



Kofi Annan
FOUNDATION



SID
Society for International Development

COVID -19 & DEMOCRACY IN EAST AFRICA

PROTECTING VOTERS, PROTECTING THE VOTE.

CONFERENCE REPORT
EXECUTIVE SUMMARY 2021



Foreword

When our two organisations first began to work on the partnership that resulted in this event, nobody knew that the ongoing COVID-19 pandemic would upend the plans. The uncertainty that came in the wake of the pandemic forced us to reschedule the conference from its initial May date to November 2020. Even as we were continually challenged to rethink the format and the topics for discussion, the value of this event became even more evident than might have been anticipated.

All three countries that were the focus of the event (Kenya, Tanzania and Uganda) have had, or are approaching, critical moments in their democratic journey.

Tanzania held its sixth general election since multiparty politics were restored in 2012. The Chama Cha Mapinduzi party was able to prevail once again, in what were arguably the most fiercely contested elections to date. Whereas the nature and character of the events leading to the general elections and thereafter have raised doubts in some quarters concerning the commitment of the ruling party to pluralistic politics, what cannot be doubted is the commitment of Tanzanian citizens to defend their democratic gains and to find ways and means of improving the systems and structures that undergird democracy. This was made clear in the interventions that participants from Tanzania made across the various sessions of the conference.

“THE ONGOING PANDEMIC HAS LED TO ECONOMIC SLOWDOWNS, LOSS OF JOBS AND LIVELIHOODS AND THERE IS A REAL RISK THAT SOME MIGHT BEGIN TO CONSIDER INVESTING IN THE DEMOCRATIC PROCESS AS A LUXURY THAT CANNOT BE AFFORDED.”

Uganda had its general election in January 2021 and the campaign season was kicking off in earnest as we held the conference. Once again, the citizens’ enthusiasm in participating in the various campaign rallies highlights the dynamism of, and anticipation that they have concerning the democratic process. Much as the ongoing pandemic modified the rules of the game – with campaigns having to adhere to stringent measures aimed at curbing any spread of the Covid-19 virus – the level of participation is an indicator of the extent to which citizens view the democratic process as a critical lever of change.

Kenya will potentially be holding a referendum in 2021 aimed at modifying key sections of its constitution. The key proposals of the changes mooted have been presented as part of the ‘Building Bridges Initiative’ sponsored by its President, H.E. Uhuru Kenyatta and his erstwhile opponent Raila Odinga.

The debate around these proposed changes is lively and is an indicator of the vibrancy of the democratic process.

The above notwithstanding, we all know that democracy on its own cannot be a panacea for all the challenges that the countries of East Africa face.

Indeed, the ongoing pandemic has led to economic slowdowns, loss of jobs and livelihoods and there is a real risk that some might begin to consider investing in the democratic process as a luxury that cannot be afforded. This would be a mistake.

Indeed, more needs to be done to improve the performance and quality of the democracy on offer. Highlighting the challenges and discussing them in a constructive manner is a critical aspect in the search for a democratic process that is more responsive to the needs of its citizens. As the various sessions of the conference highlighted, there is room for improvement. How these improvements can be obtained is through frank dialogue amongst the various players – political parties, citizens groups and civil society, legal bodies, and the international community. This conference tried in its own way to create a space that brought together these actors from across the three countries to reflect on their democracies today and how they saw them evolving in the future. >>

Foreword continued...

THE WORK OF IMPROVING ON THE PERFORMANCE OF DEMOCRACY IS AN ONGOING PROCESS AND ONE WE SHOULD NOT TIRE OF. IT IS ONLY BY FOSTERING A CULTURE OF DEMOCRACY AND INVESTING IN ITS INFRASTRUCTURE THAT WE CAN FIND THE WHEREWITHAL TO RESOLVE DIFFERENCES THROUGH PEACEFUL MEANS.

The challenges that the COVID-19 pandemic has brought will be with us for a long time, and they will undoubtedly affect the institutions of these countries in ways that we might not fully comprehend at this moment.

