it is not enough to win an election, it is pivotal to have had a credible process as well. This was achieved through the appointment of credible and just individuals to a strong independent electoral management body. After his 2011 election victory, all 5 of the Appeal Court Justices agreed that the elections were credible and at the Supreme Court, all 7 justices validated the credibility of the elections.

On the issue of term limits, Dr. Jonathan postulated that a President's tenure in office is not the issue, rather the primary focus should be whether or not the will of the people is reigning supreme through a high standard of electoral processes. Hence, EISA's role on the continent is critical.

1.5 Speaker: Her Excellency, Madame Aminata Touré - former Prime Minister of the Republic of Senegal

Topic: Drawing good practices and lessons learnt - Senegal

The former Prime Minister began with a brief outline of Senegal's democratic history and some of the features that created a positive environment in the country's political sphere, for example the fact that in an attempt to appease contesting parties there is now an official status for the opposition leader. Hence, peace and cooperation are promoted in the country.

She highlighted several positive aspects of change are noticeable such as gains in the transparency of the electoral process. The consequence of this has been building a stronger sense of consensus among political actors to strengthen the electoral code. Secondly, measures were taken to ensure a more accurate and legitimate voting process, for instance through improvements in voter

registration and the presence of party agents from the ruling party and other contesting parties at polling stations. Thirdly, public administration officers are becoming more neutral, for example in Mauritius where civil servants are restricted from running. Fourthly, the role of free media is growing in importance. As a result, the press is increasingly having more direct access in matters such as reporting on election results. Finally, the prevention of violence in elections is also improved with women's organisations being particularly influential in Senegal in this area.

<u>What can we do region-wise in order to build sub-regional processes?</u>

The provision of support, by neighbouring countries in instances where the electoral process fails is crucial. Electoral observers are important in this case and it is also important for observers to have a complete overview of the situation by communicating with all contesting parties and not just the ruling party. Coordination between observers is essential to ensure more efficient and effective processes.

<u>What is important for building democracy in the next few years?</u>

Electoral processes can be strengthened through increased education and more independent media. Youth participation is important; leaders need to reach out to the youth. Some don't do so because youths are on social media and parties are reluctant to engage with these platforms. Addressing women is essential as they constitute half of the voters. This places greater emphasis on curtailing violence to avoid alienating women that may fear for their safety at the polls. In order to ensure peaceful and successful processes there needs to be an acknowledgement that economics and democracy go hand in hand, thus it is necessary to consider economic programs or goals in the democratic process. Other areas to focus on are corruption and youth empowerment.

1.6   Speaker: Mr. Vusi Gumbi, the winner of the EISA anniversary youth essay competition[1]

Topic: Democracy in Africa today and the future I see

In his presentation, Mr. Gumbi stressed that democracy is government of the people, by the people, for the people and Africa exudes this through several initiatives that are aimed at improving the lives of the people. As a result, numerous economic and political advancements have occurred throughout the continent, which boasts 4 out of 10 of the world's fastest growing economies and increased civil liberties.

However, certain realities across the continent pose a threat to democracy. These include an upsurge of violence and conflict; liberation heroes who have become political leaders not acceding to the will of the people; and corruption impeding socio-economic development. Nevertheless, he remains hopeful for a future in Africa in which people of the continent are directly involved in addressing pertinent issues ranging from peace and conflict to equality, youth unemployment and effective governance. The empowerment of women is also essential to the continent's future. Furthermore, youth participation through platforms such as the Organisation of African Youth and the Pan African Youth Caucus can stand to benefit the continent immensely.

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[1] As part of its anniversary celebration, EISA organised a youth essay competition which was open to undergraduate students in African Universities who are below the age of 25. Mr. Gumbi, a first year student of Politics at the University of Johannesburg (UJ) emerged the winner.

1.7   Discussion

- Professor Lodge contended that the institution of fixed terms has had a positive effect on African states and there have been severe fatalities in places such as Burundi when term limits were not adhered to.
- On the other hand, former President Uteem asserted that the challenge is not necessarily term limits but rather has to do with the will of the people being adhered to. If the people favour an extended tenure for an incumbent, this should take precedence over the notion of a term limit.
- What can be done to address instances where election results are not legitimate? Former President Jonathan stated that the true power lies with the citizenry. Madame Touré confirmed that the people must stand up against abuses of power. Ordinary citizens have become more empowered in contemporary times, for instance with the advent of social media and thus have greater potential to effect change.
- In the case of unchecked power, mechanisms such as the APRM should also be engaged with as they exist to promote good governance. Furthermore, democratic institutions have an important role to play.
- Madame Touré also discussed the concept of establishing a legislative precedent that supports more substantial women's involvement. She referred to the prerequisite set in the Senegalese political system which mandates a minimum of 50% women candidates on party lists.

2.   Session 2: Political stability and democratic governance: A zero sum game?

2.1   Session Summary

- Ensuring the integrity of constitutions across the continent is crucial. Respect for the constitution can mitigate undemocratic practices such as entrenched incumbency or abuse of power in Africa.
- The growth of democracy has slowed in the last decade, with other factors such as security being prioritised by the international community.
- Alternative models of governance which are more authoritarian in nature have also seen a resurgence, hence it is critical for a renewed support of the democratic project to be emphasized by key players in the international scene.
- It is essential to foster trust between government and the citizenry particularly when disasters or emergency situations arise. This should be complemented by improved implementation of effective policies that benefit the people.
- Access to information is a right that should not be compromised as it is the basis upon which other democratic norms and values are formed.

2.2: Speaker: Mr Charles Nyuykonge - The African Centre for the Constructive Resolution of Disputes, South Africa

Topic: Performing a delicate balancing act between democratic stability and maintaining the peace

The need for constitutions in Africa to maintain their integrity was accentuated as attention was brought to the fact that other texts of supreme importance to mankind - the Bible and the Quran

- have not been as susceptible to amendments as constitutions have. Constitutions have thus become salient moot points for protest actions

Constitutional abuse and term limits

When African states became independent their transitions to democracy generally did not take term limits into account. Thus, when people got tired of a leader they would remove the leader forcefully. These people realised the barrel of a gun could get them into power but it could also get them out and were prompted to adopt multi-party democracy with term limits as a means of protection. When their tenures were concluding the leaders created justifications for expunging term limits.

Some countries that started expunging term limits encountered resistance while others did not. It should be noted, the contemplation that term limits lead to political instability is only true to a certain extent and the absence or presence of this provision can have adverse effects.

In contrast, reworking constitutions to secure societal progress has not had any outright positive effect that can be evidenced in the African context, for example with the unity governments of Kenya and Zimbabwe in the period subsequent to their respective elections in 2007 and 2008. In many cases nothing changes for the poor and unemployed or for the state of inequality; factors which make up the structural drivers of conflict on the continent. Despite this, African heads of state come up with new frameworks and conventions aimed at constitutionalism and changes of government.

Normative framework in Africa

There is a dichotomy of frameworks like the African Charter on Democracy Elections and Governance (ACDEG) and their implementation in the AU's role of addressing issues such as constitutional amendments and unconstitutional changes of government. The AU frowns against unconstitutional changes of government but does not have a decisive means of dealing with instances in which a constitution is manipulated to render what may otherwise be deemed as unconstitutional to be constitutional.

The speaker concluded by noting that the continent needs a clearer understanding of what unconstitutional changes of government mean and what term limits mean.

2.3   Speaker: Dr David Carroll - The Carter Center, Atlanta, USA

Topic: Performing a delicate balancing act between democratic stability and maintaining the peace

There is a general acceptance of what democratic legitimacy is and the universality of human rights. Principles such as transparency, accountability, and participation are the foundation of democracy. These principles rely on respect for certain core rights: the right to participate in public affairs; freedom of movement; freedom of assembly; freedom of association; freedom of opinion and expression; the right of access to information; and the right to security.

Democracy has expanded since the 1970's, however there has been a stagnation of this within the last 10 years. A number of indicators for this can be identified. These include legal justifications for restrictions such as counter-terrorism laws that facilitate the arrest of individuals that are supposedly aligned with terrorist activity; or restrictive CSO legislation as in Uganda and Kenya. Increased support for NGOs and media that are pro-government is also an indicator, as it creates a set of actors that undermine more legitimately independent NGOs and media thereby compromising the clarity of what is really happening in a society. Another indicator is government exertion of control over institutions to effect non-democratic changes through, for instance, removing term limits and increasing the power of the executive over the judiciary or the media.

Some responses for these occurrences include a UN General Assembly (UNGA) resolution in November 2015, that affirms the importance of human rights defenders and the need to protect them. An additional response has been the UN Human Rights Council resolution in July 2016 concerned with promoting a safe enabling environment for civil society. Similar steps have been taken by the African Commission for Human Peoples' Rights as shown by the 2015 report titled *Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa,* which stated that terrorism should not be a pretext for restricting rights.

Thus there are existing mechanisms at national, regional and international level which need to continue to be implemented in holding governments accountable. There is a need for re-energising and revitalising these systems through appropriate support and training. It would also assist to have a strong key state in different regions that can provide strong leadership in this area. Furthermore, it is essential to maintain and develop a consensus on standards for human rights and democracy. Leading global powers then need to consistently uphold these standards.

2.4 Speaker: Mr Joe Pemagbi - Open Society Initiative for West Africa, Sierra Leone

Topic: Guaranteeing democratic accountability in the context of a humanitarian crisis – case study from the recent Ebola crisis in the Manor River Region

The presentation focused on the governance aspect of the most recent Ebola Virus Disease (EVD) outbreak in three affected countries - Sierra Leone, Liberia and Guinea. There was a high level of distrust between the people and the government despite political and economic trends that have become more hopeful in recent times. The governments of Guinea and Sierra Leone were late to provide an official response to the outbreak. Reasons for this include, not wanting to drive investors away or induce panic amongst the citizens and attempting to avoid issues that may pose a threat to the authority of an incumbency.

Accountable governance in EVD

When referring to accountable governance the crux of the matter is about the government being responsive to the needs of the citizens and they have adequate means of responding to these needs. During the EVD outbreak, there were examples of politicization of responsive actions and suspensions of citizen's constitutional rights. There was strong discord in Guinea between the ruling party and opposition, while distrust between the state and the people led citizens to believe that government was merely trying to use the EVD as a means of sourcing money. The EVD was also used as a tool in attempts to affect the conduct of elections, in Sierra Leone for example, some

citizens linked with the ruling party pushed for an extended tenure for the president because he had lost some time in office lost due to the EVD outbreak.

