



DEMOCRACY IN CENTRAL AND SOUTHERN AFRICA

CONFERENCE REPORT

Compiled by The Nelson Mandela School of Public
Governance and The Kofi Annan Foundation

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Foreword

By Mr Alan Doss, President of The Kofi Annan Foundation

Nelson Mandela famously said, *"I have cherished the ideal of a democratic and free society*. According to *Afrobarometer*, two thirds of Africans still share his ideal today, one of the highest scores in the world. Yet these aspirations are being disappointed: Freedom House estimates that just 11% of the continent is politically "free," and the average level of democracy, understood as the respect for political rights and civil liberties, fell in each of the last 14 years. Even in the SADC region, the situation is far from ideal with most countries characterised as "hybrid" regimes, which combine democratic features, like regular elections, with autocratic ones, like the repression of opponents and critics. And the trends are not encouraging: a third of the SADC group has actually lost democratic ground since 2006.

Let's recall that democratic principles are enshrined in both the African Union (AU) Charter and the Southern Africa Development Community (SADC) treaty. But democracy is not just an end in itself, as Kofi Annan reminded us: *"I have been a tireless defender of democracy all my life because I am convinced it is the political system most conducive to peace, inclusive development, the rule of law and the respect for human rights, the pillars of any healthy society"*.

Perhaps the single most decisive factor for development is good governance, and democracies provide the checks and balances, independent institutions, accountability and transparency required to achieve it. It is therefore not surprising that the poorest countries in the world are all failed states or dictatorships. Apart from a few well-publicized exceptions, authoritarian regimes have generally performed abysmally all over the world, including in Africa, not just brutalizing their citizens, but impoverishing them too.

Africa's booming and increasingly urban and educated young population is less and less willing to put up with authoritarian misrule, as recent events in Burkina Faso, Gambia, Sudan and Algeria illustrate.

Alas, the international community has not always practiced what it preaches, and has accepted unacceptably flawed and contested election outcomes time and again in the name of stability. I believe that this is short-sighted because, in the long run, illegitimate regimes cannot govern effectively, and will ultimately fail.

Perhaps too much store has been placed by the influence of the international community. Neighbouring states are likely to have more influence. As such, SADC can and ought to play a key role in inspiring its members to live up to their treaty's aspirations as well as to the AU's Charter. South Africa, heir to Nelson Mandela's remarkable legacy has a particular responsibility, by dint of its significant influence in the region.

Ultimately, however, democracy cannot be exported: it must come from within, and civil society in the region has grown increasingly organised and vocal as a force for political change. As Kofi Annan once said, *"If leaders fail to lead, the people must make them follow"*.

The Nelson Mandela School of Public Governance and the Kofi Annan Foundation held this conference with leading thinkers and activists from across the region, and beyond, to take stock of the situation and seek remedies. We assembled a remarkable group of people and I extend my deep appreciation to all the moderators and speakers.

We hope that through the deliberations, and this report which tries to distil them, we will be able to reinforce our commitment to democracy.

But let's remember that democratisation is not an event: it is a process. And it is seldom linear: democracy is always a work in progress. We must not lose heart just because some countries are backsliding. We must remember the fundamental aspirations of the majority, and believe that, ultimately, Nelson Mandela's and Kofi Annan's vision of a continent that is free and democratic will triumph.

By Prof Faizel Ismail, Director of The Nelson Mandela School of Public Governance

The Nelson Mandela School of Public Governance was officially launched by UCT Vice-Chancellor Mamokgethi Phakeng, on the 5 July 2018. It was created by Vice-Chancellor Max Price and its previous Director, Prof. Alan Hirsch, as a new Public Policy School, just over 6 years prior to this. The School is part of a more ambitious UCT Mandela School building project to create a living institution to honour the legacy of Nelson Mandela.

The Mission of the Mandela School is four-fold:

- First, to build inclusive, developmental, entrepreneurial and effective states in Africa;
- Second, to strengthen ethical leadership and resilient democratic state institutions;
- Third, to inspire and nurture innovative government-private sector-civil society partnerships, and;
- Fourth, to promote equitable and mutually beneficial regional and global governance institutions.

This Conference on Democracy in Southern and Central Africa speaks to the vision of the School.

I have been a trade negotiator for South Africa for over 20 years, having also served as an Ambassador of South Africa to the World Trade Organization. More recently, I have become involved in research and capacity building for our young negotiators and policy makers involved in regional trade integration. I have been reflecting, writing and teaching about issues related to regional integration in Africa. There is no better time for this.

We are currently witnessing one of the most exciting processes of negotiations unfolding on the continent towards the fulfilment of the dream of Pan African thinkers, such as Kwame Nkrumah and others. The recently launched African Continental Free Trade Agreement, at the Summit of African leaders, in Niger, in July 2019, has created a framework for the integration of all 55 countries in Africa that could unleash the full economic potential of the African Continent, and significantly raise the standard of living of hundreds of millions of African people.

What are the most important ingredients for the successful realization of this dream?

Africa has been blessed with not just one but at least two of the most significant global leaders of the 20th century: Nelson Mandela and Kofi Annan. There are at least three wisdoms from their work that we began with in this conference: the need for solidarity; dialogue and reconciliation is crucial.

Kofi Annan, stated that; “Ideas are a main driving force in human progress, and ideas have been among the main contributions of the United Nations from the beginning” (Annan, 2001). Thus, how we think about Regional Integration is crucial to its success.

The Nobel Prize winner, Joseph Stiglitz (2016) in his new book, *The Euro and its Threat to the Future of Europe*, reflected on this question as he pondered why the European regional integration project was in crisis. He argues that values are critical to the success of regional integration. The objective of the founding fathers of regional integration in Europe was not more trade but increased social and economic development. Stiglitz thus argues that political commitment to collective action or “Solidarity” are important for the success of regional integration.

These are not new insights. This principle of ‘solidarity’ is similar to the African concept of ‘Ubuntu’ (“humanity towards others”) that was projected by earlier African leaders in the idealism of Pan-Africanism. Indeed, Nelson Mandela also applied his mind to this question when he declared at the onset of our new democracy that South Africa’s relations with the continent of Africa should be based on the ‘principles of equity, mutual benefit and peaceful cooperation’ and he committed the new South Africa to taking responsibility for the Southern African region ‘not in a spirit of paternalism or dominance but mutual cooperation and respect’.

In my own work on regional integration I have called for a “developmental regionalism” approach to regional integration that did not privilege trade alone but envisaged a virtuous circle between increased trade opening, transformative industrialization, investment in cross-border infrastructure and the deepening of democratic governance and ethical leadership on the Continent. The larger countries, such as South Africa, Nigeria, Kenya and Egypt have greater responsibilities and a larger role to play towards the realization of this vision.

Finally, I identify the need for genuine dialogue as a pre-condition to successful and mutually beneficial negotiating outcomes and reconciliation.

In discussing the approach that he had evolved as a Judge of the Constitutional Court of South Africa (*The Strange Alchemy of Life and Law*), Albie Sachs was to draw on the experience of the Truth and Reconciliation Commission (TRC) of South Africa. He identifies four categories of truth; observational truth, logical truth, experiential truth, and dialogic truth. Observational truth is based on observation – is detailed and focused. Logical truth is arrived at by deductive and inferential processes.