For one, there will be increased pressure on how each shilling is to be spent and to what it should be allocated. It is hoped that the techniques through which such decisions are arrived at respect the democratic spaces and processes that have been constructed painstakingly to date.

Now cannot be the time for the region to disinvest from democracy. This should not be a moment for incumbent governments to consolidate their grip on power and weaken their political opposition through strong-arm tactics but rather to appreciate that there might also be opportunities for a reset and shifting the nature of engagement that is more collegial than adversarial.

This conference was an initial moment for reflection, and it has raised many salient points worthy of reflection. We hope that this report will challenge its readers to contribute additional points and build on these reflections. The work of improving on the performance of democracy is an ongoing process and one we should not tire of. It is only by fostering a culture of democracy and investing in its infrastructure that we can find the wherewithal to resolve differences through peaceful means. It is our hope that readers find in this report the inspiration to make incremental contributions aimed at making democracy truly work.

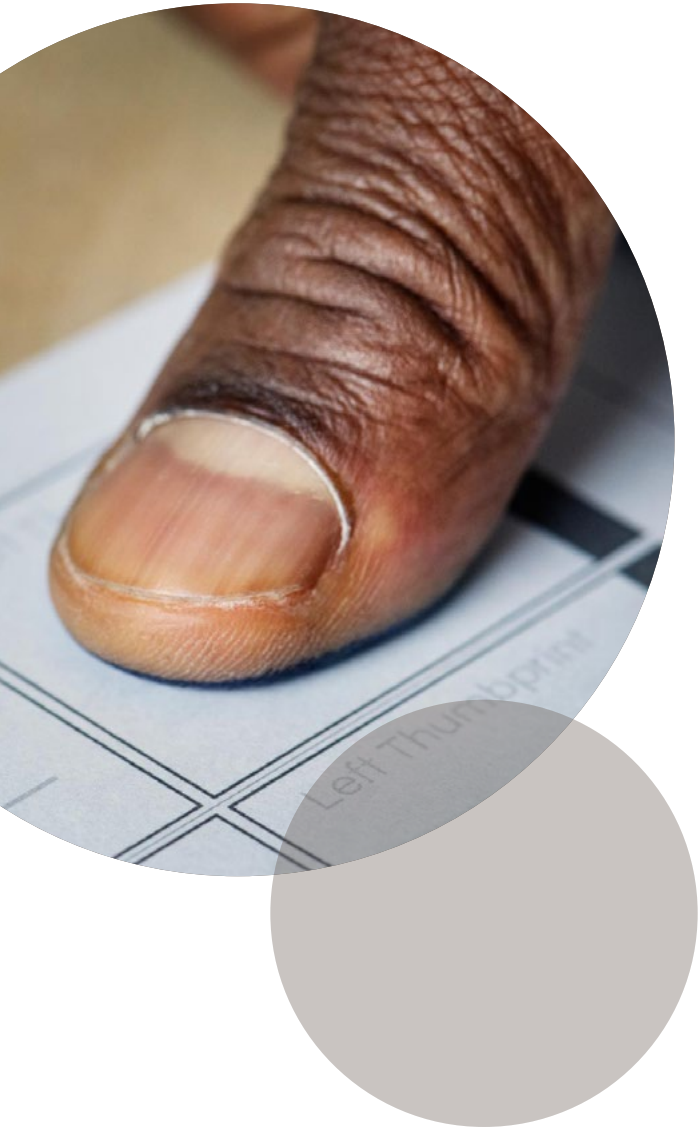


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Executive Summary - Introduction



The conference ‘COVID-19 and Democracy in East Africa: Protecting Voters, Protecting the Vote’, organised by the Kofi Annan Foundation and the Society for International Development, with the support of the United Nations Democracy Fund, examined the state of democracy in East Africa^[1] in the context of a pandemic that has led to democratic backsliding in over eighty countries around the world.^[2]

The conference could not have been more opportune, taking place only a few weeks after the controversial general elections in Tanzania, which saw the ruling party clinch 98.86% of the seats in Parliament. The event also happened the day after the Ugandan security forces killed over fifty opposition supporters and arrested the President’s leading rival in the upcoming elections over violations of Covid 19-related restrictions on the size of campaign rallies. It also took place only a few days before the report of the Building Bridges Initiative was launched in Nairobi to initiate a constitutional amendment process ostensibly mooted to help fix some of the country’s deep-rooted challenges such as the cyclic post-election violence.