The suspension of citizen's constitutional rights was also evident, for instance, movement of people was restricted by the declaration of a State of Emergency in Liberia and Sierra Leone. Guinea shut-down its borders for 45 days and state security forces were mandated with enforcing quarantines and prohibiting public gatherings.

Lessons and recommendations

Investing in community based organisations yielded positive results as it bridged the gap of mistrust between the central government and the citizens, particularly in Liberia and Sierra Leone. Local community resources employed in social mobilisation processes were of paramount importance for preventing continued transmission of the virus. Real time audits of EVD responses paid off as they could track challenges facing the management of funds for addressing the EVD. Governments need to extend beyond just making policy and develop the requisite skills for implementation. Governments and inter-governmental agencies also need to be more committed to investing in emergency preparedness with effective disaster management institutions. Public participation needs to be encouraged and a relationship of trust built with the people through development initiatives.

2.5 Speaker: Mr. Maxwell Kadiri - Open Society Justice Initiative, Nigeria

Topic: Freedom of information and access to information within the context of insecurity and political competition

When referring to access to information (ATI), it is important to emphasize proactive disclosure. Legislation already has the duty to promote access to information but governments in Africa have a culture of secrecy. Beyond the notion of regular elections, there are other principles which are pivotal to democracy and freedom of information is one of them. According to UNGA Resolution 59 (1), freedom of information or the right to information is a fundamental human right forming the foundation of all other rights and freedoms.

As evidenced form a number of judicial rulings in Ghana, Uganda, Canada and the UK, the extent to which this right has to be honoured transcends beyond the need of a legislative mandate. However, due to the contentious nature of this right public officials are often reluctant to fulfil its obligations as it provides potential for rearranging the power dynamic between the governed and the government, thus making it pivotal to have this right specified in national constitutions. Some of the challenges of enacting and ensuring effective implementation of ATI laws globally include a culture of secrecy in the public service which is at times exacerbated by restrictive legislation such as a National Secrecy Law or Secrecy Act; inadequate record keeping in the public service; and the extent of resources needed in order to ensure an effective FoI regime.

A few of the recommendations outlined include, making use of the Global principles on National Security & Access to Information as well as enhanced judicial independence and activism to facilitate increased objectivity as well as accountability in ATI related matters. It is also essential to have strong oversight institutions that are mandated with fostering effective compliance and implementation of FoI laws.

2.6   Discussion

•	Would defining Ebola as a security crisis have been helpful or would it have encouraged government to suspend accountability measures that could have facilitated a better response? Mr. Pemagbi's responded that during the EVD outbreak there was indeed a securitisation of government responses, partly due to the lack of trust between the state and the people. The military had discipline and was effective at executing the measures that needed to be taken due its expertise in logistical management. The police were not this capable and couldn't garner as much support because people distrusted them, whereas the military was already feared before the outbreak and this factor contributed towards the military's effectiveness.

•	Zambia seems to be regressing in terms of ATI and upholding democratic value. How should the clamp down of access to information and a democratic regression be dealt with in this regard? Mr. Kadiri stated that now is the time to galvanize support and push back as civil society and other stakeholders especially through the African Commission on Human Rights. Advocacy for ATI would not be necessary if governments were comfortable with this policy. Governments need to understand that they cannot infringe upon these rights under the radar and push the country into chaos without any repercussions.

•	Is there too much emphasis on either term limits or democratic governance and political stability? Mr. Nyuykonge argued that internationally there is no clear obligation on term limits but it is a clear way of addressing abuse of power or entrenched incumbency. It is a better method than alternatives which are harder to identify or put in place.

•	When referring to ATI, does the movement of ATI and open data still have relevance when youth for instance are mobilizing their own mechanisms to access information? Mr. Kadiri noted that advocacy for ATI remains relevant because it reinforces the pressure on government. Furthermore, the information of relevance in this case is privy to those in power who are not ready to give it up and only accessible through ATI. ATI can thus solidify the new media platforms that have emerged.

•	What would happen in cases whereby information that is made available is abused or not presented properly? In legal regimes there are provisions to address misuse of information or poor dissemination of information. However, this should not take away from the fact that this is still a right regardless.

3.   Session 3: When legal restraints fail in the face of incumbency

3.1   Session Summary

•	Instances of entrenched incumbency, declining constitutionalism and abuse of power are not indicative of democratic regression. Instead, these trends show existing authoritarian forms of governance which need to be countered with democratic norms, values and practices.

•	Public theft can occur as a result of factors ranging from political culture to manipulation of the rule of law and political competition. Nevertheless, it should not be accepted as a norm in African governance as it exacerbates inequality.

- There is a strong need to go beyond merely ensuring the existence of democracy in African states. Focus should extend to the quality of democracy and ensuring that it is strengthened.

- Undemocratic practices are not always outright and direct; they can occur in more passive means that are not immediately discernible.

- Even with the occurrence of free and fair elections, term limits are important due to the delicate nature of democracy across Africa.

3.2   Speaker: Prof. Gilbert Khadiagala - University of the Witwatersrand, South Africa

Topic: Emerging trends of entrenched incumbency on the continent – what next?

Extensions of presidential term mandates and tenures are a testament to the decline of constitutionalism and an attempt to emphasize strong individuals rather than strong institutions. Countries prone to changing constitutions to abolish term limits tend to be pseudo-democracies with strong elements of militarism and a slow paced growth of civilian institutions. Where attempts to change term limits fail there is a trend of steady progression towards democratic consolidation. It is essential to call a spade a spade - entrenched incumbencies are indicative of authoritarian forms of governance hence countervailing measures are necessary through building institutions that promote democratic values and norms nationally, regionally as well as continentally. This is particularly critical in instances where strong individuals dominate.

Term limits in Africa's 3rd Wave democratisation

Roughly 25 years ago, term limits contributed towards broader ideals of effective constitutionalism, de-monopolising politics and curtailing rulers from wielding excessive power. They also served to promote conditions conducive to peaceful transfers of power in addition to fostering fruits of democracy such as accountability and transparency.

Successful and unsuccessful cases of term limit abolishment

Some justifications for term limit repeals used by incumbents include claims of unfinished business; ensuring stability and continuity; and a will to promote people's rights. The repeals are achieved through legislative and judicial measures as well as referenda, thereby suggesting a façade of legitimacy. Nevertheless, the processes entail concealed repression, intimidation and bribery. A successful example for term limit extension is the Namibian model where a third term was exclusively facilitated for liberation hero - Sam Nujoma . An alternate model was executed by Yoweri Museveni after he struck a deal with opposition leaders to repeal the term limit in exchange for a constitutional provision allowing multiparty competition. The latter model has been the most prevalent. However, other cases such as Burundi, the Republic of Congo and the Democratic Republic of Congo have facilitated term limits abrogation through violence. Mass pressures from below have prevented term limit abolishment in places such as Zambia and Senegal.

In conclusion, there needs to be more work around redressing democratic deficits in Africa. Mechanisms are required to disassociate executive power from a heritage of patrimony and accumulation. Additionally, clearer and more well-defined norms have to be implemented on a regional and continental level.

3.3   Speaker: Mr. Winluck Wahiu - Ratio Foundation, Sweden

Topic: Uses of public resources and impact of incumbency on political competition

The central issue in this theme pertains to where sustainable democracy efforts stand regarding elected leaders in states such as South Africa and Kenya, whereby incumbents voted in by popular support have been associated with incidents of public theft. The incidents referred to in this instance are the South African Arms Deal and Kenya's Anglo Leasing scheme under the Mbeki and Kibaki regimes respectively. These two debacles are used to investigate whether public theft can be viewed as an anomaly or a new norm in the context of functional democracies in Africa. To initiate this argument the question asked whether both incidents can be explained by political culture, a weak rule of law, or due market based development priorities?

According to Antje Krog, political culture can be viewed as consisting of either shame and honour or accountability and guilt; where the former entails politicians mobilising people on the basis of the honour of the group rather than an individual, while the latter entails politicians personally taking responsibility for wrongdoing without the wrong being attributed to the group.

Based on Machiavelli's postulations, incumbents that have the means of repression in their hands may accept the rule of law because the predictability it is associated with allows for more substantial returns than those that could be gained from unrestrained and arbitrary actions. Legislation can be taken advantage of as it is dependent on the ability as well as the investigatory and prosecutorial will of public officials that are often appointed by means of a facet of an incumbent's authority. Thus an implication that can be drawn from here is that the rule of law does not necessarily serve the purpose of benefiting public interest and it may instead primarily cater for the vested interests of certain individuals.

Voters do not expect to elect incumbents so that they can expand a democracy of the poor. Incumbents are elected for the purpose of achieving development. Thus the state has become about development without an added focus on nation building. From this perspective Anglo Leasing and the Arms deal were condoned for market building purposes.

To conclude, the following observations can be made. It is possible for public theft incumbents to strenuously build the rule of law. There is also an ideal that public theft can be justified under the pretext of developing the economy, however this cannot be the case as it is unequal in who it benefits - regime insiders. Therefore, by accepting it, would we not be accepting inequality?

3.4   Speaker: Dr. Roukaya Kasenally - University of Mauritius, Mauritius and **Dr. Gladys Mokhawa** - University of Botswana, Botswana

Topic: A critical analysis of effects of entrenched incumbency on the quality of political leadership - Case of Mauritius and Botswana

Mauritius and Botswana are two of the strongest democracies in Africa but despite this they exhibit cracks in their democratic processes which can lead to more substantial deficits if left unattended. Both cases of democracy have followed a path of an evolutionary rather than revolutionary form of democracy, facilitated by quiet turnovers to this system of governance. However, there has been

an entrenchment of political leadership. Positive rankings by institutions such as Freedom House and the World Competitiveness Report do not shed light on the cracks that are prevalent both states. Neither do they show how to consolidate the quality of democracy which at its core has to do with the quality of political leadership.

Four critical elements can be identified pertaining to the neo-liberal transactional leadership of Mauritius and Botswana. There is a case of 'big man syndrome', indicative of weak parties but strong leaders. The quality of leadership has been subject to the rise of the personal state and state capture. Another element is the weakening of the tools of horizontal accountability, particularly in the case of the parliament which has become more subservient to the executive. Lastly a stalling of electoral and democratic changes is evident, with a need for greater electoral and democratic changes for youth and women's involvement, as well as party funding.