Experiential truth he stated is the truth we are all exposed to by living through a particular experience. Dialogic truth he argues is a truth based on an interchange between people. He argues that we all have different experiences of reality, and diverse interests and backgrounds that influence the meaning of those experiences for ourselves.

Nelson Mandela taught us that the first step towards a solution of intractable challenges is to develop the capacity to hold diametrically opposite ideas in our heads at the same time and to feel comfortable with these ideas.

Richard Stengel argues that Mandela cultivated the habit of considering 'both' or often several sides of a question rather than adopt a simple 'yes' or 'no' answer. This capacity to consider 'both' the concerns and interests of our own country and the concerns and interests of our African neighbours on the continent should be a defining characteristic of an approach that succeeds in reconciling apparently diametrically opposed interests and positions.

This conference was inspired by the leadership and legacy of Nelson Mandela and Kofi Annan.

Our objective in this conference was to discuss different ideas and perspectives in a spirit of good neighbourliness, Ubuntu and Solidarity! The need to listen carefully, and not be too confident about our own observations, rationality and experience, but to also be prepared to listen to the observations, reasoning and experiences of others in a genuine dialogue is the key to finding meaningful and mutually beneficial outcomes.

Executive Summary

The Kofi Annan Foundation and The Nelson Mandela School of Public Governance at the University of Cape Town (UCT); hosted the Democracy in Central and Southern Africa Conference on 4-5 September 2019 in Cape Town, South Africa, with the support of the United Nations Democracy Fund (UNDEF).

Prof Faizel Ismail, the Director of The Mandela School, welcomed dignitaries in attendance and recalled three imperatives inspired by both Nelson Mandela and Kofi Annan's work; namely, the need for solidarity, dialogue and reconciliation. This reminder proved critical in light of brutal attacks motivated by Afrophobia and the disturbing cases of gender-based violence in South Africa and the region. Mrs Graça Machel delivered the keynote address, which expressed great concern at recent trends in the region. Despite democratic gains and an increasingly influential civil society in the 1990s, recent trends point to the rapid decline in democratic governance in Central and Southern Africa.

Regional institutions have not always succeeded in holding leaders accountable for illegitimate election results and remaining in power beyond their constitutional mandates. In some countries, institutions including Election Management Bodies (EMBs) and the judiciary urgently need to allay concerns over their perceived lack of independence. Electoral reforms must prioritize opening national and regional political spaces to pave the way for more inclusive democratic processes that ensure freedom of assembly, expression and access to media and information. This includes zero tolerance for the militarisation of politics in times of transition.

Civil society plays an important role in promoting democratic governance within and across countries in Central and Southern Africa. Despite civil society performing its traditional "watchdog" role, it has also been guilty of personalizing its leadership and management practices with detrimental results. Arguably, civil society with its diverse interests and key constituencies is fragmented. Youth, women and rural-based populations continue to be excluded from decision-making. Social movements and civil society organizations need support to professionalize and institutionalize their management practices, including succession planning, to avoid the debilitating impact of the founder's syndrome.

Social media provides a unique opportunity, where the internet is easily accessible, to mobilize grassroots communities within and across borders to promote accountability and transparency. Consequently, African states have repeatedly shut down the internet and tried to tighten political and social control. The issue of identity and data protection demands urgent attention, especially since allegations have emerged that in some countries, biometric electoral registration systems have been set up in exchange for citizen's data without their knowledge or consent.

A summary of recommendations is clustered thematically and included below.

Implementation of Institutional Reforms

1. Electoral Management Bodies in Central and Southern Africa must professionalise and become truly independent. Digitization provides EMBs with new channels to communicate with voters, especially on subjects vulnerable to disinformation such as the voters' rolls and election results.
2. Electoral Commissions Forum (ECF) norms and procedures should be harmonised with member states' national legislations.

3. There is an urgent need for transitional justice, which uncovers the truth, addresses reparations and restitution, institutional reform, and facilitates security sector reforms in the region.
4. Concrete steps must be taken to strengthen institutions of governance, including an emphasis on the role of parliaments, the judiciary, and Electoral Management Bodies in ensuring accountability.
5. The judiciary needs to maintain its independence and impartiality.
6. Civil society organizations and social movements need support to professionalize and institutionalize management practices, which promote transparency and accountability.

Promoting Inclusive Democratic Governance and Accountability

7. Regional bodies including the Southern African Development Community (SADC) must take concrete steps to assess and represent citizens' aspirations.
8. The African Union (AU) and its member states must implement a plan of action for enforcing the African Peer Review Mechanism (APRM) evaluation process and its outcomes.
9. Elections and the selection of candidates to stand in these elections must be an inclusive process, which creates space for representative youth participation. Attention to this crucial issue given the continent's demography has to go beyond numbers, and strive for policy transformation and budget priority change. Other politically marginalised groups such as women, rural-based youth and people with disabilities should also be better enfranchised.
10. Active citizenship should be encouraged in the region to challenge state capture. In this vein, innovative civic engagement is key, as well as supporting the education system to raise awareness about legislation and policies. Institutions such as the Pan-African Parliament are open to engage with civil society actors to support the work of the African Union Economic and Social Commission (ECOSOC). This may prove to be an important platform for fighting corruption and promoting greater accountability.
11. Civil society groups should work across borders, sharing ideas, methodologies, tools and campaigns to strengthen their collective role vis-à-vis national governments.
12. Intergenerational transfer of knowledge and experience should be encouraged to support a new generation of leaders. Deepening leadership development initiatives and promoting solidarity amongst leadership networks remains a priority.
13. State and non-state actors should increase programmes, which disseminate knowledge and provide platforms for engagement with public servants responsible for service delivery in their communities. Regular meetings that dissect policy debates affecting livelihoods will empower communities to hold the relevant authorities accountable.
14. Governments need to respect and protect people's rights to access information. Where this right poses a security risk, an independent judicial process must be followed to justify limited or blocked access to the internet. Furthermore, Africa's regulatory and legislative frameworks at regional and national levels need to move at the same pace with the rate of digitization to narrow gaps that enable the abuse of power.

The Transformation of Electoral Management

15. Electoral reforms must prioritize opening the national political space in relation to freedom of assembly, expression and access to media/information. In this vein, election observers can no longer be allowed to endorse illegitimate elections.
16. The military must be kept out of political transitions and electoral processes.

17. A more even and transparent playing field must allow multiple parties to contest with equal coverage by national press and media, as well as public funding.
18. Measures should be taken to lower the stakes of elections, both by reducing the power of the executive and disseminating to other branches and levels of government, and by setting and enforcing term limits.



Group photograph of delegates attending the Democracy in Central and Southern Africa conference.

“It is not our diversity which divides us; it is not our ethnicity, or religion or culture that divides us. Since we have achieved our freedom, there can only be one division amongst us: between those who cherish democracy and those who do not.”

Nelson Mandela

Introduction

The 3rd wave of democracy in Africa that swept across the continent following the end of the Cold War in the late 1980s saw a shift from violent and turbulent political transitions to regular elections monitored by Electoral Management Bodies (EMBs)¹. Prior to this, only 3 African countries were considered “free” democracies in 1980. African politics in the 1960s and 1970s was characterised more by coups than elections. Despite significant democratic gains in the institutionalization of democracy and positive advancement in African multiparty systems of governance from the late 1980s to the early 2000s, Mills (2019) and Ibrahim (2015) argue that in recent years, freedom has stagnated, and in some cases even gone backwards, with some states moving from ‘Partly Free’ status to ‘Not Free’². This is part of a global trend since 2006 that Larry Diamond has coined the ‘democratic recession’.