“THE COVID-19 PANDEMIC HAS ACCELERATED AND EXACERBATED THE ASSAULT ON DEMOCRACY AND HUMAN RIGHTS GLOBALLY.”

Surveys show that Africans express support for multi-party democracy^[3], and open and fair elections in particular.^[4] Yet many African and Eastern African countries have experienced democratic setbacks over the past few years.^[5] As highlighted during the high-level segment of the conference, the Covid-19 pandemic has accelerated and exacerbated the assault on democracy and human rights globally. Graça Machel noted that in many parts of Africa, as elsewhere, governments viewed Covid-19 as an excuse to shift the balance of power in their favour.

The conference explored the challenges the region is facing and sought to identify opportunities for protecting and promoting democratic norms and ensuring electoral integrity. As emphasised by President Goodluck Jonathan in his keynote address, democracy remains a challenge to many African countries, but the aspiration to genuine democracy has taken root, especially among youth, and in this generation, he sees hope for a better future.

^[1] Defined narrowly to include only Kenya, Tanzania, and Uganda

^[2] REPORT: Democracy under Lockdown - The Impact of COVID-19 on Global Freedom

^[3] Africans increasingly support multiparty democracy

^[4] Africans want open elections – especially if they bring change

^[5] Freedom in the World 2020: A Leaderless Struggle for Democracy; The Retreat of African Democracy

Thematic panel discussions - Summary

The state of democracy in East Africa today

The discussion on the state of democracy in East Africa presented a relatively gloomy picture. It was noted that the transition to genuine democratic governance from authoritarian rule, itself the heir to the undemocratic colonial past, has largely failed and that multiple systemic flaws continue to exist in the structure and practice of democracy. Yet, belief in democracy as the most viable and preferred system of governance prevails in East Africa.

The progress that has been made over the last few years is reversing. Ruling parties are using the state monopoly of violence to intimidate the opposition as well as mute the media and amend laws to make the political terrain uneven, even more so in times of the Covid-19 pandemic. It emerged that there is a growing criminalisation of opposition and that the military and law enforcement are regularly being used to settle political scores. The panel noted that the international community and African regional bodies must do more to hold authoritarian governments accountable. A positive sign is that domestic institutions and civil society are stepping into the void to offer leadership for change and maintain political pressure.

Are elections giving democracy a bad name?

The assumption that regular elections are the proof-positive of democracy is misguided. The integrity of electoral processes is the crucial barometer, and the panel noted that the East African region was back-sliding in this regard. A long over-due overhaul of electoral systems in East Africa has not taken place. The independence of electoral bodies, campaign finance and voter registration, were identified as among the most problematic aspects of the region's elections.

The panel also highlighted the importance of civic education. While technology had initially been seen as a panacea to electoral malpractice, especially voter verification and counting, recent experiences have revealed the extent to which electronic systems are prone to manipulation or the perception of manipulation. These digital challenges also need to be addressed urgently.

"A LONG OVER-DUE OVERHAUL OF ELECTORAL SYSTEMS IN EAST AFRICA HAS NOT TAKEN PLACE. THE INDEPENDENCE OF ELECTORAL BODIES, CAMPAIGN FINANCE AND VOTER REGISTRATION, WERE IDENTIFIED AS AMONG THE MOST PROBLEMATIC ASPECTS OF THE REGION'S ELECTIONS."

The guilty party? The role of political parties

The composition, internal structures, culture and functioning of political parties was put under scrutiny. It was noted that political parties' inability to genuinely transition from the independence movements and liberation forces into programme-driven entities remains a source of problems. Political parties lack a grounding set of values or principles and often rely heavily on single individuals, leading to the development of personality cults and regional or ethnic identities.