Painting a rosier picture of the real state of democracy has been a common trend when referring to Botswana and Mauritius. The lack of interrogation of the predominance of a single political party in Botswana, for example, is particularly relevant. What makes understanding deficiencies of democracy in Botswana even more complex is the fact that there is no direct manipulation of laws or direct theft of public resources. The problems occur in a subtler and indirect manner which stalls the democratic process.

There is a need for institutional reforms, as well as a more inclusive electoral system in both Mauritius and Botswana. A distinction between political leaders and political parties is needed in order to reinforce the idea that parties should not be reliant on an individual leader for them to continue existing. Moreover, it is essential to foster more politically responsive citizens and build a culture of qualitative discourse.

3.5   Discussion

•   Do term limits matter if elections are free and fair? In response Professor Khadiagala's suggestion that due to the fragility of our democracies, term limits do matter. We know the past, and over time not having term limits has been problematic in the African context even with functional electoral systems.

•   What amenities or privileges could be provided to an outgoing president in order to encourage him or her to step down? Not many presidents have qualified for initiatives that reward good leadership such as the Mo Ibrahim Award in the first place because of not practising good governance. However, a lot of countries such as Kenya, have done a good job with guarantees that former presidents are catered for, financially and otherwise.

•   Cape Verde has a mandate that presidents, or even mayors, retain some sort of formal status and duties after their incumbency. It is interesting to note that Cape Verde had a sitting prime minister that stepped down and took an advisory role as a super-prime minister, despite the fact that he stepped down to make room for his son to take over.

•   Dr. Kasenally pointed out that while it is encouraging to see an incumbent step down and make himself available to provide some form of guidance, this system has problems because it gives rise to the question of when will the younger generation get a chance to truly lead and take ownership of governance? It could lead to a lot of dissatisfaction with the youth.

4.   Session 4: The influence of money in politics in Africa

4.1   Session Summary

•   The relationship between money and politics is often subject to scepticism for various valid reasons. This however does not detract from the fact that money is necessary for conducting political activities.

•   Legislative frameworks encompassing political party funding are existent across Africa but these are undermined by disrespect for the rule of law.

•   A diverse range of measures are needed to foster positive use of money in politics, for instance, these can include improvements in transparency and anti-corruption efforts.

•   International standards on political funding can also be an effective means of combatting the negative effects of financing in political activities such as election campaigns.

•   Mechanisms to monitor spending by political actors should be comprehensive and include private in addition to public funding so as to promote a level political playing field for all.

4.2   Speaker: Ms. Catalina Perdomo - The International Institute for Democracy and Electoral Assistance, Democratic Republic of Congo

Topic: An overview of the current framework for regulating political party funding and election campaign finance in Africa and how monetisation of politics has impacted democratic development on the continent

The common sentiment regarding money and politics is that money delegitimizes politics. However, this is not always the case, as money can also be a catalyst for exercising political rights as it facilitates the training of political agents; policy research; and employment of professionals in the governance landscape. There is also a misconception that Africa is more susceptible than the rest of the world to distrust between citizens and politicians due to the influence of money, while it is in actual fact an issue substantially affecting other regions as well. Thus the susceptibility of politics to negative influences of money is not only restricted to Africa. Some of the problems negatively affecting money and politics include vote buying; the lack of fair competition; and candidates being self-funded as parties are unable to fund themselves through contributions.

<u>Is political finance regulation the solution?</u>

Arguments have been made in support of political finance regulation as the solution to negatives associated with money and politics. Research suggests countries that do not monitor money and politics adequately have more significant issues in areas such corruption and state capture. Limiting political spending by reducing public funding or campaign expenditure becomes a possible preventative course of action. However, regulation in this case can also promote detrimental practices such as under-reporting of financing or restricting the ability of opposition against dominant parties that have more established political networks.

In Africa the composite score for political finance regulation is below the global average of 50. Reporting and public disclosure of political finance is low and third party actors are used for financing when regulation exists. This is despite most African countries ratifying mechanisms such as the United Nations Convention against Corruption and the African Union Convention for Preventing and Combatting Corruption (AUCPCC), which for instance, mandates enhanced financial transparency by political candidates and parties.

On average, African states, exhibit a gap between laws concerning political finance and the laws being put into practice; with the average in law being much higher than in practice. Efforts to change the regulatory system in terms of facilitating practices such as transparency and submission of financial reports have had minimal success while in instances where formal regulations exist, there is a general lack of compliance. There is lack of political will to implement those reforms which can stem from - in the case of opposition parties for example - not wanting to reveal donors for fear of having access to those donors being compromised by a ruling party. Additionally, there is a general lack of a clear mandate of which institution should implement regulation.

Political finance regulation alone cannot be a solution. Regulations should exist within a broader scope of mechanisms that foster other practices such as transparency, indirect political finding and increased accountability through democratic institutions.

4.3   Speaker: Dr. Richard Lappin - Office for Democratic Institutions and Human Rights, Poland

Topic: Upholding democratic ideals and the challenge of regulating political party funding and election campaign finance – case study of Austria

The significance of financing in politics is reiterated as both a necessity and a challenge. Without it there can be no campaigning or developing policies and getting ideas across to the electorate. On the other hand, state authorities and citizens have legitimate interests in ensuring that campaign finance systems are equitable, transparent and limit the potential for corruption. Thus, campaign financing should strike a balance between freedom of expression as well as fair political and electoral processes. The manner in which countries have chosen to address this balance through regulation is dependent on their specific circumstances and approaches to public and private funding of parties. However, there exists a common demand for more transparency and accountability.

Several factors are key to the regulation of campaign financing. Regulation must be rooted in international obligations and standards beginning with overarching obligations to hold genuine elections that reflect the free expression of the will of the people as reflected, for example, by the UN Convention against Corruption and the Universal Declaration on Human Rights. Hence international standards are pivotal, yet the universal instruments regulating campaign finance are limited with the UN Convention against Corruption being the major driving force.

On a regional level there are no significant commitments to address political finance funding but there is a commitment to prevent the utilisation of state funds for political campaigning. The European Union Court of Human Rights is important as it has ruled on a number of cases and shown an affinity towards prioritising the need to ensure a level playing field in the electoral process, rather than privileging freedom of expression.

The OSCE's Office for Democratic Institutions and Human Rights (ODHIR) has conducted over 300 election observation missions since 1996 which have been inclusive of campaign finance analysts as there has been a growing emphasis on this issue in electoral processes. ODIHR's observation processes also include discussions with relevant institutions in the specific countries as well as meeting with civil society and parties to evaluate whether the laws in place are appropriately or effectively achieving their purpose.

There are a wide variety of approaches for regulating campaign finance. The most common problems that can be identified relate to the following: lack of reporting and disclosure; lack of adequate deadlines; and a low level of legal reform. Actions required for fostering progress include more work to be done in defining and implementing reforms; a need for templates for comparative data; as well as the inclusion of independent and sufficiently mandated oversight bodies to ensure compliance. It is worth noting that efforts to stimulate positive public finance practices have had a beneficial effect on underrepresented groups with, for instance, public financing being conditioned with compliance on gender quotas on candidate lists in Albania.

Austria serves as an example of a recently implemented regulation that provides a good step towards a comprehensive framework. The new law pertaining to campaign finance was widely received and included, for the first time, obligations to disclose donors. It also included provisions for public and private finance but mainly focused on public finance. Regulation of loans and setting appropriate spending limits were recommended to countervail this fairly unbalanced focus. There were other gaps pertaining to third party involvement and reporting and disclosure which third party regulation and the implementation of report timelines being proposed as solutions.

In conclusion, while there are examples of established core regulation that addresses campaign finance, there is a need for greater attention from observers in addition to increased development of implementable international standards. Other necessities include more accountability and transparency, facilitated by stronger institutions and sanctions.

4.4 Speaker: Dr. Asiimwe Solomon - Nkumba University, Uganda

Topic: Political party and campaign finance regulation in East Africa, a case study of Uganda

Elections are important because they mark the will and consent of the people to be governed. The main argument is that we are seeing an increase in elections being held across Africa, which is a positive trend but what is the efficacy of these elections? It's not about quantity, it's about quality and political party funding is one of the factors that affects the quality of elections.

There are several international norms and regulations that affect political party funding, for example - The East African Community Draft Principles of Election Observation, Monitoring; and the European Standards on financing. However, most of these regulations are technical and legalistic without adequately manifesting in electoral processes. They are often abused to work to the advantage of ruling regimes. In East Africa where countries are shifting from a monolithic system to a multiparty system, there are laws and regulations but most do not address foreign and anonymous funding. This has resulted in instances where opposition parties cannot access money from foreign funders as a result of conditions imposed by ruling parties which seek to capitalise on their access to public funds. The regulations also, with Kenya as an exception, generally do not include expenditure caps.

Where there are caps on party expenditure, there is inadequate monitoring of the funding thereby rendering regulation ineffective.

<u>Uganda Case Study</u>

There is no specific law on party funding with the Political Parties and Organisations Act (PPOA) focusing more on regulating the formation and operation of political parties and organisations. In reality, the PPOA does not promote the growth of parties and instead works as a tool to control parties. The law restricts foreign funding but is silent on local funding. Public funding further promotes inequality as it is allocated based on the level of parliamentary seats, a measure that puts the ruling party at a considerable advantage.

Noteworthy observations from the 2016 general elections in Uganda include the fact that there was substantial uneven spending with Museveni spending 91.5% more than other candidates. The only party with funding structures worth mentioning was the ruling party and these were not actually party structures, instead they were government structures.

To conclude, the east African example indicates that the frameworks relating to party funding are there and they are not weak as they are serving their purpose which is to entrench the ruling party. What is lacking is the culture and respect for rule of law.

4.5   Mr. Gary Pienaar - Human Sciences Research Council, South Africa

Topic: Democratic ideals and the challenge of regulating political party funding and election campaign finance - case study of Southern Africa

This analysis sought to bring out some of the key findings of the Money-policy and Transparency Project (MPT). The MPT highlights information on the regulation of party funding and campaign finance, drawn from surveys conducted across Africa, although the focus in this case mainly pertains to South Africa. Moreover, the MPT investigates practice and not just what the laws are but how effective they are and how they are implemented.

The exercise of the right to vote is meaningless without information as voting needs to be a well-informed action. Disclosing sources of political funding can thus aid the electorate to understand the interests which may be driving a candidate or party. Political parties are not subject to regulation in the context of South Africa's access to information legislation, even though they perform a public function. Efforts have been made in South Africa to address this issue but they have not gained any traction in parliament.

