

Africa Democracy Forum

Building Democracy for Peace, Development, and Human Rights in Africa

www.africademocracyforum.org

Contact: newsletter@africademocracyforum.org

The Africa Democracy Forum (ADF), launched in Abuja, Nigeria, in October 2000, is an African regional network of democracy, human rights, and governance organizations. Over 160 organizations and individuals working on democracy issues in Africa currently participate in the ADF activities. ADF provides opportunities for democrats to speak with one voice as well as a platform for mutual support and the sharing of resources.

ADF Management Committee:

The ADF is led by a Management Committee elected by ADF members. The role and responsibilities of the Management Committee include: to prioritize ADF activities; to oversee the work of the ADF Secretariat and the ADF coordinator; to provide the Secretariat and the coordinator guidance as necessary; and to assist in fundraising for ADF activities. The current Committee members are:

- Leopoldo Amado - Guinea-Bissau
- Carine Kabasele Bapita - Democratic Republic of Congo
- Lucie Coulibaly - Cote d'Ivoire
- Margaret Dongo - Zimbabwe
- Ayesha Imam (Chairperson) - Nigeria
- Durria Mansour Al Hussein - Sudan
- Ernest Mparo - Democratic Republic of Congo (Norway-based)
- Khabele Matlosa - Lesotho
- Ayo Obe - Nigeria
- Thierno Sow - Guinea
- Wanjala Yona - Uganda
- Dieudonne Zognong - Cameroon

Message from the ADF Secretariat

Last year saw some fundamental changes within the structural functioning of the Africa Democracy Forum (ADF), the most profound of which was the establishment of an ADF secretariat at the offices of the

Kenya Human Rights Commission (KHRC) in Nairobi, and the appointment of a Coordinator.

The ADF is embarking on the challenging road towards greater visibility and activeness with the roll out of this inaugural e-newsletter. I trust that from this humble beginning, this newsletter will develop into a platform for intellectual discourse and leadership on human rights, democracy, governance and other related issues in Africa.

This first newsletter starts off with two contributions. Dr Khabele Matlosa discusses the South African Development Council (SADC) principles and guidelines on elections and the challenges to their implementation in forthcoming elections in the region. Yona Wanjala then presents a panorama of challenges to governance in Africa while at the same time indicating possible solutions.

This newsletter marks the beginning of a work in progress. I wish to beg the indulgence of our Francophone brothers and sisters; it is our hope that subsequent issues will be translated into French to reflect the true diversity of ADF.

We hope that articles on the newsletter could begin discussions online among members, and we look forward to receiving your comments on the articles.

If you wish to make contributions (articles, profiles of your organizations, announcements/reports of your activities, etc.), please send them to newsletter@africademocracyforum.org.

Sincerely
Anthony Kuria
Coordinator, ADF Secretariat

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ARTICLE #1: SADC Principles and Guidelines Governing Democratic Elections: What is New?

By Dr. Khabele Matlosa, Research Director, Electoral Institute of Southern Africa (EISA) – South Africa

Introduction

Multiparty elections serve a variety of functions, the two most important of which are the enhancement of political participation in the governance process for citizens and the legitimate formation of a parliament that is truly representative of the key political stakeholders in a given country. It is worth noting that all the SADC countries but three, (namely Angola, the Democratic Republic of the Congo and Swaziland) boast of these two qualities and principles of a working democracy.

The embrace of a participatory mode of governance and a fairly representative government reflect a relatively new political culture for most SADC member states (save for Botswana and Mauritius to a large measure) as they have only been part of the democratic transition since the early 1990s. At the very heart of this new political culture, that has jettisoned authoritarian modes of governance in the region, has been the holding of regular multiparty elections.

Be that as it may, it is one thing to conduct multi-party elections almost every five years; it is quite another to ensure that the electoral process is satisfactory to all the political contestants. This is the reason why in the last decade, an enormous amount of energy and time has been invested in designing and developing some set of norms, standards, guidelines and/or principles for the effective management of

elections that in turn add more value to democratic governance in the region.

