

MY BROTHER'S KEEPER?
THE EFFECTS OF AFRICAN REGIONAL ORGANIZATIONS
ON ELECTION QUALITY

By

Peter Halley Penar

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ABSTRACT

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African regional organizations, such as the African Union (AU), East African Community (EAC), Economic Community of West African States (ECOWAS), Economic Community of Central African States (ECCAS), and the Southern African Development Community (SADC) have increasingly become involved in election affairs. The involvement ranges from fielding election observation missions to providing election assistance to arranging pre- and post-election mediation. The question is: do African regional organizations help or hinder democratization?

During the 2000s, African regional organizations sought to deflect criticisms of election malpractice with the effect of legitimizing severely flawed elections. The result was a lost decade of election quality characterized by the reassertion and consolidation of authoritarian tactics. However, the rise of election competition in some countries and negative neighborhood externalities associated with flawed elections (including political violence, refugee crises, and regional economic instability) have spurred an evolution in the nature of African regional organizations interventions in the last ten years. For some regional organizations (e.g., ECOWAS), new approaches to election observation, provision of election assistance, and mediation have contributed to modest improvements in election quality in some instances. Yet, most regional organizations (e.g., EAC and SADC) have not developed significantly new approaches to election-related interventions. Even when there are modest improvements in regional-level election interventions, incumbent ruling parties have learned to live with an increase of scrutiny and sought new ways to undermine the regional oversight. This learning leads to adverse results for election quality.

The dissertation argues that five factors influence the likelihood of African regional organizations intervening in elections: (1) their ability to gather and interpret actionable information about the quality of the election, mainly through election observation; (2) the support for and capacity of regional institutions to administer election assistance programs; (3) the embeddedness of regional organizations in networks of international institutions (such as the UN, donor countries, and international non-governmental organizations in the democracy and elections space); (4) the balance and fairness of mediation and conflict resolution; and (5) the ability of opposition parties to develop relationships with regional neighbors and signal their credibility.

The dissertation employs qualitative evidence from almost 300 total interviews conducted (2012-2017) at each of the regional organizations (AU, EAC, ECOWAS, and SADC) and in countries with disputed elections and some form of regional intervention (either to improve or not improve election quality): Côte d'Ivoire, Kenya, and Zimbabwe.

The case study evidence is combined with a descriptive analysis using original data on election quality and the Perceptions of Election Integrity (PEI), with the entire dataset covering all sub-Saharan African country elections between 2000 and 2016. The empirical evidence suggests that a rare combination of the above-mentioned factors working together is required for an African regional organization to aid in improving election quality and leadership alternation. To date, this outcome has only been realized to the fullest extent in the ECOWAS region, specifically in Côte d'Ivoire (2010) and most recently in The Gambia (2016-2017). In contrast, despite some learning about how to deal with elections, the other African regional organizations have no or little influence over election quality and in some cases may make election quality worse. Moreover, regional organizations may reduce the probability of an alternation of leadership despite citizens' demands for political change.

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To African unity for the good.

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I became interested in election quality and regionalism while I was a visiting student at St. Anne's College, Oxford University. At the end of Michaelmas term in 2007, Kenya witnessed extreme levels of post-election violence. The African Study Centre at Oxford University organized a panel to discuss and consider: Who won the election? And, what would end the looming – at the time – political impasse between Mwai Kibaki and Raila Odinga. The discussion raised concerns about election quality that have become my passion since returning to the US. I also became interested in efforts to bring about integration in Africa and the unique set of relationships that have existed between African leaders personally and through regional associations. I began to consider the political impacts of African regional organizations from this point in time.

Now, ten years on, many things have changed at the domestic and regional level in Africa. However, concerns about election quality remain for Kenya and most African countries. At the time of writing, Kenya experienced two successive elections in 2017 with significant shortcomings. The August 2017 and October 2017 re-run election raised serious questions about the competency of the election commission, the Independent Electoral and Boundaries Commission (IEBC), to deliver free and fair elections. It also raised the shortcomings of so-called credible international observers because they seemed to paper over election failures. The situation in Kenya continues to be highly polarized and unstable.

On the other hand, change is afoot in many countries. The Gambia and Zimbabwe experienced transitions of leadership despite their long-time rulers claiming they would rule the country until death (and even after death). However, the verdict of whether these recent leadership transitions will lead to democratization is still out. African regional organizations have likewise evolved since I set out on my research journey. The difficulties managing political affairs and election-related concerns continue to rise at the regional level, and economic integration continues to move forward at varying speeds across the subregions.

My graduate studies journey has been long and fruitful. I had the opportunity to visit eight African countries and spend at least a month in each. I had the pleasure of speaking with many African leaders in all capacities – in government, civil society, and international work. Many of the things that I learned in these interviews and conversations are included in this dissertation. For those who I interacted with along the way – the list is long – I want to thank you for your time and your insights. You have greatly contributed to the depth of my research.

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Part I

Understanding African Regional Organizations

Chapter 1

The Political Concerns of Regional Organizations

Pan-Africanism and a regime type consensus

Attempts by many African leaders to attain Pan-African unity and integration have largely failed. Notable founding leaders, such as Kwame Nkrumah, Julius Nyerere, Leopold Senghor, Robert Mugabe, and Muammar Gaddafi articulated a Pan-African vision for the African continent, which emphasized meaningful regional integration. Yet, none of these visions reflected the underlying centrifugal relations between states and within continental and sub-continental regional organizations hoping to achieve a unified Africa. In reality, protecting sovereign statehood was and is the dominant principle shaping African international relations. This sovereignty principle is undoubtedly embraced by ruling parties for their mutual benefit. Although the anti-colonial struggle and reference group affinities (e.g., among Francophone countries) led to forms of intense regional cooperation, the networks of solidarity upheld the primacy of sovereignty. African international relations relied on norms of non-interference and non-intervention to combat imperial influence and extended these norms to preventing the scrutiny of neighboring states. This rendered Pan-African dreams of integration in regional organizations null and void in practice.

Still today, the "newer" generation of African leaders, such as Uhuru Kenyatta and Yoweri Museveni, reference Pan-African integration and values. However, the rhetoric is devoid of an overarching "Pan-African ideology" that confronts the sovereignty principle. Moreover, "Pan-Africanism" practiced by these leaders actually embraces the sovereignty principle and ruling party self-preservation. Integration is only confined to gaining the economic benefits from regional economic cooperation. The lack of success of the Pan-African project is in part because most thought, rhetoric, and policy from African leaders avoid decisions about the appropriateness of certain political systems. Even many ardent proponents of integration seek to obtain regional integration while upholding the sovereignty principles and avoiding pursuing political consensus.

The Pan-African integration dream may only succeed if there is an agreement on political matters, mainly the most desirable regime type. This requires agreement on regime practices and a constant process of reinforcing regime norms. The problem is that the African Union (AU) and other African regional organizations have maintained an all are welcome, big-tent approach to membership, such that membership accession criteria are easily met and member sanctions are few. In most cases, member accession is solely based on the interest of the applicant country and perhaps the economic-geographic logic of the fit. Even if accession involves becoming signatories to certain agreements, guidelines, and treaties, most of these commitments relating to political norms are only on paper. There is very little effort to animate these agreements in practice, such as the AU Charter on Democracy, Elections, and Governance. The result is that African regional organizations' membership is a mix of nominally democratic, hybrid, and purely autocrat countries – a reflection of a lack of consensus on appropriate regime characteristics. Further integration and African unity require countries to move beyond economic integration logics to political beliefs about regime type preferences. A true consensus on regime norms is necessary. This means that the sovereignty principle must weaken and intervention, if necessary, must be an acceptable response to violating political norms. The debate about these principles and developments takes place at the regional level in regional organizations, as it has since the creation of the Organization of African Unity (OAU).

The main problem is that there is no clear consensus on regime type characteristics at the regional level, specifically whether a form of electoral democracy must prevail. Yet, election disputes and crises have forced African states in regional organizations to reflect on regime type more than they ever did in the past. The outcome has been an interest in at least the trappings of democracy, such as regular elections.¹ In turn, this has led to African regional organizations' foray into governance and democracy concerns and the creation of regional institutions and practices to deal with the consequences of holding elections, in particular.

The question is whether African regional organizations – as a reflection of the integration and Pan-African agenda – help or hinder democratization and how? As critical parts of democratization efforts and democratic governance more broadly, this dissertation examines the quality of elections and the alternation of power that must take place when an incumbent loses an election. Do African regional organizations confront election malfeasance when it occurs? If so, through which channels? When an incumbent loses and refuses to relinquish power do African regional organizations confront the incumbent? Finally, what is the result of either intervention or inaction in response to election malfeasance and power grabs? Answering these questions provides a window into the role of African regional organizations – and regional organizations more broadly – in democratic affairs. The analysis also provides insights into how Pan-African integration is being shaped by the necessity to deal with political concerns despite regional organizations attempting to ignore these concerns for many years. The dissertation explores these themes by looking at the African Union (AU), East African Community (EAC), Economic Community of West African States (ECOWAS),

and the Southern African Development Community (SADC). These regional organizations are the most relevant to the examination of the evolution or lack thereof of political norms, with implications for democratization.

Elections become an important concern

In countries emerging from colonial rule and post-conflict countries, elections were an early step to reconstruction and political health. Elections provided a viable transition strategy for Angola, Burundi, Democratic Republic of the Congo (DRC), Mozambique, Namibia, South Africa, and Zimbabwe - among others. The aim of these elections was to garner legitimacy for the political transition and consolidate legitimacy for a new government, which was previously illegitimate (e.g., von Gienanth 2008). Even though there may not have been a specific regional consensus on election quality standards, elections generally were viewed as the pathway to peace, security, and stability. The euphoria surrounding South Africa's first free and open election in 1994 highlights the optimism about how elections are good for stability and more generally African citizens.

However, in some countries, elections were part of the reason for protest, violence and insurrection, and even civil conflict. Countries that transitioned using elections, such as the DRC in 2006 and Mozambique in 1994, experienced strife in subsequent elections despite brief periods of calm. The incidents of protest and violence surrounding the DRC's 2011 election and Mozambique's 2014 election represent how elections may contribute to destabilization. This was all too apparent during the post-election violence after Kenya's 2007 election in which over a thousand perished and over 600,000 Kenyans were internally displaced. More recently, the opposition confronted Burundi's President Pierre Nkurunziza who sought a third term in 2015. The confrontation has since led to significant levels of daily violence and flows of refugees to neighboring states, such as Tanzania. The Burundi situation raises the prospect of a return to civil conflict, which the election in 2005 along with a new constitution and peace agreement sought to prevent. A central feature of these political processes producing calamitous conditions is that the elections were severely flawed. The elections exposed a significant legitimacy crisis for governments based partially on how the elections were conducted. This has raised the importance of election quality, which goes beyond simply going through the motions of holding an election – something that may have been acceptable particularly in the early 2000s for many countries.

The legitimacy crises in flawed elections have produced international or neighborhood externalities, which are costs to neighboring states in the region generated by election-related turmoil in the state holding the election. The regional level externalities consist of negative regional economic impacts (Murdoch and Sandler 2004), the spillover of civil conflict, the spread of refugee crises, and the potential condemnation of neighboring states from the "international community" (i.e., donor countries) for not dealing with crises. Table 1.1 provides some election case study

examples of international externalities, with all of the case studies considered in this dissertation and recent cases included:

Table 1.1: International (Neighborhood) Externalities in Recent Elections

Country-election	Economic Impacts	Conflict Spillover	Refugees	International Pressure
Kenya 2007	X		X	X
Zimbabwe 2008	X		X	X
Côte d'Ivoire 2010	X	X	X	X
Kenya 2013				X
Zimbabwe 2013			X	X
Côte d'Ivoire 2015				X
Gabon 2016	X			X
The Gambia 2016	X	X	X	X

The neighborhood externalities are a consequence of incumbent governments taking expedient actions to win an election at all costs. Incumbents using manipulative tactics hope that the costs are a fairly minimal down payment for four to five more years in power. In many cases, this gamble often succeeds because opposition resistance is usually combated quickly without getting out of control. The most recent examples come from Uganda (2016) and Gabon (2016), in which the government arrested or contained the opposition leader (and members) and raided their properties.

On the other hand, the incumbent government could completely or partially fail in their gamble to minimize domestic and regional costs. There are several cases in which opposition forces have waged formidable resistance, such as Burundi (2015-2017), or at least refused to shrink from brutal government repression despite being out-manned and out-gunned, such as in Zimbabwe (2008). The problem facing the incumbent government is that over time and as conflict escalates, domestic costs become regionalized. When the cost becomes regionalized, the situation demands a regional response. This becomes the basis for African regional organizations to engage in the election process. It does not, however, determine whether the engagement will lead to improvements in election quality (and sometimes the alternation of power), or shoring up the position of the embattled incumbent. This is the variation to be explained in the following chapters.

Election flaws

Most African elections face election deficiencies that may serve as the basis for election-related conflict and produce neighborhood externalities. The scope of underlying election malfeasance varies by country and election. In interviews, opposition leaders in Côte d'Ivoire, Kenya, and Zimbabwe along with election support professionals often mentioned common concerns with elections in African countries:

- (1) Lack of independence for election institutions (e.g., national election commission, registrar of political parties, national voter's registrar, and national identification office)
- (2) Significant delays procuring party funding, or restrictions on fundraising
- (3) Use of state resources in government campaigns
- (4) Inadequate or highly selective voter registration
- (5) Inaccuracies in the voters' roll and inability to interrogate the roll
- (6) Politicization of the security sector
- (7) Difficulties obtaining permission for campaign activities
- (8) Biased and incomplete media coverage
- (9) Lack of security for ballot materials
- (10) Ballot stuffing and multiple voting
- (11) High numbers of "invalid" and "special assistance" votes
- (12) Inaccuracies and irregularities with the counting of ballots
- (13) Failure to reconcile vote totals and offer a timely and accurate report of the final results
- (14) No ability to achieve meaningful recourse in the courts and dispute resolution bodies

In Kenya, for example, there are significant concerns with how voter registration takes place, the use of state resources in campaigns, the security of the electronic tally transmission infrastructure, and a lack of transparency with the ballot counting and results reporting process. In Zimbabwe, the accuracy of the voters' roll and the inability to interrogate it, ballot stuffing and multiple voting, politicization of the security sector, and difficulties obtaining permission for campaign events are the most common concerns.

Some of the aforementioned grievances are more precisely observable and measurable than others. For instance, assuming there is some access to the voters' roll, it is possible to do a basic audit and determine the level of inaccuracies, such as duplicate voter registrations and inaccurate polling station information. In addition, robust election observation missions have included a media monitoring component that examines media-related legal frameworks and the balance of coverage. In several election observation reports, SADC has criticized the dominance of state media and an overly regulated private media environment. The Carter Center and the European Union (EU) often provide commentary about how specific media outlets have covered the campaign, with a particular emphasis on the state media.

It is also fairly easy to observe the government's approval or disapproval of campaign activities. However, in many instances, the government attempts to muddy the waters by suggesting that the opposition is not allowed to engage in certain campaign activities because paperwork was not filed on time or "adequate security could not be provided."

Some of these government justifications and opposition counterclaims require more interrogation to uncover the truth. Other election malpractices are even harder to detect and confirm. For instance, despite having some fairly large-scale election observation efforts, it is likely not possible to discover the exact scope of "special assistance" voting. Also, with certain occult tally practices, it is not always possible to quickly interrogate final counts.

Despite whether election malfeasance is precisely identified, it matters what the citizens and political stakeholders (e.g., the opposition and civil society) think about the election. A root cause of conflict between the incumbent and opposition are complaints about election malfeasance and manipulated outcomes. In many cases, perceptions of malfeasance match reality. According to Election Integrity Project (EIP)'s Perceptions of Electoral Integrity Survey (PEI) (2012-2016) and original data (2000-2012), 178 out of 346 African elections between 2000 and 2016 witnessed severe forms of election malfeasance. Of these includes most if not all of the elections in Côte d'Ivoire, Kenya, and Zimbabwe. These elections fall into the category of a high level of election malfeasance based on the overall election quality score (i.e., countries with a score of 50 out of 100 or less on the overall election quality index). As the case study chapters (5-7) illustrate, there were substantial underlying grievances due to substantial malfeasance in all elections.

In comparison, some of the best elections in Africa have occurred in Cape Verde (2001, 2006, 2011), South Africa (2009, 2014), Senegal (2000, 2001, 2007, 2012), Namibia (2004, 2009, 2014), Mauritius (2000, 2005, 2010, 2014), Botswana (2001, 2004, 2009, 2014), and Ghana (2000, 2004, 2008, 2012, 2016) (in order of average quality by country). This is not to say that there are no examples of malfeasance in these countries' elections. Nevertheless, the scope and magnitude of these flaws are not as large as other countries. Any flaw, however, may become a flash-point for confrontation.

Selection effects

Not all flawed elections generate international (neighborhood) externalities nor do many African elections elicit any response from African regional organizations. This includes elections in which there is a significant amount of election malfeasance, such as 2013 Zimbabwe, 2013 Kenya, 2016 Uganda, and a majority of elections in Central Africa (e.g., 2016 Gabon). For many African citizens, the silence of African regional organizations on election malfeasance is deplorable. There is often a chorus of critics voicing their opinions in the media and on social media posing the question: why do African regional organizations do nothing and continually fail? In a pointed analysis, critics noted the irony when former Chairperson of the AU Commission Jean Ping – the opposition leader in Gabon's 2016 election – called for the AU to rigorously investigate election malfeasance in Gabon's election despite not advocating the same in other countries during his tenure at the AU. Critics joked that Ping had rendered the very regional institutions that could validate his election malfeasance claims impotent. The best line came from analyst Simon Allison whose article

was entitled: "Jean Ping and the boy who didn't cry wolf."² It was poetic justice for some commentators.

The lack of any response or decision to mitigate election grievances raised by the opposition is due to a stringent selection process. African regional organizations support the sovereignty principle and would prefer to avoid sensitive political concerns unless there are or could be a potential for neighborhood externalities and/or the election crisis becomes a gross humanitarian disaster in the election country. Only a handful of elections provoke a high level of alarm and receive regional attention. Furthermore, embattled incumbents will actively seek to limit regional attention and lobby neighbors to withhold judgment. More often than not, this strategy prevails and the regional organization is able to sit on the fence while the incumbent quickly regains control usually through repression.

Yet, not all election disputes can be quelled easily. Some elections survive through the stringent selection process. The dissertation focuses predominately on the universe of cases that survive the initial selection process. These election cases receive considerable regional attention and the regional organization has to intervene either to shore up the incumbent, foster a compromise, or throw the region's collective weight behind the opposition, or at least bolster the bargaining position of the opposition. The decision is a difficult and consequential one with the ability to result in at least a democratizing moment.

The decision to intervene is reached through a complex interaction of factors, which studies of regional organizations' formal legal instruments and processes tend to neglect. Formal legal studies provide useful descriptive background to elucidate "on paper" commitments and efforts to regularize institutional performance, such as guidelines governing election quality and conflict and crisis mediation. Yet, the major shortcoming of formal legal instruments and processes in analytical approaches is that African regional organizations, particularly since their core institutions are relatively new, exhibit behaviors that are often informal, ad hoc, and not based solely on established "on paper" commitments. Actions often diverge significantly from formal commitments. The divergence is especially acute when African regional organizations deal with fluid political processes, such as disputed elections. More often than not African regional organizations have explored and thereafter defined new election-related "playbooks" in response to trial and error efforts in elections disputes and mediation. Learning and adapting from recent experiences is the norm and applying regional frameworks consistently is rarely observed. For this reason, the stringent selection process and the factors that explain whether and how a regional organization will intervene to confront election malfeasance are highly contingent. But, this does not preclude the identification of certain patterns and regularities in regional interventions in African elections, which I now elucidate.

Five factors shaping regional effects

I argue that five factors influence the likelihood of African regional organizations intervening in elections to improve election quality and ensure an alternation of power (if required). These include: (1) the ability of regional organizations to gather and interpret actionable information about the quality of the election, mainly through election observation; (2) the support for and capacity of regional institutions to administer election assistance programs; (3) the embeddedness of regional organizations in networks of international institutions (such as the UN, donor countries, and international nongovernmental organizations in the democracy and elections space); (4) the degree of inclusion and balance in a regional organization's approach to mediation and conflict resolution; and (5) the ability of opposition parties to develop relationships with regional neighbors and signal their credibility.

These five factors emphasize the importance of regional-level dynamics interacting with domestic factors necessary for regional organizations to confront election malfeasance. The framework acknowledges that often international and domestic factors join to produce outcomes. The contributing factors described fully in the next chapter exhibit great variation across regional organizations and elections. In opposition to regional organizations improving election quality, there are stiff headwinds described in chapter 3, including networks of pro-incumbent and ruling group solidarity, mutual political support, and a preference for immediate security over the uncertainty of free and fair elections. To overcome long odds, all five explanatory factors must be present at high degrees concurrently. It is only then that regional organizations, particularly in Africa, confront election malfeasance and ensure an alternation of power (if required). Otherwise, the principle of sovereignty and an innate pro-incumbent bias will prevail, such that interventions by regional organizations will buttress the incumbent and degrade election quality. The main finding is that ECOWAS followed by the AU are most likely to confront election malfeasance and ensure an alternation of power. SADC and even more so the EAC are much less likely to confront election malfeasance and more likely to shore up an embattled incumbent despite poor election quality.

Contributions

This dissertation makes four main contributions: First, the following chapters acknowledge the important and sometimes determining role that African regional organizations play in influencing election quality, leadership alternation, and democratization more broadly. The analysis goes beyond the present literature that treats regional organizations in Africa as non-effective actors in positively shaping democratic space in member states. By contrast, I argue that, under specified conditions, regional organizations are sometimes effective at improving election quality. The following chapters also emphasize the important mechanisms through which international factors influence democratization.

Second, in contrast to existing analyses of African regional organizations that focus on one regional organization, the following chapters present a comparative view of the EAC, ECOWAS, and SADC, as well as references to the AU and the Economic Community of Central African States (ECCAS). Most of the existing literature and policy documents focus on the particular context of one organization and provide detailed descriptive information and narratives. This dissertation employs a clear theoretical framework through which all African regional organizations may be understood comparatively.

Third, the dissertation examines African regional organizations in comparison through the lens of multiple case studies. Previous analyses have tended to focus on one regional organization acting in one election or country case study. The election narratives are often extremely detailed, but they lack a theoretical structure and/or are confined to lessons from a particular election or country. The following chapters present case studies of several elections, including in-depth case studies of multiple elections in three countries. The approach allows for a study to how regional organizations evolve over time and provides a significant number of observations from which to draw causal inferences.

Finally, the dissertation project involved gathering first-hand fieldwork evidence on the inner works of three sub-continental regional organizations (i.e., EAC, ECOWAS, and SADC) and the AU. At least a month of on-site fieldwork was conducted at each of these regional organizations between 2012 and 2015. The fieldwork involved interviewing regional officials across all institutions with a potential influence over election quality, mediation, and political conditionality. In addition, I met with regional civil society and professional organizations that seek to function on the regional level. The dissertation also involved fieldwork on the domestic level in Côte d'Ivoire, Kenya, and Zimbabwe to inquire about the interaction between regional and domestic political stakeholders. Particularly at the regional level, many previous analyses do not draw on first-hand observations about how regional organizations function in practice or interact with domestic stakeholders. My dissertation contributes to opening the veil that often shrouds international institutions and considers closely the interaction between international (regional) and domestic stakeholders.

Organization of the dissertation

Chapter 2 provides a conceptualization of democratization and democratizing moments and their connection to the quality of elections and the alternation of power, which are the outcomes of interest throughout the dissertation. The chapter also details the generalized theoretical framework by sharing how each of the five main explanatory factors work and will likely influence election quality and the alternation of power.

Chapter 3 builds on the theoretical framework by providing qualitative and comparative data on the African

regional organizations across the five explanatory factors. Before doing so, the chapter provides an Africa-specific discussion of the factors that often works to reinforce pro-incumbency bias and ruling group solidarity and prevent African regional organizations from abandoning the sovereignty principle.

Chapter 4 illustrates trends in election quality over time to demonstrate areas in which it has stagnated, improved, or declined. The analysis suggests that shifts in certain regional organization practices appear correlated with some of the changes in components of election quality.

Chapters 5, 6, and 7 present case studies of elections in Kenya (2007, 2013), Zimbabwe (2008, 2013), and Côte d'Ivoire (2010, 2015) respectively. The case studies are selected for being examples of election disputes that captured regional attention and merited a response of some sort. There is one case for each of the sub-continental regional organizations with Kenya being in the EAC, Zimbabwe in SADC, and Côte d'Ivoire in ECOWAS. This allows for an in-depth cross-regional comparison of the region-level explanatory factors. In addition, the examination of outcomes across different elections in the same country allows for an analysis of how regional organization learning takes place (or does not) over time. It also provides an ability to look at variation in the domestic factors, mainly the credibility of the opposition and its contribution to outcomes.

Chapter 8 looks at the sovereignty principle and the pro-sovereignty inclinations of ruling parties at the citizen-level using Round 6 Afrobarometer data. The analysis shows that ruling party supporters and those satisfied with elections and democracy in their own country have pro-sovereignty leanings. This means that they are less interested in supporting regional intervention in neighboring countries even if an election is being manipulated and/or there are human rights abuses. The converse is true for opposition supporters and the politically vulnerable who perceive a value in regional intervention to confront election malfeasance and human rights abuses in neighboring countries. This illustrates that some African citizens are at least optimistic about the potential role that African regional organizations may play in promoting democracy and quality elections.

Finally, the conclusion in chapter 9 examines two contrasting "out-of-sample" cases: 2016 elections in Gabon and The Gambia. In particular, using the five explanatory factors, the author accurately predicted that ECOWAS would criticize the conduct of The Gambia's election before it occurred (i.e., not send election observers) and after it concluded that ECOWAS would intervene in The Gambia to ensure a crucial alternation of power. The Gambia epilogue serves to underscore the utility of the theory. The conclusion also reflects on the learning taking place in regional organizations and the future potential of regional organizations in election concerns, specifically in Africa.