The MPT scored South Africa better in practice (47) than in law (36). In contrast, other countries such as Kenya and Botswana scored higher in law than in practice. Some common issues that affect regulation around the world and especially Botswana, South Africa and Kenya include a lack of comprehensive regulation; an accountability deficit on cash contributions; a need for thresholds to be established; and the ability to have anonymous contributions.

There are legitimate reasons for funding but the lack of transparency is the source of most of the difficulty. It leaves room for wealthy donors to outvote citizens. Additionally, there needs to be a balance between zero regulation and excessive regulation.

4.6   Discussion

•   There is a need for greater contextualisation of regulation in Africa. This can for instance, entail the environment that emanates from increased political party spending in Africa as a whole or the notion of extractive politics. These issues ought to be investigated in greater detail in order to better understand why regulation of political financing has been so ineffective in Africa.

•   In addition to public funding, concern should also be on private funding as even if public funding is regulated, private funding can still inflate a candidate's ability to attain a significant funding advantage.

•   It is hard to create a spending ceiling for political parties. Who's going to monitor these ceilings and how? The issue is not the law; the challenge lies with its implementation. There needs to be a consensus by political parties to agree on what is good.

•   Is there any area of research that investigates if an official caretaker government can counter the effects occurrences such as state capture? Mr. Pienaar suggested that perhaps the role of a caretaker can be facilitated with the involvement of the citizenry in efforts that fight corruption or highlight democratic deficiencies in public fora so as to stimulate greater accountability.

•   Ms. Perdomo suggested that there needs to be a holistic approach to countering issues such as illicit financing. Electoral observers can make a difference by not focusing in the post-election period with the same vigour displayed during the pre-election periods.

5.   Session 5: Addressing marginalisation in political processes

5.1   Session summary

•   Violence against women is a key barrier to women's participation in the political sphere. Despite frameworks to promote women's inclusion much still needs to be done to ensure women are treated equally and fairly when involved in political activities.

•   There are frameworks that assure the involvement of persons with disabilities in politics, however awareness of these is not significant. While numerous examples of good practice on inclusion can be identified in Africa, physical, attitudinal and communicative barriers still exist.

•   Through internationally accepted normative frameworks on democracy, the rights of minority groups in the political space are guaranteed but this does not necessarily manifest in practice as there is often inadequate facilitation of minority participation.
•   Ensuring the political participation of the migrant population is vital for promoting human rights and achieving credible elections that are inclusive of a country's entire electorate.

•   Proactive engagement involving government, civil society and disadvantaged societal groups is essential for creating and implementing effective mechanisms for inclusion.

5.2 Speaker: Ms. Caroline Hubbard - National Democratic Institute, Washington DC, USA

Topic: Creating opportunities for participation and providing access for women in the political space

Even in established democracies, women are under-represented as voters, political leaders and elected officials. This detracts from efforts towards building more inclusive governments that can better fulfil the needs of citizens. Research shows that socio-economic conditions benefit from women participating in the political sphere, especially in leadership and public office. Democratic processes also stand to gain from women's involvement, as evidenced in Rwanda where cooperation between women members of parliament transcended party lines in order to address salient issues. Women's political participation has become recognised as a key factor towards realising the UN Sustainable Development Goals and the AU's Agenda 2063. This forms part of a trend that has seen women's participation increase since the 90's through measures such as gender quotas but it varies from country to country and women continue to be impeded by significant barriers.

Key barriers

Gender norms and inequality are what disempower women's participation. These norms are deeply embedded in social and political culture. For example, the view that women are essentially home makers affects the amount of time and resources that they can dedicate to pursuing politics. Inequality can again manifest through institutional and legal barriers such as restrictions on movement, financing or citizenship.

Violence against women (VAW-P) in politics is also a major barrier that is used to reinforce patriarchal gender norms and it has grown increasingly rampant online through digital and social media. VAW-P is distinctly characterised by three aspects. It targets women because of their gender and occurs in a gendered form - the type of violence chosen to be used against women can entail acts such as sexual assault. Furthermore, its impact is meant specifically for stopping women from becoming part of political life or to influence political decisions such as who they vote for.

What should be done?

Local country and regional action is necessary to address the involvement of women in politics as an aspect of the AU's Agenda 2063. International and regional frameworks can be created in order to advise on how to deal with this. Governments should implement protocols and codes of conduct or procedures to respond and protect victims. Electoral management bodies can enact policies that protect women and hold perpetrators accountable. The joint involvement of actors such as political parties, civil society, media and the justice and security sector is crucial.

With particular reference to Tanzania, VAW-P is prevalent and sextortion occurs as women are extorted for sexual favours by their own parties' leaders in exchange for political nomination. This has led to a common belief that women that have gained political authority have at some point paid for it with sex. In response to this occurrence, CSOs and women's groups have formed the Sextortion Coalition aimed at raising awareness and training female candidates to negotiate political nominations in ways that protect them from sextortion.

In the case of Nigeria women's representation in parliament has dropped substantially to 6%. Women politicians and voters have been beaten, threatened and verbally abused with no prosecution of perpetrators. While election results have been credible, VAW-P has had a serious impact on the voting of over 50% of the electorate. The Transition Monitoring Group in Nigeria has undertaken to gather data on VAW-P as it is critical to identify the problem in order to address it.

5.3   Speaker: Dr. Michael Svetlik - International Foundation for Electoral Systems,
        Washington DC, USA

Topic: Creating opportunities for participation and providing access for persons with disability in the political space

According to the World Health Organisation, persons with disabilities make up an estimated 15% of the global population. In Africa the incidents of disability are more prevalent, for instance in Chad 20% of the population is reported to have a disability; in Morocco the figure is at 32%; and Swaziland has the highest at almost 36%. This population largely lives in the shadows and is not made part of public life and politics, due to low societal expectations and norms which lead to people with disabilities not being fully encouraged to participate in public life.

The Convention on Rights of Persons with Disabilities (CRPD) forms the key normative framework. It should be noted that there is a low level of awareness regarding the convention. Articles 29 and 12 of the CRPD are specifically fundamental to the inclusion of persons with disabilities in the political space. Another important aspect of the normative framework besides the CRPD is article 31 in of the ACDEG. It calls on governments to promote the participation of social groups with special needs, including the youth and people with disabilities in the governance process. Civic education is identified as an essential means of fostering the complete participation of social groups with special needs in democracy and development processes.

Good Practice

Barriers to the involvement of persons with disabilities in the political space are not just physical or environmental; there are also attitudinal and communicative barriers. Despite this, some examples of good practice can be found. Accessibility of polling stations is important and efforts have been made in countries like Zimbabwe where a coalition of disabled persons' organisations worked with the Zimbabwe Electoral Commission to audit over 1500 polling stations and collect information on their accessibility and make recommendations on the improvement of those locations.

In terms of civic education there is an ongoing effort in Guinea, for instance, to foster a better understanding of the rights as well as the civic responsibilities of persons with disabilities within the disabled community. Promotion of good practice can be identified in the facilitation of assistive devices such as braille ballots and raised dot system in Sierra Leone for example.

There is a great need for data that measures the impact of the practices described above. In conclusion, it is worth noting that larger efforts to support resilient and vibrant democratic systems that reflect the will of people can stand to benefit from advocating for disability rights. This is because disability rights can be a non-threatening gateway towards greater conversations on the rights and needs of other members of society.

5.4   Speaker: Mr. Luc Lutala - Espoir Pour Tous, The Democratic Republic of Congo

Topic: Problematizing the notion of the ethnic minority in the political space

The pygmy population in the Democratic Republic of Congo (DRC) is under-represented in politics and their rights are not truly protected. This reality exists despite the fact that Africa has generally been on an evolutionary course in matters pertaining to governance, from colonialism to authoritarianism and then democracy.

The extent to which the plight of the pygmy population does not adhere to democratic ideals and norms can be identified by initially defining the characteristics of the democratic space. Democracy is often associated with practices such as conducting elections. However, in its truest sense it does not merely entail organising elections alone but also involves ensuring the rule of law as well as strong institutions to guarantee the rights and freedoms of all the people. Thus it consists of the following three key factors which are namely elections; respect for the rule of law; and adherence to the rights of all people.

Ethnic minorities are commonly linked by their origin and by culture. In this particular instance, they have a common challenge which is acceptance by the indigenous people that are situated around the Congo Basin.

When investigating the issue at hand, it is important to ask if there is a legal precedent to allow these communities to be involved in electoral processes? The answer to this, is indeed there is and it exists through certain frameworks which are agreed upon internationally, for example, the Universal declaration on human rights and the UN convention for the elimination of all types of discrimination.

It is vital to highlight that the legal framework is what is important. In relation to the political participation of minority groups the access principle is vital as the electoral cycle should enable every single voter to be taken into account for.

In the DRC's case, a number of observations can be made. Regarding the legal framework, sections 13, 49 and 51 of the Constitution of the DRC are important as they fulfil the safety and human rights of minorities. Between 2006, 2011 and 2016 the level of inclusion has not been monitored. Based on all three election cycles (2006, 2011 & 2016), there has been no inclusion of minorities such as the pygmy population in electoral process, for example in matters relating to the budget. Thus, participation is not facilitated adequately. Furthermore, there has been no significant evidence of civic engagement to inform of the relevant frameworks.

Stakeholders in the country have little to no knowledge about the international instruments that exist pertaining to ethnic minorities. There is a law on sensitizing the people and civic education but there is no manifestation of this in society. Hence, there remains a strong need for political authorities to establish more inclusive mechanisms.

5.5   Speaker: Mr. Ayman Ayoub - Legal and Electoral Expert, Spain

Providing equal opportunities and the problematics of the participation of Diaspora and refugees in political processes

The migrant population consists of the diaspora, refugees and internally displaced persons (IDPs). The Universal Declaration of Human Rights (UDHR) is the starting point for emphasising the importance of migrants participating in political processes, as article 21 highlights that participating in the government of his or her country is a right enjoyed by everyone through elections.

Internationally there has been a shift in electoral processes from focusing on the technical gap to focusing on the credibility & integrity gap. This shift equates to an effort in achieving genuine elections.

How can we achieve credibility and integrity?

This can be primarily achieved through inclusion. Inclusion speaks of universal suffrage which needs to be translated into enfranchisement by doing more than just stating the right for all to participate and putting it into practice through creating an enabling environment on the ground. The migrant population is a systematically vulnerable group of voters as they are more prone to being neglected than included when considering national and international frameworks that are relevant to this issue. Despite the fact that the migrant population also includes refugees and IDPs, out of country voting mainly caters for the diaspora - a subgroup comprised of persons that would have chosen to move from their own country to another.