The leadership question remains at the centre of debates as power has not changed hands in several African countries, in some for longer than two decades – thereby compromising the legitimacy of democratic processes. Although formal rules prescribe how elections and democratic principles should be upheld in most African states, questions of political transition in leadership and ruling parties remain³. Scholars contend that what has taken place is electorisation rather than “genuine democratization”⁴.

Transition theorists offer an important lens for dissecting the lack of genuine democracies in the region. They contend that in addition to political culture, geography and economic development of a state, transition processes from pre-democratic regimes to democratic systems have a bearing on whether a country becomes democratic or not. O’Donnell and Schmitter (1986) point out that, “where transitions took place following a pact, regulating vital interests of those stepping down and assuming power as agreed upon, then not only is the outcome more likely to be a democratic society, but a more stable one.”⁵ On the other hand, violent transitions threaten future stability and are more likely to influence the behaviour of future leaders. Cameroon, a central African country with a population of over 24 million people, is a case in point. Some describe Cameroon as Africa in miniature; because not only

¹ Huntington, S.P. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. USA: University of Oklahoma Press.

² Mills, G et.al. 2019. *Democracy Works: Rewiring Politics to Africa’s Advantage*. Johannesburg: Picador Africa.

³ Bratton, M. and Bhoojdhur, S. 2019. Africans want open elections – especially if they bring change. Afrobarometer.

⁴ Ibrahim, A.M. 2015. *The Role of Civil Society in Africa’s Quest for Democratisation*. Switzerland: Springer International Publishing.

⁵ Kitschelt (1992); O’Donnell and Schmitter (1986) in Darnolf, S. 1997. *Democratic Electioneering in Southern Africa*. Göteborg: Staffan Darnolf.

does its terrain include all major climates and vegetation, but it also has a cross-section of colonial legacies (German, English and French). They posit that most of Africa's macro-problems (political, economic and social) are present in Cameroon. This diverse nation has undergone 2 successive failed dictatorships, dominated by misrule and exploitation⁶. In 2018, [Human Rights Watch](#) reported that Cameroon has been rocked by violence and human rights violations, including unchecked military operations in the Anglophone regions⁷.

"A transition process characterized by violence between representatives of a pro-democracy movement and those of a seated non-democratic regime could diminish the possibilities for open dialogue and tolerance for diverging views among both groups of potential elites in the future."

Staffan Darnolf

The independence process in Central and Southern Africa is possibly one such critical factor in shaping the behaviour of the ruling elite. Discourse about the role and relevance of liberation movements – now ruling parties, whether they embody democratic values and practices in how they steer the vehicle of government, and their readiness to embrace genuine multipartyism; are challenged by civil society, in particular, youth who do not feel represented by a disconnected and ageing political elite. Current research explores whether youth are recognized as a constituency or remain a mere tool in the hands of the political elites – mobilized when necessary, to win elections.

Southern and Central Africa have experienced uneven progress. According to the Economist Intelligence Unit (2015), only one country in the SADC region (Mauritius) is a "full democracy". Six are authoritarian regimes. The rest are either flawed democracies or "hybrid" regimes, ranging between democracy and authoritarianism, with 54% classified as the latter. More worryingly, according to the V-Dem Institute at Gothenburg University, five countries in the region have seen their democratic credentials lose ground since 2006.

In his analysis of why some African states have consolidated democracy and others have not, Ibrahim (2015: 4) interrogates the role of a vibrant civil society as a prerequisite for consolidated



"No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime."

Mr Kofi Annan

⁶ Tangwa, G.B. 2010. *Road Companion to Democracy and Meritocracy: Further Essays from an African Perspective*. Bellingham: Langaa Research and Publishing Common Initiative Group.

⁷ [Human Rights Watch. 2018. *Cameroon: Events of 2018 in the World Report*.](#)

democracy. His findings cite the case studies of Egypt and Tunisia where civil society supported the transition to democracy by resisting politics, which narrowed the political space. Additionally, civil society was critical in overthrowing the authoritarian regimes (Ibrahim, 2015: 163). The challenge since the Arab Spring, has been to deepen democracy and build strong institutions. The work of embedding democratic values, norms and attitudes in political culture is important for the survival of a democracy⁸. Justice Dikgang Moseneke, former Deputy Chief Justice of South Africa, refers to Supreme Court Justice Ruth Bader Ginsberg, who recommended South Africa's Constitution to the Egyptians as a model, even more appropriate than the United States Constitution.

Since its transition in 1994 under the guidance of Nelson Mandela, South Africa has been celebrated for its constitutional democracy, which commits to human rights, the Constitution, and a respect for the balance of powers. South Africa's role in modelling and promoting democracy and governance within and beyond its borders will be critical in influencing trends across the region in years to come. Both the father of post-Apartheid South Africa, Nelson Mandela and Mr Kofi Annan, dedicated their lives to advancing the principles and values of democracy.

The form and the process of democracy is one that will continue to demand commitment, tenacity and an intergenerational understanding of the costs nations have endured in the past to attain and protect it. The Kofi Annan Foundation and The Nelson Mandela School of Public Governance sought to provide a platform for governments and civil society leaders to take stock of the state of democracy in central and southern Africa, reaffirm their commitment to deepening democracy in the interest of peace, development and the respect of human rights.

The African Union Charter on Democracy, Elections and Governance commits to the universal values and principles of democracy and respect for human rights. In order to achieve Agenda 2063's aspirations for growth, development and prosperity, the democracy and governance projects must reclaim centre stage in the pursuit of greater political, economic and social inclusivity.

The Southern African Development Community (SADC) Treaty (1992) commits its member states to act in accordance with the principles of 'human rights, democracy and the rule of law'. Article 5 outlines the objectives of SADC, which commit the Member States to 'promote common political values, systems and other shared values which are transmitted through institutions, which are democratic, legitimate and effective'. The Treaty asserts Member States' obligation to 'consolidate, defend and maintain democracy, peace, security and stability' in the region.

To this end, the Conference on Democracy in Central and Southern Africa: The Road Ahead, which took place on the 4th-5th September 2019 in Cape Town, South Africa, sought to achieve the following objectives:

- Take stock of democratic development in the region;
- Identify key obstacles and drivers of democratisation in the region through panel discussions;
- Equip democratic forces with ideas and tools to reinforce and/or deepen democracy in their respective countries;

⁸ Almond and Vera (1963) in Darnolf, S. 1997. *Democratic Electioneering in Southern Africa*. Göteborg: Staffan Darnolf.

- Identify virtuous circles of democratic power that may lie within or outside the state (institutions defending accountability and rule of law – e.g. the Constitutional Court; the potential role of the private sector/civil society to promote democratic principles and values that work alongside government-led policies and practices);
- Interrogate the role of transnational governance to strengthen advocates of democracy across the continent;
- Provide a platform to present solutions to the challenges that threaten democracy in Central & Southern Africa.

Under the Lens: Democracy in a Changing World

ABOUT THE PANEL

Chair: Mr Alan Doss (President, The Kofi Annan Foundation)

Speakers: Dr Chris Fomunyoh (Director for Africa, the National Democratic Institute); Ms Chipokota Mwanawasa (Independent Political Strategist, Zambia); Ms Keboitse Machangana (Director of Global Programme, IDEA); Mr James Wanki (Senior Specialist, UN and World Bank, Central African Republic); Prof Tim Murithi (Head of Peacebuilding Initiatives, Institute of Justice and Reconciliation).