Fieldwork and data

This dissertation relies on qualitative data from fieldwork conducted in three countries: Côte d'Ivoire (January-April 2015), Kenya (August-October 2014 and June-August 2015), and Zimbabwe (October-December 2014). In addition, the fieldwork encompassed four African regional organizations of the AU (Addis Ababa, April-May 2015), EAC (Arusha, July-August 2012), ECOWAS (Abuja, May 2015), and SADC (Gaborone and Johannesburg, May-June 2013). The Appendix includes the dissertation cover photo (Appendix A.1) and select photos from the fieldwork (Appendix A.2, A.3, A.4, and A.5). Although ECCAS is included in some comparative tables, it was not a focus of the study because ECCAS is considerably weaker than even the EAC. The fieldwork involved conducting in-depth interviews, usually two-hours in length, with domestic political stakeholders, regional organization officials, and representatives of the donor community and NGOs. The total number of formal interviews and informal conversations with high-ranking officials is around 250 (see Tables 1.2 and 1.3):

Table 1.2: Formal Interviews and Informal Conversations, 2012-2017

Country or Regional Organization	Government/ Regional Officials	Political Officials (e.g., Party Officials, Opposition Politicians)	Civil Society (Domestic and Regional)	Analysts and Academics
Côte d'Ivoire	5	14	11	
Kenya	6	8	9	5
Zimbabwe	3	10	10	3
AU	6			
EAC	5		3	
ECOWAS	10		6	
SADC	5	2	6	6
Other		2		

Table 1.3: Formal Interviews and Informal Conversations, 2012-2017

Country or Regional Organization	International Officials	Media	Follow Up Interviews	Informal or Private Conversations	Group Meetings (e.g., Workshops, Conventions)
Côte d'Ivoire	4	8	3	7	5
Kenya	3		5	4	1
Zimbabwe	4		2	4	5
AU	3		1	14	1
EAC			1	9	1
ECOWAS			1	2	1
SADC	12		3	8	
Other					

In the process of conducting fieldwork, some interviews were conducted with lower-level officials, such as junior staff, program assistants, and junior researchers. Many of these interviews are not included in Tables 1.2 and 1.3 and some conversations that were documented are added to the informal conversation totals. High-ranking officials refer to people in positions of power and influence within their respective institutions, such as a minister or member of parliament, election commissioner, member of a Constitutional or Supreme Court, executive director of a civil society organization and/or election observation mission, head or deputy head of election assistance, senior political party officials (e.g., CEOs, candidates), and tenured professors and seasoned analysts. With lower-level conversations added, the total number of interviews and conversations informing the dissertation is likely around 350. At the end of most interviews, a standardized survey was used to measure attitudes towards regional intervention in elections at a general level and in specific elections depending on the country and regional organization context. Follow-up conversations occurred and additional interviews were conducted between the fieldwork's completion in 2015 and completing the dissertation in 2017. The scope of the interviews provides a comprehensive view into regional institutions and gathers the experiences of election practitioners.

To measure election quality, this dissertation uses the Election Integrity Project (EIP)'s Perceptions of Electoral Integrity Survey (PEI) (2012-2016). Using the same PEI survey given to experts to complete, the author of this dissertation gathered original self-coded data on elections in all African countries between 2000 and 2012.³ Using Freedom House overall scores and election subscores the dataset is validated at the aggregate level.

Conclusion

The dream of a more integrated Africa depends on a strong consensus of political norms, specifically regime type characteristics. Although the consensus is clearly not present, there are some processes underway within African regional organizations, particularly at ECOWAS and the AU, that could shape a consensus in favor of better democratic practices. However, there are severe limitations and the prospects for the future are mixed. The five main explanatory factors – actionable election information, capable election assistance institutions, balanced mediation practices, international embeddedness, and opposition credibility – that shape the decision to confront election malfeasance and ensure an alternation of power shed light on the present trajectory and perhaps what can be done to strengthen support for democratic principles at the regional level.

Notes

¹Even the norm of regular elections is challenged by attempts to delay elections (e.g., 2016-2018 in the Democratic Republic of the Congo) or arbitrary changes in election dates.

²Simon Allison. 6 September 2016. "Gabon: Jean Ping and the Boy Who Didn't Cry Wolf." *Daily Maverick*. Online: <https://www.dailymaverick.co.za/article/2016-09-06-gabon-jean-ping-and-the-boy-who-didnt-cry-wolf/>

³Upon finalizing the original data, the data was featured in Policy Brief Number 35 for the Afrobarometer: "Election Quality, Public Trust are Central Issue for Africa's Upcoming Contests" by Peter Penar, Rose Aiko, Thomas Bentley, and Kangwook Han (2016). The results revealed a high level of correlation between citizens' views of election quality and the PEI combined with Penar's original dataset of election quality.

Chapter 2

Determining When Regional Organizations Become Their Brother's Keeper in Elections

International factors in regime change

The central theoretical questions are: Do African regional organizations help or hinder democratization and how? These questions arise in the broader literature on the international factors contributing to democratization and the alternation of power.

The debates within the international factors literature concern the identification of the level at which external factors have a meaningful influence on domestic politics and the associated actors. At the broad international level, theories of diffusion rely on the effects of world-wide process of normative and material (e.g., economic) change (Brinks and Coppedge 2006; Leeson and Dean 2009; Teorell 2010; Gleditsch and Ward 2006). Although diffusion theories sometimes focus on regional material and normative loci of change ("neighborhood effects"), the larger ambition is to show how there are international regime-level contagion processes. Other global theories emphasize the structure of the international system and the disproportionate power that former colonial and major powers have over smaller powers (Finkel, Pérez-Liñán and Seligson 2007; Schraeder 1994; Brautigam 2009). This influence occurs through the exercise of major power force and through linkages – functional and cultural – between former colonial states and the former imperial states (i.e., France, UK, Russia, and China). The literature has also examined the Western countries more broadly (Levitsky and Way 2010) and the emerging role of China in Africa (Brautigam 2009). This literature seeks to establish the ability of major powers to exercise leverage over other states and to provide an account of how influence fits with foreign policy goals. Finally, some global theories emphasize the mediating role of global institutions, mainly the United Nations (UN), in promoting regime outcomes (e.g., running elections, post-conflict political settlements).

Although global processes and actors remain important as major powers and the UN figure prominently in the

foregoing theoretical framework, the literature has begun to examine continental and regional dimensions. This effort is supported by the UN's sanctioning of regional organizations in the UN Charter, and the fact that international actors (such as the UN) often defer first action steps in dealing with conflicts to continental and regional organizations. Continental and regional intervention are also more proximate to the concerns arising in the immediate neighborhood. In the main, the literature has focused on formal continental and regional organizations and their influence on regime change (Pevehouse 2002*b*; Pevehouse 2002*a*; Pevehouse 2005; Mansfield and Pevehouse 2006; Mansfield and Pevehouse 2008; Williams 2007). Regional organizations are helpful because they provide formal institutions and a locus of norms that consenting states navigate.

Due in part to the history of the anti-imperial struggle and how this strongly affirmed regional solidarity, in contrast to other world regions (e.g., Latin America and Asia), Africa stands out with regional organizations and neighboring states often playing a decisive role in domestic politics. The direct evidence of the influence is seen clearly when African regional organizations have sometimes tipped the scale in elections for or against an incumbent.

Democratization, democratizing moment, or neither?

Democratization involves a broad set of changes to the rules of the political game, including fair and competitive political competition and freedom of expression and the media. It also involves the protection of civil liberties. Democratization extends beyond political liberalization to ensuring a level political playing field and removing the barriers to fair competition and the electoral success of opposition parties. In short, democratization is more than allowing political competition. Arguably, regional organizations may have influence in many domains pertaining to democratic governance, which could contribute to democratization. Regional organizations have developed guidelines, protocols, and charters on elections, courts and regional law, media freedom, gender inclusion, civil society-government relations, and human rights.

To varying degrees, regional programming has contributed to underlying conditions and propagating norms helpful to accepting democratic governance in African countries in particular. For instance, the emphasis on gender equity at the regional level appears to have contributed to the acceptance of women representatives in parliaments.¹ Media guidelines have spurred the monitoring of media practices in member states, with clear recommendations urging the privatization of media outlets and equitable coverage of different political views. Regional courts, specifically the Economic Community of West African States (ECOWAS) Court of Justice, have made consequential rulings to preserve the rule of law and human rights in member states, including rulings against the regional hegemons, such as Nigeria. In short, a focus on regional organizations and processes can illuminate many causal outcomes, which encompass the multidimensional nature of democratic governance.

Extensive research could be done on any of these diverse regional efforts to determine the effects on democratization. This dissertation takes a narrower focus on free and fair elections and alternation of power as the entry points to understanding democratization. This is not to say that democratization is sufficiently achieved through quality elections or a transfer of power. Democratization should be differentiated from a democratizing moment. Democratization is a process – often lasting years – of deliberately improving election conduct and management, extending realized franchise (e.g., registration and making voting easy for citizens), maintaining a level playing field for political competition, and ensuring rules that facilitate the articulation of the popular will (e.g., no extreme disproportionality).

In contrast, a democratizing moment does not have to be a sustained process of pro-democratic changes. Instead, it may be a one-off election conducted with propriety, tolerance of political competition, or even a transfer of power. The democratizing moment concept is similar to a liberalizing electoral outcome (LEO) put forth by Howard and Roessler (2006). However, unlike LEOs, a democratizing moment does not necessarily bring about a new government or political liberalization in the long-run. In fact, a democratizing moment could bring about increasing limits on democratic impulses. There are many examples of transfers of power through decent elections that do not move a country any closer to democracy.² Democratizing moments – though they are limited – are still hard to achieve. Arguably, democratizing moments may become an important reference point some time in the future when the conditions for further political liberalization become more favorable. Therefore, democratizing moments alongside democratizing processes are worth analytic attention.

Regional organization influence

This dissertation contends that regional organizations will have the most discernible influence on shaping democratizing moments, as a necessary though not deterministic critical first step towards long-term democratizing trends. Because the costs of intervening in elections are high and it is often difficult to maintain consistent engagement over time, regional organizations are more willing to get involved in election disputes with discrete objectives and with a specific time frame in mind. Therefore, the effects of regional intervention are likely to be greatest at precise moments.

This contrasts with theoretical frameworks that emphasize long-term and sustained processes of regional influence (e.g., Pevehouse 2005), or frameworks that emphasize the long-term effects of signing treaties (e.g., Simmons 2009). Pevehouse and Donno (i.e., Donno 2010) rightly find that African regional organizations are highly ineffectual in terms of furthering democratization in the long-term in comparison to other regional organizations (e.g., Association of Southeast Asian Nations and Mercosur). By focusing on long-term trends in democratization, the effects of African regional organizations on democratizing moments are missed. That said, this dissertation also contends that contrary to earlier findings about the impotence of African regional organizations, there are mechanisms through which African regional organizations may improve the quality of elections over the long-term. These mechanisms can positively

contribute to democratization efforts.

Five factors determine the likelihood of African regional organizations intervening in elections with the ability to augment the quality of elections and ensure an alternation of power (if required): (1) African regional organizations' ability to gather and interpret actionable information about the quality of the election, mainly through election observation; (2) the support for and capacity of regional institutions to administer election assistance programs; (3) the embeddedness of regional organizations in networks of international institutions (such as the UN, donor countries, and international nongovernmental organizations in the democracy and elections space); (4) the degree of inclusion and balance in a regional organization's approach to mediation and conflict resolution; and (5) the ability of opposition parties to develop relationships with regional neighbors and signal their credibility.

The reason for the inconsistent behavior of African regional organizations – noted widely in the literature – is that action occurs when the confluence of these factors converge at a similar moment. One critical feature of the convergence is that important motivating factors are domestic, mainly the strength of the political opposition in a given country and election and the oppositions' ability to signal its credibility. It is the interaction between this domestic factor with the *modus operandi* of a particular regional organization that produces a certain regional response and explains whether African regional organizations intervene and whether such intervention helps or hinders democratization in a moment and perhaps over the long-term.

Although the following describes these causal factors with the African context in mind, the role of causal mechanisms applies beyond African regional organizations to regional organizations more broadly. This dissertation contends that the five causal factors can explain outcomes in a way that previous theories advanced about regional organizations can only partially explain particularly when commitment mechanisms are weak or non-existent. Further, scenarios of weak and non-existent commitment are most plausible when staying in power at all odds trumps so-called commitments to democratic behavior.

The existence – to varying degrees – or lack thereof of the five factors means that regional influence on elections is highly country- and election-specific. Also, it means that election quality improvements in one country will likely not necessitate election quality improvements in regional neighbors. Many countries with severely flawed elections will not receive any attention or only very little election-related support. In sum, achieving a regional response to an election that shapes a democratizing moment is the high watermark of regional organizations in the democracy space and is highly contingent.

Election quality

Free and fair elections are an essential part of democratic governance. There is a consensus among election analysts and practitioners that election conduct and management is a complete process (cycle) and not just an election day activity. One of the consistent comments from election practitioners and civil society leaders is that election day processes are fairly well managed considering logistic constraints. However, these respondents also suggest that an inspection of the entire election cycle reveals that many governments are willing to use manipulative means in the months and weeks before election day. Therefore, any conception of election quality must address pre-, during (i.e., election day), and post-election processes.

International IDEA maintains a standard election cycle categorization with three election phases (pre-, during, and post-election) broken down into eight component processes, such as voter registration, electoral campaign, and verification of the results.³ Nested within main component processes are specific election-related activities, such as election observer accreditation and media access. Although some processes of the election cycle are interrelated, some processes are fairly distinct. For example, establishing boundaries (districting) is distinct from managing the electoral campaign. It is highly likely that very different sets of actors and factors will influence disparate components of the election cycle. More importantly for the analysis in this dissertation is that election quality improvements will be more easily achieved in some components of the cycle than others. For this reason, African regional organizations and international influences more broadly will have uneven effects across the disparate components.

Figure 2.1: International IDEA Election Cycle



International IDEA's widely accepted understanding of the election cycle is echoed at a general level in interna-

tional standards for elections. For instance, Article 21.3 of the UN's Universal Declaration of Human Rights states: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." The International Covenant on Civil and Political Rights (ICCPR) also provides elements of international election standards and associated basic freedoms. Article 25 of the ICCPR states that "Every citizen have the right and opportunity [...] to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."⁴

Although there is a general acceptance of the election cycle analytical framework and international standards of elections, shortcomings abound. In the last 20 years, most countries have held periodic and often regular national elections (Carothers 2002; Levitsky and Way 2002; Gandhi and Lust-Okar 2009; Gandhi 2008; Levitsky and Way 2010), including most African countries (Lindberg 2006). However, the conduct and purpose of elections in hybrid regimes – often called competitive or electoral authoritarian regimes – deviate from the fundamental principles of a democratic selection of leadership and policy decision-making (Schedler 2006; Levitsky and Way 2010).

Election shortcomings

There are distinctions between intentional election malfeasance, negligent malfeasance, and unintentional election irregularities. In many elections in African countries, the government purposely engages in intentional election malfeasance that ranges from preventing opposition campaign events, tampering with the voters' roll, multiple voting, ballot stuffing, and changing results. These actions encompass a "menu of manipulation" (Schedler 2002). Intentional malfeasance may take place at the hands of top leaders or local cadres. The distinguishing feature of intentional malfeasance is that there is an organized conspiracy to win an election even if it means transgressing international election standards. This reflects a determined and deliberate decision to flout any existing commitments to quality elections, which can occur at any point during the election cycle including on election day. The incumbent's ability to determine the form and timing of intentional malfeasance can undermine any preemptive external interventions to prevent the conspiracy. This is particularly true when election malfeasance takes place on election day or during the collating and reporting of results. Any external intervention to reverse the course of intentional malfeasance or right the wrongs caused by malfeasance requires significant fortitude and sanctioning since it entails a complete change of behavior on the part of the incumbent government and perhaps further mitigation.

The incumbent is not likely to acquiesce since the drive to intentionally rig an election in the first place illustrates that the incumbent values the maintenance of power above almost anything. This fact makes election interventions very different from studying interventions to prevent other policy changes harmful to democracy, such as the firing of judges, the arrest of journalists, the imposition of martial law, and frivolous constitution referendums. Most of

the previous literature on external factors influencing democratization have looked at some these aforementioned policy outcomes (e.g., Pevehouse (2005)'s case studies about constitutional reform and Alberto Fujimori's autogolpe in Peru). Some of these policy and constitutional changes are, however, far less zero-sum than election outcomes. In addition, intentional malfeasance can be arranged more quickly and secretly than discrete policy changes, and intentional election malfeasance can be hard to pinpoint and prove. For all of these reasons, democratizing moments originating from confrontations over election quality – particularly when there is an organized conspiracy – are a high watermark of regional organizations' influence. The dissertation uses the phrase "confront election malfeasance" to underscore how confrontation is part of achieving better quality elections (and an alternation of power if required) in these cases of intentional malfeasance.

In contrast, negligent malfeasance displays less intentionality and coordination than intentional malfeasance. Negligent malfeasance may occur with a more limited scope, but it can still be highly systematic and widespread. Examples of negligent malfeasance include the delayed deployment of registration and ballot materials, slow processing of opposition campaign event requests, and the mismanagement of election personnel. When questioned about these forms of malfeasance, incumbent governments often suggest that there are budgetary constraints, capacity challenges, and logistical barriers to implementation. Admittedly, elections are major logistical efforts for many African states that may have invested very little in institutions, penetration of the state, and the human resources necessary to oversee an election. However, some states do not make good faith efforts to ensure minimum standards.

It is much less costly for regional organizations to intervene and put pressure on governments to improve elections in a scenario of negligent malfeasance. In response to pressure, the incumbent may be willing to make concessions to opposition parties pushing for election management changes, particularly on the margins. It is, however, sometimes harder to pinpoint the size, scope, and impact of negligent election malfeasance, which as will be described is an important step to confronting election shortcomings. For this reason, the incumbent will likely get away with the negligence and be able to postpone calls for further election quality reforms. It is no surprise that election quality tends to stagnant in many countries (see chapter 4).

There are still other instances in which a well-meaning government lacks the finances, personnel, and logistical support to deliver a completely free and fair election. These countries suffer from unintentional election irregularities because capacity gaps undermine election quality. It is important to note that there are few African countries that fully fit in this category because international actors have shown a willingness to support countries with election-related finances and training. However, there are instances in which international election support has not been consistent in the long-term leaving well-meaning governments to suffer from major and unintentional capacity and logistical gaps. In a scenario of unintentional election shortcomings, regional election assistance is likely to go a long way in supporting short- and long-term improvements to election quality. These outcomes reflect the marquee cases often

used to justify the success of election-related programming.

Leaving these special cases aside, in situations of intentional or negligent malfeasance, the state accused of election malpractice prefers to identify election shortcomings as "irregularities." Irregularities refer to deviations from the legal framework of a country or the uneven application of a country's legal framework and election procedures. According to this definition, all irregularities are in reference to the country's constitution and electoral laws. This raises the issue of whether a given country's constitution and electoral laws are themselves in accord with international election standards. If the constitution and electoral laws are not in accord with international election standards then it is not useful to discuss irregularities because the deficiencies come at the legal framework level. Further, there is a point at which irregularities are, in fact, systematic and contribute to flawed election outcomes. Therefore, what is most important to discern is the intentionality of the incumbent government. This determination illustrates the barriers to improving election quality: is it due to a lack of capacity, or is the incumbent government manipulating elections the stumbling block? Election assessments always grapple with these questions.

Election reformers, or not?

The discussion of intentionality raises the importance of the attitude of governments to be more or less predisposed to election reforms. As alluded to, incumbent governments range from highly unwilling to highly willing to improve election quality. The relative willingness to improve election quality will influence the effectiveness of even the most well-intentioned African regional intervention. Countries interested in election quality reforms will likely benefit from even small-scale regional financial and election support (e.g., voter education programming and election observation). In contrast, unwilling countries will likely resist any intervention in elections that could improve election quality. As mentioned, for these "hard" cases, any observed regional organization response aimed to mitigate election malfeasance reflects a great deal of fortitude and risk to upsetting the target government.

All of the case studies discussed in the following chapters (i.e., Côte d'Ivoire, Kenya, and Zimbabwe, as well as Gabon and The Gambia discussed in the concluding chapter) are hard cases, in which the incumbent government was highly resistant to cease or confront election malfeasance both intentional and sometimes by negligence. The resistance stems from incumbent governments that clearly did not want to relinquish power despite effective opposition parties that wanted improvements to election quality in search of an election win. Whether opposition coalitions are true believers in enhancing election quality may not matter. In most cases, the opposition parties have a self-interest in embracing better elections because this can enable them to win. In retrospect, it is possible that the opposition parties won elections, but in Kenya and Zimbabwe, opposition parties were denied being declared the official winner. These cases, in particular, illustrate how instrumental election quality may be to securing an alternation of power. Regional organizations act as third-parties to mediate the reform and anti-reform positions of the competing politi-

cal parties. In addition, regional organizations may be decisive in determining outcomes that shape democratizing moments, particularly in the "hard" cases.

Dealing with hard cases: the three-step process

The influence of regional organizations is determined through a three-step process. The first consideration is whether there is underlying election malfeasance (intentional or due to negligence) or not. Although many election losers claim that there is election malfeasance, the scope of the malfeasance may range from minimal to outcome-changing. The variation of malfeasance and its intentionality differs across countries and elections.

Assuming there is a fairly significant and objectively substantiated underlying grievance, the second consideration is whether the election malfeasance captivates the attention of the relevant regional organization(s). As described in the introduction, there are plenty of instances of election malfeasance that gain no or the momentary attention of regional organizations. Attaining regional attention is critical to elicit any response. If the election grievance garners regional attention, the relevant African regional organization can choose to intervene directly or monitor the situation indirectly.

Finally, assuming the relevant regional organization(s) chooses to intervene in some form, the response could be aimed at confronting the election malfeasance or ignoring it and buttressing the support of the incumbent. The case studies presented in chapters 5-7 all assume that the election malfeasance has made it to the final stage of requiring regional action. These cases are rare. At each step, elections are selected out with only a few elections reaching the level that considers the nature of the regional response. The last step determines whether the regional organization's actions contribute to improving election quality or enabling the use of intentional or negligent election malfeasance. This dissertation focuses on this decision to intervene, the nature of the intervention, and most importantly how the intervention or inaction influences election quality in the short- and long-term.

Decision to improve election quality

By default, regional organizations, particularly in Africa, have a persistent pro-incumbent bias and give the incumbent the benefit of the doubt when it comes to election quality critiques. There are several instances in which the incumbency bias has been so strong that the African states acting in regional organizations exhibit cartel-like behaviors when engaging the political opposition (and civil society). The cartel-like behavior manifests itself in active direct (e.g., endorsements, procuring money and material) and indirect (e.g., consultation) political support for incumbent governments. This support includes preventing political opposition from engaging regional organizations and like-minded opposition parties in the region directly, devaluing claims of election malfeasance, questioning the political

opposition's commitment to stability and security and in some cases painting them as treasonous and dangerous to the region, and urging asymmetrical restraint not applied to the incumbent government.

The problem is that the regional cartel sometimes faces costs to maintaining the pro-incumbent bias. Some of the cost originates from neighborhood externalities, including negative regional economic impacts, the spillover of civil conflict, the spread of refugee crises, and the potential condemnation of neighboring states by the "international community" (i.e., donor countries) for not dealing with the crisis. These neighborhood effects are particularly influential when a regional organization is deciding to ignore or engage with the election country. Even if there are neighborhood externalities from an election, a regional organization could sit on the fence and hope that the dispute ceases without spiraling out of control. Yet, under a very specific confluence of circumstances, the pro-incumbent bias may be attenuated or eliminated altogether. In these cases, regional organizations shift to being "thy brother's keeper" often without the direct intention to do so. Further, this shift in a given election can set a precedent for the future, which brings about long-term changes in the nature of the regional cartel and a slow breakdown of its pro-incumbent bias.

Five factors and the associated mechanisms by which regional organizations may influence election quality and ensure an alternation of power emphasize the interaction between domestic and international factors. Also, the five factors go beyond the formal, legal institutions in place at the regional level and point to the behavioral and exploratory nature of activity within regional organizations, specifically in the African context.

Factor 1: Election observation and election information

Quality of election observation missions

One of the most important vehicles for gathering election information are election observation missions. The present literature distinguishes between "credible" (hereafter Western) and "non-credible" (hereafter regional) observers (Hyde 2011; Kelley 2011). This distinction is made to suggest that Western observers, such as the European Union (EU) and The Carter Center, are generally more critical and have access to more reliable, unbiased information. In the main, this is an adequate assumption because Western observers groups have invested in rigorous observation methodologies, such as long-term observation to expand election cycle coverage (e.g., registration processes), thorough checklists, and statistical frameworks for making inferences. The same methodology is also replicated with a high degree of consistency across elections. When it is not possible to deploy a mission with the necessary capacity and investigatory access, then Western observers often do not observe.

In contrast, broadening from the traditional focus on Western observers, Kelley (2011) finds that regional observers lack credibility and have no positive effect on lowering violent protest and deterring opposition boycotts. Kelley (2011) seems to suggest that better election quality will not come from regional election observers. Part of the result is likely due to the highly variable conduct of regional election observing across elections. Some election

observation missions entail long-term observation for several months with a large number of observers (over 200), whereas other election observation missions are small (less than 30) with a 10-day window inclusive of election day. There is also significant variation across regional organizations and over time. These features shape the information gathering capacity of regional election observation in addition to the political considerations of regional observation missions.

The variation is present in the average size (i.e., number of observers) and country coverage, the variability of size from election to election, the duration of the mission (e.g., short-term v. long-term), the method by which observers and the core team are appointed, the existence of pre-election assessments, and the collaboration with international organizations, including NGOs. The most robust election observation missions with the highest probability of collecting reliable and timely information are large (taking account the population and size of the election country). This allows for a broader view of the election beyond urban centers. The characteristic of consistency of the size of the observation mission reflects the regional organization's interest in regularized procedures of election observation. Election observation missions are logistically challenging. The deployment of small missions punctuated by very large missions most likely means that for the large missions the training of observers will be limited, details may slip through the cracks, and avenues of reporting could be overwhelmed and sometimes redundant. It is better to slowly increase mission size to ensure that clear protocols and experienced staff are in place to support a larger mission.

What is perhaps more consequential than size to collecting quality information is that the mission is manageable and deployed months before the election in a long-term observation mission. Long-term observation missions have the ability to collect important contextual information about the election climate and offer a broader coverage of the election cycle. Long-term observation missions also have the ability to share information publicly and to pressure political stakeholders to change behavior early in the election process if it is necessary. Incumbents engaging in election malfeasance have an incentive to limit the length of the observation mission. However, if long-term observation methodologies are formalized (e.g., there is at least a mandatory 60-day pre-election observation period), it becomes harder for the incumbent to delay accreditation because delays could signal guilt.