Some of the impediments to Out of the Country Voting (OCV) include restrictive regulatory frameworks; political conflicts; procedural impediments; financial barriers; and a lack of cross border cooperation.

Solutions

There should be a comprehensive view of the impediments as it is not beneficial to simply look at a single perspective of the problem. Solutions should be aimed at addressing challenges that are unique to each of the separate categories of the migrant population. The need to ensure the integrity of the voting process should be the guiding principle for all implemented solutions. There is a need to find solutions at the international level through institutions such as the AU as cooperation is vital in facilitating OCV. Bilateral and reciprocal agreements can be used by countries to facilitate OCVs and EMBs can serve as agents for this.

It is also crucial for the donor committee to recognise this issue as a critical problem affecting the world. Another suggestion is changing systems and mechanisms for categorising voters, for example, using a demographic grouping rather than geographical boundaries in drawing up constituencies.

Some recommendations

Overall there is a need to end the situations that lead to displacements. All-encompassing legal frameworks must be implemented. These should extend beyond just setting up the legal right to vote and should include a measure of the extent to which this right is being enabled. It is important to pay particular attention to the most susceptible among the vulnerable, such as the disabled, and coordinated donor participation is key.

5.6 Discussion

• Are women elected to public office more focused on representing the interests of women than they are on issues that affect the entirety of society? In response Ms. Hubbard argued the reality is a bit more nuanced. Men tend to not prioritise the needs of women, thus since women in office understand women's needs they often feel inclined to put them on the agenda.

• There seems to be a focus on women in politics as a homogeneous group of individuals, do differences in areas such as class, education and other spectra have an impact on the inclusion of women in politics? Ms. Hubbard contended that women are not homogenous and differences need to be taken into consideration when understanding barriers and solutions although there are intersecting commonalities that are at times existent.

• A commissioner from the Zimbabwe Electoral Commission pointed out that the quota system has been used to increase the participation of women in politics. However, VAW-P still occurs as the quota system increases the number of women involved but does not address abuse against women that have to satisfy powerful actors in the political sphere who are generally men. The quota system also does not empower women in leadership positions to have an impact comparable to men.

• Ms. Hubbard confirmed that these are critical issues that still need to be addressed but quotas are an affirmative step towards creating a balanced context which can be built upon to address other problem areas. They are a start and after they are in place, the next questions can be asked.

• Male interpretation of religion, scarcity of resources and patriarchal Somali culture are factors that undermine efforts to empower women in Somalian politics. There was no international support for Somali women in 2012 as the international community was initially more focused on just setting up a government in Somalia and not necessarily addressing equal representation of women. This has somewhat improved but a substantial disparity continues to exist between the political opportunities afforded to men and women. The Somali scenario stresses the need for changing the norms that are associated with the roles of women in society and the need for more capacity building initiatives.

• Does migrant inclusivity include incarcerated persons as well? Mr Ayoub stated that this a very legalistic matter dependent on the laws and regulations of countries concerning what rights can be afforded to prisoners.

• Mr. Ayoub suggested a review of national development priorities so they include OCV and cater for the finances that are needed to facilitate it. Cooperation between EMBs and states can further assist to cut down the financial strain of OCV.

• How can we address tension between national governments that perpetrate displacement and the groups that need to be included but won't be because they are opposed to these very same governments? According to Mr. Ayoub, political will is where it should start. Furthermore, regional and international obligations that are binding to governments can be used to encourage the reluctant governments to allow OCV.

• Has there been an attempt to put in place a sensitization mechanism for minorities through civil society in the DRC? Mr. Lutala responded that measures or steps have been taken to a degree

but there is a strong need for the government to play a part in order to achieve any significant progress.

6. Session 6: The role of democracy-promotion actors: Reinforcing political power or strengthening frameworks?

6.1 Session Summary

• Promoting effective elections is a feature of the United Nation's scope of operations however this occurs as a result of specific conditions which include a UNSC mandate or a request for assistance from a State.

• In the UN's endeavours, ensuring peace and stability can in certain instances take precedence over ensuring strict adherence to democratic processes.

• The AU has sought to have a clearer, more comprehensive understanding of unconstitutional changes of government and consequently implemented actions against this practice, in conjunction with other regional actors on the continent.

• The consequences of these endeavours have yielded both positive and negative results which are reflective of the extent to which governance issues in Africa are complicated.

• Responses to political crises from international bodies, such as the UN and the AU are more nuanced than they appear to be at face value due to the multiplicity of actors and interests involved in the bodies. These intricacies should be taken into consideration when critiquing the manner in which international structures intervene in different scenarios.

6.2 Speaker: Craig Jenness, United Nations Electoral Assistance Division, UN secretariat, New York. USA

Topic: The role of the UN in democracy-promotion through electoral assistance

The UN engages in different activities that include peacekeeping and good offices. Good offices entail general diplomatic work and support for member states. These do not require requests from member states and they are an extension of the Secretary General's will to support dialogue and assist in settling disagreements which at times can be related to elections. Ordinarily the UN cannot assist a member state with electoral processes unless there is a request from the national authority or a UNGA or UNSC mandate. The UNSC will only get involved when there is a threat to international security and this applies for elections as well.

To date, the UN has assisted more than half of its member states over the last 25 years in running elections. Out of the countries being supported at the moment an estimate of 30 are from Africa. Currently, the UN's main role in elections is to provide support to state election authorities by providing technical assistance when needed. Although, it should be noted that UN election involvement has occasionally included election monitoring.

The UN receives requests to assist in elections for different reasons. In some instances, it is because those that are certain of a win often want the UN to legitimise their victories. Another reason could be to help level the playing field by assisting with electoral competencies that can balance the political risk associated with elections, for example, in central Asia an incumbent had been in power for 25 years and the opposition requested the UN's involvement and assistance in guarding the political space to ensure free and fair elections.

<u>Does the UN support undemocratic elections?</u>

It is difficult for the UN to deny a request from a member state. One of its key premises is based on protecting human rights which includes the right to free and fair elections but it is important to bear in mind that the UN is also obliged to respect the sovereignty of its member states.

Other points to consider are that there is no single universal interpretation of what democracy is and there can often be extenuating circumstances which necessitate support of elections that may seem undemocratic. The 2012 Yemen elections which saw only one candidate contesting are an example of support that was necessitated by mitigating factors. There had been a legitimate public uprising due to a political crisis and a transition was needed urgently. Sudan in 2010 is another example with the UN supporting its elections despite reported cases of human rights violations and other complications. The support was necessary in order to reach a peaceful resolution for a crisis. Myanmar and Bangladesh serve as further examples of when the UN stepped in to assist with elections that did not typically align with democratic ideals and norms.

One of the strongest criticisms that the UN has faced has to do with the notion that elections pushed for by the UN seem to be rushed at times. However, an important question to consider under such circumstances is - if an election is not swiftly organised, then who will govern and under what legitimacy?

6.3   Speaker: Ms. Sharon Ndlovu, African Union Commission, Ethiopia

Topic: The response of the African Union to political crises on the continent: Focus on Burkina Faso and Burundi

<u>How has the AU grown to redefine the term Unconstitutional Changes of Government (UCG)?</u>

Following a short period of multiparty democracy upon attaining independence in the late 1950's and early 1960's, African countries soon slipped back into authoritarian rule which was of civilian and military varieties. This occurred between the mid 1960's and the 1980's. In contemporary times, Africa is at a crossroads in terms of the democratisation project which was reignited in the late 80's and early 90's. The continent's governance trajectory has experienced the prevalence of single party and single individual rule; along with military coups; entrenched incumbencies; and external impositions through the Cold War and Structural Adjustment Programs (SAPs).
It was at the end of the Cold War that the OAU changed its normative framework to take a firm stance against UCG and this came to be as a result of the Declaration on the Political and Socio-Economic Situation in Africa. The previous normative framework stressed democracy, peace and development but the Lome Declaration of 2000 introduced clearer conceptualisations of UCG.

Chapter 23 of the ACDEG went on to expand the definition of UCG, including "any amendment or revision of legal instruments which is an infringement on the principles of democratic change of government".

What has the AU done since the promulgation of UCG?

The OAU/AU has suspended memberships and sanctioned a number of countries including Côte d'Ivoire in 2010; the Central African Republic in 2003; Guinea in 2008 and a few more examples. The AU used a combination of diplomatic engagement as well as economic and political pressure to restore constitutional legality in these cases.

The efforts of the AU along with RECs and member states have varied in success in terms of galvanising responsive and reparative actions in cases of UCG but there are still too many challenges, as evidenced by the manner in which UCG remains a recurring feature of the continent's governance landscape. Furthermore, the AU's normative framework has not adequately dealt with cases of popular uprisings in areas such as Tunisia, Egypt and Libya. There is a disparity between norm setting and the implementation of norms throughout the continent as member states are fairly reluctant to sign, ratify or enact relevant governance instruments.

An example of a successful intervention is Burkina Faso which experienced a coup on the 17th of September 2015, carried out by the presidential guard. The coup was short lived and one of the reasons offered as an explanation for this, is the intervention by the African Union Peace and Security Council (AUPSC); the leaders of ECOWAS; and the citizens of Burkina Faso that refused to accept the coup. AUPSC based its refusal to compromise with Diendere on the ACDEG which Burkina Faso signed and ratified. The AU did however face a challenge in the sense that it was not in the lead in terms of addressing the coup, with ECOWAS taking precedence and compromising with the coup leaders by offering them a way out through inclusive elections that allowed the old guard to participate; this outcome conflicted with article 24 of the ACDEG. Factors that led to the AU's success in this instance entail support for the country's constitution as well as insistence on civilian based government and international coordination in efforts to solve the situation.

Occurrences in Burundi on the other hand, serve as an example of an unsuccessful response to UCG. The crisis in the country was sparked by president Nkurunziza's decision to seek a 3rd term and this triggered mass protest, a coup attempt and a crackdown that led to a cycle of violence in which 1000 people died. President Nkurunziza contested in the country's elections and won, however this did not end the crisis as targeted assassinations, disappearances and torture led to 300, 000 people fleeing to neighbouring countries while roughly 100, 000 were internally displaced. The AU had refrained from sending observers to the elections in protest of Nkurunziza's violation of ACDEG's conditions on organising legitimate elections. In trying to solve this crisis there was division within the AU, UN and the East African Community (EAC). The EAC being the lead REC was mandated with leading the continental response, however this attempt was undermined through Burundi's refusal to negotiate as it took advantage of divisions between the AU, UN and EAC.

