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Inaugural WIPHOLD - Brigalia Bam, Research Professor and Chair in Electoral Democracy in Africa

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The original versions of the following articles were presented at the 2nd Annual WIPHOLD-Brigalia Bam Chair in Electoral Democracy Colloquium, 15 – 17 October 2014, at the University of South Africa (Unisa). All the papers addressed the colloquium theme: *EMBs and democratic consolidation in Africa: Is the continent on the right path?* This theme critically examined the roles of election management bodies (EMBs) and how they contribute to processes of promoting democracy through elections in the continent.

The aims of the colloquium were, among others, to promote collaboration with EMBs, election experts and all related election stakeholders continentally and globally; to disseminate and share knowledge on EMBs and other election-related matters, especially through publications and research, and to promote debates and dialogue on elections, capacity building, tuition, supervision and community engagement as pertaining to elections in Africa. Further, the colloquium sought to promote the sharing of knowledge and information on national, regional and continental instruments and election management best practises, as outlined in the African Union Charter on Democracy, Elections and Governance and the SADC Principles Governing Elections, among others.

The participants at the colloquium discussed the following topics:

1. Similarities and differences among EMBs in Africa
2. Lessons to be learned from the performance of EMBs in the past 20 years in Africa
3. The nature of membership (staff) of EMBs and the implications of the method of appointment on its performance
4. Two decades of EMB experiences in Africa and the implications for democratic consolidation
5. An EMB's performance and the implications of this on citizen participation

6. EMBs and their rapports with other state institutions, civil society, regional economic communities, the African Union, the United Nations system and other non-African role players
7. External support for EMBs in Africa and its implication for their autonomy, performance, sustainability and national ownership
8. Individual country case studies and comparative studies between countries

Thus, the articles presented in this Special Issue reflect the wide variety of presenters who tackled the different topics at the 2nd Annual Colloquium in Electoral Democracy. Coming from a wide spectrum of areas such as diplomats, academics, members of civil society, election practitioners, policy-makers, students and staff from universities around Pretoria and elsewhere in Africa, the different individuals analysed the democratic trajectories of various African countries with a specific focus on elections.

Leonard Sesa's comparative case study analysed the situation of the EMBs of Botswana and Zambia. Focusing on the independence of these bodies, he examined the basis of their claim to 'independence' including credibility and integrity. He argued that the independence of an EMB should not merely be judged according to the insertion of the word 'independent' in its formal name, but also on how it acquires and spends its allocated funds, who it accounts to, its composition and how it relates to the top officials of the incumbent government. Similarly, he argues that the appointment of commissioners, whether the EMB is constitutionally established and the tenure of its office-bearers, including its operational autonomy, all pose specific challenges to Botswana and Zambia. Yet, as the literature on election management clearly spells out, these problems are also common to other African countries and globally (Kadima 2006; Chiroro 2008; James 2014). The article does not tackle the equally thorny issues such as voter or civic education, voters' roll compilation, boundary demarcations, political party funding, training of electoral staff or election stakeholder management, which often indicate an EMB's character and independence. However, the paper highlights many of the issues that continually pose predicaments for election practitioners, academics and policy-makers in the election management fraternity. Finally, a comparative approach, as undertaken in this article, has helped to address one of the gaps in our understanding of EMBs and the challenges they face in attempting to become independent.

On the other hand, Dr Shilaho's article, 'I do not know who won the elections: How not to conduct elections and Kenya's democratic reversals, discusses pertinent issues on the Kenyan situation. The article focuses on the country's recent (2007) elections, which became a global topical issue owing to the violent outcomes they produced. Shilaho argues that the credibility of Kenya's elections, or lack thereof,

cannot be attributed solely to the election management body. He identifies other ingredients in this, what he terms, “power matrix”, including the country’s deep ethnic divisions. Shilaho cautions that the 2007 elections in Kenya serve as an example of what happens to a country when the executive interferes with the management of its elections. Subsequently, he maintains, the independence of the EMB is affected. However, other immense challenges that the article underscores are Kenya’s deep-seated socio-economic and political challenges, which continually presents Kenya as a regular case study for students of election management, governance and Africa’s democratisation through elections. The issues outlined in this article indicate some of the key dilemmas facing Africa, especially pre-election and post-election day violence and subsequent political instability, which undermine Africa’s democratic trajectory.