It is against this backdrop, then, that we are able to fathom the significance (and possible impact) of the newly adopted SADC Principles and Guidelines Governing Democratic Elections. This short analysis is a modest attempt to provide a contextual background to this SADC initiative in a context where other similar initiatives already exist. This article attempts to answer two basic questions:

- (a) What are the contextual and explanatory factors behind the SADC Principles and Guidelines?
- (b) Do these Principles and Guidelines present any new ideas for best election practices in SADC?

The Context

The 1990s ushered a ‘revolutionary’ political condition in the SADC region. This situation manifested itself in several ways. First, mono-party and military authoritarianism were jettisoned in favour of multiparty governance. Second, the commitment to multiparty democratic governance was translated into the political practice and culture of regular multiparty elections. Nevertheless, it is now cliché to observe that elections, in and of themselves, do not amount to democracy. Yet, democracy cannot exist without regular multiparty elections. Conversely, a country can hold regular elections and yet fall far short of democratic credentials.

One of the major challenges confronting the democracy project in SADC since the 1990s has been sporadic and/or protracted violent conflicts and their resultant political instability. These conflicts and instability have tended to escalate during and around elections in many countries. Let us accept, right from the onset that elections are a high-stake contestation with a likelihood of conflict. The challenge is therefore not so much to wish away conflict or bemoan its occurrence, but rather to devise institutionalised mechanisms for its constructive management. In short, election-related conflict and disputes are a reality of politics. The challenge for the democracy project in SADC is to anticipate these conflicts and put in place effective institutional mechanisms for constructively managing them. It is against this

backdrop, then, that we are able to understand and indeed appreciate the essence and significance of various initiatives aimed at putting in place some guidelines and principles for the management of elections.

Explanatory Factors behind the SADC Principles

The democracy and governance declaration of the New Partnership for Africa's Development (NEPAD) and its twin-initiative-the African Peer Review Mechanism (APRM) are examples of continental and regional inter-state supranational institutions seized with noble endeavours towards some common measurement of performance by state-parties in regard to democracy and, in particular, elections. The idea behind these initiatives is to strive towards nurturing and consolidation of the continent's nascent democratic governance and political stability. It is precisely in pursuit of democratic consolidation and political stability that, during its 38th Ordinary Session of the Assembly of Heads of State and Government held in Durban, South Africa in July 2002, the OAU/AU adopted the Declaration on the Principles Governing Democratic Elections in Africa. This initiative set the stage for continental and regional efforts towards acceptable, credible and legitimate elections conducted on the basis of a level playing field and with minimum incidence of violence. The AU Declaration, among other things, commits member states to the following important principles:

- Democratic elections are the basis of the authority of any representative government;
- Regular elections constitute a key of the democratisation process and therefore are essential for good governance, the rule of law, and the maintenance and promotion of peace, security, stability and development;
- The holding of democratic elections is an important dimension in conflict management and resolution; and
- Democratic elections should be conducted:
 - Freely and fairly;
 - Under democratic constitutions and in compliance with

supportive legal institutions;

- Under a system of separation of powers that ensures, in particular, the independence of the Judiciary;
- At regular intervals, as provided for in National Constitutions; and
- By impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics

In a nutshell, the AU embraces the idea that, at all times, elections have to add enormous value to a vibrant democracy and not vice-versa. This idea then challenges our countries to constantly review their electoral processes in order to ensure that elections build firm foundations for a working democracy devoid of violent conflict.

It is within this context that we can trace the origins of the SADC Principles and Guidelines Governing Democratic Elections. The principles are a deliberate attempt by the regional states to translate the AU commitments into regional initiatives. These are the SADC-PF norms and Standards (2001) -an initiative of parliamentarians; and the EISA/ECF Principles (2003) -an initiative of civil society organisations (CSOs) and the electoral management bodies (EMBs).

The SADC-Parliamentary Forum has developed Norms and Standards for Elections in the SADC Region since 2001 and has used these guidelines to observe all elections in the region since then. The SADC-PF norms and standards for elections cover the following areas:

- Elections and the individual rights;
- Elections and the government; and
- Fostering transparency and integrity in the electoral process.