Conclusion

The examples of Burkina Faso and Burundi are indicative of a growing complexity of governance crises in Africa. The kind of democracy that Africa needs has to be able to address developmental

challenges as well as peace and security challenges too. Africa's democracy is still a work in progress despite the AU's existing normative frameworks on strengthening the democratic project.

6.4   Discussion

•   A senior representative from the African Union Department of Political Affairs described what happened in Burundi as a difficult case that continues to illicit a lot of emotions. From the EAC, there were imminent persons that were deployed to Burundi along with several teams on the ground because a disaster had been foreseen. Before the Burundi elections were held, there were three consecutive Head of State summits in Dar es Salam, where a report was presented indicating the impending disaster in Burundi.

•   There are pressures which are not immediately evident, that were borne from complex regional dynamics and the protocol of making decisions only by consensus which affected the outcome in Burundi.

•   Since the AU is an intergovernmental organisation, the political inclinations of its members have a strong effect on decision making and interventions. These inclinations are at times to the detriment of attempts by the AU to fulfil its obligations.

•   The influences of internal politicking and solidarity with other member states were also evident in the case of elections in Gambia, where ECOWAS refused to deploy observers due to blatant cheat tactics by the country's ruling party, however the AU went ahead and sent observers. The challenges faced by the AU are also exacerbated by the lack of expertise and finances for dealing with certain situations, such as the aftermath of volatile election scenarios.

•   How does the AU's early warning system work because its efficacy has not been evident? Ms. Ndlovu explained that the early warning system is effective in producing great information and suggestions. However, at the end of the day all of this is submitted to the same regimes that won't take action. AU employees do not have the authority to publish the information or make any interventions themselves.

•   A participant from Somalia highlighted the fact that the UN has supported undemocratic elections but is a political agreement and a chance at negotiating later more important than democratic elections? Mr. Jennes' response was that at the end of the day, organisations such as the UN will choose the route that will prevent war and or save lives.

•   The risks for peace might be more substantial to settle without fully pursuing democratic principles in their entirety.

•   Has there been a situation in which the UN has turned down a request for election observation? Mr. Jennes answered that there have been a large number of times when this has occurred. At times for technical reasons or because it would be more prudent to provide assistance on addressing key issues before taking part in electoral processes.

7.   Session 7: Official Closure

Summary of Proceedings and way forward

Mr. Grant Masterson - Manager, APRM Programme, EISA, South Africa

In the concept note there was a dichotomy of binding choices that are facing the continent: Entrenching incumbents vs electoral institutional restraints; representation and accessibility vs marginalisation; human rights vs security; building electoral institutional frameworks vs erosive political power; influence of money in politics vs ideals of democracy; access to information and or free media vs censorship.

The symposium focused on the aforementioned dualities with the aim of looking back, looking forward and offering solutions.

Prevailing themes

•   As the conversation progressed during the symposium there was a deepening discussion around democratic principles of going beyond the letter of the law to its spirit and this was a recurrent them from the very first session in which the panel of former heads of states highlighted that democracy is not just about having frameworks but also about enjoying their benefits.

•   Democracy needs to facilitate a two-way rather than a to a top-down conversation. It needs to cherish and protect the space for dissent and this also speaks towards the dichotomy mentioned, pertaining to human rights vs security.

•   There was also a recurrent theme about strong democratic institutions and that if the institutions are strong, they are independent. Whether or not they are nominally or legally independent is irrelevant because if they serve their function then they are behaving in an independent manner. Thus, the spirit of democracy has precedence over the technicality.

•   Litigation and legal frameworks can frame the conduct of democracy and sanction undemocratic behaviour but they cannot compel pro-democratic behaviour, they can only try to place limits on the extent to which state power can be abused. Another ingredient needs to be brought to the mix as legal routes alone are not sufficient for building democracy.

Take-Aways

•   There is an urgent need to deepen democracy in addition to widening it. This is especially relevant in light of comments on how security seems to be gaining pre-eminence over democracy.

•   Autocracies within Africa that have been masquerading as nominal democracies, essentially being wolves in sheep's clothing, have been slipping of late. This is problematizing the environment of governance, which is why the situation in Africa is becoming less black and white or clear as to where the continent as a whole is heading and we need to start looking at issues on a case by case basis to truly understand which way each particular country is going.

•   This complication is having an impact on organisations such as the UN, the AU, RECs as well as NGOs by affecting how they operate currently and how they can operate going into the future. This slipping of the façade of countries that do not really buy into principles of democracy is having the greatest impact within the AU's institutions which are experiencing increasing contestation at the moment, particularly around mechanisms such the APRM, ACDEG and the AGA Shared Values.

•   The narrative around democracy in Africa is currently moving beyond the most obvious surface level democratic questions and its increasingly reflecting on the limits of the various silver bullets that are prescribed institutions; legal frameworks; and norms. The picture is becoming richer and much less concrete simultaneously.

•   There are no easy answers as for instance, the importance of defending the constitution was highlighted during the symposium while it was also made apparent that frameworks such as constitutions can be ineffective in ensuring democratic practices.

•   Increasingly the issue of minorities and marginalised rights is going to become more central and relevant to the work of democracy practitioners going forward. An example can be found in the 2016 Olympics where refugees were recognised through a 'Team Refugee', showing that for the first time at the games there was a sufficient component of global refugees to form an Olympic team.

•   These stateless persons are excluded from traditional forms of democracy and as those numbers are growing they are posing a very real challenge and weight on the consciences of democratic societies. Giving rise to questions such as: How do we include these people? Do we have the answers? Do we have the ways in which to include them?

Vote of Thanks and Official Closing

Mr. Miguel de Brito – Country Director, EISA, Mozambique

In closing, Mr. de Brito thanked His Excellency - the Deputy President of South Africa - Mr Cyril Ramaphosa, as well as former President Cassam Uteem, former President Goodluck Jonathan and Prime Minister Aminata Touré. He also expressed gratitude to the EISA Board and senior management, in addition to thanking all facilitators, speakers and representatives who attended the Symposium.

Annexure 1:
EISA 20th Anniversary Symposium Programme

Thursday
20 OCTOBER 2016

08:30-09:00	REGISTRATION

OPENING CEREMONY

Session Chair: Dr. Christiana Thorpe, Chair of EISA Board of Directors and Former Chairperson of the National Electoral Commission, Sierra Leone

09:00-09:15	Welcome remarks *Mr. Denis Kadima, Executive Director, EISA*
09:15-09:45	Keynote address and official opening *His Excellency, Mr. Cyril Ramaphosa, Deputy President of the Republic of South Africa*
09:45-10:15	GROUP PHOTO FOLLOWED BY A TEA BREAK

SESSION 1:	SWINGING BETWEEN DEMOCRATIC CONSOLIDATION AND DEMOCRATIC REGRESSION

Session Chair: Mr. Denis Kadima, Executive Director, EISA

10:15-10:35	Sliding back or moving forward? A critical review of the current state of democratic development in Africa *Prof. Tom Lodge, University of Limerick, Ireland and member of EISA Board of Directors, Ireland*
10:35-11:35	Drawing good practices and lessons learned *His Excellency, Honourable Cassam Uteem, former President of the Republic of Mauritius* *His Excellency, Dr. Goodluck Ebele Jonathan, former President of the Federal Republic of Nigeria* *Her Excellency, Madame Aminata Toure, former Prime Minister of the Republic of Senegal*
11:35-11:55	Democracy in Africa today and the future I see *Presentation by Mr. Vusi Gumbi, winner of the EISA anniversary youth essay competition*
11:55-12:45	Discussion
12:45-13:45	LUNCH

SESSION 2:	**POLITICAL STABILITY AND DEMOCRATIC GOVERNANCE: A ZERO SUM GAME?**

Session Chair: Dr. Nandini Patel, Catholic University of Malawi and Member of EISA Board of Directors, Malawi

13:45-14:25	Performing a delicate balancing act between democratic stability and maintaining the peace *Mr. Charles Nyuykonge, The African Centre for the Constructive Resolution of Disputes, South Africa* *Dr. David Carroll, The Carter Center, Atlanta, USA*
14:25-14:45	Guaranteeing democratic accountability in the context of a humanitarian crisis: case study from the recent ebola crisis in the Manor River Region *Mr. Joe Pemagbi, Open Society Initiative for West Africa, Sierra Leone*
14:45-15:05	Freedom of information and access to information within the context of insecurity and political competition *Mr. Maxwell Kadiri, Open Society Justice Initiative, Nigeria*
15:05-15:30	Discussion
15:30-15:45	TEA/COFFEE BREAK

SESSION 3:	**WHEN LEGAL RESTRAINTS FAIL IN THE FACE OF INCUMBENCY**

Session Chair: Dr. Pat Merloe, Director of Electoral Programmes, National Democratic Institute, Washington DC, USA

15:45-15:05	Emerging trends of entrenched incumbency on the continent: what next? *Prof. Gilbert Khadiagala, University of the Witwatersrand, South Africa*
15:05-16:25	Use of public resources and impact of incumbency on political competition *Mr. Winluck Wahiu, Ratio Foundation, Sweden*
16:25-16:45	A critical analysis of the effects of entrenched incumbency on the quality of political leadership: case studies of Mauritius and Botswana *Dr. Roukaya Kasenally, University of Mauritius, Mauritius and* *Dr. Gladys Mokhawa, University of Botswana, Botswana*
16:45-17:30	Discussion
	END OF DAY ONE

Friday
21 OCTOBER 2015

SESSION 4:	THE INFLUENCE OF MONEY IN POLITICS IN AFRICA

Session Chair: Prof. John Stremlau, University of the Witwatersrand, South Africa and Member of EISA Board of Directors

09:00-09:20 An overview of the current framework for regulating political party funding and election campaign finance in Africa and how monetisation of politics has impacted democratic development on the continent.
Ms. Catalina Perdomo, The International Institute for Democracy and Electoral Assistance, Democratic Republic of Congo

09:20-09:40 Upholding democratic ideals and the challenge of regulating political party funding and election campaign finance: case study of Austria
Dr. Richard Lappin, Office for Democratic Institutions and Human Rights, Poland

09:40-10:00 Upholding democratic ideals and the challenge of regulating political party funding and election campaign finance: case study of Uganda
Dr. Solomon Asiimwe, Nkumba University, Uganda

10:00-10:20 Upholding democratic ideals and the challenge of regulating political party funding and election campaign finance: case study of Southern Africa
Mr. Gary Pienaar, Human Sciences Research Council, South Africa