Dr Makoni’s article is a case study on the Zimbabwe Electoral Commission (ZEC). The paper explains the appointment, composition and functions of this Commission. It examines the commission’s competencies in executing its mandate and how capacity building minimises what the writer terms ‘knowledge gaps in electoral processes’ in Zimbabwe. Tracing the history of the ZEC, including the gender composition of its staff, the article describes the development of the Zimbabwean election management body and the roles of its office-bearers in election observation, regionally and continentally. Over the years, these practices have contributed to the experience of the ZEC election practitioners. The article presents an insider’s account of what happens when an EMB is established, the problems it confronts and how they are resolved. The major strength of the article is that it gives a practitioner’s perspective and account of what happens in an EMB during the different periods of its existence, in line with the electoral cycle planning tools upon which most EMBs rely. The argument presented in the article clearly indicates that election officials, executives and those who are involved in the practical management of elections, whether at policy-making or other levels of the EMB, have an immense contribution to make to the promotion of knowledge on the role of elections in Africa’s democratisation.

Dr Rupiya’s article raises an interesting mix of issues on elections, particularly focusing on Algeria in North Africa, a region that was recently engulfed in the “Arab Spring” popular protests and which is often torn between the African mainland and the Arabic countries. The article tackles the under-researched but critical role of EMBs under governments occupied by former liberation movements in Africa. Outlining Algeria’s situation and the unique challenges faced by this country, Rupiya attributes these challenges to the country’s unique political system. He aptly notes that some of Algeria’s problems emanate from its uncritical acceptance of liberal democracy, since there is no universally accepted model of democracy. While the

issues discussed clearly affect many other countries in the North African region and elsewhere in the continent, it is clear that further research on such issues is warranted and that lessons can be learnt, especially from countries such as Mozambique, Angola, Cape Verde, Guinea Bissau, Zimbabwe, South Africa and Namibia, to name but a few, that have followed a similar route as Algeria.

Finally, the 2014 Colloquium was held in the background of elections in Mozambique, South Africa, Botswana and Namibia in the Southern African Development Community region. Basically, the elections in the SADC region suggested that much still needs to be done to entrench a culture of democratisation through elections in the sub-region. This is despite visible improvements in the management of elections which, save for a few countries in the sub-region, are now regularly declared to be credible and acceptable as they comply with international election best practices. Other countries that held elections on the continent included Algeria, Comoros, Egypt, Libya, Mauritania and Mauritius. To some extent, elections in North African countries such as Algeria, Tunisia, Egypt and Libya are often marred by political instability and threats of intimidation and violence, probably owing to the political culture of the countries involved including the countries' former autocratic political systems. This factor alone suggests that elections are not the main, but only one of the many mechanisms towards ensuring sustainable socio-economic, political and other forms of stability in a region that increasingly looks to the Middle East for support, trade, diplomatic and social relations. These countries might be closer to the ideal situation of full democratisation and the regularisation of elections that are able to give legitimacy and credibility to a country once its government has been elected. However, like other countries in other parts of the continent, they still need to make concerted efforts to achieve that goal. Many of these countries fall short of the African Union (AU) requirement that elections must, among others, be conducted:

freely and fairly; under democratic constitutions and in compliance with supportive legal instruments, under a system of separation of powers that ensures in particular, the independence of the judiciary; at regular intervals, as provided for in National Constitutions' [and] by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics (OAU/AU 2002:3).

Overall, the experiences of many African countries that went to the polls in 2014 and those that held elections previously can be summarised as an inadequate attempt to comply with international election management standards. Some of these standards include media freedom and the need to give sufficient media coverage to all the parties in a country's media; optimal participation by all the registered voters;

to ensure that the pre-election, election day and post-election processes proceed smoothly, without violence, intimidation or any other hindrances in the election process, and accessibility of the voters' roll or register to all the contesting parties and observers including transparency in the election process overall. Many of these requirements are covered in the African Union (AU) Charter on Democracy, Elections and Governance, which requires countries to run elections efficiently and effectively to ensure that such elections reflect the will of the electorates.

ACKNOWLEDGEMENTS

The publication of this Special Issue, together with the 2nd Annual Colloquium from which it was developed, were made possible by the generous support of the Women Investment Portfolio Holdings (WIPHOLD), which sponsors the WIPHOLD-Brigalia Bam Research Chair in Electoral Democracy in Africa at Unisa. We remain forever grateful to WIPHOLD and all the partner institutions that made this Special Issue possible. Furthermore, the articles published in this Special Issue would not have been possible were it not for the meticulous support of all the peer reviewers, who reviewed each article; to whom we are grateful. We also thank all colleagues in the Department of Political Sciences at Unisa, especially Professor Dirk Kotzé, Ms Anna Moagi and Mr Jean-Jacques Boshoff, whose overall contribution made it possible for these articles to be published.

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