The quality of such missions is greatly enhanced by the abilities and independence of the participating mission members. In many cases, election observers are appointed by member states and participate in missions with very little training. Some of these observers actually come with specific instructions from their appointing member state about how to interpret events before arriving. The member state-centric process of appointment leads to lower professionalism and independence for observers. This contrasts with an appointment process in which the regional organization regularly trains observers, maintains a centralized go-to election observer list, and evaluates each observer on their past performance. The professionalization and independence of these observers are greatly enhanced, and so is the likelihood that quality election information will result.

In addition to long-term observation, pre-election assessment missions (PAMs) are instrumental in gathering information about election quality. PAMs involve a small regional delegation meeting with political stakeholders and observing election conditions months before the election. These detailed reports, usually not shared with the public directly, are shared with regional organization officials, political stakeholders, and international partners. This timely information has the ability to force political stakeholders to address problems months before an election. PAMs have marked a major revolution in regional election observation, which the previous election observation literature has not yet addressed. The main principle here is that the earlier election observers identify election malfeasance, the more chance for less costly interventions to augment election quality.

Finally, the quality of information is also dependent on international election observation collaboration and the ability of domestic observer missions to share timely reports. International election observation collaboration entails the regular meeting of international organizations to share information and in some cases offer joint statements. Collaboration likely provides a wider set of data on election quality and involves a cross-pollination of election judgments. In addition, the decision to engage in collaboration early in observation missions suggests that the regional mission may forgo its traditional role of deflecting wholesale election criticism.

In addition to these region-level characteristics, domestic observers also provide important information that helps inform the judgment of international election observers. In most cases, domestic observer platforms offer longer-term, larger, and wider coverage than international missions because the field logistics and lower costs make it feasible. One trend for domestic election observation is the implementation of a parallel vote tabulation (PVT). PVT results – in select elections in which they are conducted – are being used by observer missions to support conclusions about the overall integrity of the elections. Yet, overly relying on PVT results could cause observers to discount other parts of the election cycle, such as government efforts to suppress voter turnout or discount errors made in a very tight election. Voters may be afraid to provide their actual vote choice as well (Bratton, Dulani and Masunungure 2016). Nevertheless, the scope and methods of some domestic election observer platforms may surpass the ability of international observers.

Another consideration is the effectiveness of domestic observers, which varies across countries and elections. First, the major source of support for domestic observation comes from external donor funding. If a country is not perceived to be at "risk," there will be less interest in providing donor funding. Or, if donors are frustrated with the government and/or civil society this may cause foreign donors to lessen financial support. Second, funding regimes, partisanship, and personal conflicts may ruin the cohesion of a domestic observer mission leading to multiple platforms observing the same election. When funders fail to cooperate, such as the United Nations Development Programme (UNDP), Western countries, and international NGOs, it may lead to separate funds that domestic NGOs compete for and this promotes multiple observer platforms being established. More often than not, partisanship or

personal conflicts lead to schisms within domestic platforms. These are the main threats to a concerted effort to collect election information and productively collaborate.

Some election practitioners think that having multiple domestic observer platforms provides the ability for healthy competition leading to an array of perspectives on an election. However, from the case studies in this dissertation, it seems that more cohesion and centralization rather than less is best because it provides one clear signal about the quality of the election to international and regional observers. Centralization has also seemed to go hand-in-hand with better professionalism and the timely reporting necessary for regional organizations to make decisions.

Actionable information

Under the best circumstances, election observers may provide significant – though still imperfect – information about the quality of an election. Most of the literature has focused on the domestic or micro-effects of election information, such as deterring fraud and increasing participation (Bjornlund 2004; Carothers 1997; Carothers 2004; Hyde 2007; Birch 2010) and providing information to political and civil society actors to solve collective action difficulties and lend credibility to protests against election fraud (Bunce and Wolchik 2010a; Magaloni 2006; Magaloni 2010). Some of the empirical evidence is debatable, as some studies affirm no effect of election observation on electoral fraud (Ichino and Schündeln 2012), for example. This dissertation does not comment on the direct efficacies and micro-effects of election observation. Rather, it is concerned with how information is gathered and interpreted by regional organizations, and how this influences the decisions of regional organizations in part represented by the election observation missions.

Regional organizations only intervene to improve election quality and ensure an alternation of power when there is actionable information. Actionable information is gained through thorough election observation (described above), the collection of data (also described above), and most importantly the interpretation of data in the political context of the country. For example, some election observer reports mention projections of the percentage of polling stations that opened late and the rates of assisted voting. The former is a logistical shortcoming that could be intentional, through neglect, or due to a logistical constraint and capacity limitations. The latter could signify efforts to compromise the secrecy of the ballot, or high levels of illiteracy and/or no pre-voting day voter education. The interpretation of even the best data is crucial to making the information actionable.

In these examples, reliable information about other aspects of the election process is necessary, such as where were the election shortcomings and how do they map onto political divisions in the country. If the voting booths in traditionally opposition strongholds opened later or assisted voting was observed in high rates in government strongholds and do not correspond to education gaps, it is possible that there was intentional or negligent malfeasance at work. The end result of actionable information is found in statements from observers that explicitly suggest how

malfeasance may or may not have advantaged certain candidates.

The highest level of actionable information ascribes a projected magnitude effect on the outcome. For example, consider the statement: it is likely that polls opening late in opposition strongholds across the country lowered participation rates by approximately 5%, which would be enough for the incumbent to avoid a run-off vote. It is clear that such inferences require a high threshold of information from observer groups and the independence of the mission to report this claim. Even Western observers are generally risk-averse and fear that statements challenging official results will lead the opposition to protest and increase government repression. However, without actionable information gathered and reported by regional observers – publicly or through private channels – it is not likely that an intervention will promote the quality of elections and ensure an alternation of power (if it was the outcome).

Factor 2: Regional organization institutions and election assistance

Institutional independence and professionalism

Regional institutional arrangements matter to confronting election malfeasance. There are three primary actors at the regional level: (1) the member states; (2) country representatives (e.g., MPs in regional parliaments); and (3) bureaucrats. In particular, there are bureaucrats that handle election-related concerns in election assistance units. Election assistance units arrange financial assistance for elections and voter education, election observation missions, coordinate professional associations of election professionals (e.g., electoral commissions forums), and make independent assessments of election quality. These units contribute to gathering information on election quality, which may make intervention more or less likely depending on the assessment. The units also have a direct effect on election quality by facilitating the diffusion of best (or worst) practices across the region. Most consequentially, for some regional organizations, election assistance units conduct their business with minimal member state and country representative oversight.

The effectiveness of election assistance units is shaped by a number of factors that vary across the regional organizations. First, there is the institutional independence of the unit. Second, there is the level of professionalization of the unit, including the personnel that is hired to work on elections. Finally, the sustainability of funding, sources of funding, and external partnerships may influence the previously mentioned factors.

The organizational structure of election assistance begins with the Department of Political Affairs. Within the department, there are varying levels of institutional independence from fully independent dedicated election assistance units to ad hoc election assistance committees. Stand-alone election assistance units within the department have an ability to offer an opinion on an election matter at the unit level for departmental consideration. Being nested in the department provides a layer of protection and promotes more honest reporting at least at the unit level. Ultimately, the institutional independence provides a degree of separation from the influence of member states and country rep-

representatives. In contrast, ad hoc arrangements or minimally established units provide no autonomy inside of the department. The authority to make independent judgments is limited. Broadly speaking, less accountability from member states and their representatives provides election professionals the ability to do their work in accordance with international election standards. It is more likely that a regional organization attracts specialized and professional personnel who deal with elections if there is a dedicated unit. The prospects of having a more substantial influence over decision-making and institutional autonomy make it an attractive employment opportunity. At the unit level, there are also opportunities for career advancement.

The process through which election officials receive their appointments also influences their approach to their work and professionalization. Among the bureaucrats, the method of institutional attachment is important: some bureaucrats are appointed by member states, others are hired through formal hiring processes at the regional organization, while still others are supported by outside donors, such as Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and foreign governments. The more autonomous the election assistance unit, the more likely there will be a mix of regional organization and special hires. In most cases, special personnel have extensive program management and election experience, and they are often protective of doing their jobs independently and professionally. Ultimately, these officials are likely to embrace institutional independence. The importance of appointment method underscores the role that election assistance professionals may play as policy entrepreneurs within the regional organization. If officials come with experience in elections and significant autonomy, they are able to further their agenda – within reason – to enact standards and programs to augment election quality. These professionals can further build the regional organization into a focal point for information on elections.

Related to appointment methods, election assistance units may receive significant financial support from foreign donors, but not all regional organizations desire to engage foreign donors. For regional organizations that receive financial and programmatic support openly from donor countries, consultation processes and monitoring and evaluation frameworks guide the hiring of staff and the implementation of programs. In contrast, other regional organizations limit the participation of foreign donors to economic concerns in order to insulate political priorities. This reflects a realistic fear on the part of some member states that receiving money from foreign donors comes with strings attached and will enhance the independence of election assistance institutions. It is likely that election assistance units that receive support from Western donor countries, in particular, are predisposed towards better election programming. This occurs through the hiring processes previously described and the influence of program review and the requirements necessary for receiving foreign donor grants in the first place. External funding also greatly enhances the independence of election assistance institutions by protecting units from threats to cut funding and other tampering.

Election assistance programming

Election assistance institutions, if sufficiently independent and staffed by professionals, have a great potential to influence election quality over the short- and long-term. Since election assistance is an ongoing process between elections, any long-term influences on election quality are likely coming from election assistance practices alongside the wider embeddedness of the regional organization in international networks (the fourth main causal factor).

Regional institutions forge linkages with domestic election practitioners and institutions, such as election commissions, and deliver programming directly through these linkages. The linkages may be formalized and regularized or arise from ad hoc consultations. Programming includes consultations, forums, trainings, and workshops on election-related topics. Regional institutions also provide direct financial support to domestic election practitioners in the form of grants. These grants support building election management capacity and carrying out civic education efforts. This support mechanism has the ability to disseminate best practices complimenting bilateral election support from Western donor countries. In fact, donor countries may prefer to work through regional organizations because it allows the region itself to own the programming and thereby bypass criticism of foreign interference.

The process of dissemination begins with identifying common areas of need in the region, such as the role of ICT in elections. From these concerns, the regional election assistance unit helps facilitate forums and workshops on the subject. It is expected that election assistance effects are strongest in the areas of promoting election management independence and confronting logistical challenges (e.g., accounting process and procurement). These management and logistics issues are election concerns that election commissioners have at least some interest in improving. It is expected that "hard cases" will experience fewer effects of regional election programming, particularly if they are unwilling to reform. However, election assistance institutions have the capability of setting regional standards of election practices. This helps explain the spread of election norms across countries as regional institutions serve as an instrumental focal point. Election assistance institutions also support regional election observation missions by facilitating the appointment of observers and providing the technical support. Therefore, the institutional effects are felt through the mechanism of gathering and reporting actionable information as well.

Factor 3: Approach to mediation & intervention

There is significant variation in the norms of mediation and organizing intervention across regional organizations. Although it is possible to discuss formal legal approaches to studying mediation, this dissertation focuses on behavioral qualities. For instance, there are some loosely prescribed processes in place for deploying mediation teams, including who should comprise the team. However, seldom are these standard, formal practices meticulously followed or even prescriptive. Across the regions, there is little regularity in formal mediation efforts other than those regularities that

operate outside of so-called formalized processes.

The important points of comparison across regional organizations are the type and number of stakeholders involved and the ease of access, as well as the bargaining power afforded to the incumbent and opposition. The variation of the type and number of stakeholders involved influences bargaining. The following describes the qualities of five commonly observed mediation approaches and their implications for stakeholder involvement (e.g., type and number), ease of access, and bargaining power:

Organization point of contact: In more minor cases of election disputes and on rare occasions in major election disputes, a regional organization may designate ranking officials, such as the secretary general, within the regional organization to mediate. This mediation approach is usually confined to early attempts to settle disputes without involving member states directly. The approach may be effective on small matters, but it is easy for the incumbent and/or opposition to escalate the dispute to member state mediation. Therefore, organization point of contact arrangements are usually ephemeral and dissatisfied parties can always veto mediation attempts. In the main, this arrangement engages the incumbent government and attempts to press it to solve the dispute peacefully with minimal concessions. This approach is likely most effective for prevailing on the incumbent during the pre-election phase, rather than post-election bargaining. A strong political opposition can veto any of the concessions if offered and pursue a better deal. However, one risk is that by involving member states and escalating the dispute, the political opposition may appear intransigent with insatiable demands. Also, the political opposition is not guaranteed a better bargaining outcome by including member states as the other mediation approaches can attest.

Point of contact: Point of contact mediation occurs when an African regional organization appoints one (or maybe two countries) to serve as a dedicated mediator. A feature of this approach is its inflexibility. In this setup, the designated mediator seldom changes even if there are significant setbacks during the mediation process, or if the point of contact is perceived as biased (or is biased) towards one party. Often these arrangements arise when the designated country has a particular interest in the target country and/or there is a regional hegemon that can demand the right to mediate. Another important feature is that all mediation flows through the point of contact. The chief mediating country protects this exclusivity and the other regional organization member states protect it by deferring to the chief mediator and rejecting interactions with parties directly. For instance, opposition leaders seeking to consult with other member states outside of the point of contact will have their efforts frustrated by the exclusivity arrangement. This makes the audience of the mediation effort only one, which means dissenting views may be dismissed without wider recourse. The point of contact mediation approach almost always advantages the incumbent since the underlying view is that the crisis needs to be managed, rather than completely bargained.

Team of contact: This is a variant of the point of contact mediation approach with the major difference being that a regional organization sanctions three or more member states to serve as the mediators. This approach is more flexible and less exclusive than the point of contact approach. It also allows for dissent within the mediation team. In addition, it is possible that the opposition leaders are able to engage and lobby more than one country to enhance their bargaining power. This can lead to the opposition parties mediator-shopping for the most receptive country. At the same time, the flexibility is bounded to the appointed three or more members states, and the team is unlikely to change in response to changes in the negotiations.

Resourcer: The resourcer approach is a variant of a team of contact approach and is pursued with maximum flexibility. Although there is usually a team of mediators leading negotiations, it is possible to request the aid of other mediators at different parts of the process. This may entail inviting mediators that are not member states of the regional organization. The mediation core team may also welcome international mediators from the UN or other organizations to mediate during parts of the process. In such situations, usually both the incumbent and opposition both gain significant bargaining power and the ability to be heard from all sides. It is also likely that the opposition will exercise significant influence over the outcome in these arrangements. This makes it likely that there will be some mitigation of election quality concerns and a better chance for securing an alternation of power pursuant to the citizens' will.

Abdication: The abdication approach usually occurs after the failure of one of the previously mentioned approaches, but it can also be a mediation strategy itself. In these cases, an international mediator, such as the UN or major power (e.g., France, UK, US), leads the mediation efforts. The approach usually affords significant bargaining power to the incumbent and opposition. In many instances, the opposition may push for abdication as a bargaining strategy to get a wider hearing and circumvent regional cartel-like behavior. The potential problem is that international mediators bring more unpredictable outcomes to the parties, which can often be highly unsatisfactory to one or both parties. For regional organizations seeking to deflect international criticism of elections, abdication is not a preferred approach because it brings about increased scrutiny of elections and weakens the regional cartel structure. Also, it could set a bad precedent and render the regional organization irrelevant in future election-related disputes. This is one reason that regional organizations may adjust their mediation approach throughout the negotiation process to avoid this abdication outcome despite not wanting to change.

In sum, the approach to mediation has a significant influence over the bargaining between the incumbent and

opposition. This in turn effects likely outcomes for the quality of elections and the alternation of power.

Power-sharing

The aforementioned mediation approaches are accompanied by key norms that vary across regional organizations. The most important decision pertaining to the alternation of power is the decision to be amenable or not to power-sharing. By their nature, power-sharing agreements are extra-constitutional because they are not reached using the political processes detailed in a country's constitution. Power-sharing agreements also set a precedent that extra-constitutional agreements and actions are permissible since there will always be a tension between the existing constitution and the power-sharing bargain. Furthermore, the acceptance of a power-sharing result contravenes the principle of democratic sovereignty and devalues the very purpose of elections. The fact that power-sharing arises from intransigence, usually because the ruling party refuses to relinquish power, indicates that power-sharing outcomes are at most very minimal democratizing moments, but often they are not.

The two minimally positive aspects of power-sharing and their relationship to election quality is that the opposition may be able to obtain a modest increase in power vis-a-vis the incumbent government and thereby exercise some oversight over future election proceedings. Secondly, power-sharing agreements may be able to stop civil conflicts, postpone dealing with disputes, and attenuate hostilities in the short-term. This can, in turn, provide the atmosphere for large-scale political reform (i.e., writing a new constitution). The problem with these two "positive" aspects is that empirical evidence from the case studies in this dissertation suggests that greater accountability from the opposition is often not achieved, hostilities may arise at a later date with similar levels of conflict (Mehler 2009), and major political reforms do not usually result (Cheeseman and Tendi 2010).

A central weakness of power-sharing agreements is that they often require a third-party to guarantee implementation. There is a strong incentive for both opposing parties – the government and opposition – to renege on parts of the agreement when it is expedient. In particular, the dominant party will do everything in its power to shape policy outcomes and regain its preponderance. As stated before, the nature of an extra-constitutional dispensation opens the door for these tactics, such as thwarting constitutional reforms, changing the date of new elections, and limiting information to opponents.

As a third-party, regional organizations have to play a long-term oversight role to manage the agreement. In most cases, the regional organizations fail in the guarantor role. Regional organizations have short attention spans and limited diplomatic resources to police complicated power-sharing agreements. Despite this potentiality, some regional organizations have pursued the power-sharing "solution." However, some regional organizations have refused to entertain power-sharing agreements as a solution to election-related disputes because of the weaknesses mentioned. Tolerance of power-sharing agreements is almost never going to lead to improvements in election quality and certainly

not ensure an alternation of power (if required) that reflects the popular will. The tendency of a regional organization to be amenable to power-sharing influences the outcomes of election-related bargaining.

Sanctioning and direct intervention

Regional organizations also differ in their general willingness to punish neighbors. During the mediation process, the ability to demonstrate credible threats to intervention rely partially on the organization's past experiences. For instance, ECOWAS has threatened and used military intervention on several occasions, whereas the Southern African Development Community (SADC) has seen South African-led intervention only in proximate countries (e.g., Lesotho) and the suspension of only island member states (e.g., Comoros, Madagascar). The existence of a regional rapid action force with experience intervening in political disputes is critical to coercing an incumbent to relinquish power if they lose an election. Yet, as Donno (2010) points out, African regional organizations have not been in the business of offering direct and credible intervention threats. Neither have the regional organizations arranged credible interventions to back threats in most cases (Donno 2010). Therefore, intervention threats are largely cheap talk in most regions, particularly in Africa. However, for regions where the instruments of intervention are readily available and have been used in the past, threats are viewed as more credible by the competing political actors. This leads to the prospect of coercing intransigent incumbents to improve election quality and leave power if they lose an election.

Factor 4: Regional organization embeddedness

Regional organizations, especially in Africa, are embedded in networks of international actors, including the UN, major powers, donor collaboratives, and international NGOs. The level of cooperation between regional organizations and these influential actors shapes priorities on election-related matters. It is expected that increased cooperation with international actors, mainly the UN and the West, and embeddedness in their networks will lead to a more pro-democratic regional outlook, in the main. This relationship between embeddedness and improving election quality is likely strongest for UN cooperation, donor collaboratives with democratic governance as a centerpiece, and international NGOs in the democracy and governance space. The effects on election quality will be less deterministic for direct major power influence. This is because national interest and geopolitical calculations may militate against a careful interrogation of election quality.

At the inter-governmental level, regional organizations are recognized by the UN Charter as the first responders to conflict and security concerns in consultation with the UN Security Council. Due to the variation in conflict across regions and role of influential Permanent Member States (mainly France in the Francophone countries), the regional organizations have ranged from almost no regularized relationship to long-standing cooperation with UN structures. As mentioned earlier, in mediation settings credible threats of intervention and the ability to intervene depend on

developing intervention structures and gaining experience in direct intervention (e.g., military intervention). UN collaboration is likely instrumental in organizing an intervention by providing legitimacy to the intervention and material support. Further, an in-depth relationship with a Permanent Member State on the UN Security Council will streamline communications and make diplomatic maneuvering at the UN easier.

As alluded to, major world powers (e.g., France, the UK) exercise a range of influences on regional organizations that the previous literature has sometimes failed to appreciate. In particular, the focus on how African regional organizations are loci of anti-imperialism and pro-sovereignty distracts from the real influence that major powers try to exercise and have exercised at the regional level through regional organizations. Major powers are likely to deploy soft-power at the regional level in the form of diplomatic lobbying and hard-power by lending military support. These efforts have the potential to drastically change the trajectory of bargaining on election matters. For instance, major power-backed military support may make intervention less costly for member states. That said, the effects of major power influence may be ambiguous in the long-run because it is possible that the major powers will preference national inclinations over quality elections. Or, major powers will emphasize the status quo to achieve security at the cost of improving election quality. In any empirical analysis, it is critical to determine where the major power stands on the competing factions and how they value election quality.

Another form of external soft-power is through donor funding from the UN, major powers, foundations, and international NGOs. There is variation in how open regional organizations are to donor influence. Donor influence may come through bilateral sponsorship or multilateral "basket" funds, usually with a specific purpose. Although regional organizations require additional finances for regional programming (usually because states are late paying dues and budgets depend on external support), some organizations restrict the areas that they request grants and seek donor partnerships. It is possible that a regional organization is embedded in donor networks for social and economic development needs, but not embedded in financial support networks for democracy and governance programming. This decision may be due to a regional organization trying to minimize the influence of donor collaboratives on political matters while still maintaining good donor relations on social and economic concerns. The outlook grows out of a non-interference, sovereigntist policy.

On the other hand, donor countries may find it futile to support democracy and governance programming because the member states clearly have no interest in fulfilling the donor requirements. Further, some donor countries may emphasize regional support alongside domestic engagements (e.g., many EU countries), whereas some donor countries work almost exclusively at the domestic, bilateral level (e.g., the US). These considerations shape the range of donor engagement at the regional level and the expected influence on the quality of democracy and governance support.

Finally, international (and regional) NGOs are present at the regional level and exert a great influence over democracy and governance programming. In particular, the Electoral Institute for Sustainable Democracy in Africa (EISA)

has established memoranda of understanding with most African regional organizations. The contribution to programming comes through financial support, technical assistance (e.g., drafting guidelines for election observation and democratic principles), supporting election observation missions (e.g., training observers, drafting observation reports), and coordinating the spread of best election practices. International NGOs have experienced and professional staff and clear objectives to improve elections.

It is important to note that many international NGOs receive financial support from donor countries in the West. For donors, sometimes the NGO route works to circumvent the closed space to donor countries at the regional level in the democracy and governance domain. By working behind the scenes, international NGOs can infuse ideas and practices into regional organizations. Nevertheless, international NGOs must be cognizant of maintaining positive relationships with regional organizations because their services can be terminated at any point. The implication is that international NGOs sometimes have to moderate their approach – at least in the short-run – in order to please the regional organization secretariat and member states.

In sum, regional organizations are embedded in international networks and interact with international actors. Often times, the influence of international actors, such as the UN or major powers, flows through regional organizations. However, in some circumstances, there is very little embeddedness of a regional organization in international networks. These differences help explain variations in a regional organization's decision to aid in improving election quality or not. Higher levels of embeddedness, particularly if it involves democracy and governance support, increase the likelihood that a regional organization and its member states will be persuaded to improve election quality and ensure an alternation of power when appropriate.

Factor 5: Opposition credibility

The decision to help improve election quality is also based on an assessment of the political opposition in the election country. Regional organizations and their member states scrutinize the political opposition carefully throughout an election process. In carrying out their vetting, regional organizations and their member states are risk adverse and any political outsider will draw immediate skepticism and intense scrutiny. Opposition parties and leaders are usually guilty until proven innocent. The general perception is that opposition leaders are interested in challenging the status quo and are comfortable with instability in the short-run to achieve their goals. In addition, opposition leaders are viewed as inept when it comes to governing due to their lack of practical government experience. This also means that it is difficult for opposition coalitions to convince neighboring states that they will keep their promises to adhere to regional norms after being elected. These reasons for skepticism, though overplayed at the regional level, do in some cases have some merit particularly when it comes to the opposition's lack of experience in government and sometimes diminished capacity to demonstrate on-the-ground political support.

In this generally hostile atmosphere, it is necessary for the opposition political parties and leaders to lobby at the regional level and demonstrate their domestic political strength and commitment to regional norms. If an opposition party does not placate the region and ally fears then the party or parties risk being branded as revolutionary and destabilizing. It is far easier for an opposition party to ally fears if the leaders have prior experience in government and/or international work, operated in politics for a long-time, maintain international and regional connections, command a significant domestic following, and there is no previous evidence of "radical" behavior. Yet, there are only a minority of opposition leaders and associated parties that may claim more than one or two of these positive attributes when it comes to lobbying. Therefore, most opposition parties begin with a large disadvantage, which often causes opposition parties to give up on regional lobbying altogether and focus attention on domestic mobilization and engaging non-regional (i.e., African) countries (e.g., Western countries). Failure to confront the disadvantages through active lobbying and meaningful signaling at the regional level is a major mistake that most opposition parties make.

At the risk of alienating neighboring incumbent governments, some opposition parties have sought the advice and support of opposition parties in neighboring states. This is a slightly flawed strategy that is likely pursued only if the opposition has little or no chance of competing successfully in the election, or if all of the doors to meet with neighboring countries' governments are closed. Cooperation with other opposition parties trans-nationally will likely contribute to the perception that the opposition will not conform to regional norms and will instead menace ruling parties in neighboring states. It is an "aggressive" and generally futile strategy.

The topics discussed in regional lobbying include the opposition's plans to handle regional relationships and commitments to a peaceful resistance during elections. As the case study chapters illustrate, regional lobbying occurs pre-, during, and in the post-election period. It is likely to be the most persuasive in the pre- and post-election period since many decisions about the quality of elections and alternation of power are made in these phases. Regional lobbying in these phases of the election cycle is competitive. The incumbent government will likely lobby neighbors and seek to persuade neighboring states that the principle of non-interference should be maintained. Beyond this contention, incumbent governments firmly assert that opposition parties will damage regional stability with their "unsubstantiated" and "unreasonable" claims of election manipulation and resort to violence and treason (e.g., the opposition leader unilaterally declaring himself president). The major advantage that incumbent governments have is that diplomatic protocol allows senior officials to meet directly with the senior officials of neighboring states, and meetings are usually not controversial to arrange. Opposition parties do not have this high-level of access unless they are involved in a power-sharing arrangement or the opposition has some of the positive characteristics described above. Access is critical to successful lobbying and opposition parties have to become creative.