At independence, Africans inherited authoritarian governance practices. Tangwa (2010) and other scholars contend that despite embracing a form of democracy, economic and political exploitation continued at a different scale. In the 1990s, opposition movements could participate in former dictatorships, or one-party states and multi-party elections were regularised. Bjornlund and Sannerstedt acknowledge the opening up of African societies after the fall of the Berlin Wall. However, frequent elections “have not always satisfied the criteria to which true democratic elections should be held”⁹. Current trends present democratic backsliding [for definitions of democratic backsliding see insert].

According to the [International Institute for Democracy and Electoral Assistance \(IDEA\)](#), one of the greatest threats to democratic resilience comes from political power holders who “manipulate electoral norms, restrict dissent and freedom of speech, and reform the constitution to extend their terms in office—all within the legal framework of the democratic system”¹⁰. This manipulation of democratic rules and institutions inevitably “limits the power and independence of the judiciary and the media”. The question of legitimacy within democratic systems that are subject to such manipulation and the erosion of democratic values including respect for human rights is a paramount concern in contemporary Central and Southern Africa.

What is democratic backsliding?

IDEA, in its report, *The Global State of Democracy 2017: Exploring Democracy's Resilience* refers to Bermeo (2016) who outlines 6 forms of democratic backsliding. These are listed below:

1. **The classic coup d'état**
Forced removal of the “sitting executive” by the military or state elites.
2. **The executive coup**
This occurs where a democratically elected executive leader seizes control of the state by suspending the constitution and instituting a “rule-by-decree” dictatorship.
3. **Election day vote fraud**
4. **The promissory coup**
A coup which takes place with the promise to hold elections and restore constitutional democracy.
5. **Executive aggrandizement**
The gradual weakening of constraints on elected executives, whilst firming institutional obstacles to hinder opposition movements.
6. **Strategic manipulation of elections**

The first three are considered less common in present times, whilst the last three are referred to as “modern” backsliding. These modern methods are less overt and manipulate democratic systems over time to meet political ends that serve power elites’ interests.

⁹ Bjornlund (1993) and Sannerstedt (1994) in Darnolf, S. 1997. *Democratic Electioneering in Southern Africa*. Göteborg: Staffan Darnolf.

¹⁰ IDEA. 2017. *The Global State of Democracy: Exploring Democracy's Resilience*.



“The International Institute for Democracy and Electoral Assistance (IDEA) launched a new dataset called the [Global State of Democracy Indices](#), which still shows that democracy in terms of numbers is growing. Electoral democracy is still growing. But it is the quality of democracy that is challenging...We would like to see democracy deliver on issues of security, protecting our human rights, and we would like to see democracy deliver on development.”

Ms Keboitse Machangana, Director of Global Programme, IDEA

Between 2000 and 2010, of the 13 African presidents who attempted to stay in power beyond their constitutional limits, 10 succeeded (Omotola, 2011 in IDEA, 2017: 85). In 2016, the International Crisis Group reported that the executive leader of Burundi, President Pierre Nkurunziza, “defied international pressure and violently stamped out national opposition to extend his stay in power for a third term” (ICG 2016 quoted by IDEA, 2017: 70). In Rwanda, parliament failed to block President Kagame’s bid to stay in power after his 2nd term ended in 2017. In the Democratic Republic of the Congo, former President Kabila’s extended term was followed by a disputed election in 2018. The Congolese National Independent Electoral Commission (CENI) delayed announcement of the results, giving enough time for Joseph Kabila to prop Felix Tshisekedi through a backdoor coalition deal. Surprisingly, this deal took place with little or no objection from the international community. The V-Dem Institute identifies Tanzania as one of the top 10 most-at-risk countries threatened by autocratization¹¹. Regional institutions are failing to promote democracy and have not always challenged leaders who remain in power long after their constitutional mandate or those that undermine democratic institutions.

Figure 5: Perceived quality of elections | 34 countries | 2016/2018



Respondents were asked: On the whole, how would you rate the freeness and fairness of the last national election, held in [20XX]?

Source: Bratton, M. and Bhoojedor, S. (2019)

Between 2016 and 2018, Afrobarometer found that 2 in 5 Africans felt the last election in their country was completely free and fair. 13% see elections as free and fair with major problems, whilst 21% see elections as free and fair with minor problems. 15% of respondents did not think the elections were

¹¹ The V-Dem Institute. 2019. Democracy facing global challenges: V-Dem Annual Democracy Report 2019.

free and fair¹². On average, most Africans support democracy but cross-national differences are evident. In 2016, Afrobarometer compared the demand for democracy in Mauritius and Mozambique. In the former, one in four respondents were described as “consistent, committed, democrats”, while less than one in ten Mozambicans expressed the same demand for democracy¹³.

The rise in extremism has put states under increasing pressure to invest in security whilst neglecting service delivery, which has impacted citizen trust in democracy. In response, citizen protests have been met with increasing state repression, which impedes the full expression of fundamental freedoms including association, speech and assembly. Additionally, the majority population, which consists of youth, are represented by elderly leaders who have lost touch with their day-to-day struggles, hopes and aspirations. This exclusion of youth from political representation is considered one of the drivers for youth engagement in violence.



“From Cameroun, to Gabon, to Chad, and Equatorial Guinea, we have seen the entrenchment of autocracies and we have also seen what has been described as gerontocracy, which is government by elderly people who have used democracy or democratic processes through the tinkering of constitutions, to stay in power.”

Mr James Wanki, Senior Specialist, UN and World Bank, Central African Republic

Key opportunities for women’s participation and representation in political office have been celebrated, albeit a long road ahead in feminizing political spaces. For example, since May 2019, South Africa has had 50/50 gender parity amongst cabinet ministers. Afrobarometer also notes that South Africa ranks 19 out of 149 countries in the Global Gender Gap Index, which assesses women’s economic participation, educational attainment, health and survival, and political empowerment¹⁴. These facts are contradicted, however, by high levels of gender-based violence.

In Rwanda, the Constitution (2003 revised in 2015) allows for a minimum 30% quota for women in all decision-making organs. A suite of policies seek to support gender equality including Rwanda Vision 2020, the National Gender Policy (2010), Girls Education Policy (2008), National Policy Against Gender Based Violence, and the Health Sector Policy (2015) amongst others. Two-thirds of Rwanda’s lower house in parliament are women. Notably, Rwanda’s quota system applies to political parties. Despite these advancements, women in Rwanda’s decision-making positions have reported the persistence of patriarchy in personal and professional spaces.

¹² Bratton, M. and Bhoojdhur, S. 2019. “Africans want open elections, especially if they bring about change” *Afrobarometer Policy Paper No.58*.

¹³ Mattes, R. and Bratton, M. 2016. “Do Africans still want democracy?” *Afrobarometer Policy Paper No.36*

¹⁴ Drying, D. 2019. “Despite progressive laws, barriers to full gender equality persist in South Africa” *Afrobarometer Dispatch No. 324*.

The Strengths and Weaknesses of Southern Africa's Governance

ABOUT THE PANEL

Chair: Prof Brian Raftopolous (University of the Western Cape)

Speakers: Dr Jonathan Mayuyuka Kaunda (Chief Governance Expert, African Peer Review Mechanism Secretariat); Mr Deprose Muchena (Regional Director, Amnesty International); Prof Trevor Manuel (Former South African Finance Minister).