Since 2003, the Electoral Institute of Southern Africa (EISA), jointly with the Electoral Commissions Forum (ECF) of SADC, also developed another complimentary instrument known as the Principles for Election Management,

Monitoring and Observation (PEMMO) in the SADC Region since 2003. EISA has also used these principles in observing the South African and Malawian elections in April 2004 and May 2004, respectively. EISA used the same instrument to observe the elections in Botswana (October 2004), Namibia (November 2004) and Mozambique (December 2004). The PEMMO, like the SADC-PF instrument mentioned earlier, outlines problems facing SADC countries in elections and offers best practices for improvements to be introduced. PEMMO covers a wide gamut of the electoral process as follows:

- The institutional and legal framework;
- Pre-election phase processes;
- Election phase processes;
- Post-election phase processes; and
- Election observation and monitoring.

Whereas the SADC-PF initiative is essentially a valuable contribution of parliamentarians in the whole process of electoral reforms in the region, the PEMMO is principally a noble initiative by both civil society and electoral commissions towards the same end goal: democratic consolidation and political stability.

So, what is New?

In a nutshell, the SADC principles and guidelines have five main components:

- Basic elements for levelling the election playing field;
- Establishment and deployment of SADC Election Observer Missions (SEOMs)
- Code of Conduct for SEOMs;
- Rights and responsibilities for SEOMs; and
- Responsibilities for Member States holding Elections

Careful reading of the document reveals that with regard to the first point, there are no fundamental differences introduced by SADC to what the SADC-PF and the Eisa/ECF instruments have proposed as best election practices. This situation has ignited calls from some observers of the region's political scene for a merger of the three instruments into one unified regional instrument. The problem with these calls is that they fail to appreciate that these three instruments come from diverse and also

divergent political forces with often contradictory interests and perspectives in relation to democracy and governance.

SADC-PF represents parliamentarians and could be perceived to be closer to the executive branch of governments. But the fact that SADC-PF includes in its membership opposition MPs makes it rather distinct and suspicious in the eyes of the executives that drive SADC, hence the tenuous relationship between the two bodies. With regard to Eisa and ECF, the former is a non-governmental organisation, while the latter is an 'autonomous' regional election management structure: SADC structures are not known for inclusiveness that would allow other actors outside the control of the head of state and government.

Ironically, though, while best practice in election management is supposed to be the heart of the matter for levelling the electoral playing field, it is the shortest section of the SADC document. This is worth reproducing here in full as it is the most relevant section for the purposes of this discussion. The Principles and Guidelines commit SADC member states to the following best practices:

- Full participation of the citizens in the political process;
- Freedom of association;
- Political tolerance;
- Regular intervals for elections as provided for by the respective National Constitutions;
- Equal opportunity for all political parties to access the state media;
- Equal opportunity to exercise the right to vote and be voted for;
- Independence of the judiciary and impartiality of the electoral institutions;
- Voter education;
- Acceptance and respect of the election results by political parties proclaimed to have been free and fair by competent National Authorities in accordance with the law of the land; and
- Challenge of the election results as provided for in the law of the land.

All democracy analysts and practitioners are agreeable that these are commendable and noble principles, but this is as far as

the SADC declaration goes in as far as the best election practices are concerned. These have been elaborated in more detail in both the SADC-PF and Eisa/ECF instruments referred to earlier.

The larger chunk of the SADC document is then devoted to election observation, thus the document is top-heavy towards election observation and rather weak in respect of election management. Technically, therefore, the document suffers some kind of schizophrenia: it is more of an election observation guideline than an election management principle, although the SADC leaders tend to think that it is in fact an election principles document. Quite frankly, even the title of the document belies its form and content. Methodologically, the correct title for this document should have been Principles and Guidelines for Observation of Elections.

In contrast, both the SADC-PF and Eisa/ECF instruments are more comprehensive on election management and less so on monitoring and observation. Even though these two aspects of the electoral process are covered in these two documents, they are not given the profound coverage allocated to election management. Thus, in terms of the form and content of the SADC principles, there is nothing new in comparison to what already exists on the ground regarding desirable best election practices in the region. However, the major area of possible complementarity between the three documents is here: where the SADC-PF norms and standards and the Eisa/ECF principles are more comprehensive on election management best practices and could form the critical reference point for election managers and monitors/observers in this regard, the SADC principles and guidelines are more comprehensive on election observation and could prove useful in this particular area. This is the only area where the three documents meet comfortably, and needs to be exploited by key democracy stakeholders in the region if duplication in the advancement of best election practices in the region is to be avoided.