The panel stressed that political parties had not developed internal democratic systems that could create spaces for the marginalised, especially women and youth. Furthermore, state funding for political parties and structures for financial accountability and transparency are missing. The ordinary citizens are often disengaged from the political process and therefore, are easily manipulated. Many political leaders in East Africa abrogate the role of 'delivering development' to the people, thereby undermining democracy and human rights. >>

Thematic panel discussions continued...

Divide and rule? The instrumentalisation of identity politics

The panel defined the instrumentalisation of identity politics as a strategy where politics is premised on shared realities and experiences of a particular social community that forms an accepted and acknowledged identity, or is identified by an identity that is imposed upon a particular group.

The panel noted that ethnic identities and stereotyping are part of the colonial legacy. These artificial constructs have mainly been used to perpetuate the social control of colonial regimes by the post-colonial regimes that emerged from them. The divisions in society are manufactured to control people and keep them in check. The panel called for policy interventions that result in narrowing the gap between social classes but expressed little confidence in the ability of the current political elites to enact such policy changes.

Anti-social media. Have the internet and social channels become a threat to democracy?

Once championed as tools of democratic participation and expression, social media are increasingly used as weapons of disinformation, hate speech and foreign interference, including in the East Africa region. Misinformation and disinformation spread in the context of the Covid-19 crisis is putting additional pressure on democratic processes.

However, the panel also noted that there is no denying that social media have opened up the democratic space in East Africa, offering ordinary citizens the opportunity to voice their opinions and hold their governments accountable. Social media can also be used to increase the integrity and transparency of electoral processes. An 'Electoral Vulnerability Index' could be set up to draw awareness to elections that require close monitoring for potential electoral interference. Technology companies were called upon to move beyond commercial interests, and actively engage with civil society organisations and governments to secure democracy.

“TECHNOLOGY COMPANIES WERE CALLED UPON TO MOVE BEYOND COMMERCIAL INTERESTS, AND ACTIVELY ENGAGE WITH CIVIL SOCIETY ORGANISATIONS AND GOVERNMENTS TO SECURE DEMOCRACY.”

Settling electoral disputes: Strengthening the judiciaries' hand

Among the cornerstones of democracy that have been compromised is the independence of the judiciary. The panel reflected on the colonial background and legacy that is manifest in the traditions and structures of many judiciaries in Africa. The search for justice through the courts is bedevilled with inconsistencies, rulings are not premised on principles, and political expediency is common. Judicial inquiries into elections tend to focus not on the entire electoral process, but only on election day itself.

The panel noted that there are encouraging examples where African courts have made landmark rulings, however, like the presidential petition cases in Kenya and Malawi. A concerted call was made for more consistency in the interpretation of the constitution to uphold democracy. The poor state of civic awareness and familiarity with legal and policy documents was identified as a problem that would need to be addressed. >>

Thematic panel discussions continued...

Civil society, uncivil environment?

It was said that civil society positions itself as a democratic space between the state and society as a whole. Civil society in Africa - and East Africa is no exception - often faces hostility and suspicion, however, both from the state and, to some extent from the citizenry too, because of its strong ties with international organisations.

The panel stressed the need to become more self-sufficient, including financially, to become more credible domestic players. Funding mechanisms have changed, and the shift to 'projectisation' poses a serious challenge to civil society's continued ability to deliver critical services, including monitoring government policies and actions and defending citizen rights.

The next generation? Youth inclusion in politics

The panel agreed that youth in the region, though in the majority, is largely excluded from decision-making processes and priorities. As a result, youth is often amongst the primary victims and perpetrators of political violence. The panel

stressed the need for greater youth civic education and engagement.

The panellists stressed that youth in East Africa are becoming more aware of their potential and wish to be engaged in active politics more meaningfully, rather than as mere tokens, by being nominated in party lists, creating youth wings of political parties, and increasing voter participation.

Financing elections and campaigns

Political parties' financing oversight enforcement remains weak in East Africa. This is exacerbated by the cash-based nature of the East African economies and their increasing use of mobile banking which is still largely unregulated, making it hard to monitor the flow of funding from and to political parties and their members. In order to address these irregularities in the financing of elections and campaigns, panellists proposed that countries could begin by adopting an equitable funding model that would also achieve the twin results of promoting more diverse and inclusive political competition. It was further recommended that East African countries embrace a more robust regional anti-corruption framework.