In sum, despite the immense advantages afforded to incumbent governments in regional lobbying and the "guilty until proven innocent" standard, the opposition in some instances may be presented with more than usual access

and chances to carry out lobbying if they choose. This is only likely to happen if the opposition party leadership is perceived as highly credible and the opposition party leadership recognizes the importance of regional lobbying. However, many opposition leaders will just choose not to try and engage at the regional level because it is costly, time-consuming, and an uphill battle. This is a major mistake.

Breaking the cartel and democratizing moments

Regional organizations play an important and sometimes determining role in shaping democratization and democratizing moments. The influence is particularly strong in democratizing moments, which may succeed or fail based on the approach the relevant regional organization(s) takes. A regional organization's intervention is most visible in "hard cases" – the ones detailed in this dissertation – in which the incumbent government is unwilling to improve election quality and if they lose power refuse to relinquish power.

In such instances, any chance of a democratizing moment requires intervention and the relevant regional organization is usually the first-responder. Yet, even if regional attention is attained and a regional response is required, this does not mean that the regional organization will respond by pressing for changes to improve election quality or for an alternation of power. In the main, regional organizations exhibit cartel-like behavior and are risk adverse leading to active support for incumbent governments. The important story in this dissertation is when and how the regional cartel is broken during elections. It is only with the rare confluence of the main causal factors described in this chapter that regional organizations, specifically in Africa, become "their brother's keeper" often without the clear intention to do so.

Notes

¹SADC documents reference regional meetings focused on the inclusion of women in political life and specifically encouraging higher rates of women representatives.

²The Côte d'Ivoire case study in chapter 7 challenges the absolute conclusion that an alternation of power through elections is sufficient enough to mark a decisive democratizing trend. In Zimbabwe, opposition leaders quibbled with my survey questionnaire because the leaders wanted the question on election quality to differentiate between the first and second round of the 2008 presidential election and also between the parliamentary and presidential elections. These opposition leaders uniformly believed that parts of the 2008 election were free and fair, mainly the parliamentary elections. Did this part of the 2008 election process demonstrate democratization or a democratizing moment? Neither. The parliamentary elections, in this case, were clearly not part of a larger process of sustained political liberalization nor did the parliamentary elections represent the entirety of the 2008 electoral process. It was rather an aberrant outcome, which the Zimbabwe African National Union Patriotic Front (ZANU-PF) government recognized and easily "fixed" between the first and second round of the presidential election and consolidated in the 2013 election process.

³International IDEA, "Electoral Cycle." Online: <https://www.idea.int/data-tools/tools/online-electoral-cycle>

⁴International Covenant on Civil and Political Rights (ICCPR) was agreed to on 19 December 1966 and came into effect on 23 March 1976

Part II

African Regional Organizations in Comparison

Chapter 3

The Decision to Intervene and Its Implications in the African Context: A Cross-Regional Comparison

Introduction

There are significant headwinds that often prevent African regional organizations from confronting election malfeasance and ensuring an alternation of power (if required). The barriers to action begin with the forces that vehemently maintain the status quo, including networks of pro-incumbent, ruling party solidarity and mutual political support, and a preference for immediate security over the uncertainty of free and fair elections. The five main factors – actionable election information, capable election assistance institutions, balanced mediation practices, international embeddedness, and opposition credibility – that shape the decision to confront election malfeasance and ensure an alternation of power must overpower the forces that resist the mitigation of election malpractice. This is particularly critical when a ruling group seeks to actively mobilize neighboring states' support while manipulating an election.

The first part of this empirical chapter describes the variation across the African regional organizations in terms of strength of factors actively subverting the collection of actionable election information, development of capable election assistance institutions, engagement in balanced mediation practices, embrace of international stakeholders, and the acceptance of even credible opposition parties and leaders. The second part of the chapter presents comparative evidence across the five main causal factors to illustrate the likelihood that a particular African regional organization will improve election quality despite the significant headwinds that exist.

Regional cartel in action

As described in the previous chapter, African regional organizations by default hold a pro-incumbency bias and often exhibit cartel-like behavior. The absolute strength of the cartel differs across regional contexts. This variation helps determine why gathering actionable information, developing regional institutions and international relationships, and dialogue with opposition parties and leaders is easier or harder to achieve in a given case. Furthermore, the variation can also help predict, which regional organizations are likely to become constructively engaged in election quality concerns and learning over the long-term.

Pro-incumbent bias and ruling group solidarity

Solidarity among African states developed differently but is present at varying degrees across the sub-continental regions. High levels of ruling group (party) solidarity often derives from shared past experiences and reciprocal support, ideological similarity, and the personal affinities between specific leaders. The political consequences of ruling group solidarity is an extreme form of coordination, mutual support, and persistent loyalty in the face of individual and collective challenges that ruling parties may face. The main challenge faced is political opposition, such that solidarity efforts are largely aimed at maintaining electoral dominance. The emphasis on loyalty entails overlooking election malfeasance if it is needed to secure an election "victory" and excluding opposition parties. The outcome as it relates to the five causal factors includes withholding information critical of the election or turning a blind eye, de-linking from international relationships that may improve election quality, engaging in only friendly pro-incumbent mediation, and blocking access to opposition parties. Ruling group solidarity is likely to be expressed when the costs of pro-incumbent support are not extremely high; however, in cases of very strong ruling group solidarity, it is possible that commitments to mutual support will trump material costs and interests.

Ruling group solidarity is strongest among the former liberation movement countries in the Southern African Development Community (SADC) (Bratton and Penar 2018). The genesis of SADC began with the Frontline States movements cooperating to fight against colonialism and apartheid. Regional mobilization was central to the strategy of liberation parties. Liberation parties embraced regional sharing of information, sheltering and training of freedom fighters, and providing a platform to legitimize the anti-colonial struggle. Since the liberation movements drew direct support from liberated countries, there is a bond that is cemented at the leadership and party levels. Southern African diplomats suggested in interviews that SADC's founding in the context of the struggle made it a politically-focused regional organization more than an organization focused on development.

Throughout the struggle and to the present, the ruling liberation parties met and still meet regularly to discuss common concerns and political strategies outside of the structures of SADC.¹ These meetings are closed to individ-

uals and political movements without so-called "liberation credentials." Barriers were also erected within SADC to prevent access to opposing political movements. For instance, in 2012 delegates from the opposition Movement for Democratic Change (MDC) attempted to join an African National Congress (ANC) policy conference. The ANC agreed orally, but when the MDC representatives showed up to the conference the ANC said that they could not provide MDC with official status. The ANC representative explained that South Africa's ANC has a positive and reciprocal relationship with Zimbabwe African National Union - Patriotic Front (ZANUPF) and the special relationship had to be respected.²

Also, SADC is lenient towards fellow liberation parties when it comes to mediation, which partially explains the major failures of mediation efforts in Zimbabwe. The elite composition is highly homogeneous since it reflects a distinct cohort of liberation-associated functionaries ruling their respective countries. On the other hand, Botswana, Malawi, and Zambia do have parties and leadership not associated with liberation movements. These countries do add to the heterogeneity of the region and sometimes challenge SADC's strong ruling group solidarity. For instance, Presidents Ian Khama (Botswana) and Levy Mwanawasa (Zambia) attempted to persuade other SADC countries to confront Mugabe directly in 2008 and not just show concern for election quality behind closed doors. Yet, the main problem is that these presidents were in the minority within SADC, so the network of solidarity prevailed.

The level of ruling group solidarity in the SADC region is unrivaled in other African regions, but it is still present elsewhere. At the very least, the principles of non-interference in African international relations dictate that incumbent governments should not undermine each other. Further, incumbent governments often leverage diplomatic protocol to raise barriers for competing political forces. For instance, it is inappropriate for an incumbent government to hold talks or meet with a high ranking delegation from an opposition party. In several interviews with regional organization and African Union (AU) diplomats, it was suggested that meetings with opposition political forces were dismissed even during political crises in order to respect the incumbent government.³

Some of these diplomatic norms have been slightly relaxed in West and East Africa. There are many instances of pre-election meetings between Raila Odinga and East African heads of state, but this appears to be the exception not the rule. By and large, the East African incumbent governments share a fairly similar genesis: governments arising from a civil conflict (e.g., Burundi, Rwanda, and Uganda) and the dominance of one-party politics (e.g., Kenya African National Union-associated leaders in Kenya, and Chama Cha Mapinduzi in Tanzania, and National Resistance Movement in Uganda). Crucially, there is no precedent for opposition parties succeeding other than the National Rainbow Coalition (NaRC) winning in Kenya (2002). Even NaRC in this election featured the defection of many in the old guard of KANU (Howard and Roessler 2006). In short, there is low acceptance of even dialogue with opposition movements in East Africa.

In West Africa, there is evidence of many planned and chance meetings between opposition party officials and sit-

ting governments, such as The Gambia's Adama Barrow's lobbying in Senegal. This greater openness and weakening of ruling group solidarity is partially due to the breakdown of incumbent dominance in West Africa, with opposition parties taking power in several countries.⁴ It is plausible that there are fewer fears that an opposition winning an election and governing would bring regional instability. In fact, it is beginning to be possible to talk of a former opposition party (now ruling party) solidarity dynamic developing. At present, the presidents of Benin, Burkina Faso, Côte d'Ivoire, The Gambia, Ghana, Liberia, Senegal, and Nigeria all have recent experience in the opposition. Mutual cooperation among former opposition parties may establish their dominance among themselves and a new homogeneity, or it could lead to a greater acceptance of the alternation of power and opposition parties.

Despite these changes in the Economic Community of West African States (ECOWAS) region, there are solidarity networks for Francophone countries, which have tended to coalesce on the basis of a country's view of what the France-Francophone relationship should be. This has led some ruling parties supporting each other to lessen French influence (e.g., Côte d'Ivoire under Laurent Gbagbo, Senegal under Wade), while a parallel network is still sustained to keep the status quo special relationship (e.g., Burkina Faso, Côte d'Ivoire under Alassane Ouattara, Mali). These solidarity network divisions become apparent in the Côte d'Ivoire election case (in chapter 7).

When faced with an opposition party seeking support from peer opposition parties, incumbent governments cooperate with each other to undermine transnational opposition party solidarity networks. In 2017, Zambia did not allow a SADC citizen and opposition leader of the Democratic Alliance (DA) party of South Africa, Mmusi Maimane, to enter the country and meet with Hakainde Hichilema, the opposition leader in Zambia.⁵ In the wake of the incident, South Africa was largely silent and failed to actively protest the rejection despite SADC citizens having freedom of movement in the region. Much earlier in 1999 shortly after Morgan Tsvangirai launched MDC, Tsvangirai traveled to Mozambique to meet with Afonso Dhlakama of Mozambican National Resistance (RENAMO). Afterward Tsvangirai forged links with the DA party in South Africa and met with its leader Tony Leon.⁶ This foray into establishing relationships with opposition parties was largely viewed as a huge failure due to the backlash. Mugabe cited meetings between MDC and RENAMO and the DA as reasons why MDC is a menace in Zimbabwe and the SADC region. Mugabe suggested that MDC was collaborating to bring back whites to power. Interviews reveal that officials in SADC countries were highly alarmed by Tsvangirai's strategy in this period. These anecdotes underscore the difficulties of opposition parties attempting to gain regional support from peer opposition parties when ruling group solidarity is entrenched.

Ruling group solidarity is a strong force proven to weaken efforts to improve election quality and ensure an alternation of power (if required). Instances of opposition parties achieving an audience with regional officials are limited. The best examples of challenging ruling group solidarity to date occurred when an opposition coalition was part of a power-sharing arrangement (e.g., post-2007 Kenya and post-2008 Zimbabwe). These unique arrangements

allowed opposition leaders access where diplomatic protocol could not be used to prevent entry. In these cases, incumbent governments had to compete with the opposition at the regional level directly. The heightening of the ruling group solidarity rhetoric and competitive diplomacy becomes acute, as incumbents attempt to sideline the "unwelcomed" party. Ultimately, these headwinds have proven significant.

Election ratings and mutual political support

Actionable information is critical to shaping a regional response to election malfeasance. The failure to collect quality information about the size and scope of election malfeasance may be due to capacity shortcomings from domestic and international observers. However, some of the shortcomings are – like election malfeasance itself – intentional or due to negligence on the part of regional observers, in particular. Regional organizations sometimes deploy election observer missions to deflect election criticism, put up a smokescreen, or muddy the informational waters. This phenomenon is observed through much of the 2000s and still persists. The release of conflicting election critiques from the AU and the sub-continental regional organizations creates significant challenges for building a case for intervention.

Certain attributes about election observation and the handling of information can be gathered through behind-the-scenes qualitative data from interviews. The most measurable evidence is the statements that African regional organization-associated election observers make during elections. There are different tendencies across the African regional organizations in the characterizations of elections, with ECOWAS being the least forgiving of election malfeasance and the East African Community (EAC) and SADC being able to paper over grave election shortcomings. However, all African regional organizations have at one time or another lowered the bar for a given election. The evolving "language" of election criticism illustrates this point (Chan and Gallagher 2017).

In the past, the classification was simply whether the election was "free and fair" or not. These terms have recently fallen out of fashion except to describe the "best" election processes. Election observers (and their support personnel) have begun to largely treat the concepts of "freeness" and "fairness" as distinct qualities. Notably, SADC officials called Zimbabwe's 2008 election "not free, but fair." The implication is that an election's passing grade is dependent on being at least free or fair. This is a subtle, but discernible strategy of providing political support to embattled incumbents. The "creative" terminology – seemingly benign – can deflect criticism and muddy the waters. It also sends a clear signal to the incumbent that their election "win" is regionally legitimate. Therefore, the incumbent is permitted to use all means necessary, including force, to consolidate power.

More recently, the terms "credible" and "peaceful" are being used to describe elections. According to election support personnel and election observers, the most common use of "credible" – though not accepted by all – refers to an election process that fulfills the basic legal requirements of a given country. This understanding suggests that

elections should not be held to universal standards. Rather, the country in question defines the legal standards. The way "credible" is used also appears to be a metric lower than both free and fair and just above the level of not tolerable. For some respondents in interviews, it is the equivalent of a "very bare pass." The same is true for the lowest praise for elections: "peaceful." The "peaceful" designation often denotes a lack of significant violence rather than a direct commentary on the quality of the electoral process. The subtext is that a lack of significant violence is a sign of the legitimacy of the electoral process.⁷ Table 3.1 displays some of these different terminologies including "credible" in election observer reports for the case studies and recent elections examined in this dissertation:

Table 3.1: Changing Language of Election Quality Assessments

Country-election	Regional Organization	Assessment
Kenya 2007	EAC	"peaceful and transparent voting process," but the delay in announcement "critically undermined the credibility of the final stage of the electoral process"
Zimbabwe 2008	SADC	"Peaceful and credible" (first round); violence "impinged on the credibility" (second round)
Côte d'Ivoire 2010	ECOWAS	Concurred with the UN certification of the results, free and fair election despite the Constitutional Council decision
Kenya 2013	EAC	"peaceful, transparent, and credible"
Zimbabwe 2013	SADC	"free and peaceful"
Côte d'Ivoire 2015	ECOWAS	"free, transparent, and organised in an acceptable manner"
Gabon 2016	ECCAS	"inclusive and competitive"; marking a "political advance"
The Gambia 2016	ECOWAS	"not... conducive for the conduct of free, fair and transparent polls" (pre-election); "peaceful, free, fair and transparent" (post-election)

Note: Language used in the official statements from the AU, relevant regional organization, and by organization representatives.

The moving target of election criteria reflects the willingness of the regional cartel to largely avoid the judgment of one another. What is clear from interviews is that there is often a tension between the practitioners who organize and implement election observation missions (and even the head of the mission) and the views of the member states. A view from inside the process of writing election observation reports reveals that the final reports are written to preempt the potential criticisms observer missions may receive from the member states. Thus, the language is softened and the bar lowered directly or through the use of "diplomatic language." Reflecting this sentiment an official familiar with the AU's mission during Ethiopia's 2015 election remarked that "something happened yesterday, but it was not an election."⁸ Despite the private misgivings of observers and supporting officials, the AU did not significantly challenge the quality of Ethiopia's 2015 election publicly. The AU instead stated that the "Parliamentary Elections were calm, peaceful, and credible as it provided an opportunity for the Ethiopian people to express their choices at the polls."⁹ Interestingly, free and fair is dropped from the assessment.

The changing language of election observers has drawn widespread condemnation and mocking. The cartoons of South Africa-based Jonathan Shapiro, also known as ZAPIRO, depict how the language of elections has changed. His cartoon entitled "Déjà A.U." (which appeared in the Sunday Times on 4 August 2013) depicts an AU observer changing his description of elections in Zimbabwe from "free" in 2002 to "fair" in 2008 to "credible" in 2013. The observer does this while ignoring information (e.g., covering their ears, mouth, and eyes) about election malfeasance. Another cartoon by ZAPIRO entitled "Another Summit, Another Let-Off" appeared on 1 April 2007 and depicted SADC leaders massaging Mugabe with the line: "Mugabe: SADC Leaders Apply Pressure."

Since more than one observer mission is present, a given election may have several classifications. A most interesting interaction occurs between the relevant subcontinental regional organization and the AU. It is a rare occurrence that both the subcontinental regional organization and AU heavily criticize an election. Often one offers a more critical account, while the other offers a more conciliatory critique. This ability to calibrate election criticism deflects more damaging criticisms from the Western observers while attempting to make the African regional observers appear less like a rubber stamp. In practice, it results in muddied waters on election judgments. This common scenario almost always prevents the emergence of actionable information and advantages the incumbent government. At the extreme, ECOWAS and AU openly disagreed about sending observers to The Gambia's 2011 election. ECOWAS said that election conditions did not meet regional standards and a mission would not be deployed. ECOWAS also insinuated that the AU should also withhold observers and respect ECOWAS' primacy in West Africa. However, AU angered ECOWAS by sending observers regardless citing the need to observe all African elections.¹⁰

The changing language of elections and strategic interaction between observer groups are more than sideshow semantics. There is an attempt to devalue accusations of election malfeasance, including suggesting that any major election faults are minimal irregularities and not intentionally perpetrated. In particular, the identification of "capacity

deficits” often gives election management a free pass for their mistakes. Further and perhaps the most troubling is the suggestion that “despite irregularities, no problems significantly affected the outcome of the election.” This common statement found in election observer reports and statements is inimical to the purpose of actionable information, which focuses on accurate and measured claims. The assertion is never accompanied by evidence other than alluding to the margin of victory. Crucially, the statement devalues the claim that election malfeasance has wider effects, including stunting opposition campaigning and opposition voter turnout. Ultimately, empirical evidence indicates that the default position of African regional organizations is to minimize and devalue election criticism.

Another consideration is mutual political support. It is likely that one of the major fears that African states have is that an African regional organization fails to give legitimacy cover when international critics mount. In a given election, it may not be necessary for an African regional organization to provide cover because there was no or minimal international criticism of the election. This could occur because the election did meet international standards, or there was no significant opposition force to push for the uncovering and mitigating of election grievances. Yet, just because an election in the present did not draw criticism does not mean that conditions in the future may shift leading an incumbent government to engage in manipulation and/or an opposition party may emerge to expose existing election malfeasance. Therefore, incumbent governments are mindful of the future consequences of present actions. For instance, if a precedent is set for the region to criticize a member state’s election then this same precedent becomes possible in the future. Further, incumbent governments criticized in the past may retaliate in the future against member states that supported criticizing the election. In sum, the fear of future criticism makes it likely that African states in regional organizations will exercise caution in offering criticism and intervening.

Even if African regional organizations were willing to invest in election observation and suspend their mutual support, informational barriers are significantly high. Regional intervention would entail information about the scope of election malfeasance and its specific influence on outcome (i.e., who won the election). Election practitioners have consistently mentioned that it is hard to gather the necessary information from an election to question outcomes in real-time. Even political scientists with access to polling data and electoral returns would take days using election forensics to reveal whether malfeasance occurred. And, as mentioned earlier, certain forms of election malfeasance (e.g., methods suppressing voter turnout) are hard to determine their actual impact on elections. These challenges notwithstanding, some countries have sought to delay the deployment of regional observers, particularly long-term observers. Ethiopia delayed the accreditation and approval for deployment of the AU observation mission in 2015, such that the mission went from being a long-term mission to being deployed just before the election. The AU observers completed their training and stayed in Addis Ababa for days waiting for government approval.¹¹ Even sincere efforts to collect and disseminate actionable information may fail or be intentionally impeded.

The headwinds to gathering and sharing actionable information are strong for all African regional organizations;

however, some changes in the character of election observation missions and election assistance have attenuated status quo forces.

Security v. election quality calculus

African regional organizations privilege stability and security over confronting election flaws. Across most interviews, respondents indicated that "meddling" in election affairs or criticizing election conduct may cause the entire process to be viewed as illegitimate. This would open the door for an expensive re-running of elections or in a worst-case scenario, a protracted civil conflict. In short, intervention could intensify neighborhood externalities, rather than limit them. Instead, African regional organizations take a risk-averse position that raises the threshold required for publicly criticizing elections and intervening. The implication of privileging stability is that mediation efforts will often exhibit a pro-incumbent bias and opposition parties and leaders are viewed skeptically. This produces significant headwinds for opposition parties seeking a hearing from the region and fair and balance mediation.

The riskiest decision for an African regional organization is to intervene on behalf of the political opposition. This decision would challenge the legitimacy of the target state. What is seen more regularly is behind-the-scenes diplomacy when dealing with delicate elections situations. Illustrating the high magnitude of caution, the AU did not release public statements on election quality until 2013. The purpose of this norm was to allow diplomatic pressure behind the scenes, rather than provide public criticism that could become the rallying cry of the political opposition. In fact, many diplomats have defended the AU's previous practice as the most effective approach to forcing the hand of incumbent governments.¹² Similar private information approaches have been employed across the regions, including South Africa's investigation of electoral violence in Zimbabwe. From all accounts, these sealed reports (at the time) are significantly critical, but the caution exercised in releasing them publicly illustrates the premium on stability. The fact that significant pressure is hidden from view means that a surface reading of election reporting and statements may not uncover the full extent to which regional organizations pressured the incumbent government. However, pursuing private diplomacy may also signify the extent to which regional neighbors are willing to hide information critical of the incumbent. Thorough case analysis is necessary to uncover what is at work behind the scenes.

A major case of the stability over confronting election malfeasance came in the DRC's 2011 presidential election. By all accounts, there was significant intentional and negligent election malfeasance. The Carter Center notably pointed out the "loss of over a million votes." In contrast, the SADC observers officially suggested that under the circumstances, the election was "credible" and "reflected the will of the people." Afterward, SADC was silent on the arrest of opposition leader Etienne Tshisekedi and gave tacit approval. In interviews with officials involved in the SADC DRC observer mission, it was clear that the bar for election quality was lowered for the 2011 election. The mere fact that the election occurred in all parts of the country was good enough for these SADC diplomats and observers. In

these interviews, the cause for the lowered bar related partially to the intense fear of civil conflict if SADC challenged the results. This argument particularly held sway among diplomats because of the DRC's recent history of violence.¹³ In addition, the regional hegemon, South Africa, had developed a clear preference for President Joseph Kabila as a guarantor of stability and partner in bilateral mining deals.¹⁴ Even in 2018 with elections postponed for two years – breaking the regional norm of regular elections – SADC has failed to push hard for elections. Part of the reason is that SADC embraces a highly risk adverse approach when so-called stability and election quality (or even having an election) appear to be at odds. This is also true of the EAC.

There is also another concept of security at play: ruling party security. Particularly in Southern Africa, either real or imagined, the liberation movement parties feel they share a related fate. The fall of one liberation party could lead to a domino effect of political transitions in the region. It is difficult to measure the magnitude of this effect, but upon examining the networks of collaboration between governments and the rhetoric used, it is clear that party security is a concern usually elevated above promoting election quality.

When interview respondents were surveyed, there was a nearly 50-50 split on whether to privilege security or intervene to promote election quality. The survey question was designed in response to pre-dissertation fieldwork in which respondents consistently referred to the stability v. election quality tension. Respondents had to choose between two statements:

Statement 1: When the [Regional Organization] does become involved in elections, intervention should focus on improving the quality of the election and political competition even if some instability results.

Statement 2: When the [Regional Organization] does become involved in elections, intervention should focus on promoting security and peace even if this may not improve the quality of elections and political competition.

The survey question raises a potential false choice between stability (and security) and election quality. Empirically, African regional organizations view intervention to promote election quality as counter-productive to promoting stability in most cases (e.g., 2011 DRC). However, there are situations in which stability is challenged by a severely flawed election. For instance, neighborhood externalities, such as civil conflict and refugee crises, may be generated from a flawed election. This is why the stability calculation becomes difficult as election-related confrontations become increasingly violent and destabilizing. Yet, the default position of African regional organizations is to pursue stability through support for the incumbent government. This less risky and costly approach is based on the hope that shoring up regional support could easily solve the election dispute. In most cases, this approach succeeds, but, not always. ECOWAS has begun to challenge this position because West Africa has historically experienced threats of

military coups and civil conflict (?) because of failed political processes. In response, ECOWAS emphasized civil rule and more transparent political process, including elections, to deter the military from taking power.

In practice, privileging security over election quality in Africa has led to the suppression of election information, mediation favorable to incumbents, and the exclusion of opposition parties.

One-sided restraint

During and particularly after an election, African regional organization surrogates often caution the opposition parties to remain peaceful and pursue grievances through local remedies. There are many instances in which regional organizations have disparaged election protesters. In extreme forms, regional organizations have tacitly accepted detaining opposition leaders, including Etienne Tshisekedi of the DRC and Kizza Besigye of Uganda. Part of the justification for these arrests was that the opposition was not using restraint and engaging in "treasonous" acts. There are some cases that the opposition has engaged in direct and violent confrontation with the government, such as Burundi (2015) and Gabon (2016). However, part of the reason for the opposition resistance was the failure of the domestic governing institutions to mitigate election malfeasance. In addition, most of the resistance is non-violent and only a limited use of state power is needed to repress the opposition. Despite this fact, African regional organizations often call for opposition forces to show restraint. The opposition receives this message and correctly interprets it as a call to accept the election malfeasance and give up and give in.