“Out of the 55 countries in the African Union, 38 have acceded to the African Peer Review Mechanism. Botswana in SADC, was the latest to accede in February 2019. Out of the 38, 22 have done the self-assessments and 5 are going into the second-generation assessment...We have noticed that countries do not normally implement their national plan of action.”

Dr Jonathan Mayuyuka Kaunda

Chief Governance Expert, African Peer Review Mechanism Secretariat

Democracy and governance are two sides to the same coin and cannot exist independently. International institutions with a mandate to enforce accountability are under threat. In 2006, an Afrobarometer survey in 18 countries, revealed that 2/3 of respondents supported parliamentary sovereignty in developing laws¹⁵. Despite this trend, the authors argue that African countries demonstrate characteristics of “delegative democracies” and a critical step is for citizens to “claim” the democratic space.

In the 3rd African Governance Report, the United Nations Economic Commission for Africa (UNECA)¹⁶ asserts that:

“Although performances differ, the challenge for African countries is to raise governance outcomes so that the democratic project has tangible meaning in the lives of their citizens.”

¹⁵ Bratton, M. and Logan, C. 2006. “Voters but not yet citizens: The weak demand for political accountability in Africa’s unclaimed democracies,” *Afrobarometer Working Paper 63*.

¹⁶ UNECA. 2013. African Governance Report III.

The African Peer Review Mechanism (APRM): Quick Facts

- Established in 2003 as a specialized agency of the African Union in the framework for the implementation of the New Economic Partnership for Africa’s Development (NEPAD).
- A tool for sharing experiences, reinforcing best practices, identifying deficiencies, and assessing capacity-building needs to foster policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration.
- 38 member states: To view their review process click [here](#).



In 2003, the African Peer Review Mechanism (APRM) was established “to facilitate voluntary, non-adversarial peer-reviews, which would lead to improvements in governance”¹⁷. The substantive multi-stakeholder review process brought together civil society, government and the private sector to deepen transparency and accountability. The output, a comprehensive national review of the political and socioeconomic context, received a list of recommendations for action from participating heads of state. The implementation of these recommendations was poorly monitored and evaluated. Although country reviews are meant to take place every 3-5 years, very few have carried out a 2nd review process. Despite waning confidence, the appointment of new leadership to the APRM reignited enthusiasm amongst member states and encouraged others to join. At present, 38 member countries are members of the APRM, which has also been incorporated in the African Union as a specialised agency.

Highly controversial elections were held in Mozambique (2019), Malawi (2019), Zimbabwe (2018) and the Democratic Republic of the Congo (2018), all of which are Southern African Development Community (SADC) member states. Although SADC elections are organized according to national laws, electoral management bodies are all members of the Electoral Commissions Forum (ECF). The ECF has norms and procedures, which have not been harmonised with member states’ national legislation¹⁸. It is important to note that ECF does not have any relationship with SADC. It was formed as an autonomous organisation, whose recommendations are not binding on SADC and its organs. Since 2004, SADC has deployed election observer missions to ensure the implementation of SADC principles¹⁹.

“SADC member states face not only the challenge of domesticating the election guidelines into enforceable national laws, but they are yet to show determination and commitment to implement recommendations of election observer missions (including the SADC observer mission) through electoral reforms aimed at political stability and entrenching democratic governance, both of which are a necessary pre-condition for development and poverty eradication.”

Matlosa and Lotshwao (2010)

Regional institutions such as the SADC and the African Peer Review Mechanism (APRM) have not been able to enforce democratic principles amongst executive leaders and institutions. It is imperative for the APRM to be fully supported by member states to institutionalize enforceable penalties when countries fail to protect and promote democratic values. The result is that the poorest and most marginalized groups remain excluded from key decision-making processes. Citizen engagement is needed to “reclaim” these institutions to represent their interests.

¹⁷ [Turianskyi, S. 2019. “African peer review: progress is being made, but there are problems” first published by The Conversation.](#)

¹⁸ Kabemba, C. 2003. “SADC Elections: Serious Hindrances to Free and Fair Elections Remain” *SA Yearbook of International Affairs*, 2002/03.

¹⁹ Matlosa, K. and Lotshwao, K. 2010. *Political Integration and Democratisation in Southern Africa: Progress, Problems and Prospects*. Johannesburg: Electoral Institute for the Sustainability of Democracy in Africa (EISA).



“There is a gap between the visions that come easily, and the action which needs to follow.”

Prof Trevor Manuel, Former South African Finance Minister

Similarly, decolonization of state institutions is critical to promote genuine democratic transformation for inclusive governance. Democracy without democrats compromises the effectiveness of these institutions, many of which have been captured by competing political and economic interests. These phenomena are partly explained by the gaps between vision and reality; and gaps between constitutional requirements on the behaviour of individuals and institutions, and what actually happens. Institutions without ethical and visionary leaders are mere shells, incapable of implementing sustainable democratic transformation.

Elections and Institutions: Key Players and Outcomes

ABOUT THE PANEL

Chair: Dr Marianne Camerer (The Nelson Mandela School of Public Governance)

Speakers: Mr Hopewell Chin'ono (Regional Journalist and Political Commentator); Ms Alison Tilley (Coordinator, The Judges Matter Campaign); Mr Matthias Kronke (Political Parties Project, Institute for Democracy, Citizenship and Public Policy in Africa); Dr Sishuwa Sishuwa (Institute for Democracy, Citizenship and Public Policy in Africa).

“Elections are considered acceptable, if the losers recognize the results as an accurate reflection of what took place...It is fairly difficult for opposition parties to mobilize and organize in between elections.”

Dr Sishuwa Sishuwa, Institute for Democracy, Citizenship and Public Policy in Africa

The role and relevance of elections in promoting and protecting democracy has come into question in Central and Southern Africa. As one of the participants in the conference pointed out, “people are tired of exercises of counting votes that don’t count”. The legitimacy of electoral outcomes and the role of institutions in protecting the integrity of the electoral process continues to plague the minds of leaders and citizens alike. In principle, elections are the motor of democratisation, underpinned by a country’s culture of civil liberties. This and the broader political culture within states has been compromised by the militarisation of political spaces and the threat of violence. Additionally, electoral management bodies lack independence and transparency and the international/regional actors who act as election observers have been criticized for legitimizing flawed elections in the name of stability.

These challenges present an uneven playing field for opposition parties, which in many states are fragmented, under-resourced, and often revolve around one prominent personality rather than a programme or an ideology. Darnolf (1997: 12) elaborates that where ruling parties do not ascribe to democratic rules, the following may take place to the detriment of opposition parties:

1. Government can create laws favouring the ruling party.
2. Government can make use of state resources to improve the finances of the ruling party.
3. Government can unofficially use its power to place pressure on significant actors including state media; which results in either positive special treatment for the ruling party or worsen the opposition’s appearance in state media.

Ruling parties also occupy a privileged position in functioning democracies. In times of economic crisis, it is even more difficult for opposition movements in emerging democracies to access possible funding from business, individuals and institutions. It is imperative for party competition to be examined when determining the credibility of elections²⁰. Experts contend that opposition parties do not do enough to prepare for elections by selecting the best candidates to run, rallying around a single candidate to pool their electorates, mobilizing voters, and monitoring vote counting at poll stations.