With a little help from my friends: The role of the international community

The role of the international community has changed since the end of the cold war, stressed the panellists, who represented a cross-section of bilateral, multilateral and civil society partners: its partnership with East Africa has become more equal, based on respect for state sovereignty and the support for local capacity-building.

International partners provide technical assistance, bilateral and multilateral support, and support peaceful outcomes to free and fair democratic elections.

Panellists believed that East African people need to take ownership of political and democratisation processes, beginning with holding the judiciary and political leaders to account. The international community can only accompany domestic progress, not foster it. >>

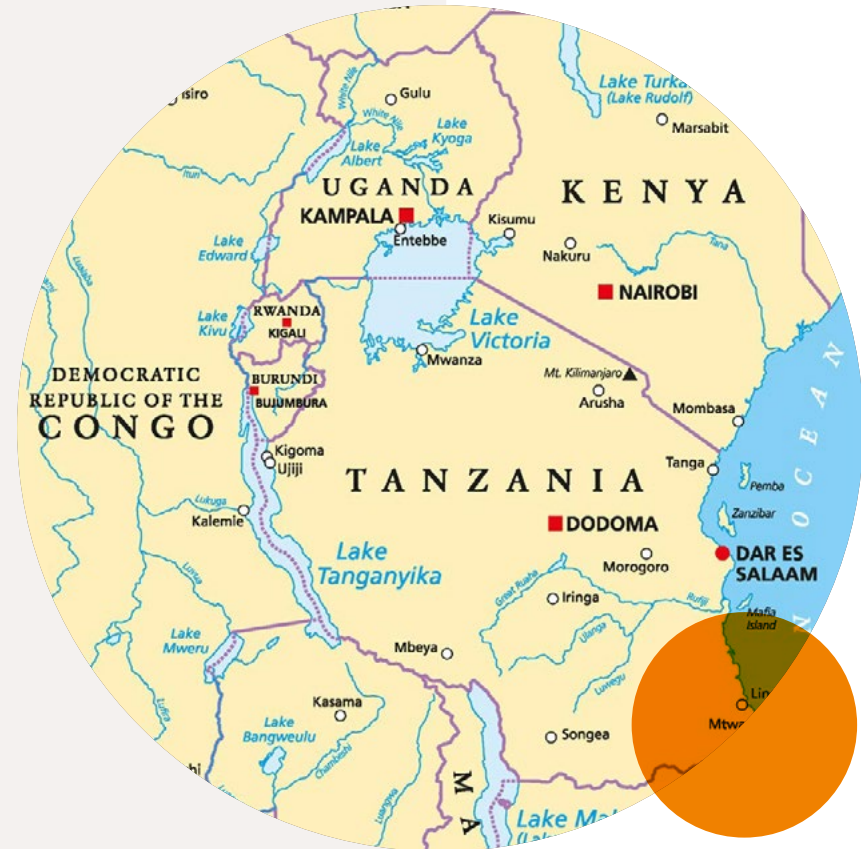
Conclusion

Democracy is in global retreat, and the outbreak of the Covid-19 pandemic has accelerated this process. East Africa is no exception. Yet, according to opinion polls, democracy remains the preferred system of governance. It is undoubtedly the political system most conducive to peace, development, and respect for human rights.

“IN THE FACE OF GROWING CYNICISM TOWARDS DEMOCRACY, WE MUST NOT YIELD, BUT ON THE CONTRARY, DEFEND AND CHAMPION THE VALUES AND VIRTUES OF DEMOCRACY.” - KOFI ANNAN

East Africans are proud of the gains they have made since independence, and particularly since the introduction of multi-party democracy, but are frustrated by how their democracies work in practice. Many participants complained that their states had been captured by a political elite, which extracts rents and excludes the citizenry. It is not so much democracy that is in crisis as governance.