However, a point that should not be lost sight of is that, for the first time, regional states have made a public declaration to adhere to some best practices. Having said

this, though, let us hasten to add that SADC has proved itself over the years now to be extremely good on progressive declarations. Yet the same declarations are hardly ever turned into political commitment that is necessary to ultimately translate into implementable policies and political reforms. Thus, the challenge that faces SADC today is the extent to which the supranational regional body will set out to implement the declaration adopted in Mauritius in August 2004. This will become clear as the principles are put into effect this year in regard to the forthcoming elections in Zimbabwe, Tanzania, Mauritius and the DRC. It would be interesting to observe how, for instance, SADC would react to a situation where one of the member states is found wanting in respect of adherence to the principles. That would be the ultimate test of commitment to the declaration by member states.

Conclusion

This is a fairly preliminary commentary on regional initiatives for best election practices in the SADC region. This article provides some analytical insights into a deeper understanding of the significance and meaning of the SADC Principles and Guidelines Governing Democratic Elections adopted during annual summit of the heads of state and government in Mauritius in August 2004.

We have provided the contextual backdrop to the emergence of these principles and guidelines as being marked by two possible imperatives namely a proactive response by SADC to the AU Principles Governing Democratic Elections and a reactive response to the earlier initiatives by the SADC-PF and Eisa/ECF. We have observed that while the SADC principles and guidelines are fairly weak on best election management, they are on a relatively strong footing in respect of best practice for election observation. The converse is true for the SADC-PF and Eisa/ECF instruments: these are on firmer ground with regard to best election management practices, and stand on a rather slippery ground in regard to election monitoring and observation relative to the SADC principles and guidelines. Whereas in terms of form and content there is little that is novel and ground-breaking about the SADC principles and guidelines, their strength on election observation could be

complemented by the strength of the SADC-PF and EISA/ECF instrument on election management. Thus, the value of these three instruments lies in their complimentary nature, as the SADC principles and guidelines are strong on observation and the ones by SADC-PF and EISA/ECF are stronger on election management.

The three instruments can be used independent of each other in election management and observation and there shouldn't be worries or concerns for duplication since they would be administered towards the same end-goal: democracy consolidation and political stability. Suggestions for the three instruments to be merged into one solidified regional instrument, therefore, are, simply, an exercise in futility.



ARTICLE #2: Democracy and Good Governance in Africa

By Mr. Wanjalah Yona, Executive Director, Center For Human Rights Democracy & Development – Uganda

The strong relationship between democracy and good governance derives from a belief that democracy in theory and practice has a profound potential for solving political conflict in the society. In a democracy, the majority manages the power for the benefit of all. The minority or the vanquished recognize the victors and legitimately participate in the day-to-day running of the society. Talking rather than physical fighting is the *modus operandi* hence violence is minimized. It is thus clear that in a democracy, the views of the minority, which are constructive, must be respected. In this way, peace that is so essential for social development is automatically engendered.

Africa, the land of the Sun, needs peace and development, hence the urgency of establishing and building democracy and the few countries if any, which have substantive peace and development, should consolidate the *status quo*. Indicators show that violence, instability and bad government have made the region their home for too long; with genocide and

mass murder almost becoming endemic in the region. Humanity and collective survival demand for finding a regional approach to a lasting solution.

Oh yaa! Africa needs to nurse its own wounds however much they pain, whatever the stench may be to the un-wounded countries there is need to bear the smell.

Whereas it is true that democracy is a good tool to maintain peace; peace is a necessary condition for democracy to be established. Peace must therefore precede democracy. Therefore, peace building in Africa is of paramount importance and urgency. The war ring groups in Northern Uganda, Burundi, DRC, Dafur in Sudan, Ivory Coast, Liberia, Somalia, Eritrea, and Nigeria, must bend to the dictates of peace. In this regard, all those who have signed peace accords must accord maximum respect to those accords while those who have not talked peace, need to talk peace substantively with the help of regional bodies like SADC, EAC, ECOWAS, COMESA AU, UN, as mediators.