On the other hand, African regional organizations are less likely to directly call for restraint from the incumbent government. Because of this, there has been a proliferation of worst practices in elections. First, there is the detention of opposition leaders and prosecution of legal disputes throughout the electoral process. Two years before Niger's 2016 election, the government accused the opposition leader Hama Amadou of "baby trafficking."¹⁵ Amadou was allowed to stand in the election, but had to run his campaign from jail. Second, there are the limits placed on opposition campaigning. Third, there is the suspension of the internet and social media to prevent campaign coordination and collective action against the government because of election grievances. This occurred in Uganda's 2016 election. Museveni claimed that blocking the internet and social media on election day would prevent the spread of "lies."¹⁶ Finally, there is the direct use of repression against opposition leaders and supporters. These practices have diffused across African countries in recent years, with tacit support by African regional organizations. In sum, restraint is largely applied to the opposition and not the incumbent government. There is a little variation across regions with ECOWAS displaying the most willingness to urge incumbent governments to use restraint. After the power transition in Burkina Faso, ECOWAS demanded that the new government be inclusive of former ruling party officials and not use repression against them. Similarly, ECOWAS has cautioned Guinea's government about aggression against protesters in 2013. ECOWAS seems to urge restraint from all political factions followed by immediate regional

mediation efforts. This contrast greatly with SADC and the EAC.

The five factors in cross-regional comparison

Although the forces that hinder African regional organizations improving the quality of election are significant, they can be contested. The ability of regional organizations to observe elections and gather actionable information, sustain institutions that provide election assistance, engage in mediation that is flexible and based on the election information gathered, cooperate with international networks of election support, and the existence of a credible opposition coalition influence how African regional organizations react to election concerns. Just as there is significant variation across African regional organizations in the amount of resistance, there is also variation in terms of the aforementioned factors. The following section shares some of the main similarities and differences between the regional organizations across the contributing factors.

Factor 1: Election observation and election information

There is substantial variation in how the African regional organizations organize election observation missions and gather information. To measure information gathering capacity raised in the theoretical framework, it is possible to examine the average size in terms of observers and personnel and country coverage, variability of mission size, duration of the observation mission (e.g., long-term v. short-term observation), how observers are appointed, the existence of pre-election assessment missions (PAMs), and whether there is collaboration with international organizations. Tables 3.2, 3.3, 3.4 reveal the variation across these indicators:

Table 3.2: Norms of Election Observation Missions

Regional Organization	Average Size (and Coverage)	Variability in Size	Duration
African Union	Medium	Medium	Long
EAC	Small	Low	Short
ECCAS	Small	Low	Short
ECOWAS	Medium	Medium	Medium
SADC	Medium-Large	High	Medium

Table 3.3: Norms of Election Observation Missions

Regional Organization	Appointments
African Union	Observer database based on performance reviews
EAC	Member state appointed and regional parliamentarians
ECCAS	Member state appointed
ECOWAS	Member state appointed and observer database based on performance reviews
SADC	Member state appointed

Table 3.4: Norms of Election Observation Missions

Regional Organization	Pre-election assessment	Collaboration with International Organizations
African Union	Yes	High
EAC	No	Low-Medium
ECCAS	No	Low
ECOWAS	Yes	High
SADC	Sometimes	Low

According to these soft measures, ECOWAS cultivated some of the most consistent election observation practices. Most critically, ECOWAS deploys a PAM to determine the status of election preparations, receive feedback from political stakeholders including the opposition, and observe the overarching atmosphere in the country holding the election. These missions provide extensive information about election malfeasance in advance of an election and whether commitments to a free and fair election are likely to be kept. Based on this information, ECOWAS has refused to send election observation missions to The Gambia twice (2011, 2016) and has threatened to withhold election observation in other cases as well. The PAM also provides the basis for pre-election negotiations sponsored by ECOWAS between competing political parties (e.g., in Guinea and Burkina Faso). ECOWAS also takes the appointment of election observers seriously by soliciting member state appointments and maintaining a list of experienced election observers. These two elements combined with the regularity in size and scope of missions means that the information gathering process will be comprehensive and continually refined over time.

Similar to ECOWAS, the AU now deploys PAMs to investigate the environment for elections. In fact, an internal PAM recommended that the AU not deploy election observers on at least two occasions (2015 Burundi and 2015 Sudan).¹⁷ Subsequently, the AU accepted the PAM's recommendation not to deploy in the 2015 Burundi election. The AU with the aid of the Election Observation and Democracy Support (EODS) of the European Union (EU) trains AU facilitators to in turn prepare AU observers for long-term observation missions. The observers are selected from a well-maintained database of vetted observers who receive documented performance reviews.¹⁸ In the field, the AU has demonstrated a willingness to work with other African regional organizations and collaborate with international NGOs, such as Electoral Institute for Sustainable Democracy in Africa (EISA).¹⁹

ECOWAS and the AU contrast greatly with the EAC and SADC. The EAC consistently deploys small election observation missions with a limited scope. In the past, the amount of training was very minimal because the EAC has only recently begun to engage external support, such as working with EISA to conduct training for observers. There are instances of the EAC deploying long-term observation missions (e.g., 2013 Kenya), but these deployments are small and infrequent. The EAC selects its participants from member state appointments and the East African Legislative Assembly (EALA). Over time, the EAC Secretariat has increasingly attempted to dilute the previous dominance of the EALA in arranging missions. This was in response to member state concerns that the EALA may

pursue an overly independent approach to observing.

SADC has also sought to modify selection procedures. In the past, the SADC Parliamentary Forum deployed its own mission. Upon seeing the independence of the SADC Parliamentary Forum (SADC-PF) observation mission, SADC has moved to manage SADC-PF missions and attempt to incorporate them completely. SADC missions can have many members (e.g., over 500) or few depending on SADC member states' interests in the election country. Missions may also deploy long-term observers in select cases. There is great variability in deployments because contributions to election observation missions come bilaterally from member states. For instance, if South Africa wants to pay for and send over 200 observers, it is possible for them to do so. This means that the SADC Secretariat has little control over observer participation, such that South Africa and Angola often dominate observer mission personnel and financial contributions.²⁰ This also means that observers are often deployed with only a short training program and little interest in cultivating consistent election observation standards. All of these factors contribute to the weakness of SADC's observation mission capabilities.

Although African regional organizations may fail to collect actionable information, domestic election observation missions can sometimes fill the gap. Yet, the ability to collect information varies greatly across countries and elections since domestic observation platforms are sometimes created just months before an election. At the high-end, there are large, consolidated election observation missions. This includes the Elections Observation Group (ELOG) mission during Kenya's 2013 election. The mission deployed 7,000 domestic observers to observe voter education and registration efforts through final results reporting. The mission also included a contingent of observers that conducted a parallel vote tabulation (PVT) on election day.²¹ The major weakness of the ELOG mission was that coordination sometimes lacked, observers were not minimally trained, and ELOG – though cohesive – was formed not too long before the election. The only previous experience for ELOG was observing the 2010 Constitution referendum. These large-scale, well-supported missions contrast with elections featuring small and often fragmented, competing, and under-funded missions. This is the case for many elections, including Gabon in 2016.

The failure to gather and transmit actionable information will allow incumbents to deflect criticism and sometimes influence the findings of election observation missions. The variation that exists across regional organizations makes gathering information on election quality – already a difficult task – easier or harder even when a regional organization has the best intentions.

Factor 2: Regional organizations' institutions and election assistance

Regional institutions have the ability to shape election standards and the programming designed to improve election quality. Even though some regional institutions charged with overseeing election-related matters may not be originally created to intensely scrutinize election practices, some regional institutions have developed the space to engage

in robust election support. Divergent outcomes for regional institutions largely rests on the characteristics of the institutions and the personnel. Table 3.5 illustrates the key points of variation across the regional organizations:

Table 3.5: Election Assistance Institutions

Regional Organization	Department	Stand-alone Unit, or Ad Hoc Committee	Date of Formation	Liaison with Professional Association	Foreign (Western) Donor Involvement
African Union	Political affairs	Standing unit	Mid-2000s	No*	Medium-High
EAC	Political affairs	Ad hoc	Late 2000s	EAC Electoral Forum	Low
ECCAS	Political affairs	Ad hoc	Early 2010s	Electoral Knowledge Network of Central Africa (RESEAC)	Low
ECOWAS	Political affairs	Standing unit	Mid-2000s	ECOWAS Network of Electoral Commissions (ECONEC)	High
SADC	Political affairs	Standing unit	Mid-2000s	SADC Election Commission Forum (SADC-ECF)	Medium

Note: * The AU has begun to hold workshops for election commissioners and officials in the past two years (2016 and 2017).

The AU, ECOWAS, and SADC have dedicated election assistance units within their respective Department of Political Affairs, whereas EAC makes decisions on election assistance in ad hoc committees in the Department of Political Affairs. Although the Department of Political Affairs still oversees election assistance units, the former arrangement signifies some level of institutional independence within the department. The AU, ECOWAS, and SADC have physical office space for election assistance personnel and a permanent staff. In interviews, all election officials in member states (e.g., election commissioners) knew the name of the head of the unit and had their contacts. This illustrates the strength of the linkages between domestic election practitioners and regional election assistance units. Furthermore, interviews with election assistance personnel revealed a high degree of professional knowledge about elections, election observation, and assistance, particularly at ECOWAS and the AU. In fact, interviews uncovered that several AU and a handful of ECOWAS elections officials receive their entire salary package from foreign donor governments, such as Denmark.²² This represents a special tier of hires in the regional organizations – one that has less oversight from AU leadership and member states. In most cases, these special hire personnel had extensive program management and election experience, and they are often protective of doing their jobs independently and professionally.

SADC has capable election assistance staff and interviews revealed considerable optimism in the face of extreme levels of department and member state oversight that could thwart unit efforts. In one interview, a SADC official spoke excitedly about the prospects about validating a revised set of guidelines on elections and election observation.²³ However, upon review of the guidelines from member states, the process was delayed and the document was not agreed upon until years later. It was clear in interviews that the SADC staff felt beholden to SADC Secretariat priorities and oversight. This sentiment was less visible for ECOWAS and AU personnel, as most respondents described their jobs in glowing terms and explained how they have been largely empowered to do their job. It is likely that the differences in institutional independence (i.e., unit independence, appointment safety, and funding) explain much of the variation in sentiments.

Election assistance units often receive donations and grant money from foreign donors, including the EU, United Nations Development Programme (UNDP), and individual Western governments. Although donor country representatives claim that the money comes without specific conditions, consultation processes, such as the Joint Funding Partnership at the AU, and monitoring and evaluation frameworks guide the hiring of staff and the implementation of programs.²⁴ For instance, the EU funds the AU's entire long-term observation mission efforts and offers training programs with additional support from EODS of the EU.²⁵ Interviews revealed that ECOWAS' election assistance units spend time writing grants to hold workshops for election practitioners and conduct civic education.²⁶ These grant writing tasks consumed a significant amount of time for ECOWAS personnel. In sum, there is a high level of resourcefulness at ECOWAS and the AU. It is likely that election assistance units that receive support from Western

donor countries are predisposed towards better election programming. This is because the programming is purposefully focused on democracy support and promotion. However, not all regional organizations are openly and widely engaging foreign donors. The EAC and SADC largely engage donors on economic concerns and insulate their political priorities. Any support usually comes through other partnerships with independent consultants, Africa-based NGOs, and member state contributions.

Finally, within the regional structures are election commissions forums comprised of election commissioners from the region. These bodies have the ability to disseminate best election practices, and they receive support from the regional election assistance unit. Although it is hard to discern the visible impact of these forums, participants have indicated that they gained knowledge about election budgeting, logistics and procurement, and the use of technology. Building Resources in Democracy, Governance and Elections (BRIDGE) training sometimes take place through the forums and with the support of election assistance units. There is a significant variation on the regularity with which the forums meet. The SADC Electoral Commissions Forum (SADC-ECF) has a permanent and standing secretariat, whereas the EAC forum meets irregularly and is decentralized without a standing secretariat. Only recently has ECOWAS invested in a more permanent staff for their ECOWAS Network of Electoral Commissions (ECONEC). The ability to make hires comes through ECOWAS' grant writing, with funding from the Open Society Initiative for West Africa (OSIWA) partially supporting ECONEC. In this arrangement, the ECOWAS election assistance unit still holds considerable influence over managing the forum. Even without ECONEC, ECOWAS has close and regularized relationships with domestic election practitioners.²⁷

In sum, the systems of election assistance vary across the regions. This matters for consistent efforts to promote best election practices and having the tools to support election-related interventions if needed. Election assistance institutions that are more independent, professional, well-funded (particularly from Western donors), and maintain cooperative relationships with election officials will likely have the most positive influence on election quality. More than any other explicit regional institution, election assistance units have the power to develop norms and programming that sometimes member states do not notice in the short-run. The lack of direct oversight and at least modest buy-in from domestic election practitioners may circumvent African regional organization members states that try to undermine oversight over elections.

Factor 3: Approach to mediation & intervention

The previous chapter described five forms of structuring regional mediation. Empirical evidence suggests that each regional organization has certain mediation tendencies that are repeated over time. Also, the fact that mediation approaches rarely change over time suggests that they become a feature of the regional organization itself.

The EAC and SADC have tended to pursue the point of contact approach in which one member state is designated

to exclusively lead mediation efforts. For SADC, South Africa has dominated diplomacy involving political disputes ranging from the coup in Lesotho (2014) to elections in Zimbabwe (2002, 2008, 2013). South Africa has leveraged its hegemonic status in the region to become the primary mediator and guarantor of agreements. Although Angola provides substantial financial support to SADC, the country has not attempted to play an outright dominant diplomatic role like South Africa. Even when other mediators take the lead, South Africa backstops the effort.²⁸ This occurred during Madagascar's 2009 political crisis when then president of Mozambique Joaquim Chissano was appointed the chief mediator. The results of consistently allowing South African mediation are highly mixed in the long-term. Although the mediation efforts have contained conflicts to some degree, they failed to improve democratic governance and ensure alternation of power when citizens demanded it in Zimbabwe. In interviews, opposition party leaders in Zimbabwe voiced significant frustration with the point of contact approach and specifically South Africa's "biased" mediation. The only compliments from the opposition about the lead negotiators was that Thabo Mbeki was accessible, organized, and hands-off the negotiating agenda. Yet, in addition to complaints of bias, the criticism was that South Africa (and Mbeki) did not apply the necessary pressure on the Zimbabwe African National Union Patriotic Front (ZANU-PF) and guarantees for agreement details were not credible.

For the EAC, Uganda has become the appointed mediator in successive political disputes, including the 2007 Kenya and 2015 Burundi elections. The appointment of Uganda has occurred despite opposition parties claiming that Museveni is not a fair arbiter and that the mediation efforts are entirely unorganized. However, unlike the SADC mediation process, Uganda has tended to completely fail and default to abdicating mediation to other international arbiters. For instance, the EAC mediation led by Museveni failed in Kenya's 2007 elections, so the UN, led by Kofi Annan, stepped in to mediate and settle the dispute. A similar situation occurred when the failures of Ugandan-led mediation in Burundi came under AU and United Nations (UN) scrutiny. The track record of Museveni mediating political disputes is not good, but the point of contact approach to mediation nevertheless prevails in the EAC.

Unlike the other African regional organizations, ECOWAS is known to shift mediation approaches during the negotiations process in a predictable way. ECOWAS habitually begins with the organizational point of contact approach, with the hope that a Secretariat-led mediation effort will resolve the dispute. This approach often works in some political disputes, particularly involving coups or a complete power vacuum (e.g., the ouster of Compaore of Burkina Faso in 2014). These events are always followed by the demand for a transition to civilian rule and an election. However, this approach to mediation is only short-lived in extensive election disputes. Predictably, there are appeals from either the incumbent or opposition for mediation from ECOWAS heads of state. When this occurs, ECOWAS is likely to use a combination of the team of contact and resourcer approach. These approaches give ECOWAS maximum flexibility and reflect ECOWAS' premium on solving political disputes expediently. As the previous chapter explained, the team of contact and resourcer mediation approaches allow for the greatest leverage for opposition parties, and therefore the

prospects of an agreement that will improve the quality of election (and ensure an alternation of power if necessary) are high.

For instance, The Gambia mediation efforts in 2016 and 2017 (detailed in the concluding chapter) were led by President Ellen Johnson-Sirleaf along with Presidents Alpha Condé (Guinea), John Mahama (Ghana), and Muhammadu Buhari (Nigeria). At times, President Condé went to represent the team and at other times President Ellen Johnson-Sirleaf led the efforts. This illustrates the team of contact dynamic. When negotiations were stalled between ECOWAS and President Jammeh, the negotiation team asked the president of Mauritania (a non-ECOWAS member state), Mohamed Ould Abdel Aziz, to mediate the final bargain. This final negotiation illustrates the resourcer approach.

Power-sharing views

Regional views on the power-sharing option also differ sharply. ECOWAS has tended to view power-sharing agreements in the election context as a dangerous precedent, which can enable any losing side – opposition or incumbent – to retain some power unconstitutionally. It is observed that ECOWAS' election assistance is geared toward gaining adequate information about elections in the region to avoid murky outcomes that could result in power-sharing. Similarly, ECOWAS has consistently rejected power-sharing at the outset of a dispute in election situations even when election results – as they often are in West African countries – are close. For instance, ECOWAS offered immediate statements against power-sharing in both the 2010 Côte d'Ivoire and 2016 The Gambia elections. These statements were made, in the case of Côte d'Ivoire, against even the wishes of the AU, which attempted to pursue power-sharing as a potential option. The clash between ECOWAS and the AU underscores the competing norms on power-sharing, with the AU being considerably more amenable.

In comparison to ECOWAS, the EAC and SADC never remove power-sharing from the bargaining table at the outset. In interviews with diplomats, there arises some comfortability with power-sharing outcomes (and by extension non-constitutional arrangements). Clearly, the EAC and SADC at least partially believe that peace and stability may come through power-sharing rather than constitutional governance. In response to election concerns in Zimbabwe, Mbeki had power-sharing in mind since the early 2000s. In most cases, keeping power-sharing as an option has strengthened the position of the incumbent even if the incumbent had lost the election. Interestingly, although the EAC and SADC are amenable to power-sharing, they have demonstrated a lack of will to guarantee agreements. The same is true to some degree for ECOWAS outside of civil war engagements in which the region deploys military forces. The difference is that ECOWAS prefers not to put itself in a position to guarantee an agreement long-term. ECOWAS does this by avoiding power-sharing if at all possible.

Credible threats of intervention

ECOWAS stands alone in its ability to issue threats and make good on intervention if needed. ECOWAS draws on a significant level of experience intervening in neighboring countries and has done so in election disputes, such as 2010 Côte d'Ivoire and 2016 The Gambia elections. The existence of joint military planning and deployment systems makes ECOWAS ready to intervene within a short time frame. ECOWAS also threatens not to send election observers unless the incumbent government changes behavior. ECOWAS has made good on these threats to delay deployment or withhold deployment altogether.

SADC, on the other hand, has issued threats, but many threats are not realized. SADC was concerned about the 2002 and 2008 Zimbabwean elections, so South Africa gathered information on the scale of human rights abuses perpetrated by ZANU-PF. However, South Africa suppressed the information it had gathered, rather than making good on its – very minimal – threat to share the information. SADC has only suspended Madagascar's membership during successive political crises and only South Africa can claim to have intervened militarily in another SADC state. South Africa (with some support from Botswana as regional cover) intervened to stop an alleged coup plot in Lesotho in 1998. Similarly, AU has issued cheap talk during political disputes, but follow-through has not been forthcoming, except for not sending election observers to Burundi (2015). The EAC falls even more short of issuing credible threats in the first place. In sum, African regional organizations outside of ECOWAS rarely rely on direct threats and staging interventions to influence a target country's behavior in elections.

Factor 4: Regional organization embeddedness

Despite attempting to cultivate the appearance that African regional organizations are uninfluenced by external international networks, the effects of external relationships exist and have major implications for handling election-related concerns. In many ways, African regional organizations may become purveyors of UN and major power priorities, or directed by influential international NGOs. This has often had positive implications for confronting election malfeasance and ensuring an alternation of power. There is substantial variation across the African regional organizations in terms of the embeddedness in external networks.

ECOWAS has worked with the UN to deal with several civil conflicts in West Africa, including the Liberian and Sierra Leonean civil wars. In addition, France maintains close relations with the Francophone countries and therefore provides a direct collaborative link between ECOWAS and the UN Security Council. The French are perennially involved in ECOWAS decision-making, and there is also evidence they engage in significant lobbying at ECOWAS and the AU as well. This arrangement of international attachments for ECOWAS is stronger than the other African regional organizations followed by the AU. The AU similarly has worked with the UN to organize and deploy peace-

keeping missions (e.g., AU Mission to Somalia, AMISOM).

Throughout its history, the AU has received funds from Western donors. Western countries that provide financial support to the AU participate in the Joint Funding Partnership, which brings together donor countries to share information and consult directly with the AU. Through this mechanism, the entire AU long-term election observation mission budget is funded and supported by the EU. ECOWAS similarly values obtaining grants for programming from Western donors. The influence of Western donors on democracy and elections concerns is much less in the EAC and SADC. The EAC receives bilateral funds and funds through the East African Community Partnership Fund, which is the locus of donor country consultations with the EAC. However, almost all of the funds support social and economic priorities. The EAC and SADC emphasize their role as vehicles of regional economic and development integration. This allows for international support for development work while shielding the political sector from external influence. In many ways, the Western donors agree to this arrangement because they realize that regional support – even if it is given – may not amount to much based on the arrangements of regional institutions.

Western donors also engage regional organizations on an individual level through the direct funding of personnel and capacity building exchange programs. These arrangements embed qualified practitioners in African regional organizations, such that it is common for some personnel to carry business cards for both the African regional organization and the funding partner, such as Gesellschaft für Internationale Zusammenarbeit (GIZ of the German government). This occurs most at the AU, EAC, and SADC. Yet, outside of the AU, embedded personnel at the EAC and SADC work on institution-making and projects that do not include a democracy and elections component. Therefore, similar to the funding, donors are not penetrating the areas of democracy and governance.

Although the donor country penetration is not realized at the EAC and SADC, both the EAC and in particular SADC have shown a willingness to work with Africa-based organizations, such as EISA and African Centre for the Constructive Resolution of Disputes (ACCORD). Interestingly, EISA receives significant funding from the EU and Western countries, but since EISA boasts an African staff and Johannesburg base of operations, the organization has been able to sign MOUs with SADC and the EAC (and even the Economic Community of Central African States – ECCAS). International NGO practitioners are cognizant of the political sensitivities, such that engagements begin small (e.g., training of election observers) and develop over a long period of time. The influence of EISA on the EAC and SADC, in particular, is high. For instance, the creation of election observation methodologies and handbooks, training of missions, and the drafting of observer reports emanate from EISA's support staff. This illustrates how international NGOs can sometimes circumvent barriers that the EAC and SADC erect, which in turn gives Western donor countries indirect influence.

The AU also has a long-standing relationship with EISA to support the election assistance unit. An interesting fact is that a number of senior AU staff worked for EISA in the early 2000s before taking positions in the Department

of Political Affairs, including department head Dr. Khabele Matlosa and the founding head of the election assistance unit Ms. Shumbana Karume. In short, some of the AU's senior staff is drawn directly from the alumni of EISA, which illustrates a mechanism through which international embeddedness functions.

In sum, ECOWAS and the AU are highly embedded in UN, major power, and Western donor funding networks. These networks may leverage influence over election assistance and intervention decisions. The expected outcome is that ECOWAS and the AU will be more amenable to efforts to improve election quality. In contrast, the EAC and SADC have only slowly engaged Western donors and international NGOs on democracy and governance concerns. This means that regional programming on elections has been either non-existent or limited to only certain programs, such as supporting election observation missions. Finally, international NGOs, specifically EISA, have exercised influence across all the regional organizations by providing a variety of election-related services.

Factor 5: Opposition credibility

The issue of opposition credibility does not vary at the regional level, but rather at the country level because it is a domestic factor. However, the process of scrutinizing opposition candidates does depend on regional-level characteristics pertaining to ruling group (party) solidarity, mutual political support, and security v. election quality considerations discussed in the first part of this chapter. For instance, candidates from liberation states in the SADC region without "liberation credentials" will be at a severe disadvantage.

Most opposition parties do not confront the disadvantages they face in proving their credibility. In almost all interviews, opposition political leaders lamented post hoc their failure to realize the importance of the regional level and/or their inept attempts at regional lobbying. The main finding is that most opposition parties, particularly before 2010, engaged in little to no regional lobbying. However, elections post-2010 have witnessed opposition leaders engaging in regional lobbying among African states, including visiting neighboring countries to have an audience with government officials. In some cases, opposition parties have cooperated with opposition parties in neighboring countries. Yet, this has tended to alienate the collaborating opposition parties from the region and stunt regional lobbying efforts.

Opposition credibility interacts with the region-level factors and faces the headwinds described in this chapter. It is likely that the usage of actionable information, provision of election assistance, and fair and balanced mediation is more likely when the opposition is credible.

Conclusion

There are significant headwinds to prevent African regional organizations from confronting election malfeasance and ensuring the alternation of power if required. The existence of networks of pro-incumbent solidarity and mutual political support and a preference for immediate security over the uncertainty of free and fair elections all conspire against regional efforts to improve election quality. However, there are also regional processes that run contrary to the headwinds in the form of the five main explanatory factors. The major consideration is that there is a wide range of variation across these five factors. This variation is clearly present when comparing the African regional organizations. The comparative empirical evidence presented in this chapter provides a window into the scope of the variation. Taking all of the factors together and considering the variation that exists, the prospects for confronting election malfeasance are highest in ECOWAS, followed by the AU and then SADC and the EAC. These observations will be taken up again when considering the detailed cases studies of Côte d'Ivoire, Kenya, and Zimbabwe.

Notes

¹Interview with an ANC official, June 2013 and an interview with an MDC-T consultant, October 2014.

²Interview with an MDC-T consultant, October 2014.

³For example, interview with a high-ranking AU official in political affairs, April 2015.