By discussing the challenges and opportunities for the countries in East Africa constructively, this conference offered important avenues to strengthen the health of democracies in the region. By working together, including political parties, civil society, legal entities, the private sector, and international partners, the quality and performance of democracy and elections could be improved. The chair of the Kofi Annan Foundation, Elhadj As Sy, concluded the conference by quoting Kofi Annan, “In the face of growing cynicism towards democracy, we must not yield, but on the contrary, defend and champion the values and virtues of democracy.”



Recommendations

The fourteen recommendations from the Conference 'COVID-19 & Democracy in East Africa: Protecting Votes, Protecting the Vote'

Recommendations for States



- 01 East Africans need more civic education to become genuine agents of democratic political processes and change.
- 02 Civic education should not be left entirely to civil society: The State should take the lead. The re-introduction of civics in school could build a well-informed future generation as a first step.
- 03 The State needs to de-politicise law enforcement and other public bodies, which should serve the population and not the ruling parties.
- 04 The State must respect, and ensure respect for, the rule of law, constitutionalism, human rights and personal liberties of its citizens, especially freedom of expression and association. Citizen participation in public life, including the right to picket, hold peaceful demonstrations, and post views on-line, should be recognised as legitimate forms of political expression.
- 05 The State needs to indigenize colonial-era legislation, structures and processes that currently stifle democracy. Particularly urgent is legislation around political party financing and auditing to enhance transparency.
- 06 All East African states need to develop social and economic development strategies for post-COVID-19 to mitigate the social, economic, and political ramifications of the pandemic.

Recommendations for Civil society



- 07 Civil society needs to find ways and means of developing agendas that are more relevant to the grassroots, and that will help in engaging them more actively.
- 08 Civil society needs to develop and implement strategies for resource mobilisation from local sources, charities, foundations, and philanthropies as well as involve the private sector in civic and human rights work.

Recommendations for Political parties



- 09 Political parties need to develop strategies for attracting active participation and membership of the intellectual elite, academic and professional class. This could lead to an infusion of ideas and principles into parties' programmes and identities.
- 10 Political parties need to create avenues for the meaningful participation of marginalised groups such as youth, women, and other minorities. Financing and spending in politics need to be regulated at the political party level to have no disenfranchisement through financial incapacity. >>

Recommendations continued...

Recommendations for Technology companies



- 11 Tech companies must take full responsibility for fact-checking, blocking hate speech and weaponised disinformation. Tech companies must increase their efforts to identify and dismantle fake accounts and bots and support the development of local expertise in best cybersecurity practice.
- 12 Tech companies should support the building of an election vulnerability index to monitor potential electoral interference and identify actors and flashpoints preemptively.

Recommendations for International partners



- 13 International partners should adopt more long-term and holistic democracy support strategies rather than short-term and narrowly-defined election monitoring projects.
- 14 International partners need to take stands in defence of democracy and electoral integrity. Realpolitik in favour of the status quo, no matter how illegitimate, is detrimental to democracy and long-term development. International partners should demand electoral integrity, transparency and accountability.

Event overview

COVID -19 & DEMOCRACY IN EAST AFRICA

PROTECTING VOTERS, PROTECTING THE VOTE.

CONFERENCE PROGRAMME

CET THURSDAY 19 NOVEMBER 2020

08.00-08.15 **Welcome Remarks**

Elhadj As Sy, Kofi Annan Foundation

08.15-08.30 **Opening Address**

08.30-09.00 **Keynote Address**

H.E. President Goodluck Jonathan, former President of Nigeria and Chair of the Goodluck Jonathan Foundation; Graça Machel, International advocate for women's and children's rights, former freedom fighter and first Education Minister of Mozambique

09.30-10.30 **The state of democracy in East Africa today**

All countries in the region have transitioned to multi-party democracy, but most polls show high levels of dissatisfaction with the democratic systems. This is more apparent now in the era of the COVID-19 pandemic, where East African countries are experiencing democratic backsliding. What has gone wrong? What can be done to fix it?