Africa has organized many conferences to find a lasting solution for Africa, and many are yet to be organized. These conferences must do more and explore other possibilities to end interstate wars and rivalries. This will help Africa suspend insecurity and misunderstanding and consign them to history.

Africa faces a problem of democracy and good governance deficits and these are the embers, which fuel current wars and conflicts. It is indeed heartening to recognize the increasing reality that the region can no longer allow genocide or such social cataclysm to take place in our midst with impunity. The regional intervention efforts aimed at peace building, conflict management and control must be simultaneous as the situations arise.

If Africa can transform all conflict and destructive interactions into more cooperative and constructive partnerships, this will constitute a great stride by the continent. This can only be achieved if the values and principle of peace are acknowledged and recognized. Then automatically democracy will have a springboard from which it can be launched.

We can do so regionally by using the following institutions as building blocks:

- (a) Parliament, as an institution, together with houses of people's representatives in the region: they need to intensify their interface at all multiple levels. The houses of representatives and parliament in the region must be centres of debate and dialogue on regional matters.
- (b) Government, not only heads of states must meet on purpose, they should not only meet to display their rhetoric art but implement the purpose thereafter. Ministers of Finance Planning and Economic Development, Agricultural, industry, Works and communication, Water and Environment, local Government, Education Science and Technology, Attorney General, Health, Defence and Internal Affairs, Foreign and Information Ministers, etc must engage in intense discussions, work out programmes on an interstate and regional basis. The ultimate objective of the mutual exchanges is that the problems and their solutions do not know or respect borders. Survival is basically a collective effort using the variety of resources optimally not in isolation.
- (c) Political movements, parties and organizations need to examine their Political agenda with a regional perspective. Harmonization of the political agendas will dovetail rationally with the policies and programmes of the different governments, the consequence of which will be development for the region.
- (d) Private Sectors: stake holders, civil society, and opinion leaders have a duty to go regional in thought, planning and transaction. It is only when trade and commerce, capital and labour are in motion that momentum for economic and social development will be generated. Cross - border investment is an index of confidence and stability. It may sound crazy yet it is real to Africa that democracy remains a wish if economic transformation does not proceed on the same path and pace. Africa does possess a high potential for experiencing a radical democratic

change and at the same time undergo a fundamental economic integration at regional level.

- (e) A cultural renaissance whether with elements of pride and arrogance, if harnessed properly, can energize the region. The multiplicity of rich cultures in Africa characterized by the linguistic dominance of French and English can be a source of energy for a new rebirth of knowledge and reawakening. In short, Africa needs a massive political, social-economic and cultural mobilization.
- (f) Democracy is a set of beliefs, values, and institutions, in a nutshell, a way of doing things. People must believe and respect democracy if it is to survive. There must be democrats for democracy to work.

Therefore, standards must be set and respected. The principle of peer review must be followed with unswerving respect so that good governance is respected by all.

There are very good reasons to believe that democracy is capable of delivering good governance. But the social field must be properly ploughed for its seeds to germinate and grow to fruition. It is not an easy crop to grow; the right soils, proper planting, removal of weeds and protection of the crop from numerous pests requires commitment, patience, and foresight. It is therefore half an effort to think that democracy will survive within one country (garden) when it is not present in the neighbourhood. Only a regional focus will yield results.

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REPORTS ON ADF ACTIVITIES

Youth Training Program Held in Nairobi last December

On 12-17 December 2004, the Training Program on Democratic Leadership and Conflict Resolution, entitled "Empowering Young Democracy Activists in East Africa," brought together 19 participants from the Democratic Republic of Congo, Kenya, Somalia, Somaliland, Sudan, Tanzania, and Uganda. The participants are young leaders of civil society organizations that

promote democracy in their respective countries. The program was organized by two networks affiliated with the World Movement for Democracy, the Africa Democracy Forum (ADF) and the Youth Movement for Democracy, and the Kenya Human Rights Commission, Secretariat for the ADF, provided logistical support. The training was conducted by Dr. Hizkias Assefa.