²⁰ Barker (1971); Dahl (1966); Sartori (1971) in Darnolf, S. 1997. *Democratic Electioneering in Southern Africa*.

“The difficulty that we have across the continent is that there are a number of issues plaguing the judiciary.

Many of these are common across jurisdictions. There are international standards, which judiciaries must uphold, one of which is the Bangalore Principles of Judicial Conduct...the implementation of all rights, including the right to vote, ultimately depends on the administration of justice.”

Ms Alison Tilley, Coordinator of the Judges Matter Campaign

[The Bangalore Principles of Judicial Conduct](#) stipulate the critical role of a strong and independent judiciary in maintaining electoral standards that adhere to international principles. The Bangalore Principles also place the primary responsibility for promoting and maintaining high standards of judicial conduct on the judiciary itself and presuppose that judges are accountable for their conduct to appropriate institutions established to maintain judicial standards. [The Lilongwe Principles and Guidelines](#), adopted in 2018, outline the selection and appointment of judicial officers.

The courts provide democratic controls, which ensure that all citizens are treated equally. Judicial independence is important for democratic consolidation and cannot exist outside of a progressive legislative framework²¹. Elections that take place in a context with constitutional and legal problems set a shaky precedence for the pre-voting, voting and post-voting periods (Kabemba, 2003). Consistent challenges which impede judicial processes include executive interference, access to case law and judgements, as well as weak systems for holding the judiciary to account.

“The requirement that courts and other tribunals be effective, independent and impartial is an absolute right that is not subject to any exception.”²²

In the last 20 years, the region heard calls for constitutional reform in Zambia and Zimbabwe. The hope was that progressive constitutions would strengthen the countries’ democratic foundations (Kabemba, 2003). The judiciary, however, has unevenly enforced the rule-of-law. In 2016, Justice Priscilla Chigumba overturned police bans on protests in Harare. Despite pressure from the executive, she found the police order violated citizens’ rights. In other instances, high court judges have dismissed legal challenges opposing police orders to ban protests. In 2018 and 2019, the nation shook when the military and unidentified officers used excessive force against protesters.

The Patriotic Front-led government in Zambia announced amendments to the Constitution in 2019. The changes, which threaten judicial impartiality, are criticized for their infringement on individual and collective rights. The proposed amendments to move decision-making power related to judges’ dismissals from the Judicial Complaints Commission to a tribunal appointed by the President do not comply with international standards. This makes judges vulnerable to removal on political grounds. The Law Association of Zambia has been instrumental in challenging the amendments²³.

²¹ [Ramjathan-Keogh, K. The importance of promoting judicial independence in the Southern African Region. Goal 16 of the Sustainable Development Goals.](#)

²² Human Rights Committee “General Comment No. 32, article 14: Right to equality before courts and tribunals and to a fair trial” UN Doc. CCPR/C/GC/32 (2007), para. 19. Quoted by Ramjathan-Keogh, K.

²³ [Rickard, C. 2019. “Planned Changes to Zambia’s Constitution ‘Infringe on Judicial Independence” Africa LII. Cape Town: University of Cape Town.](#)

A broader look at the independence of the judiciary in practice across Central and Southern Africa is quite alarming. Using Global Integrity’s 2019 data²⁴, out of 18 countries in this region, 6 score less than 50 points out of 100. These are Angola (25), Burundi (0), Cameroon (25), DRC (0), Lesotho (25), and Mozambique (25). Countries that score 0 have judges with little autonomy to interpret and review laws and policies; and are regularly subjected to positive and negative incentives for making certain decisions. 6 countries score 50 points. These are the Central African Republic, Rwanda, Tanzania, Uganda, Zambia and Zimbabwe. Countries that score 50 have judges whose autonomy is occasionally restricted; and they are also occasionally subjected to negative or positive political incentives for making certain decisions. Countries that score 100 have judges with autonomy to interpret and review laws and policies without fear or favour and with independence from other branches of government. Only Mauritius, Namibia and South Africa score 100.

“The challenge we have in Central and Southern Africa, is that media are not well funded. When the media is captured, voters have limited access to quality reporting.”

Mr Hopewell Chin’ono, Regional Journalist and Political Commentator

Central Africa’s media actors have struggled to promote independent reporting amidst several challenges including lack of funding, oppressive press laws which limit their ability to work, and persecution. Similar challenges were reported in Southern Africa by regional journalist, Mr Hopewell Chin’ono. In Southern Africa, the Media Institute of Southern Africa (MISA) reported that although attacks against journalists have declined, the brutality of these attacks has worsened²⁵.

In Cameroon, the Central African Republic, and Congo-Brazzaville, journalists have used social media to expose bad governance, human rights violations, and this digital platform has been instrumental in mobilizing citizens to push for leadership transitions²⁶. Citizens have also been empowered through movements such as “I vote, I stay” in Congo-Brazzaville, to monitor vote counting and polling stations with their mobile phones.

²⁴ [Global Integrity. 2019. Africa Integrity Indicators.](#)

²⁵ [Ponono, M. 2017. “So this is democracy? A report on media freedom in Southern Africa” *The Journalist: Context Matters*.](#)

²⁶ [Smith, E. 2016. “In central Africa, citizens are using social media to build democracy. Here’s how” *Washington Post*.](#)

The Role of Civil Society in Democratic Governance: Potential for Collaboration and the Challenges

ABOUT THE PANEL

Chair: Mr Sebastien Brack (Head of Programme-Democracy and Elections, The Kofi Annan Foundation).

Speakers: Mr Fred Bauma (The Struggle for Change, LUCHA); Mr Brian Kagoro (Civil Society and Governance Specialist); Mr Mark Heywood (Former Executive Director, Section27); Mr Mory Conde (Directeur Exécutif, AGIL-Guinea); Ms Bonolo Makgale (Programme Coordinator, Centre for Human Rights).



“Governmentality, the crowding out of organic social movements by experts, over-legalization and geo-politicization of the civil society sector have put limitations on its democratic role... Civil society has been complicit in the silencing of the social classes that are most affected by the current neoliberal thrust of development and complicit in the manufacture of structural violence by the market and the state. This has led to a disconnect between popular struggle and civil society,”

Mr Brian Kagoro, Civil Society and Governance Specialist

There is no doubt civil society plays an important role in promoting democratic governance within and across countries in Central and Southern Africa. However, who are we describing when we refer to civil society? Whose interests do they represent and how effective is civil society in protecting and upholding democratic principles? The civil society space is diverse in scope, representation and impact. Competition between civil society actors and the legitimacy of social movements in the era of eloquent technocrats has compromised the acknowledgment of structural causes related to intractable challenges at local, national and regional levels. Moreover, civil society leaders have built their own kingdoms, neglecting intergenerational leadership development and reinforcing “civil-society-aucracy”. The establishment of civil society organizations around their founders’ networks and interests has meant that the key objectives are personalized. Funder priorities dominate strategy making as opposed to more participatory approaches that include communities in defining their own priorities.

Although civil society gained its prominence riding the 3rd wave of democratisation, democratic political culture has not necessarily permeated these institutions²⁷. Amongst them, labour unions have struggled to play the important role of providing citizens the platforms to present their views on issues of concern (Darnolf, 1997: 21). Civil society was seen as an alternative to the strong state, mandated with promoting good governance. An important critique of civil society has been its Eurocentric tendency to limit the broader scope of its institutional arena. Mamdani (1996: 19) in Obadare and Willems (2014)

²⁷ Obadare, E and Willems, W. (eds) 2014. *Civic Agency in Africa: Arts of Resistance in the 21st Century*. Suffolk: Boydell and Brewer Inc.

advocates for a more nuanced “analysis of existing civil society to understand it in its actual formation, rather than a promised agenda for change.”