⁴Peter Penar. 15 January 2016. "How The Gambia is Testing West Africa's Resolve to Protect Democracy." Online: <https://theconversation.com/how-the-gambia-is-testing-west-africas-resolve-to-protect-democracy-71173>

⁵eNCA Report. 26 May 2017. "Maimane Prevented from Entering Zambia." Online: <https://www.enca.com/south-africa/maimane-prevented-from-entering-zambia>

⁶Interview with an MDC consultant, October 2014.

⁷It is important to note that the label "peaceful" is used even when there are instances of violence. Therefore, the designation appears to be tied to a lower magnitude of overt violence.

⁸Private communication with an official supporting the AU observer mission, May 2015.

⁹African Union Election Observation Mission. 24 May 2015. "Preliminary Statement."

¹⁰BBC. 24 November 2011. "Gambian Polls Close in Election Denounced by ECOWAS."

¹¹Observed the delays first-hand while conducting fieldwork in Addis Ababa at the AU, April 2015.

¹²Interview and discussion with an AU election assistance official, May 2015.

¹³Interview with a SADC member state diplomat, June 2013.

¹⁴Conversation with a researcher at Rhodes University, South Africa specializing in DRC politics and natural resources, June 2013.

¹⁵DW. 13 March 2017. "Niger Opposition Leader in Court Probe over Baby Trafficking." Online: <http://www.dw.com/en/niger-opposition-leader-in-court-probe-over-baby-trafficking/a-37916149>

¹⁶BBC. 18 February 2016. "Uganda Election: Facebook and WhatsApp Blocked." Online: <http://www.bbc.com/news/world-africa-35601220>

¹⁷Private conversation with an official familiar with AU's election observation missions, April 2015.

¹⁸Interview with an AU official familiar with election assistance, April 2015.

¹⁹Observed support for AU election observation in Addis Ababa, April 2015

²⁰Interview with a SADC official familiar with election observation, May 2013.

²¹Interview with one of the coordinators of the ELOG mission, September 2014 and the ELOG Election Observation Report 2013.

²²Interview with an AU official familiar with election assistance, April 2015.

²³Interview with SADC election assistance official, May 2013.

²⁴Interview with two diplomats from two European diplomatic missions, April 2015.

²⁵Based on fieldwork in conducted in 2015.

²⁶Interview with an ECOWAS election assistance official, May 2015.

²⁷Ibid.

²⁸Interview with a SADC member state diplomat, June 2013.

Chapter 4

An Overview of Regional Organization Activities and Election Quality

Introduction

The study of election quality over time emphasizes the long-term democratizing effects of regional organizations. As mentioned in chapter 2, regional organizations are likely to have the most discernible effects on democratizing moments, rather than long-term, more subtle trends. This is clear in the case study chapters (5-7) and in previous work on regional organizations, e.g., the case studies in Pevehouse (2005)'s seminal book (e.g., Peru and the Organization of American States). Nevertheless, regional organizations may have long-term effects outside of the most discernible democratizing moments. This chapter considers three questions: (1) do regional organization activities have an influence on election quality from 2000 through 2016? (2) Which components of election quality are more or less likely the beneficiary of regional organization activities? (3) Are differences across the regional organizations associated with better, stagnant, or worse outcomes for election quality?

It is important to caution that the analysis in this chapter is not causal nor is there a direct link made between the regional organization activities and election quality outcomes. Rather, the descriptive statistics provide suggestive evidence about the distinctive period (e.g., 2000-2009 v. 2010-2016), election quality component, and regional context differences. Inferring from these observed trends, it is possible to suggest that African regional organizations are – at least in some part – contributing to the outcome. The direct, causal influence of regional organizations and its limitations become clear in the case studies of Côte d'Ivoire, Kenya, and Zimbabwe.

The ability of regional organizations to gather and interpret actionable information, engage in election assistance, cooperate with international networks, and maintain proactive and balanced mediation approaches is associated with tangible improvements to election quality after a lost decade (2000-2009) of election stagnation and decline. This is a significant observation since the emphasis of the dissertation is on the evolution of regional organizations in the

post-2010 period, with the expansion of election-related intervention. However, in the main, the potential outcomes of these regional-level activities are confined to logistical, procurement, and procedural improvements, rather than wholesale re-evaluations of legal frameworks and politically sensitive areas. In particular, a comparison of average changes between 2000-2009 and 2010-2016 reveals improvements in areas targeted by regional organizations, including voter registration, EMB performance, election procedures, and the vote count process. This is not surprising given the regional emphasis on management concerns (e.g., logistical, procurement, and procedures) far surpasses other priorities. In short, the period comparison reveals a small but observable positive change in election quality in select areas.

There is significant variation in the improvements across regional contexts. The variation corresponds to the strengths and weaknesses of the regional organizations. On average, members states of the Economic Community of West African States (ECOWAS) have experienced steady improvements in overall election quality since 2009, particularly in areas that ECOWAS has targeted and provided support. In contrast, members states of the Southern African Development Community (SADC) have generally witnessed modest improvements in overall election quality, while the improvements are much less or election quality has stagnated among East African Community (EAC) member states. Members states of the Economic Community of Central African States (ECCAS) have not seen consistent improvements, but baseline election quality has improved. Finally, sub-Saharan African countries that are not members of the EAC, ECCAS, ECOWAS, or SADC have registered almost no gains in election quality, and overall election quality among these countries (e.g., Ethiopia and Djibouti) lags significantly behind countries that are members of the aforementioned regional organizations. In sum, the regional context may matter for election quality improvement.

Regional organizations and election quality

Previous studies have focused on whether and how regional organizations may influence democracy and specific components of the electoral cycle (e.g., opposition's acceptance of results). These efforts targeted several mechanisms that function on the regional level. Yet, many of the mechanisms proposed in the literature do not travel well to the African context and perform poorly when attempting to explain the evolution of African regional organizations and their potential influence on election quality.

Looking at democracy, Pevehouse (2005) proposes three overarching mechanisms through which regional organizations may contribute to democratization efforts: (1) pressure by an international organization (IO) peer group; (2) acquiescence effect (e.g., socialization of members in the IO and commitment lock-in); and (3) legitimization of transitional regimes favorable to democracy. A crucial feature of Pevehouse (2005)'s argument is that regional

organizations contribute to democratization when states are members of IOs in which democratic states are dominant. Hence, there is attention in this approach to the overlapping networks of regional organization membership and the level of democracy of member states within an IO. The IO-score employed in the study is the "average level of democracy in the most democratic IO of which a state [...] is a member." The measure is also employed in summary analyses by Teorell (2010). The prediction of Pevehouse (2005)'s theoretical framework is that it is very unlikely that African regional organizations – with a mix of nominally democratic and authoritarian member states – will contribute positively and significantly to democratization. Other approaches emphasize the power of enforcement and sanctioning that regional organizations have employed across cases in response to election malfeasance (Donno 2010). For even maintaining set standards of democratic norms, Donno (2010) indicates that the enforcement and sanctioning mechanisms do not function in the African regional organization context. Donno (2010) records only three cases between 1990 and 2005 of the AU criticizing election conduct, with no sanctions subsequently applied (Donno 2010: 597). The conclusion is that African IOs have no teeth.

Based on these aforementioned and influential studies, the prediction is that African regional organizations will likely not contribute to democratization nor the improvement of election quality. There are, however, several weaknesses in these studies. First, they have a limited time-horizon by examining developments through 2005. The previous chapters described how African regional organizations post-2009 have begun to evolve – to varying levels – in their ability to gather and report actionable information, provide election assistance, engage international partners, and develop mediation frameworks. In particular, the twin election crises of Kenya (2007) and Zimbabwe (2008) led regional organizations to reconsider their previous approaches to elections.

Second, the explanatory mechanisms employed in previous studies fit contexts in which democratic norms are firmly embedded in the regional organization's thinking and institutions. This does not mean a regional organization will act, but the basis for action is already in place. In contrast, African regional organizations only embraced on paper commitments to democracy in the 2000s. The democratic norm thinking and incorporation into regional institutions – if it is taking place – is far from consolidated across the regions. This dissertation asserts that African regional organizations are at different stages of grappling with commitments to democracy and quality elections. Developments since 2009 across four region-level factors – election observation for actionable information, providing election assistance, engaging international partners, and employing mediation frameworks – described in the previous two chapters are instrumental to shaping African regional organization's potential influence on democracy and election quality.

African regional organization activities

Most of the null findings are unsurprising because the analyses do not recognize the relative strengths of regional organizations and the priorities of the organizations. In the African context, a majority of regional activities as described in the previous chapter target election logistics, procurement, and procedures. Outside of mediation, regional election observation, election assistance, and collaborative efforts with international partners tend to focus on so-called election management concerns. African regional organizations also target areas with more immediate impact since successes will be less costly and easily documented as policy successes. The existing literature on election observation, election assistance, and international linkage challenges the efficacy of these three factors in part because the literature does not focus on management components.

Election observation

On election observation, some studies suggest that observers may deter fraud and increase participation (Bjornlund 2004; Carothers 1997; Carothers 2004; Hyde 2007; Birch 2010) and provide information to political and civil society actors to solve collective action difficulties and lend credibility to protests against election fraud (Bunce and Wolchik 2010a; Magaloni 2006; Magaloni 2010). Some studies suggest that election observation only works effectively when it is part of a screening, monitoring, and sanctioning regime, such as the European Union (EU)'s monitoring (Pevhouse 2002b; Pridham 2005). Other studies indicate that election observation may displace electoral fraud, rather than suppress it (Ichino and Schündeln 2012). And, some analyses of regional, so-called non-credible election observers (e.g., Kelley 2011) reveal that there is little to no influence of election observers on preventing opposition boycotts.

The mixed findings on election observation rarely examine areas of relative strength for African regional organizations. First, African regional organizations are largely attempting to gather information about how the logistics for the election transpired and whether national procedures are followed. Efforts to deter fraud directly are a lower priority, though the hope is that the incumbent will exercise restraint when observers are present. Second, regional observers want information about election outcomes because the region may need to mediate a post-election dispute. Actionable information is instrumental in promoting regional intervention, if required, as part of a process. The quality of information allows for the region to employ more direct pressure and become involved in mediation. Therefore, election observation may have indirect effects. Finally, election observation missions may generate information that is used to develop programs of election assistance in the future.

Election assistance and international embeddedness

It is debatable just how much linkage African countries have with the West. One element of linkage that has been explored is democracy assistance from the West (e.g., Diamond 1995; Carothers 1999; Carothers 2000; Burnell 2000; Ottaway and Carothers 2000; Brown 2005; Wright 2009). These discussions of democracy assistance usually focus on assistance at the domestic level, rather than emanating from the regional level. This dissertation illustrates the mechanism through which Western linkage – as part of international embeddedness – may flow via African regional organizations despite the facade of being African-centric. The linkage also flows through a very limited though influential set of international NGOs, mainly the Electoral Institute for Sustainable Democracy in Africa (EISA) and the Open Society Initiative. By presenting an Africa-centric image, these international NGOs provide linkage between Western donor countries and individuals and African regional organizations without significant anti-Western backlash from African states. Finally, embeddedness encompasses linkages between international organizations, such as the United Nations (UN) and regional organizations. Most analyses, such as those from Levitsky and Way (2010) consider direct relationships with states and downplay networks that involve regional organization intermediaries, save the EU context. However, with many of the regional election-related programs receiving support from Western donors, it is possible that regional organizations may carry-out democracy promotion efforts.

As the previous chapters suggest, regional election assistance with support from international partners has targeted logistical, procurement, and procedural components of elections. For instance, much of the regional support helps EMBs with budgeting, improving voter registration processes, managing staff, and engaging political stakeholders. One of the reasons for having a more narrow focus on election assistance is that the actions of the election assistance unit will not come under intense scrutiny from member states if the unit is seen to be contributing to non-political outcomes. In particular, responding to requests from member states and their institutions (e.g., EMB) allows election assistance to work in partnership rather than being an overly critical and potentially marginalized actor in the election process. The institutional safety of targeting logistical, procurement, and procedural components, as well as stakeholder relations, allows for election programs to continue and consolidate in the short-run.

Potential election quality improvements

When looking at the electoral cycle, there are broadly four sets of election concerns: (1) logistics and procurement, (2) procedures, (3) legal framework (e.g., political decisions about the electoral system and boundaries), (4) political actors' decision-making. African regional organizations are most likely to exercise an influence over logistics, procurement, and procedural elements, unless there is a severe crisis leading to a brokered agreement (e.g., power-sharing) with major legal changes. Undeniably all components of the electoral cycle may become politicized (e.g.,

registration may be purposely limited in opposition strongholds); however, due to the nature of election activities, some components tend to be treated as logistical and procurement challenges rather than overt political challenges. As explained in the previous chapter, often logistic and procurement concerns elicit requests for support by EMBs to regional organizations. In addition, there is an incentive for countries – though some may engage in election malfeasance – to improve the facade of proper election logistics and procurement. Also, election assistance that targets logistics, procurement, and procedures can easily be monitored and evaluated for the short-term effectiveness. This is particularly important when regional organizations cooperate with international partners. Therefore, there will be high regional attention to these areas and lower resistance for implementing recommendations.

In the context of logistics and procedures, African regional organization election assistance supports stakeholder relations. This entails improving the institutions' (charged with election management) ability to communicate and interact effectively with other government institutions, candidates, political parties, and civil society. It also involves strategies for improving public relations surrounding election activities. The aim is to facilitate a constructive dialogue with the political stakeholders. African regional organizations have demonstrated a relative strength in these areas through election assistance programming and collaborating with international partners, such as EISA.

The challenge is determining the components of the election cycle, which are more on the logistics, procurement, and procedures end of the spectrum. Arguably voter registration, counting and the results announcement process, and EMB performance exhibit high demands for logistical arrangements and procurement. These processes involve managing a large and widely dispersed staff to identify voters and relay the information. Election procedures, the voting process, media environment, and party and candidate registration present slightly less expansive logistical challenges. Election process ensures that officials are conducting themselves properly, which involves large-scale personnel management. It sits on the borderline since the focus is more on the local level than the collaboration needed for counting and collating results. Maintaining a uniform voting process is likewise an administrative challenge, but it is more locally administered and slightly less logistics-centered. Media environment and party and candidate registration raise their own procedural and administrative challenges as will be mentioned. But, the main concern here is the difficulties of engaging media and political stakeholders. There is also the matter of the legal frameworks that govern media and party and candidate registration. Finally, there are highly political decisions that require national legislation, such as boundaries and districting and political finance. At the far end of the spectrum are actors' contingent political decisions, mainly the opposition's (or loser's) response to the election. Perhaps the area of weakest influence is the ability of regional organizations to convince the opposition party (or a political loser) to accept the results. Mediation – a more momentary injection of a regional organization's influence – that occurs in select moments is usually the tool regional organizations employ in these situations.

The overarching hypothesis is:

African regional organizations are likely to be associated with improvements in election quality that are more logistical, procurement, and procedural-oriented.

The following explains the expected outcomes across the components of the election cycle with more detail about how African regional organizations may influence election quality. Based on the aforementioned overarching hypothesis, the components of the election process are sorted from projected areas of high to low influence.

Areas of high influence

1. Voter registration

Voter registration is a major logistical undertaking. Registration efforts must traverse the entire country and requires managing often temporary registration personnel and technology (for identification and biometric systems). It is often necessary to combine voter registration efforts with voter education efforts since some countries require specific forms of identification to register.

Voter registration efforts are logistical processes that regional and international trainings have sought to target. For instance, the SADC Electoral Commissions Forum (SADC-ECF) has stressed the importance of standardizing regional practices of registration. The push for standardization has, in some regions, involved the diffusion of technology solutions in registration, mainly biometric registration. In addition, regional election assistance has facilitated funding for civic education surrounding voter registration. Long-term observation missions and pre-election assessment missions (PAMs) often comment on registration practices, with well-coordinated domestic election observation missions offering information about the registration efforts. A credible opposition push for better registration processes (e.g., longer time frame, more accessibility) can attract external pressure from a regional organization that is likely to achieve some level of mitigation of registration practices. This is because registration is sufficiently early in the process such that the incumbent may be more amenable to external demands, which could alleviate criticism early on during the election cycle. Finally, successes in registration may be documented (e.g., number of new registrants). Reports on success can lead to even more programmatic support from regional organizations and existing donor partners.

H1: African regional organizations are likely to be associated with significant improvements in voter registration.

2. Counting and results announcement process

Similar to registration efforts, counting and results announcement involve a high degree of country-wide communication and coordination. And, the coordination must occur under significant time pressure to deliver results. There are also challenges of managing political stakeholders.

Often EMBs reach out for regional organization support to help design systems of results transmission. There are trainings and workshops that explain different models for communication and coordination. Regional organizations, including election observers, sometimes criticize EMBs for lacking transparency if the results process is highly secretive. But, the most major concern that raises regional ire is the significant delays in announcing results. Long delays put the election country into a state of electoral limbo and opens the door for protests and violence (government and opposition-sponsored). The fear of an election crisis means that regional organizations invest in election assistance around the results logistics. There are no specific regional standards of timeliness and there is an acceptance that logistically challenging environments (e.g., the DRC) will experience delays. However, regional election assistance efforts and professionalization initiatives emphasize the importance of stakeholder relationships and maintaining communication through a swift announcement of results. Regional organizations have been known to endorse and support EMBs that relay results timely and transparently. This is most visible when an EMB comes under attack from an incumbent that is discontent with the results process (e.g., in Côte d'Ivoire 2010 and The Gambia 2016). It is also possible to measure the success of support for counting and results announcement by looking at the transparency, accuracy, and speed of vote collation.

H2: African regional organizations are likely to be associated with significant improvements in the counting and results announcement process.

3. Election management body (EMB) performance

The EMB is the focal point for election logistics, procurement, and procedural regulation. Election commissioners and permanent staff consistently seek external support to improve their functioning. This is particularly true because guidance domestically is often limited and budgets sometimes require external support (e.g., for activities such as civic education). EMBs work directly with international organizations, such as International Foundation for Electoral Systems (IFES) and EISA, the United Nations Development Programme (UNDP), and regional organizations. Regional election assistance and election commission forums work directly with EMBs by holding workshops about personnel training, logistics, procurement, and civic education. Regional support also targets stakeholder relations. Stakeholder relations involves disseminating timely information about the election to candidates, political parties, and civil society. It also involves holding forums to gather concerns about the electoral process. Emphasizing these

engagements is a strength of regional election support.

The issue of independence and institutional autonomy is also addressed at the regional level. However, because regional election assistance attempts to avoid politically sensitive and legal framework concerns overtly, such as the arrangement of institutions and the appointment of commissioners, regional influence will be weaker. Nevertheless, election commissions forums, such as SADC-ECF, and to a much lesser degree, election assistance units produce research and frameworks that compare EMB's institutional characteristics across the region. The purpose of the research is to build a body of best practices for EMB's to draw on if they are facing institutional concerns, constraints, or facing the prospects of reform. This represents a "soft" form of influence without political intrusion. In more extreme cases of election competition, regional organizations may push for reforms to the EMB particularly when a strong and credible opposition demands reforms and threatens to withdraw and/or protest. In these instances, regional organization influence is likely to occur through mediation channels, but these instances are few. Further, in post-conflict countries in which the region plays a role in rebuilding, there is likely to be a stronger influence of regional organizations over the configuration of the election commission in addition to other international and domestic influences.

H3: African regional organizations are likely to be associated with significant improvements in overall EMB performance.

Areas of modest influence

1. Election procedures

Procedural elements of an election include the conduct of election officials and the application of national election laws. Election procedures are slightly less focused on logistics and coordination efforts and pertain more to the comportment of the election officials and their ability to complete their duties. For this reason, the expected influence of regional organizations will be less than the previous three components of the election cycle.

Election observation and election assistance do address procedural aspects. For election observation missions the emphasis is often on the procedural management of the election, which is observable on election day. Procedural elements include having ballot papers arrive in a timely manner at polling stations, the existence of a voters' roll, polling officials appearing to be 'fair,' information about the election disseminated to the public, and privacy for a secret ballot (unless a voter requires assistance). Not only do regional observer focus on procedural elements, but also countries have an incentive to improve election day procedural functions on the surface, so that election observers do not raise alarm. Also, a well-managed election day, on the surface, may allow the governing party to exercise influence over the outcomes if need be in other areas. A number of countries have very well "managed" elections,

including Rwanda. The concern with improvements to election procedures is that they may not reflect a country's commitment to election quality in other areas.

H4: African regional organizations are likely to be associated with modest improvements in election procedures.

2. Voting process

Similar to election procedures, the voter process metric has some logistical components, such as the availability of voting for voters with disabilities and the ease of voting (e.g., enough polling stations to cut down on wait times and make polling stations accessible). Regional efforts to improve logistics may influence aspects of the voting process. However, some aspects of the voting process have not been the focus of regional support, such as postal voting or other means of voting (e.g., internet or by proxy). And, very little has been suggested about the status of nationals living abroad being allowed to vote. These concerns appear to be confined to the country-level.

Furthermore, some components are rarely discussed or not addressed by regional organizations. First, regional organizations do not influence whether voters have a "genuine choice at the ballot box" except at the extremes of attempting to prevent an opposition boycott, which sometimes fails (e.g., the failure to do so in 2013 Zimbabwe and the 2017 repeat election in Kenya).

It is also unclear how African regional organizations will have a direct influence on election fraud. Previous studies on the relationship of credible observers and election fraud reveal mixed results (see above). Regional observers may have an influence particularly if there is a large-scale fraud conspiracy, but it is likely to be on the margins in almost all cases. Finally, at first glance, African regional organizations may not be able to prevent voters from being threatened at the polls, or have the ability to limit election-related repression. It would be in the regional organization's interest to prevent repression that causes neighborhood externalities, but empirical case evidence of election and post-election repression does not suggest that this interest functions consistently. There is perhaps some restraint effect, but it is selective and minimal overall outside of ECOWAS. In specific cases, there is evidence of a direct security presence of regional organizations (e.g., 2010 Côte d'Ivoire and in the 2000s in Liberia). The biggest effects are likely in conflict or post-conflict countries.

H5: African regional organizations are likely to be associated with modest improvements in the voting process.

3. Media

Regulation of the media involves a combination of procedural elements of assessing media coverage (e.g., monitoring journalists and airtime) and access and the national laws pertaining to the media. The latter is hard to change, but the application of procedures may be influenced by regional efforts. Member states in African regional organizations have discussed regional media frameworks and guidelines, just as they agree to democracy and election guidelines. Sometimes the media guidelines are part of the overarching commitments to quality elections and sometimes they are separate. African regional organization election observation reports often include commentaries on the state of the media and the balance of media coverage in campaigns. Interestingly, the observer reports can be highly critical and provide actionable information about the media environment in ways that are not mentioned regarding other components of the election process. For instance, SADC stated in their report of Zimbabwe's 2008 elections that: "The one-sided coverage in content and extend of one candidate on the part of the state media, print and election. In addition, no advertisements for the opposition party were carried."¹ The AU also remarked: "Regrettably, the state controlled media was used as a vehicle to discredit the opposition candidate in all forms." [...] "The Commission was also unable to act when the access to public media was blatantly being denied to the opposition candidate."²

The common critique across election observation reports is that the public media does not supply equitable coverage and advantages the ruling party. A common refrain is that regulations in the country should allow for more private media outlets, the privatization of certain state-held media monopolies, and balanced coverage for state-sponsored media. The same recommendations are found in election observation reports and regional discussions in repeated elections often denoting minimal reform despite an awareness of the challenge to regional norms. The one thing to note is that not all African regional organizations have emphasized media reforms. ECOWAS and SADC mention the media in their election guidelines and have announced a commitment to these principles, whereas the EAC has been almost silent on media affairs. Therefore, it is expected that media influences, if present, will be found in the ECOWAS and SADC contexts more than others.

H6: African regional organizations are likely to be associated with modest improvements in the media environment.

4. Party and candidate registration

The issue of registering candidates and parties is partially procedural and involves stakeholder relations, but because governments have sought to regulate competition it is a highly political concern as well. The procedural aspects and management of stakeholder relations allow for some regional support to influence outcomes. However, since African regional organization activities have targeted improving the campaign environment and ensuring candidate and party

buy-in, it is expected that regional organizations may have modest influence beyond procedural and stakeholder relations matters.

African regional organization commitments to quality elections and democracy often reference the need for competitive and fair electoral competition. Election assistance provides guidance to election and state officials on how to engage political stakeholders during campaigns. For instance, election assistance often emphasizes enacting and following a code of conduct for political parties. As the case studies note (particularly on Côte d'Ivoire and Zimbabwe), regional election observers showed concern for the prevention of opposition candidates to campaign throughout the country. The problem is that there is disagreement among regional organization officials and between member states about just how much space should be given to the opposition and the particulars of regulating campaign events. Observing AU election observation preparations reveals that there is disagreement about whether so-called public order acts are in fact restrictions on opposition political parties (i.e., by making government approval necessary and opening the door for the rejection or delay of campaign applications). There is still an inclination towards regulating political competition, especially when stability is privileged. This can attenuate regional influence.

On the other hand, naked repression of the opposition, clear manipulation of campaign events, and the prevention of candidates running sometimes draws regional condemnation in many cases from election observers. The case study of Zimbabwe illustrates the vocal criticism of the Zimbabwean government for its treatment of Tsvangirai and MDC-Tsvangirai (MDC-T). ECOWAS criticized Burkina Faso's 2014 transitional government for attempting to exclude former members of Blaise Compaore's party from running for office. A majority of the criticism comes not from election assistance units, but through election observation missions and the diplomacy (and mediation) of member states. This reflects the political nature of determining the restraints on the opposition.

Finally, although regional organizations generally stay out of candidate selection, some regional organizations have emphasized the importance of augmenting the role of women in politics. One of the topics discussed at the regional level is gender quotas and their effectiveness. However, the emphasis is more on providing research and best practices on gender inclusion, rather than pushing for direct policy change.

H7: African regional organizations are likely to be associated with modest improvements in the party and candidate registration.

Areas of lowest influence

Election assistance and election commission forums place little emphasis on electoral law. A majority of the support is employed to improve the implementation of whatever legal framework already exists. This occurs because regional organizations want to demonstrate their respect for national sovereignty and the diversity of institutions of member

states. Further, the process of pushing for reforms to electoral laws does not always yield immediate results that election departments (and funders) expect to see and mention in reporting and monitoring and evaluation frameworks. In comparison to reforms to the election commission and election implementation, which can sometimes originate from the electoral commission itself, broad election reforms must originate in the national legislature or executive. This means that reform is highly political, and African regional organizations do not exercise significant authority over these process at this time.

H8: African regional organizations are likely to be associated with little to no improvements in the electoral law.