The training program provided practical skills and theoretical knowledge about the connections between conflict resolution, peace-building, and democracy. The participants also visited several democracy organizations in Nairobi and improved their understanding of how to transform ideas into projects and implement them. Through the five-day training, the participants deepened their understanding of conflict resolution and peace-building in Africa in connection with democracy; developed their capacity to analyze conflict situations; and explored various ways of incorporating the knowledge from the training into their own activities in their respective communities and countries. Moreover, the program helped the participants to broaden their perspectives on peace-building and democracy in Africa and to develop their personal commitment to and visions for democracy in Africa.

To review the full report, please visit www.africademocracyforum.org.

Contact: Ryota Jonen (ryota@ned.org)

ADF Members Received Training on the Internet

On 11-14 October, 2004, Kabissa and the ADF collaborated on a series of training workshops in Nairobi, Kenya. Kabissa provided ADF member organizations with hands-on training in the use of the Internet for advocacy/democracy work.

The training was based on Kabissa's Time to Get Online capacity building program, which is designed to empower African civil society organizations to integrate the Internet into every aspect of their advocacy work.

To read more, please visit: www.timetogetonline.org/content/view/33/45/

ADF Conducts Online Discussion for the Community of Democracies

The ADF recently organized an online discussion, through which the ADF members provided their analyses on democracy issues in Africa and recommendations to the Community of Democracies' Africa regional dialogue and CD's ministerial meeting in May 2005.

Based on the discussion and several workshops that the ADF organized in 2003 and 2004, this ADF paper focuses on three topics: Political Parties and Civil Society; Electoral Systems and Electoral Processes; and Security and Democracy.

The paper was presented at the CD Africa Regional Workshop in Johannesburg, South Africa, on 22-23 November, 2004.

To review the result of the online discussion, please visit: www.africademocracyforum.org

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ADF MEMBER PROFILE : AFRICA GOVERNANCE ALERT - Cameroon

MISSION

Work in favour of the state of rights through:

- The promotion of human rights and application of local and international standards
- The popularisation of the principles of democratic governance within the population.

HISTORY OF THE ORGANIZATION

The initial team set out to carry out investigations/research and publications on the causes Ethnic Discrimination that ONG had believed to pursue thus confirming its definitive engagement in Human Rights

Founding year: 1995

Initial name of the organization: CIREPE – Struggle against all Ethnic Discrimination

Current name: African Governance Alert (AGA), since 1999

Acronym: African Alert

ACTION SCOPE AREAS

- Elective and democratic rights

- Rights of minorities and the struggle against discrimination
- Rights of native people
- Rights of prisoners, refugees, children etc.
- Business and human rights
- Monitoring the media
- Rights of the woman and gender equality
- Participative governance, reforms and the efficiency of institutions
- Presence of the Judiciary
- Human development and the struggle against poverty
- Other fields pertinent to human rights and democracy

NETWORKS

AGA is a member of

- ✓ World Democracy Movement ;
- ✓ Africa Democracy Forum (ADF);
- ✓ Human Rights Internet (HRI);
- ✓ Commonwealth Human Rights Network (CHRN);
- ✓ EthnoNet-Africa (ENA);
- ✓ CIVICUS;

POTENTIAL OF ACTIONS

- More dignity and more equality within the Cameroonian Society
- Corruption as a source of violation of human rights
- The poor are the prime victims of corruption
- The culture of human rights as an essential factor in the development of societies.

CONTACT

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UPCOMING EVENTS:

7-10 APRIL: Conference on the African Court on Human & Peoples Rights and the African Court of Justice, Nairobi, Kenya. Organised by the South African Coalition

For African Court, Foundation for Human Rights, and the Kenya National Commission On Human Rights and the East Africa Law Society. Contact: jlikimani@knchr.org

24-26 APRIL: Participation of NGOs in the 37th Ordinary Session of the African Commission on Human & Peoples Rights, Banjul, Gambia. Facilitated by the Africa Centre for Democracy & Human Rights Studies. Contact: acdhrs@acdhrs.org

6-17 JUNE: Certificate in Youth Participation for Africa's Development Processes: Nairobi Kenya. Organised by African Youth Parliament (AYP) & the Coady International Institute. Contact: jenny@bewiser.net

11-12 August: Young People Creating Global Culture, Arusha, Tanzania. Organised by the World Youth Development & ICT. Contact: tossy@onevillage.biz