10:20-10:45 Discussion

10:45-11:00 TEA/COFFEE BREAK

SESSION 5:	ADDRESSING MARGINALISATION IN POLITICAL PROCESSES

Session Chair: Dr. Catherine Musuva, Country Director, EISA-Zambia

11:00-11:20 Creating opportunities for participation and providing access for women in the political space
Ms. Caroline Hubbard, National Democratic Institute, Washington DC, USA

11:20-11:40 Creating opportunities for participation and providing access for persons with disability in the political space
Dr. Michael Svetlik, International Foundation for Electoral Systems, Washington DC, USA

11:40-12:00	**Problematising the notion of ethnic minority in the political space** *Mr. Luc Lutala, Espoir Pour Tous, The Democratic Republic of Congo*
12:00 -12:20	**Providing equal opportunities and the problematics of the participation of Diaspora and refugees in political processes** *Mr. Ayman Ayoub, Legal and Electoral Expert, Spain*
12:20-13:00	Discussion
13:00-14:00	LUNCH

SESSION 6:	**THE ROLE OF DEMOCRACY-PROMOTION ACTORS: REINFORCING POLITICAL POWER OR STRENGTHING FRAMEWORKS?**

Session Chair: Mr. Miguel de Brito, Country Director, EISA-Mozambique

14:00-14:20	**An analysis of the role of national democracy-promotion institutions in democratic governance** *Prof. Adebayo Olukoshi, The International Institute for Democracy and Electoral Assistance, Ethiopia*
14:20-14:40	**The Role of the UN in democracy-promotion in African through electoral assistance.** *Mr. Craig Jenness, United Nations Electoral Assistance Division, UN Secretariat New York, USA*
14:40-15:00	**The role of regional democracy-promotion institutions: the AU's response to political crises in Africa – case studies of selected African countries** *Ms. Sharon Ndlovu, African Union Commission, Ethiopia*
15:00-16:00	Discussion
16:00-16:15	TEA/COFFEE BREAK

SESSION 8:	**OFFICIAL CLOSURE**
16:15-16:30	**Summary of proceedings and way forward** *Mr. Grant Masterson, Manager, APRM Programme, EISA, South Africa*
16:30-16:35	**Vote of thanks and official closing** *Ms. Ilona Tip, Operations Director, EISA*

Annexure 2:
Keynote Address

Address by Deputy President Cyril Ramaphosa at the Electoral Institute for Sustainable Democracy (EISA) 20th Anniversary Symposium Crowne Plaza Hotel, Johannesburg

Former Heads of State and Government,
Ministers and MPs,
Members of the diplomatic corps,
Members of the EISA Board of Directors,
Development partners,
Representative of the African Union Commission,
Representatives of regional economic communities,
Representatives of election management bodies,
Representatives of political parties,
Representatives of civil society organisations,
Distinguished guests,
Ladies and gentlemen,

I would like to thank EISA for the kind invitation to address this symposium.

The Electoral Institute for Sustainable Democracy in Africa is a valuable continental institution for democracy, peace and development. It is a widely admired entity and trusted organisation that nurtures democratic governance and accountability. It actively promotes the values, practices and institutions associated with popular democracy. Its work extends beyond the support for democracy, free, fair and credible elections to promoting and entrenching a democratic ethos aimed at improving the quality of life of citizens. Beyond the polls, it is critical that the will of the people and wishes of the electorate inform the policy choices adopted by governments.

Twenty years ago, the Electoral Institute of South Africa was born out of a resolve to contribute to building a democratic South Africa. It was an immense honour for me to have been associated with EISA in its formative years, during which it expanded its work into the region, becoming the Electoral Institute of Southern Africa in 2000. As a pioneer in the field of elections and democratic governance in the continent, in 2012 it became the Electoral Institute for Sustainable Democracy in Africa.

For two decades, EISA has been contributing to critical components of democratic development through its effective models of intervention. This annual symposium has become a celebrated platform where a wide variety of institutions, leaders and experts reflect and exchange experiences and perspectives.

The state of democracy in Africa preoccupies many academics, policy makers and practitioners both within Africa and more broadly. An examination of the recent political history of Africa reveals that democracy has made great progress. The increased number of competitive multiparty elections is one of the triumphs of the democratic trajectory of Africa.

The democratic space has broadened. With the rise of popular multiparty democracy in the 1990s, the holding of regular elections has become the norm rather than the exception. Broad-based electoral democracies have supplanted the authoritarian and military regimes of previous decades. In many instances, these democracies have witnessed the peaceful transfer of power from ruling parties to the opposition.

Electoral democracies have contributed much to the stabilisation of the continent, and subsequent advances in economic growth and social development. However, deficiencies in the quality of some electoral democracies have raised concern about the potential for reversal.

The opening of the political environment requires impartial, professional and technically-sound arbitration of electoral competition. Electoral management bodies have delivered credible elections on our continent, including here in South Africa. Yet many countries still fall short in the administration of elections.

The lack of credible electoral processes and disputed results are not the only threat to the consolidation of democracy. In many developing countries, inequality and poverty is a pervasive threat to the building of democracy and its sustenance. The concentration of economic power in the hands of a few diminishes the capacity of the majority to direct resources in a manner that advances the national interest. Those who control the economy have a disproportionate influence on the development and implementation of policy. A significant and rapid reduction in inequality is therefore not only a moral and economic imperative. It is also critical for the advancement of democracy.

Countries that are heavily indebted – that do not have the resources to meet their developmental needs – are similarly constrained in the full expression of the will of the people. The space these countries have to determine their own economic and social path is often curtailed by the expectations of creditors. Sound financial management, substantial domestic savings and a stable macroeconomic environment therefore assist countries in asserting their own sovereignty and enable them to more effectively implement their electoral mandate.

Democracy cannot flourish where some people – particularly the poor – do not have access to the judicial system, do not benefit from the rule of law and are unable to exercise their own basic human rights. Democracy cannot flourish when those with resources are able to make representations to law makers, but those with very little cannot. Democracy cannot flourish when political parties are dependent for their continued existence on the largesse of private funders and the potential it creates for conflict of interest and the exercise of undue influence. There is therefore a need for greater transparency in the funding of political parties alongside the establishment of public funding mechanisms through which political parties can be sustained. Democracy cannot flourish when the media is not free, when it does not reflect a diversity of views and interests of the people of the country. There is good reason to be concerned not only with measures governments might use to curb media freedom, but also with the unintended bias that the media's commercial considerations often produce.

With a young population that has moved rapidly to adopt the latest in mobile technology, there is great potential in Africa to use social media to explore new platforms for engagement. There is great potential to use new technologies to improve the mechanics of the democratic process, make it more transparent and make it more accessible. These technologies, if effectively deployed, could revolutionise the relationship between citizens and their elected representatives.

As our democracies develop right-across the continent, we need to pay particular attention to the management of disaffection and dissent. The right to peaceful protest, to freedom of association, to freedom of expression are fundamental pillars of a democratic society. Yet many countries – South Africa included – often struggle to manage the tension between the militant exercise of these rights and the maintenance of the rule of law and the protection of life and property.

Democracy thrives when there is space for dissent. But the manner in which that dissent is expressed should not undermine the very principles on which the democratic order is built. In recent weeks, South Africa has witnessed widespread student protest over the cost of higher education. While seeking to address their own immediate material concerns, they have sharply raised an issue that is critical to the future of our country. They have been exercising their right to protest, they have been demanding their right to education. They have done much to prove the vibrancy and strength of our democracy. And yet, there are some within the ranks of these students – probably a minority – who have engaged in violence and destruction of property. There are some who have, in vigorous pursuit of their own rights, infringed upon the rights and dignity of others.

The manner in which a society resolves these conflicts, how it manages these tensions, how it navigates the line between dissent and disorder, says much about the depth and resilience of its democracy. In this instance, on the challenges we are facing at our universities, I am certain that an acceptable, sustainable solution will be found and that, in the process, South Africa's democratic values and practices will be further enhanced.

Ladies and Gentlemen,

As Africans, we aspire towards a continent reborn from strife and conflict, where Africa is synonymous with democracy, good governance, justice and the rule of law. The continent has known enough suffering. It has experienced slavery, colonialism, apartheid and Cold War imperialism. The people of Africa yearn for peace, development and selfless leadership. Increasingly, they demand their share of the fruits of freedom and democracy. Increasingly, they demand efficient, responsive and accountable government.

This 20th anniversary symposium will provide insight into the progress that we have made towards the realisation of those aspirations. It will look at what holds us back as Africans. It will look at what needs to be done to take us forward. This symposium will provide an opportunity to openly reflect, debate, deliberate and share our experiences on democracy in Africa. Judging by the rich and diverse expertise gathered here from around the world, I am confident that this symposium will live up to expectations. Our commitment to deepen democracy will ultimately be judged by our ability to put the experience shared, knowledge gained and lessons learnt at this symposium into practice.

Once again, I congratulate EISA on its sustained efforts to promote the ideal and goal of sustainable democracy on our continent.

I wish you fruitful deliberations.

I thank you.