Being part of election law, the determination of the electoral system and boundaries for districts is highly political and entrenched in the status quo institutional arrangement. The only evidence of discussions of election systems and boundaries was found in the SADC region in relation to gender representation. Facilitated workshops with SADC shared how party lists tend to promote women representation at higher rates than single-member districts. The evidence of these discussions come from SADC archives in the early and mid-2000s. However, there is no evidence that regional bodies make electoral system change a priority nor has gender considerations – sometimes discussed at the regional level – become a focal point for regionally-supported electoral change.

H9: African regional organizations are likely to be associated with little to no improvements in boundaries and districting.

The matters of political party financing and the use of state resources in elections do appear in regional election observation reports. But, the statements are often vague and do not directly accuse the government of misusing funds. On the issue of party financing, if mentioned, the reports "encourage" more equitable support for political parties. Even so, there is no evidence that election assistance units have emphasized campaign financing and monitoring in their programming. Again, this is largely due to the fact that reforms to campaign financing and monitoring the use of state resources require systemic and substantial political reform. However, beyond the time scope of this dissertation, it is likely that party financing will become part of the stakeholder relations support given at the regional level.

H10: African regional organizations are likely to be associated with little to no improvements in campaign finance.

Whether an opposition boycotts an election, challenges the results, or protests is a major concern for African regional organizations. However, election observation and election assistance appear powerless in their ability to directly persuade stakeholders to buy into the election process. In particular, election assistance may work to improve aspects of the election process that will encourage the opposition to participate, but there is no effort to compel the opposition to accept election results. Similarly, election observation encourages the peaceful pursuit of recourse, but ultimately, regional influence comes through mediation efforts. For this reason, the potential association between regional influence and post-election and results acceptance will be highly variable and country-specific with no long-term association.

H11: African regional organizations are likely to be associated with little to no improvements in results and post-election process.

Cross-regional comparison

Another dimension is the differences between the African regional organizations and how their institutions and approaches to elections have evolved since 2000. The posited association between regional organization activities and election quality will vary with respect to differences in election assistance, election observation, and international embeddedness. Changes after 2009 did not take place evenly across the regional organizations, with ECOWAS leading the way in their approach to elections (i.e., election assistance and election observation) followed at a distance by SADC and then the EAC, and lastly ECCAS. The following analysis explores the extent to which African regional organizations evolved from 2000 to 2016 by comparing election quality between 2000-2009 and 2010-2016. The comparison allows for the posited influence of regional organizations to vary with the changes to the organizations. It is expected that a majority of the gains in election quality will occur in the post-2009 period.

H12: The largest improvements in election quality will occur in the ECOWAS region, followed by the SADC region, EAC region, ECCAS region, and lastly countries that are not a member of one of these sub-continental regional organizations.

Data and methods

Data and coding

The data on election quality comes from the Electoral Integrity Project (EIP)'s Perceptions of Electoral Integrity (PEI) framework that surveys experts about components of the electoral process. The PEI framework is useful because it

is possible to observe overall election quality as well as changes in the constituent aspects of the electoral cycle.³ What is unique to the EIP's approach is that the framework aligns with international standards agreed to by African countries. In addition, the EIP directly aligns with the election cycle framework used by practitioner agencies that support elections.

The PEI 4.0 dataset includes most sub-Saharan African elections from 2012 through 2016. In most cases, the data reflects expert perceptions of the most "important" election in a given year, such as a presidential election. However, when national elections are not concurrent, these elections appear as separate election observations. The original PEI is modified to include separate observations for elections occurring concurrently on the same day. If the executive and legislative elections were similar in their quality, the PEI entry is duplicated. However, if there are large differences in quality between the executive and legislative elections (e.g., 2008 Zimbabwe), all missing elections are separately coded to reflect the differences. In addition, national referenda are added to the PEI dataset because referenda engage the same election quality concerns (e.g., voting processes, use of a voters' roll).

In order to view trends in election quality over time beyond 2012-2016, the author has completed the PEI election survey for all sub-Saharan African elections (presidential, parliamentary, and referendum) between 2000 and 2012, and filled in any gaps between 2012 and the end of 2016. All index values for the "Election Quality Index" and the constituent aspects of election quality (e.g., voter registration, electoral law, election management, media) are on an unweighted 100-point scale. There are 49 separate aspects of the election cycle (e.g., some opposition candidates were prevented from running) measured on a 5-point Likert scale. This means that each election may achieve up to 245 points. The Election Quality Index is the number of points summed across all 49 aspects of the election cycle divided by 245. Each of the 49 separate aspects is grouped into 11 election components that align to the hypotheses discussed above (e.g., voter registration, media environment). For instance, the EMB performance component includes the following aspects: (1) election authorities were impartial, (2) authorities distributed information to citizens, (3) authorities allowed public scrutiny of their performance, (4) election authorities performed well. Figure 4.1 from Norris, Frank and Martinez i Coma (2013) illustrates the components (refer to as "sections" in the figure) and the particular election aspects (refer to as "questions" in the figure). The term "question" is used to denote that experts are surveyed on each of these election aspects in the form of a question. For example: "Thinking about the electoral authorities administering elections, in your view, do you agree or disagree with the following statements: The election authorities were impartial."

Figure 4.1: Perceptions of Election Integrity Components from Norris, Frank and Martinez i Coma (2013)

Period	Sections	Questions
Pre-election	1. Electoral laws	1-1 Electoral laws were unfair to smaller parties 1-2. Electoral laws favored the governing party or parties (N) 1-3 Election laws restricted citizens' rights
	2. Electoral procedures	2-1. Elections were well managed 2-2. Information about voting procedures was widely available 2-3. Election officials were fair 2-4. Elections were conducted in accordance with the law
	3. Boundaries	3-1. Boundaries discriminated against some parties 3-2. Boundaries favored incumbents 3-3. Boundaries were impartial
	4. Voter registration	4-1. Some citizens were not listed in the register 4-2. The electoral register was inaccurate 4-3. Some ineligible electors were registered
	5. Party registration	5-1. Some opposition candidates were prevented from running 5-2 Women had equal opportunities to run for office 5-3. Ethnic and national minorities had equal opportunities to run for office 5-4. Only top party leaders selected candidates 5-5. Some parties/candidates were restricted from holding campaign rallies
Campaign	6. Campaign media	6-1. Newspapers provided balanced election news 6-2. TV news favored the governing party 6-3. Parties/candidates had fair access to political broadcasts and advertising 6-4. Journalists provided fair coverage of the elections 6-5 Social media were used to expose electoral fraud
	7. Campaign finance	7-1 Parties/candidates had equitable access to public subsidies 7-2. Parties/candidates had equitable access to political donations 7-3 Parties/candidates publish transparent financial accounts 7.4 Rich people buy elections 7-5. Some states resources were improperly used for campaigning
Election day	8. Voting process	8-1. Some voters were threatened with violence at the polls 8-2 Some fraudulent votes were cast 8-3 The process of voting was easy 8-4 Voters were offered a genuine choice at the ballot box 8-5 Postal ballots were available 8-6 Special voting facilities were available for the disabled 8-7 National citizens living abroad could vote 8-8 Some form of internet voting was available
Post-election	9. Vote count	9-1. Ballot boxes were secure 9-2 The results were announced without undue delay 9-3 Votes were counted fairly 9-4 International election monitors were restricted 9-5 Domestic election monitors were restricted
	10. Post-election	10-1 Parties/candidates challenged the results 10-2 The election led to peaceful protests 10-3 The election triggered violent protests 10-4 Any disputes were resolved through legal channels
	11. Electoral authorities	11-1. The election authorities were impartial 11-2. The authorities distributed information to citizens 11-3 The authorities allowed public scrutiny of their performance 11-4 The election authorities performed well

Source: Norris, Frank and Martinez i Coma (2013), "Expert Perceptions of Electoral Integrity: A New Dataset"

Component indices scores are calculated in the same way as the overall Election Quality Index score by averaging across each of the election aspects in a given component. In the case of EMB performance, each of these aforemen-

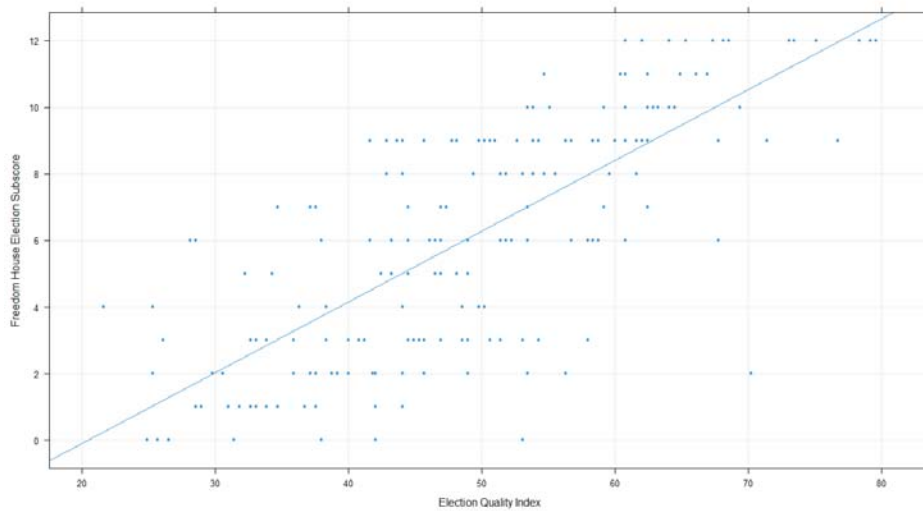
tioned aspects obtains a score on the 5-point Likert scale and then it is summed over 20 possible points to obtain an EMB Performance Index. In short, each major component of the election is itself an index of specific elements. This approach allows for a comparison across the regional organization contexts and in particular an examination of the relative improvements across constituent components of the election cycle. The resulting indices are comparable across countries and may be used to compare relative magnitudes of changes across the components of elections. Perhaps the major omission of the PEI dataset is the lack of metrics on disputes resolution processes, such as court audits of elections and the quality of the election petition process. Otherwise, the PEI metrics are comprehensive.

The 2000-2012 coding is based documentary evidence from election observation reports (e.g., EU, The Carter Center), news articles, and other commentaries and reports on elections and the human rights context surrounding the election (e.g., US State Department Human Rights Reports, Freedom House country reports). For the PEI data, each election entry reports an average of experts' scoring for each election aspect. The values are often fractions of points, whereas the author's coding uses only integers. Therefore, all expert scores in the PEI are rounded with scores .7 or above rounded up to the nearest integer. This rounding rule reflects the need to set a fairly high threshold to move up the 5-point scale. The total sample size of elections is 346 from 2000 through 2016. Since South Sudan gained independence in 2011, it is the only sub-Saharan country with no elections before 2010.

Election quality data validation

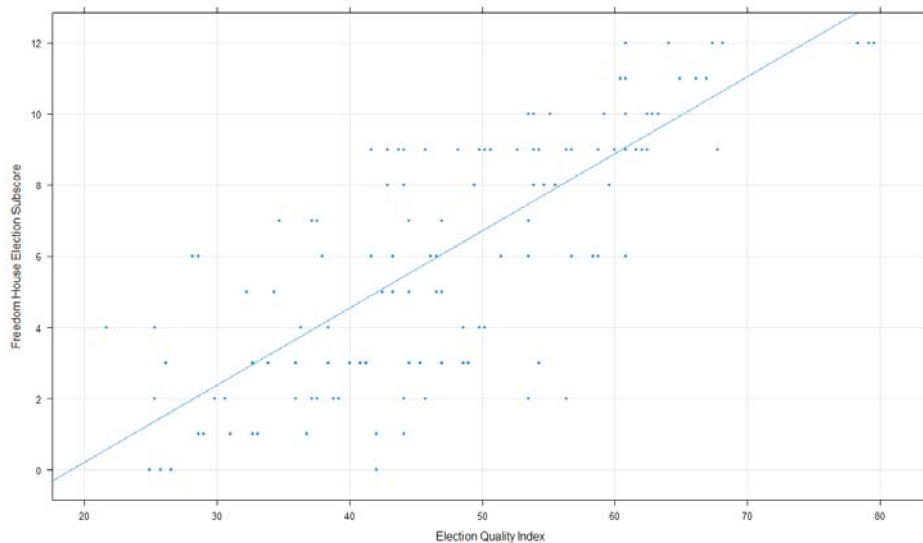
One method of data validation for the Election Quality Index is to compare the Index values with Freedom House election process subscores. Freedom House has publicly published the election process subscores for all countries beginning in 2005 through the present. The data used reflects the Freedom House subscore for a given country for the election year. Figure 4.2 plots the Freedom House election subscores against the Election Quality Index for all elections between 2005 and 2016 in which Freedom House released subscores:

Figure 4.2: Freedom House Election Subscores Compared to Election Quality Index



The pair-wise Pearson correlation is 0.748, with a 95 percent confidence around this estimate of 0.688 and 0.799. A comparison reveals similar results using only the observations for election quality that were self-coded. Figure 4.3 displays the scatter plot:

Figure 4.3: Freedom House Election Subscores Compared to Self-Coded Election Quality Index

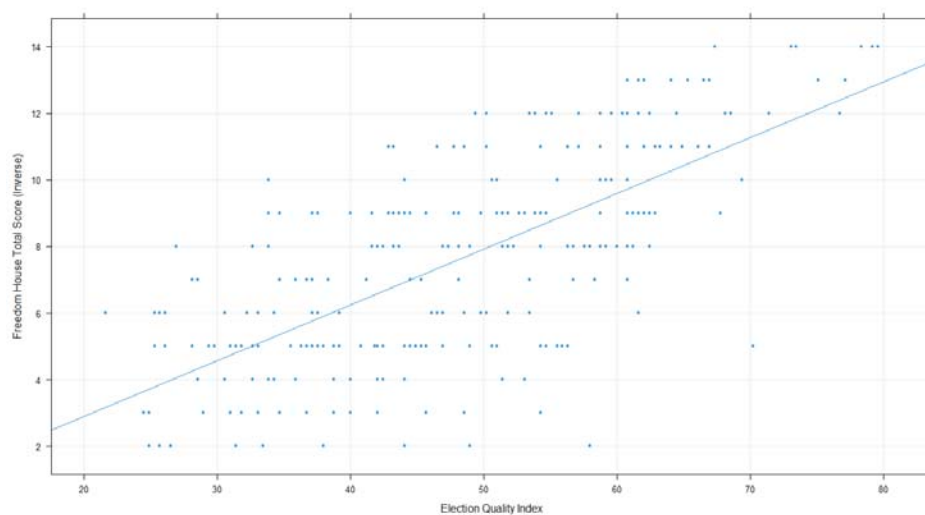


For self-coded observations, the pair-wise Pearson correlation is 0.781, with a 95 percent confidence interval around this estimate of 0.715 and 0.834. Both of the comparisons demonstrate that the overall Election Quality Index is highly correlated with Freedom House's election process subscore. The results indicate a high level of consistency with the established Freedom House dataset. What the scatter plot also reveals is that despite a general correlation,

there is variation in election process subscore levels. It is represented by the variation of election quality at each Freedom House score level. The Election Quality Index and its component aspects are picking up differences in election quality not exactly reflected in Freedom House's election process measure. This is a major advantage of the Election Quality Index and its component measurements.

There is also a similarly high level of correlation between the Election Quality Index and Freedom House's overall freedom score. The pair-wise Pearson correlation is 0.686, with a 95 percent confidence interval around this estimate of 0.626 and 0.738 (Figure 4.4).

Figure 4.4: Overall Freedom House Score Compared to Election Quality Index



The slightly lower level of correlation reflects the fact that the overall Freedom House score includes other aspects of political and civil rights not directly related to election processes. In sum, the results from the comparative validation suggest a confidence in the adequacy of the Election Quality Index.

Methodology

The aim of the analysis is to observe long-term trends in election quality across country and regional context. As mentioned, before 2010, the African regional organizations had a limited involvement in elections. For instance, as Western organizations began to observe elections, African regional organizations began deploying their own missions that largely deflected criticisms of flawed elections. However, after 2010, there emerged the divergent approaches from the regional organizations with some beginning to improve election observation, election assistance, and engage support from Western donors and international NGOs in the elections space. It is expected that these divergent trajectories will reveal period differences in election quality.

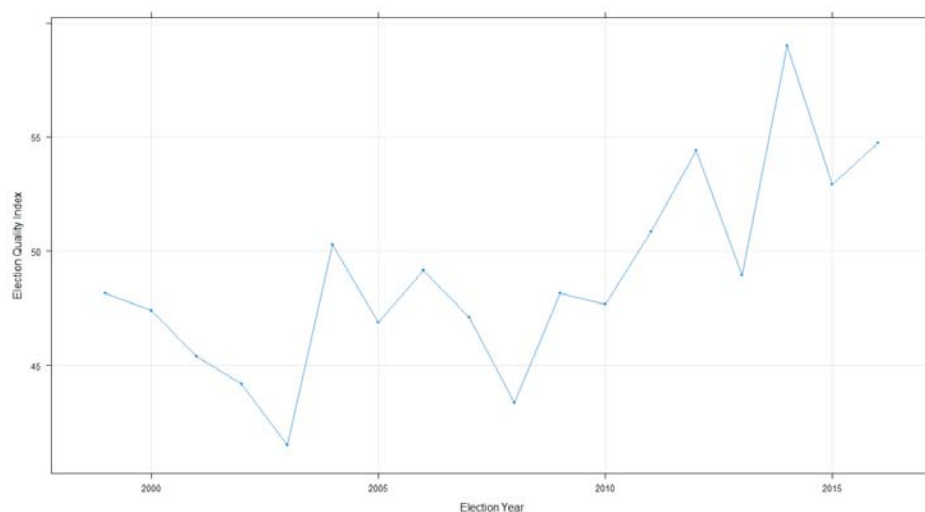
Therefore, the following looks at differences in overall average election quality between 2000-2009 and 2010-2016. As hypotheses H1 through H7 indicate, it is expected that improvements in election quality will occur in areas that African regional organizations have the largest projected influence. A period comparison (2000-2009 v. 2010-2016) is used to view overall and regional context difference across the major components of the electoral cycle. Secondly, we will compare overall and election quality component differences across the regional organizations. It is expected that the largest gains in election quality will be among ECOWAS member states, followed by SADC member states, then the EAC member states, then the ECCAS member states, and finally sub-Saharan African countries without a regional organization. Although this analysis does not provide direct evidence of the relationship between regional organizations' activities and election quality outcomes, it does provide some evidence that regional context matters and that it may matter for some changes in some election practices more than others.

Results

Changes over time

At the aggregate level, overall election quality in sub-Saharan Africa has increased over the past 16 years (Figure 4.5). However, the overall trend belies several significant deviations over time, mainly in the early and late 2000s.

Figure 4.5: Overall Election Quality, 2000-2016



The aggregate trend arguably reflects at least in part the advent of AU and regional organization election intervention. Regional election observation and assistance began in the mid-2000s (c. 2003-2007). Prior to this period, in the 1990s and early 2000s, the EU, Carter Center, and other Western observers played a largely uncontested election

support and monitoring role. Significant election improvements occurred in countries, such as Mauritania with direct Western influence before early 2000 (not shown here in the data).

In response, African states began to invest in regional election observation and assistance with the purpose of deflecting the criticism and uncontested influence of the West. Key stakeholders and founders of election assistance units emphasized that the primary objective of regional election assistance and election observation was to provide an "African voice on election quality and state building." Interviewees cited the unrealistic goals of Western countries pushing for immediate democratization and very open elections despite weak institutions and tenuous security environments. African diplomats at the regional level and elites at the domestic level felt that more measured election quality criticism and support was necessary and that a "one-size-fits-all" view of election quality was not useful in many high-risk countries, such as the DRC. The claim is that the West's emphasis on human rights and competitive elections could be severely destabilizing in the short-run. Highlighting election grievances may increase the risks of election-related neighborhood externalities rather than limit them.

Due to these developments at the regional level, African regional organizations largely legitimized the ability of incumbent leaders and parties to consolidate power through manipulative means (e.g., election malfeasance, repression) in the face of increasing political competition. In sum, the overall election quality results illustrate how the 2000s was largely a lost decade of election quality improvement for most African countries

Descriptive country-election data illustrates how the early and mid-2000s stagnation or decline in election quality played out across countries (Figure 4.6). Several countries, including Botswana, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Djibouti, Ethiopia, Guinea, Kenya, Lesotho, Madagascar, Niger, Togo, and Zimbabwe exhibited significant declines in election quality from the early 2000s through the late-2000s. Many of these countries faced an increase in political competition that was met with incumbents employing items on the "menu of manipulation." In the main, African regional organizations were either silent or quietly supportive of countries engaging in authoritarian electoral manipulation.

Figure 4.6: Overall Election Quality by Country, 2000-2016



Some of the biggest declines came in Burkina Faso, Kenya, and Niger. A feature of all of these countries is that increased political competition in elections led to a swift backlash from incumbents, and regional organizations were silent about many of the abuses. The power of a credible domestic opposition could only press so far. Only a few countries (i.e., Ghana, Malawi, Mauritania, and Zambia) experienced a positive trend in overall election quality. In particular, the results from Mauritania reflect a significant engagement from the US and the EU with Mauritania to improve election quality. Organizations, such as the National Democratic Institute, had ongoing programs since 2003 to improve election quality and external support increased after 2005 coup. Since Mauritania lay outside of a regional organization except for the AU, it received all election support without a regional counterweight. However, the coup in 2008 changed the calculus and the government began to severely limit external support.

Mauritania is a key example of how the influence of external actors may directly lead to election quality outcomes discernible in the election quality data. Further, Mauritania's post-2009 negative trajectory reflects how existing outside of any regional organization (except the AU) leads to the worst of all outcomes. In sum, the fact that a country is within a sub-continental regional organization provides baseline support for minimal election quality (as detailed below).

Period differences, 2000-2009 v. 2010-2016

There is a modest increase in the election quality from 2010 through 2016. The 46-country average improvement from the 2000-2009 time period to the 2010-2016 time period is 5 points (47 in 2000-2009 v. 52 in 2010-2016) in overall election quality (Figures 4.7 and 4.8). Significant election quality gains occurred in Nigeria (+22 points), Guinea (+17), Togo (+15), Benin (+13), Sudan (+13), Swaziland (+13), Zimbabwe (+11), Côte d'Ivoire (+11), and Zambia (+11). Though many of these countries continue to hold flawed elections, the modest improvements made are significant against the low 2000-2009 baseline (e.g., in Sudan, Swaziland, and Zimbabwe).

Figure 4.7: Overall Election Quality Comparison by Country, 2000-2009 v. 2010-2016

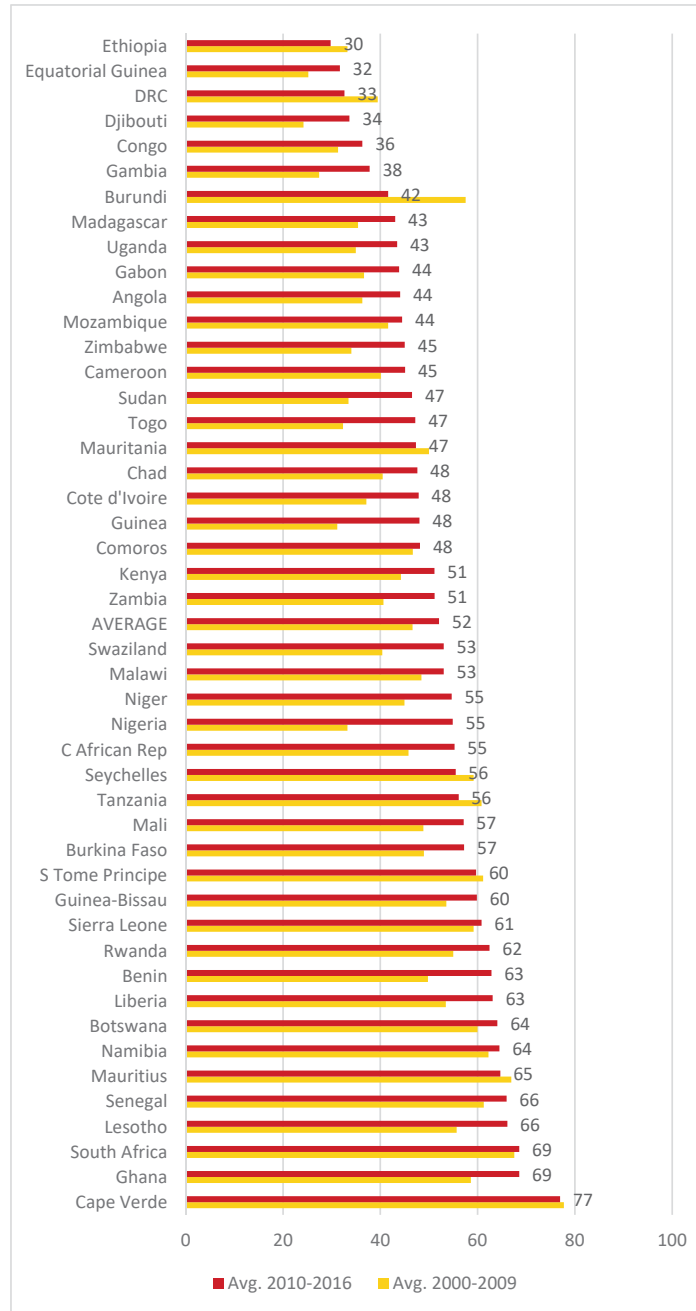
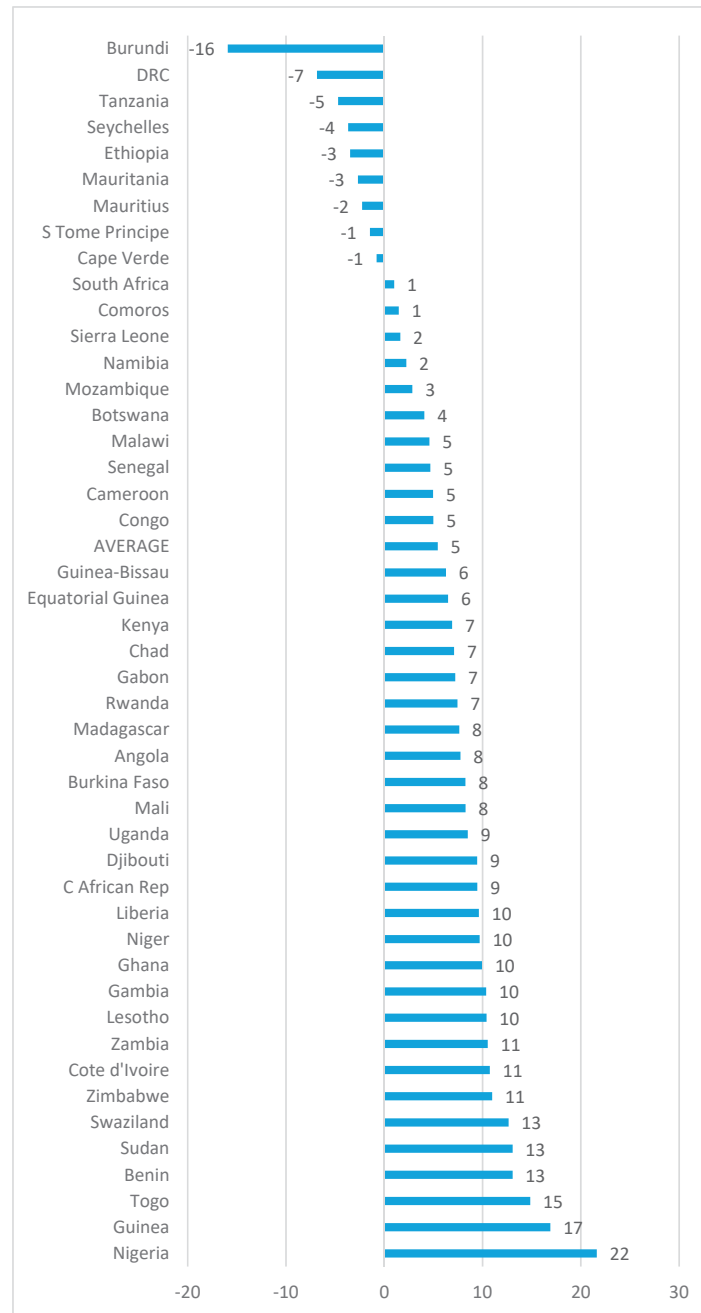


Figure 4.8: Differences in Overall Election Quality by Country, 2000-2009 v. 2010-2016



Despite a trend towards improvement, a number of countries experienced declines in election quality between the last decade and 2010-2016. Burundi (-16 points), DRC (-7), Tanzania (-5), Seychelles (-4), Ethiopia (-4), Mauritania (-3), Mauritius (-2), São Tomé and Príncipe (-1), and Cape Verde (-1) all experienced declines in election quality. For Mauritius and Cape Verde, the minimal declines come against a backdrop of already holding successive free and fair elections.