“Politics and political parties are deeply corrupted and incapable of transformative change. They have to be complemented, guided and held accountable by independent civil society actors.... Civil society is becoming the first victim in the democratic recession.”

Mr Mark Heywood, Former Executive Director, Section27

Indeed, across the region, analysts concur that civil society is not independent, but caught in a complex, undermining relationship with markets and the state. Despite these weaknesses and threats, civil society still needs to hold governments, business and other actors across the globe accountable. It is also critical to note the heterogeneity of civil society in analysing its role moving forward. Civil society as a whole is under threat as democratic principles are continuously undermined in the region. Inter-country civil society alliances have the potential to support work at the grassroots levels. Institutions such as the Pan-African Parliament create opportunities for civil society to effectively engage with continental issues ranging from accountability to combatting corruption.

Youth Inclusion and Participation in Democratic Processes

ABOUT THE PANEL

Chair: Mr Axolile Notywala (Social Justice Coalition).

Speakers: Mr Samson Itodo (YIAGA, #NotTooYoungToRun); Ms Rosewita Katsande (Director, YETT); Ms Lindiwe Hani (Digify Africa).



“The role of traditional politics has lost its place in today’s culture. Young people are talked at and their complaints fall on deaf ears. Young people are not apathetic, they are angry.”

Ms Lindiwe Hani, Digify Africa

Although the median age in Southern Africa is 25 years old, and only 17 years old in Central Africa, youth are not proportionally represented in democratic processes, including elections. Multiple barriers affect young people’s political participation and opportunities to influence decision-making.

Africa has the highest youth unemployment, with the majority living in poverty. According to the International Labour Organisation (ILO), over 70% of Africa’s working youth live in poverty²⁸. Youth feel disenfranchised and excluded, which has led to voter apathy²⁹. For example, low voter turnout has been noted in Zambia and Botswana’s national elections. Youth are also less likely to demonstrate “no partisanship or an attachment to opposition parties rather than any affinity to incumbent groups.” Exclusion from “pathways to social mobility and engagement in political processes” is often a driver for youth engagement in violence, especially in countries ruled by autocratic regimes (reference to Goldstone, 2001; Lia, 2005 in Resnick and Casale, 2011). In the region, Malawi is a case in point. Resnick and Casale (2011: 4) observe:

“Through youth leagues and other associations, incumbents traditionally have formed strong attachments with the youth and even encouraged them to engage in political violence. For instance, Hastings Banda transformed the Young Pioneers, who were the youth wing of the Malawi Congress Party (MCP), into a paramilitary group that terrorized pro-democracy activists. Two decades later, they were replaced with the Young Democrats, who were attached to President Bingu wa Mutharika’s Democratic Progressive Party (DPP).”

²⁸ [International Labour Organisation. 2016. Youth unemployment challenge worsening in Africa.](#)

²⁹ Resnick, D and Casale, O. 2011. *The Political Participation of Africa’s Youth: Turnout, Partisanship, and Protest*. United Nations University Working Paper No. 2011/56.

Ahead of the May 2019 elections, the [United Nations High Commissioner for Human Rights](#) released a statement of concern at rising levels of political violence and violence against women in Malawi. Member of Parliament, Bon Kalindo, was arrested for insulting the president. Upon his release, he was violently assaulted by suspected Democratic Progressive Party (DPP) members. Several other cases of violence against opposition members and supporters were reported.

Article 10.1 of the African Youth Charter³⁰ (2006) states:

“Every young person shall have the right to social, economic, political and cultural development with due regard to their freedom and identity and in equal enjoyment of the common heritage of mankind.”

38 out of 54 states have ratified the African Youth Charter. Youth have an important role in lobbying their governments to ratify and domesticate the Youth Charter. Regional institutions including the Common Market for East and Southern Africa (COMESA) acknowledge shrinking employment opportunities for a bulging youth population. In 2018, COMESA’s Council of Ministers adopted the Youth Internship and Volunteer Programme developed by the Gender and Social Affairs Division of COMESA and the United Nations Volunteers (UNV) programme³¹. The regional body also released the Guidelines on the Conduct of Elections Observer Missions, which do not mention youth or refer to youth participation in electoral processes. A revision of these guidelines is required for the conduct of elections to include youth, and for best practices for youth participation in elections to be adopted. Instead of a holistic approach to youth participation, that encompasses political and socioeconomic indicators of engagement; political parties, governments and independent electoral commissions are criticized for only focusing on electoral cycles. Women and rural-based youth remain on the margins of political and socioeconomic engagement.



“Over the last couple of years, democratic participation for a lot of young people in Africa, has been limited to the side-lines of co-decision making or public governance. What this means is that young people are on the corridors of power, but are not in the centres of power.... Young people have been seen as beneficiaries and victims, and not necessarily as key stakeholders.”

Mr Samson Itodo, Co-Founder and Director of YIAGA Africa

Initiatives such as #NotTooYoungToRun, led by [YIAGA Africa](#) in Nigeria, have paved the way for youth to contest elections, whilst benefitting from intergenerational engagement and the #ReadyToRun activities, which emphasize transformative leadership. The Not Too Young to Run Act, which came into force in 2018, reduced age restrictions for younger candidates to vie for public office, with key provisions for independent candidates. One critique of the Act is that youth seeking to contest an election need funding, which remains in the hands of the “godfathers” of politics. The hustle for daily subsistence limits youth’s ability to participate fully in political life.

³⁰ [The African Youth Charter](#).

³¹ [COMESA Council adopts Youth Internship and Volunteer Programme developed in collaboration with UNV](#)

Key questions emerge for further discussion:

- How can young people reclaim the state to promote public good?
- How can young people build economic and political power? Could the private sector play an important role in shifting the current power balance in favour of a more inclusive political and economic model?
- Should youth look at incremental approaches to change or pursue more radical structural transformation?
- Representation in parliamentary systems is critical – how are youth (rural or urban-based, women) included in democratic processes?
- When will the push factors influencing youth migration be addressed?

Elections and Democracy in the Digital Age

ABOUT THE PANEL

Chair: Prof Alison Gillwald (Expert, Digital Governance in Africa).

Speakers: Ms Hlengiwe Dube (Project Coordinator, Centre for Human Rights); Mr Elie Chansa (Media Activist, Tanzania); Commissioner Mosotho Moepya (Independent Electoral Commission of South Africa).



“Protests have been made possible by social networking mobilization of people. This is one of the positive sides of social networking. We know going back to the Arab Spring, that the connectivity of Northern Arab states helped them to get messages out to the rest of the world and to mobilize against highly oppressive regimes in North Africa...Sophisticated government surveillance has used social networks to clamp down and place many activists in prison.”