Annexure 3:
List of participants

No	Surname	Name	Organization
1	Ahiy	Stepan	Association of European Election Officials(ACEEEO)- Hungary
2	Akinduro	Olufunto	Electoral Institute for Sustainable Democracy in Africa- South Africa
3	Ali	Suad Ahmednur	Electoral Institute for Sustainable Democracy in Africa - Somalia
4	Arika	Lillian	Judiciary Committee on Elections, Kenya
5	Asiimwe	Solomon	Nkumba University- Uganda
6	Athomo-Ndong	Pierre-Simeon	Economic Community of Central African States (ECCAS) - Gabon
7	Ayoub	Ayman	Legal and electoral consultant- Spain
8	Badibanga	Mukenyi	Electoral Institute for Sustainable Democracy in Africa - Somalia
9	Baker	Andreas	OSCE - Parliamentary Assembly
10	Bano	Sabra	Gender Concerns International- Netherlands
11	Baruti	Munda Simamba	Electoral Institute for Sustainable Democracy in Africa - DRC
12	Bassomo	Cecile	Electoral Institute for Sustainable Democracy in South Africa
13	Bittiger	Tim	Democracy Reporting International (DRI)- Germany
14	Bjornlund	Eric	Democracy International - USA
15	Blanc	Tihana Bartulac	Creative Associates International - USA
16	Bok	Tsakane	Embassy of Finland- South Africa
17	Bykutaga	David	Electoral Institute for Sustainable Democracy in Africa - Somalia
18	Carlson	Jeffrey	Creative Associates International - USA
19	Caroll	Dr.David	The Carter Center -USA
20	Castagnoli	Cristina	European Parliament - Belgium
21	Chantre	Arlinda Taveres	ECOWAS network OF Electoral Commssions (ECONEC)- Cape Verde
22	Chiloba	Erza	Independent Electoral and Boundaries Commission (IEBC, Kenya)
23	Cole	Clara	Commonwealth Secretariat - UK
24	de Brito	Miguel	Electoral Institute for Sustainable Democracy in Africa - Mozambique
25	Digbeu	Marie-Laure	Electoral Institute for Sustainable Democracy in Africa- Somalia
26	Djamba	Bishop Abraham	Reseau Gouvernance Economoque et Democratie (REGED) - DRC
27	Doua Gore	Justin	Electoral Institute for Sustainable Democracy in Africa- Somalia

28	Fakir	Ebrahim	Electoral Institute for Sustainable Democracy in South Africa
29	Garrett	Thomas	International Republican Institute(IRI) -USA
30	Gerenge	Robert	Electoral Institute for Sustainable Democracy in Africa- South Africa
31	Grey-Johnson	Jeggan	Open Society Foundations -Africa regional Office (AFRO)-South Africa
32	Gwala	Noxolo	Electoral Institute for Sustainable Democracy in Africa- South Africa
33	Haddad	Nadia	Electoral Expert
34	Hamandishe	Antonetta	Electoral Institute for Sustainable Democracy in Africa- Zimbabwe
35	Hubbard	Caroline	National Democratic Institute (NDI) - USA
36	Ibrahim	Halima Ismail	National Independent Electoral Commission - Somalia
37	Izidine	Anissa	Electoral Institute for Sustainable Democracy in Africa - Mozambique
38	Jenness	Craig	United Nations Electoral Assistance Division (UNEAD)- USA
39	Kaboha	Barbara	East Africa Community (EAC) - Tanzania
40	Kabongo	Florent	Electoral Institute for Sustainable Democracy in Africa- CAR
41	Kabunda	André	Electoral Institute for Sustainable Democracy in Africa - Gabon
42	Kadima	Denis	Electoral Institute for Sustainable Democracy in Africa- South Africa
43	Kadiri	Maxwell	Open Society Justice Initiative - Nigeria
44	Kasenally	Dr. Roukaya	University of Mauritius
45	Kasirye	Martin	Commonwealth Secretariat - UK
46	Katuala	Clarisse	Electoral Institute for Sustainable Democracy in Africa- DRC
47	Kevin	Krapf	Embassy of the United States
48	Khadiagala	Gilbert	University of the Witwatersrand- South Africa
49	Kibamba	Deus	Tanzania Citizens' Information Bureau (TCIB) - Tanzania
50	Kibambe	Mamba Nsele	Electoral Institute for Sustainable Democracy in Africa - DRC
51	Kiese	Rose Mutombo	Cardre de Concertation de la Femme Congolaise (CAFCO) - DRC
52	Kieti	Magdalena	Electoral Institute for Sustainable Democracy in Africa - Kenya
53	Lalbahadur	Aditi	South African Institute for International Affairs (SAIIA) - South Africa
54	Langa	Francisco	Electoral Institute for Sustainable Democracy in Africa - Mozambique
55	Lappin	Dr. Richard	Office of Democratic Institutions and Human Rights (ODIHR) - Poland

56	Lodge	Professor Tom	University of Limerick, Ireland
57	Lutala Kyad'i	Luc	Espoir Pour Tous - DRC
58	Maphunye	Kealeboga	Universtiy of South Africa (UNISA). South Africa
59	Marques	José Domingos	Movimento Democratico de Mozambique (MDM) - Mozambique
60	Masterson	Grant	Electoral Institute for Sustainable Democracy in Africa- South Africa
61	Matola	Zaida	FRELIMO - Mozambique
62	Matsheza	Gamuchirai	Electoral Institute for Sustainable Democracy in Africa- Zimbabwe
63	Meirotti	Melanie	Electoral Institute for Sustainable Democracy in Africa- South Africa
64	Merloe	Pat	National Democratic Institute (NDI) - USA
65	Mindes	Benjamin	National Democratic Institute (NDI) - USA
66	Mohamed	Abdifataah	Electoral Institute for Sustainable Democracy in Africa - Somalia
67	Mohamud	Mohamed Hassan	Electoral Institute for Sustainable Democracy in Africa - Somalia
68	Mokhawa	Dr. Gladys	University of Botswana
69	Molandsveen	Ms. Anne Sofie	NORDEM- Norway
70	Mongwe	Simphiwe	Electoral Institute for Sustainable Democracy in Africa- South Africa
71	Moyo	Dr	Mandela Institute for Development Studies (MINDS)- South Africa
72	Mrenqwa	Lindeka	Electoral Institute for Sustainable Democracy in Africa
73	Musuva	Catherine	Electoral Institute for Sustainable Democracy in Africa - Kenya
74	Mzizi	Mweli	Masiko Filmworks- South Africa
75	Najam	Saqir	Department for International Development (DFID)
76	Ndlovu	Sibongile	Zimbabwe Electoral Commission- Zimbabwe
77	Ndlovu	Ms Sharon	African Union - Ethiopia
78	Neuss	Nicola	Department for International Development (DFID) - South Africa
79	Newham	Gareth	Institute for Security Studies (ISS), South Africa
80	Ngonyama	Geoffrey	Voting Rights Organisation - South Africa
81	Nijimbere	Ange Marie	Electoral Institute for Sustainable Democracy in Africa - Kenya
82	Njoroge	Charles	East Africa Community (EAC) - Tanzania
83	Nyuykonge	Charles	African Center for Constructive Resolution of Disputes (ACCORD)- South Africa
84	O'Shaughnessy	Devin	Westminister Foundation for Democracy (WFD)- UK
85	Oke	Francis	Economic Community of West African States (ECOWAS) - Nigeria
86	Orurach	Drake	Electoral Institute for Sustainable Democracy in Africa

87	Owuor	Felix Odhiambo	Electoral Institute for Sustainable Democracy in Africa- Kenya
88	Pascal	Martin	TINE
89	Patel	Dr Nandini	Catholic University - Malawi
90	Pemagbi	Joe	Open Society Initiative for West Africa (OSIWA) - Sierra leone
91	Perdomo	Catalina	International Institute for Democracy and Electoral Assistance (IDEA) - DRC
92	Picardo	Juliano Victoria	RENAMO- Mozambique
93	Pienaar	Gary	Human Sciences Research Council (HSRC) - South Africa
94	Rakotomalala	Randrara	Electoral Institute for Sustainable Democracy in Africa - Madagascar
95	Rakotonarivo	Thierry	CENI- Madagascar
96	Rakotomanana	Yves Herinirina	CENI- Madagascar
97	Rakotonirina	Fanomezantsoa	CENI- Madagascar
98	Ramaroshon	Niaina	Electoral Institute for Sustainable Democracy in Africa- Madagascar
99	Ranohefy	Jessica	Electoral Institute for Sustainable Democracy in Africa - Madagascar
100	Razafimanjato	Soambolanoro	Electoral Institute for Sustainable Democracy in Africa - Madagascar
101	Reyneke	Marie	Electoral Institute for Sustainable Democracy in \ Africa- South Africa
102	Russeean	Mahendranath	Office of the Former President of Mauritius
103	Ruthrauff	Holly	Election Observation and Democracy Support (EODS)- Belgium
104	Sadiki	Dr. Koko	Economic Community of East African States (ECCAS)- Gabon
105	Sampa	Martin	Caritas- Zambia
106	Sau	Sheik Abdul	National Electoral Commission (CNE)- Mozambique
107	Sayed	Martha	Electoral Commission Botswana
108	Sekamogeng	Naphtaly	Electoral Institute for Sustainable Democracy in Africa - Somaliland
109	Shale	Victor	Electoral Institute for Sustainable Democracy in Africa- Zimbabwe
110	Sheburi	Mr. Masego	Independent Electoral Commission - South Africa
111	Siyad	Asha Abdulle	Somali Women - Somalia
113	Smellie	Claire	Sida - Mozambique
114	Soukolgué	Baïdessou	Electoral Institute for Sustainable Democracy in Africa- CAR
115	Stremlau	Prof. John	Universtiy of Witwaterstrand - South Africa
116	Svetlik	Michael	International Foundation for Electoral Systems (IFES)- USA
117	Tapoko	Guy Cyrille	African Union - Ethiopia
118	Tavaras	Tye	The Carter Center - USA
119	Tedla	Alemayehu	Sida- Ethiopia
120	Thorpe	Christiana	Ministry of Education - Sierra leone

121	Tip	Ilona	Electoral Institute for Sustainable Democracy in Africa - South Africa
122	Tororey	Praxedes	Independent Boundaries and Electoral Commission (IEBC) - Kenya
123	Uteem	H.E Cassam	Former President of Mauritius
124	Vava	Rindai Chipfunde	Zimbabwe Electoral Support Network (ZESN)- Zimbabwe
125	Volahaingo	Marie Thérèse	National Assembly- Madagascar
126	Wahiu	Winluck	Ratio Foundation- Sweden
127	Zoubir	Nadia	Electoral Institute for Sustainable Democracy in Africa- South Africa

About EISA

Since its inception in July 1996 EISA has established itself as a leading institution and influential player dealing with elections and democracy related issues on the African continent. The organisation's Strategic Goals are:

- Electoral processes are inclusive, transparent, peaceful and well-managed;
- Citizens participate effectively in the democratic process;
- Political institutions and processes are democratic and function effectively; and
- EISA is a stronger and more influential organisation

The vision of EISA is "an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment". This vision is executed through the organisational mission of "striving for excellence in the promotion of credible elections, participatory democracy, a human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa".

Having supported and/or observed over 100 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties, parliaments, national and local governments and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution building processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides technical assistance to inter-governmental institutions, such as the African Union, the Pan-African Parliament and Regional Economic Communities (RECs), to reinforce their capacity in the elections and democracy field. The Institute has signed Memoranda of Understanding with the African Union (AU), the Economic Community of Central African States (CEEAC); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). EISA also works on an ad hoc basis with the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS).

EISA has current and former field offices in Angola, Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of Congo, Egypt, Gabon, Kenya, Madagascar, Mali, Mozambique, Rwanda, Somalia, Sudan, Zambia and Zimbabwe.

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20 YEARS OF PROMOTING CREDIBLE ELECTIONS AND DEMOCRACY IN AFRICA

1996 – 2016

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