11.00-11.45 **Are elections giving democracy a bad name?**

All countries in the region organise regular elections, yet democratic freedoms are in retreat. What is going wrong? What can be done?

12.45-13.45 **The guilty party? The role of political parties**

Political parties in East Africa have at times been defined more by individuals and ethnic or religious identities, than ideas or institutions. They are also not always very democratic internally. Is this where the problem starts? Can party reform lead to further democratisation?

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14.15-14.45 **Divide and rule? The instrumentalisation of identity politics**
The instrumentalisation of identity politics is polarizing societies and threatening peace across the region. What can be done?

15.15-16.00 **Anti-social media? Have the internet and social channels become a threat to democracy?**
Once championed as tools of democratic participation and expression, social channels are increasingly decried as weapons of disinformation, hate speech, and foreign interference. To what extent is East Africa concerned, and what is the right approach to take? This debate will turn on the recent report of the Kofi Annan Commission on Elections and Democracy in the Digital Age (KACEDDA) and its recommendations.

Event overview continued...

COVID -19 & DEMOCRACY IN EAST AFRICA

PROTECTING VOTERS, PROTECTING THE VOTE.

CONFERENCE PROGRAMME

CET FRIDAY 20 NOVEMBER 2020

09.00-09.45 **Settling electoral disputes – strengthening the judiciary’s hand**
The judiciary has a critical role to play in building acceptance and tolerance for democracy in the manner through which it addresses electoral disputes. What is the record so far? What more needs to be done?

10.15-11.00 **Civil society, uncivil environment?**
Civil society in the region is vibrant, but often under attack. It is sometimes politicised. What can be done to protect and support it? What can it do to instigate change?

11.30-12.15 **The next generation? Youth inclusion in politics**
The median age in Eastern Africa is 18.1 years, yet youth is largely excluded from power. What future do young people want and how can they increase their participation in politics?

13.15-14.00 **The sinews of democracy: financing elections and election campaigns**
Electoral financing is one of those issues that has a fundamental impact on electoral outcomes, yet one that doesn’t attract much attention or interest. The shadowy networks of local and international interests, which underwrite election campaigns, need to be unmasked and better understood if we are to fully appreciate the role they play in our elections and in potentially distorting democracy.

14.30-15.30 **With a little help from my friends: the role of the international community**
States have long benefited from international assistance in organising and financing elections. Political parties and civil society have traditionally set much store by international support for human rights and democracy, sometimes in vain. What are the limits on the international community, and what can - and should - we expect going forward?

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Speakers



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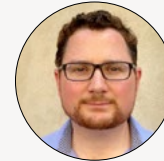
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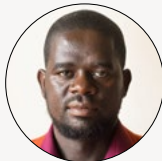
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Speakers continued...



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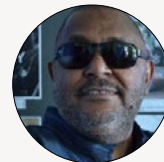
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About the Kofi Annan Foundation and SID



The Kofi Annan Foundation was established in 2007 by former Nobel Peace Prize Laureate and United Nations Secretary-General Kofi Annan.

Our vision is for a fairer and more peaceful world, where no one is left behind, democratic principles and the rule of law are upheld, and divides are bridged through dialogue and international cooperation.

www.kofiannanfoundation.org

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SID

Society for International Development

SID is an international network of individuals and organizations founded in 1957 to promote social justice and foster democratic participation in the development process. Through locally-driven programmes and activities, SID strengthens collective empowerment, facilitates dialogue and knowledge-sharing on people-centered development strategies, and promotes policy change towards inclusiveness, equity and sustainability. SID has over 30 chapters and 3,000 members in more than 50 countries. The secretariat has three offices in Dar es-Salaam (Tanzania), Nairobi (Kenya) and Rome (Italy).

www.sidint.net

The Kofi Annan Foundation published this report in collaboration with the Society for International Development.

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The event was organised by the Kofi Annan Foundation in collaboration with the Society for International Development and supported by the United Nations Democracy Fund.



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COVER PHOTO CREDIT: A Burundian man casts his ballot during the presidential and general elections at the Bubu Primary school in Giheta, central Burundi, on May 20, 2020. (Photo: AFP)