Prof Alison Gillwald, Expert, Digital Governance in Africa

From the Arab Spring to the exposure of Cambridge Analytica’s interference in the Kenyan and South African elections, there is no doubt about the role of the internet and digital social networks in enabling or hindering democratic processes. [UN Resolution \(A/HRC/38/L.10/Rev.1\)](#) on “The Promotion, Protection and Enjoyment of Human Rights on the Internet” acknowledges that access to the internet is an enabler for how people exercise their human rights. Amongst other key considerations, the Resolution emphasizes the need to ensure safety of journalists and the right to privacy in the digital age. [The African \[Banjul\] Charter on Human and Peoples' Rights](#), adopted in June 1981, by the Organisation of African Unity, underscores every individuals’ rights to receive information; as well as to express and disseminate his/her opinions within the law. Building on this, [The African Commission on Human and People’s Rights](#) developed a normative framework, legal instruments, and a modal law, which provide state parties with detailed guidance for implementation. The right to privacy cannot be discussed without considering access to information and freedom of expression.

[Article 19](#), a global internet rights NGO, points out that “Only 47% of the world’s population is connected to the Internet, with those not connected disproportionately poor, rural, older and female. This limits disconnected populations’ enjoyment of all human rights, not only freedom of expression, but across the spectrum of civil, political, social, cultural and economic rights.” Despite the 4th Industrial Revolution, the average penetration internet penetration rate on the continent means less than 15% of the population are able to participate on line. In South Africa, 50% of the population have access to the internet. Of note, the highest gender gap in internet penetration is in Africa. Where people have

access, state institutions including in Cameroon, Uganda, Zimbabwe and other African countries, have shut down access to tighten political and social control.



“Electoral management bodies may be in a position to disclose information and share it online via social media or their website, but if people do not have access to the internet, they will not be able to access information. Access to information is a facilitative right that enables people to participate actively in elections.”

Ms Hlengiwe Dube, Project Coordinator, Centre for Human Rights

The issue of identity and data protection has taken centre stage with allegations that biometric electoral registration systems are being set up in exchange for citizens’ data without their knowledge. Increased digitization demands appropriate regulatory and data frameworks. There is an urgent need to rebuild public trust in institutions mandated with protecting human rights and the integrity of electoral processes. Electoral Management Bodies (EMBs) have a responsibility to maintain transparency about data privacy, especially when data is now a valuable commodity. Globally, 107 countries have adopted legislation that protects data and privacy. [The United Nations Conference on Trade and Development](#) notes that 23 of these countries are in Africa. Only 7 African countries have draft legislation for data protection and privacy, whilst 12 have no legislation.

Electoral Management Bodies also have a responsibility to ensure timely access to election results. Delays in the past, contributed to growing tensions and uncertainty with violent consequences in Kenya (2007) and Zimbabwe (2008). Digitization has made monitoring of elections the prerogative of every citizen. Armed with a smart phone, anyone can monitor voting at poll stations and hold EMBs accountable. The case study of South Africa’s Independent Electoral Commission demonstrates how EMBs can engage with voters and make information including the voters roll accessible. The added benefit of migrating to an online system has seen significant cost reduction in running contact centres.



“Today, every citizen with a smart phone is an observer, party agent in monitoring elections. This enables greater transparency, inclusivity, and timely processing of data, which helps to make elections credible.”

Commissioner Mosotho Moepya, Independent Electoral Commission of South Africa

In response to these issues, [The Kofi Annan Foundation’s Commission on Elections and Democracy in the Digital Age](#) was created in January 2019 to examine and review the opportunities and challenges for electoral integrity created by technological innovations. The Commission includes members from

civil society and government, the technology sector, academia and media. The Commission is assisted by a small secretariat at Stanford University and the Kofi Annan Foundation, and conducts extensive consultations with the aim to issue recommendations as to how new technologies, social media platforms and communication tools can be harnessed to engage, empower and educate voters, and to strengthen the integrity of elections.

Conclusion

The end of the Cold War enabled transitions to multi-party democracies across the region, characterised by periodic elections. Although elections have continued to be held at regular intervals, the region has slid back in terms of democratic freedoms and the electoral playing field has, in many cases, become so skewed that the same parties have been in power for decades.

Only a multi-stakeholder approach, involving all spectra of society, can progressively transform the political culture in key arms of government (executive, judiciary, parliaments), institutions that hold the line of accountability and transparency (electoral management bodies, civil society organizations) and amongst citizens at large. The gaps between constitutions, legal frameworks and their application must be harmonized to reflect democratic values and principles.

The work of promoting youth participation and engagement in political and socioeconomic activities is pivotal in cultivating active citizenry amongst youth in the region. Intergenerational dialogues are a priority of both The Kofi Annan Foundation and The Nelson Mandela School of Public Governance. Gender equality, especially the inclusion of marginalized women, is a priority. Protecting the rights and dignity of women and children against violent acts is part of the democratic project. The adoption of quotas in decision-making bodies, including parliaments and cabinet, is a positive step in the region.

In an era where stability has been prioritized over legitimate democratic outcomes, a tougher stance must be adopted to deal with executive leaders who act unconstitutionally. Regional institutions, including SADC, remain a focal point for accountability. Together with citizen-led action, they will be instrumental in holding leaders accountable. The personalization of public institutions is a corrupt act, which hampers the full expression of citizens' rights and responsibilities in relation to the state.

Concrete steps must be taken at national, regional and continental levels to address state capture and corruption in Central and Southern Africa. Additionally, the manipulation of legal instruments to legitimize undemocratic actions must be addressed. National policies and frameworks should reflect regional and continental standards/measures.

Every journey starts with one step. The Kofi Annan Foundation and The Nelson Mandela School of Public Governance commit to continue this journey towards greater inclusion and participation in democratic governance. Democracy is more than elections or electoral cycles; true democracies empower their citizens and work to address developmental challenges that oppose fundamental freedoms.

"Since my release, I have become more convinced than ever that the real makers of history are the ordinary men and women of our country; their participation in every decision about the future is the only guarantee of true democracy and freedom."

Nelson Mandela

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26. [The African Youth Charter.](#)
27. [COMESA Council adopts Youth Internship and Volunteer Programme developed in collaboration with UNV](#)

Appendix – Supporting Documents and Links

1. [Programme: Democracy in Central and Southern Africa Conference](#)
2. [Keynote speech delivered by Mrs Graça Machel at the Democracy in Central and Southern Africa Conference](#)
3. Photo Gallery
4. News Release: "[Examining the State of Democracy in Central and Southern Africa](#)"
5. Conference Video Recordings: [Democracy in Central and Southern Africa: The Road Ahead: Live Stream Day 1](#)
6. [Op-Ed by Mr Alan Doss \(President, The Kofi Annan Foundation and Prof Faizel Ismail, The Nelson Mandela School of Public Governance\)-first published in the Daily Maverick.](#)
7. The Kofi Annan Foundation
8. The Nelson Mandela School of Public Governance

Photo Gallery



Mrs Graça Machel delivers the keynote addressing during the Democracy in Central and Southern Africa Conference on 4 September 2019.



Prof Faizel Ismail, Director of The Nelson Mandela School of Public Governance welcomes delegates to the University of Cape Town.



Mr Alan Doss, President of the Kofi Annan Foundation, outlines conference objectives and sets the context for discussions.



Panel 1 – Under the Lens: Democracy in a Changing World



Panel 2 –The Strengths and Weaknesses of Southern Africa’s Governance



Panel 3 – Elections and Institutions: Key Players and Outcomes



Panel 4 – The Role of Civil Society in Democratic Governance: Potential for Collaboration and the Challenges



Panel 5 – Youth Inclusion and Participation in Democratic Processes



Panel 6 – Elections and Democracy in the Digital Age

Photo Credit: Michael Hammond

The Kofi Annan Foundation

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For more information about ongoing projects visit:

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