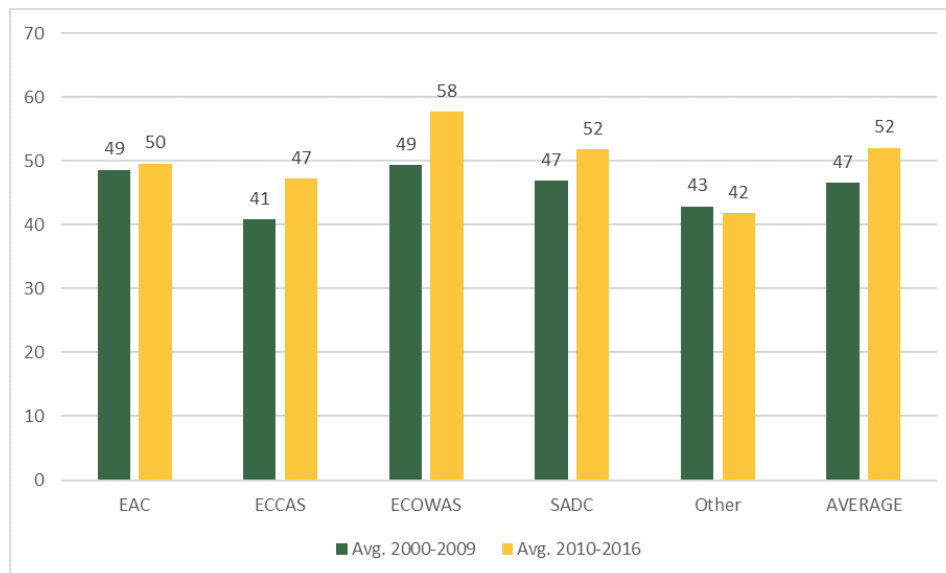
In contrast, the international community and African regional organizations widely condemned Burundi's 2015 election. Burundi held elections despite significant efforts by the AU and the EAC to postpone the election until a political settlement could be reached. In protest, the AU and EAC refused to observe the 2015 presidential elections because the country did not meet the minimum criteria for an election. The DRC witnessed a severely flawed election in 2011, but despite Western criticism, SADC gave the election general approval. This arguably set a bad precedent. To date, the DRC has not held an election despite elections being required by the constitution in 2016. SADC has not applied significant pressure on the DRC to hold elections. If an election data point placeholder was added to the dataset, the DRC would have the largest decline with the basic principle of regular elections being violated. Much of the responsibility for this endless delay falls on SADC.

Overt intentional election malfeasance took place in Tanzania and Ethiopia. Tanzania's 2015 election included the complete cancellation of the results in Zanzibar without cause. The opposition was impeded from campaigning in Ethiopia's 2015 election. This election returned no opposition parliamentarians despite there being significant pockets of (repressed) anti-government dissent throughout the country. In sum, there are significant changes in election quality over time, and the data reflects these changes.

Period difference across regional contexts

The cases of severe and moderate election malfeasance appear to exhibit regional variation (Figures 4.10 and 4.9). With respect to the trend over time, there has been a very slight election quality improvement among countries without regional organization membership. However, a comparison of regional averages reveals that overall election quality among countries that are not members of any sub-continental regional organization declined slightly (Figure 4.9). This result suggests that regional organizations may be important for providing some accountability (even if it is minimal) and the spread of baseline election practices. Election quality averages indicate that the EAC member states have stagnated, with almost no change in election quality period averages. The same stagnation (or minuscule positive gains) is generally present when observing the yearly averages. Among ECCAS member states, there have been modest improvements, but the overall ECCAS region average for 2010-2016 is still below the other sub-continental regional organization averages. This result suggests that improvements in election quality may be in areas easily fixed (e.g., very basic election logistics, or election day procedures), rather than a wholesale effort to improve election quality and prevent observable malfeasance (e.g., 2016 Gabon). Interestingly, ECCAS is beginning to engage partners to support its newfound efforts at election assistance.

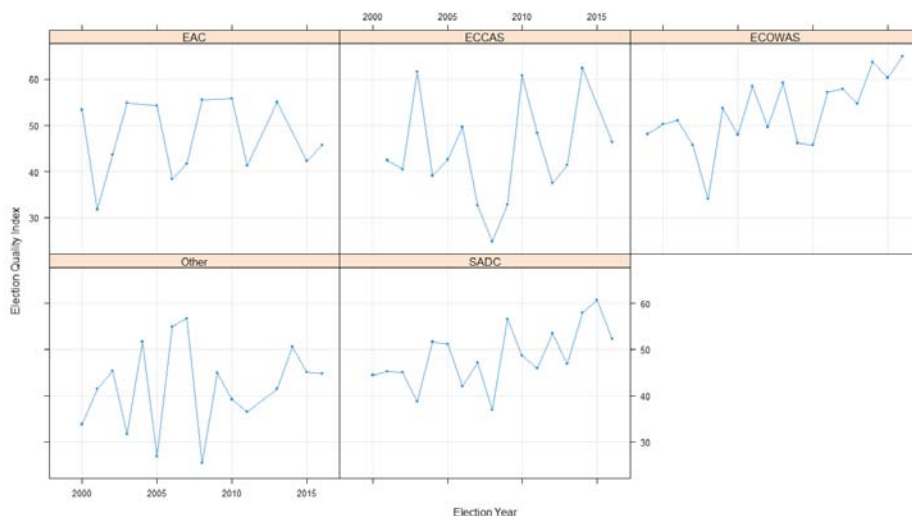
Figure 4.9: Differences in Overall Election Quality by Regional Organization Membership Group, 2000-2009 v. 2010-2016



The SADC member state average also registers modest improvements. Based on the country changes (Figure 4.8), it appears as if the SADC region, like the ECCAS region, is experiencing some improvements against the backdrop of very poor elections in the 2000s. In short, the low-hanging fruit of election improvements is being harvested. If this is the case, then it is expected that future election quality data should reveal stagnation at present levels unless there is regional or domestic pressure to push ahead with harder-to-achieve reforms. Troubling evidence about election quality in Zambia and the political context in Malawi indicate that stagnation may, in fact, be the new norm due in part to a rudderless SADC.

The ECOWAS region, on average, experienced the largest positive change in election quality. Several of the countries with significant increases in election quality experienced targeted election support and engagement from ECOWAS, including Guinea, Togo, and Burkina Faso. For Guinea and Togo, ECOWAS was concerned about the heightened risk of violence that political competition may provoke. Instead of ignoring the warning signs of potential violence or government repression, ECOWAS actively engaged in pre-election mediation and support to lessen the risk of conflict. Other countries, such as Côte d'Ivoire (at least for the 2010 election) and Gambia (2011 and 2016), experienced direct pressure and intervention to ensure election improvements.

Figure 4.10: Overall Election Quality by Regional Organization Membership Group, 2000-2016

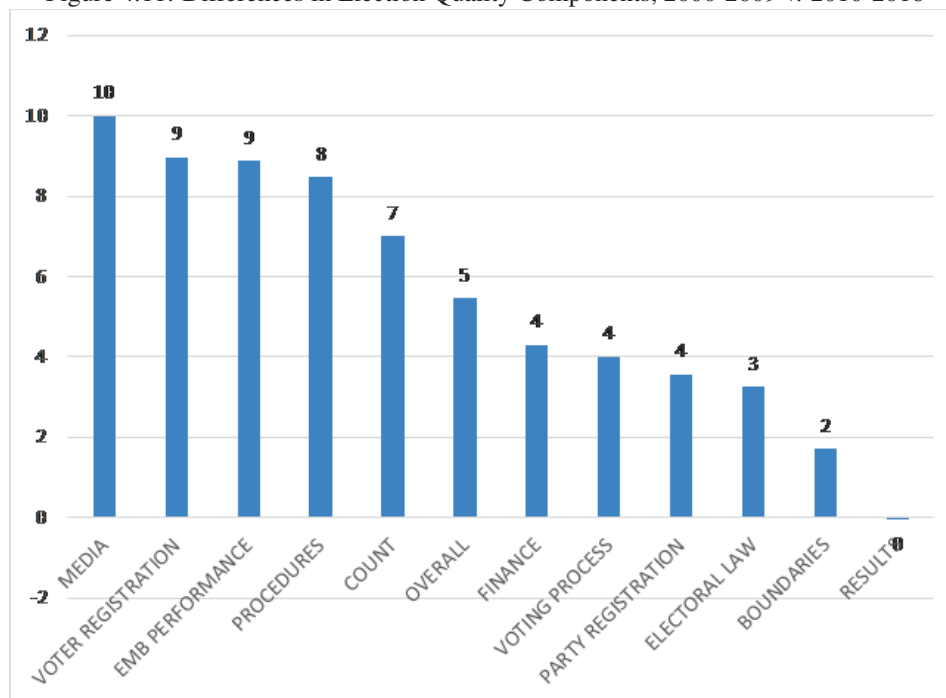


On a broader level, the regional comparison reveals how although the AU may be improving election observation and assistance, there is significant sub-regional variation and this may be due in part to differences across the sub-continental regional organizations. The proximity of regional neighbors and the principle of subsidiarity that maintains the preeminence of sub-continental regional organizations over larger organizations (e.g., AU) reinforces the importance of sub-continental regional organizations.

Period differences in the election cycle

The largest improvements in election quality came from a freer and more balanced media (+10 points), easier and more expansive voter registration efforts (+9), increases in EMB performance (+9), the maintenance of voting procedures (+8), and a more transparent and efficient count with international observer oversight (+7) (4.11). There were very little or minimal improvements in the how political stakeholders received results (0 points), districting and disproportion inherent in some election systems (+2), and the overarching legal structure (+3). Appendix Figures A.6 and A.7 illustrate the yearly average change between 2000 and 2016 across component indices.

Figure 4.11: Differences in Election Quality Components, 2000-2009 v. 2010-2016



Note: See Appendix Table A.2 for the exact figures by country.

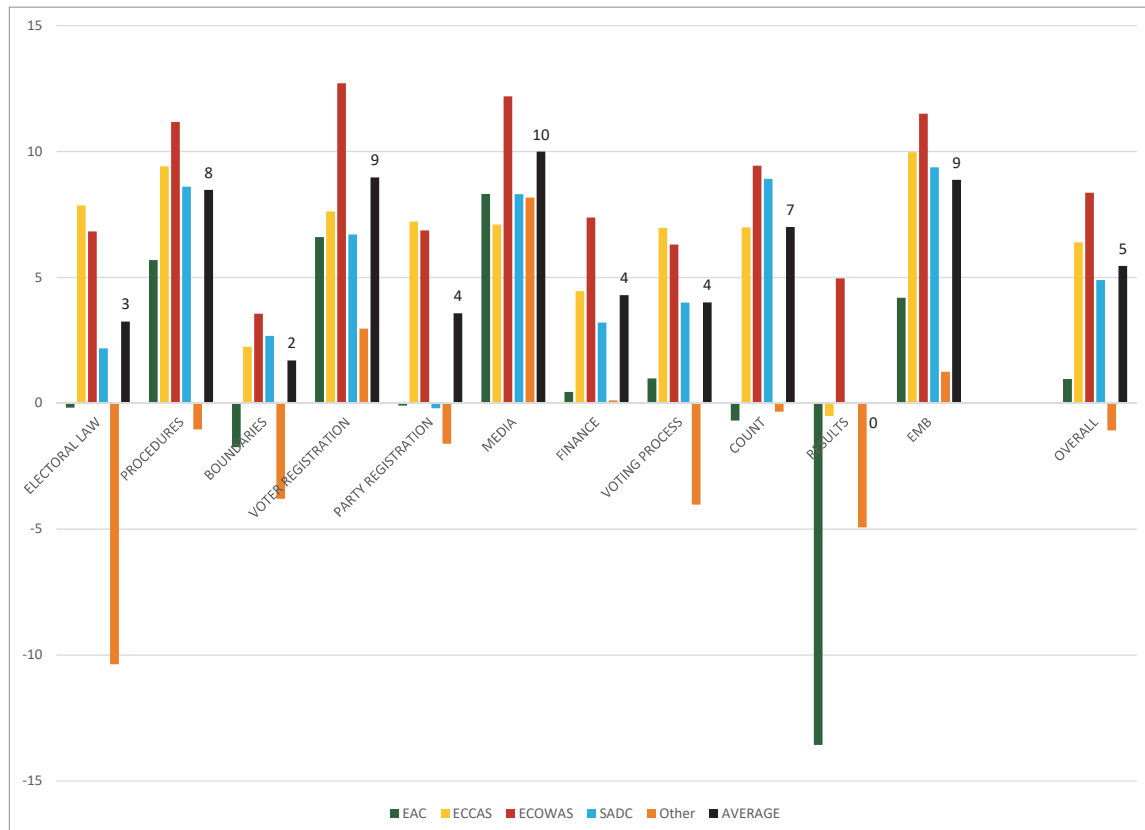
The largest improvements come in logistical, procurement, and procedural aspects of elections. This is unsurprising because international actors, including the regional organizations, have targeted these areas. For instance, the previous chapter pointed out how regional organizations are engaged in supporting civic education surrounding voter registration. Incumbent governments have shown a willingness to improve voter registration in search of garnering more support. In addition, there is also a willingness on the part of most EMBs to improve logistics because the difficulties of managing elections in countries with poor infrastructure and state penetration require a baseline of EMB competence. With the incumbent government and EMB interested in some modest improvements, regional organizations have provided a non-threatening – because of their perceived pro-incumbency bias – source of finance, information, and support. In areas that are more politically sensitivity, such as handling opposition party freedoms and electoral laws, regional organizations appear to be much less involved and highly vague in their recommendations.

There is significant variation in improvements to logistical, procurement, and procedural aspects of election (Figure 4.12). In fact, there is regional variation across most elements of the election cycle. Voting procedures have improved significantly in the ECOWAS region followed by the regions of ECCAS and SADC. Again, it is likely that the large improvements in the ECCAS region – in voting procedures and other elements – are largely due to new regional efforts to raise the already very low baseline of election quality.

Meanwhile, the average for countries that are not part of a sub-continental regional organization registers a decline

in election procedures. The significant declines or stagnation are also present for every aspect of election quality except for the media environment, voter registration, and EMB performance. What this indicates is that sub-continental regional organizations with their structures and norms may provide some baseline for election improvement.

Figure 4.12: Differences in Election Quality Components by Regional Context, 2000-2009 v. 2010-2016



Note: See Appendix Table A.3 for the exact figures by regional context.

Looking specifically at the EAC, ECOWAS, and SADC regions, it is clear that ECOWAS member states have seen the greatest improvements in several areas. The improvements are most noticeable in voter registration, media environment, EMB performance, voting procedures, and the counting process. These are all areas that ECOWAS has targeted at the regional level. In addition, the ECOWAS region is the only region that registered an improvement in the announcement and acceptance of the results by political parties, mainly the opposition. The result may reflect the improvements in election quality, as well as ECOWAS' persistent mediation efforts geared towards guaranteeing

minimal election standards and stakeholder (i.e., opposition political parties and civil society) consent and buy-in. As the last chapter described, ECOWAS takes pre-election mediation, reporting, and meetings with political stakeholders seriously.

The SADC region registers modest improvements in EMB performance, the counting process, voting procedures, and the media environment. These results may in part reflect SADC's emphasis on election management and procurement concerns while ignoring less bureaucratic aspects of the election process. The SADC election assistance unit and SADC-ECF have been particularly effective at sharing best practices of election management and gathering election commissioners and officials for workshops. This represents the SADC approach to election quality improvements. SADC has also engaged in efforts to improve voter registration, but because this issue is sensitive for many SADC countries, there has been resistance to change. The resistance is also clearly present when it comes to registering and regulating political parties. In party registration, SADC member states on average have shown no improvement. In interviews, SADC officials did not mention any efforts to address party registration concerns. Within SADC, there are long-standing debates about the registration of parties and what campaign events should or should not be regulated. Many SADC countries have sought to insulate offices that handle voter registration and party registration, which makes oversight over these critical pieces of the election difficult for SADC election assistance and programming. SADC has targeted EMBs instead of the registrar of political parties or offices of identification and voter registration. The missing link at the regional level may in part explain the observed variation.

The EAC region has largely stagnated when it comes to election quality improvements. The only areas of improvement include the media environment, voter registration, voting procedures, and EMB performance. Similar to the SADC region, these areas may be improved without venturing into politically sensitive territory. Even so, the magnitude of the improvement observed lags significantly behind the ECOWAS and SADC regions. The results may in part reflect the EAC's weak institution-building efforts on election assistance and the nascent and weak embrace of international NGOs that support election assistance.

Conclusion

In conclusion, when a credible, cohesive, and strong opposition party pushes for reforms to improve election quality, often these demands are met with silence or repression. It often requires the support of regional organizations to compel the incumbent to reform. African regional organizations in the 2000s generally supported incumbents without questioning their election practices. But, after 2010, a shift in approach began to take shape to varying levels across the African regional organizations. Through election observation, election assistance, international embeddedness, and sometimes mediation, regional organizations began to aid and confront member states to improve logistical, pro-

curement, and procedural shortcomings. This is associated with changes in election quality over time in select areas (e.g., voter registration). However, there are high levels of variation across the African regional organizations, with improvements exceedingly present among ECOWAS member states compared to those in SADC, EAC, and ECCAS. The election quality variation may suggest that regional organization variation is contributing – to some degree – to the differences in election quality above and beyond the levels of domestic political pressure and competition. These changes in election quality are observed in addition to large-scale regional interventions at more discernible democratizing moments.

Notes

¹SADC 2008 Run-off Observation Report

²AU 2008 Run-off Observation Report

³Previous studies of regional organizations have largely focused on the overall level of democracy (e.g., Pevehouse 2005; Pevehouse 2002*b*; Teorell 2010), or a specific aspect of the election cycle, such as election boycotts (e.g., Beaulieu and Hyde 2009; Kelley 2011; Kelley 2012) and election-related protests (e.g., Kelley 2012; Hyde and Marinov 2014). Newer data sets have begun to disaggregate aspects of the election process. Varieties of Democracy (V-Dem) includes original and merged datasets on campaign finance, election boycotts, media bias, election commission independence, and whether opposition parties accepted the results. V-Dem represents an important step towards breaking down aspects of the election cycle into constituent parts. The problem still remains: whether all components of elections are properly weighted. It is easier to code specific occurrences (e.g., opposition boycotts), but some elements, such as the state of the voters' roll, are harder to determine objectively with the information available to researchers and country experts.

Part III

Case Studies: Kenya, Zimbabwe, and Côte d'Ivoire

Chapter 5

East African Community's Lack of Commitment to Quality Elections Exposed: Kenya's 2007 and 2013 Election

Introduction

The East African Community (EAC) had a limited influence on the quality of Kenya's 2007 and 2013 general elections. Only during the post-election mediation in 2007 did the EAC and the African Union (AU) exercise a minimal influence over political outcomes, yet without a meaningful interrogation of election quality concerns or constructive support for mediation. The regional learning that took place between the 2007 and 2013 elections reflects very modest improvements in the EAC's approach to managing elections, but not a wholesale deviation from the pro-incumbency bias and reliance on personal ties of heads of states that shape regional affairs in favor of the status quo.

This chapter explains why Kenya despite receiving a significantly high level of attention from African regional organizations did not witness sizable pressure to improve clearly flawed electoral processes, particularly in the 2007 general election. The first part of this chapter establishes why international and regional attention was slow to develop in advance of the 2007 general election, and how the post-2007 election violence spurred international and regional attention to the 2013 general election. The majority of the chapter is then dedicated to explaining why African regional organizations, specifically the EAC, did not pressure Kenya to make significant reforms to election practices despite the threats of a flawed election provoking violence remaining in the 2013 general election.

In discussing the 2007 and 2013 general elections, this chapter does not provide an exhaustive account of the happenings in the elections, but rather provides a targeted explanation about why regional intervention did not largely contribute to improving election quality. The lack of action by the EAC (and AU) occurred against a backdrop of a troubled history of repeated election violence in the 1990s since the introduction of multipartyism in 1992. Before the 2002 elections, long-time president Daniel arap Moi appointed Uhuru Kenyatta as his successor to contest the

2002 presidential election on behalf of the ruling Kenya African National Union (KANU) party. However, major elite defections from KANU gave way to the National Rainbow Coalition (NaRC) (Howard and Roessler 2006). In addition to former KANU senior officials, including the presidential candidate Mwai Kibaki, perennial opposition leaders – mainly Raila Odinga – and civil society supported NaRC. As some Kenyan political analysts will point out: the NaRC coalition marked the infusion of civil society into the politics and governance of Kenya.¹ More exuberant analyses suggest that NaRC's formation and eventual landslide election win in 2002 marked a new democratic dispensation for Kenya. However, the euphoria that followed the 2002 transfer of power from KANU to NaRC was quickly tempered by a polarized politics and the acknowledgment that a large swath of the NaRC leadership came from KANU.

Contentious politics returned when Odinga left NaRC to form the Orange Democratic Movement (ODM) and successfully opposed the 2005 Kibaki-backed draft constitution. The 2005 "no" vote on the proposed constitution illustrated the strength of Odinga's opposition support and the vulnerability that Kibaki and his allies could face at the polls.² Before the 2007 election occurred, there was a sense among many Kenya country observers – including representatives of the international election observers – that the election would be competitive, but largely non-violent. On 30 December, the Electoral Commission of Kenya (ECK)'s chairperson Samuel Kivuitu declared that Kibaki had won the election. The counting, collating, results transmission, and results announcement occurred without even minimal oversight. The election process lacked the same transparency as the non-transparent ballot boxes used in the election.

Odinga contested the results even before they were finalized, and Kibaki upon hearing the ECK's official announcement was immediately sworn in at a late night ceremony.³ This occurred despite many domestic and international stakeholders pointing out significant shortcomings in the election process. Even the chairperson Kivuitu acknowledged that there had been irregularities, including vote totals of more than the number of registered voters in some constituencies. Furthermore, Kivuitu also admitted to coming under intense pressure to announce the results quickly and without raising significant concerns with the process.⁴ While these comments were being made, intense violence occurred throughout the country in particular at the fault lines of politically opposed tribal communities. Rift Valley witnessed high levels of violence including the burning of a church full with Kenyans seeking refuge from the violence (Figure 5.1).

Figure 5.1: Post-Election Violence in Kenya, 2007



Photos taken on 4 March 2013 by the author while serving as an election observer with The Carter Center. Photos are from Uasin Gishu province at the site of a church that was burned down on New Years Day, 1 January 2008.

The level of violence and the political impasse evoked international and regional attention. Uganda's president Yoweri Museveni was first to congratulate Kibaki on his swearing-in and to rush into Kenya seeking to mediate the crisis. The political outcome of the crisis was in large part shaped by international actors; however, the resulting power-sharing did not mitigate the severe election malfeasance perpetrated during the 2007 elections. Further, the EAC failed to uphold any principles of regional oversight over the election despite the EAC Treaty embracing good governance and democracy (see Article 6: Fundamental Principles of the Community).⁵ The first part of this chapter considers the inept response of the EAC (and the AU) to the 2007 election.

For the 2007 general election, the main factors that explain the inept response of EAC are: (1) conflicting information about the results and the quality of the election process, particularly facilitated by the occult activities of the ECK and the minimal presence of election observers from African regional organizations; (2) the nascent regional organization and institutions (e.g., the EAC Secretariat) with minimal independence from Partner States and without a dedicated election assistance unit and professional staff attending to election matters; (3) the lack of a cohesive EAC approach to mediation and no prior experience mediating election disputes; (4) the minimal embeddedness of the EAC in networks of international actors, such as the European Union (EU) and other election support organizations, such as the Electoral Institute for Sustainable Democracy in Africa (EISA); and (5) the main opposition leader Raila Odinga's inability to combat resistance from Uganda's President Yoweri Museveni who viewed Odinga as a challenger to his regional "preeminence" and potential supporter of opposition forces in Uganda.

A much-improved election in 2013 still had major deficiencies. Officials familiar with elections in Kenya voiced concerns with election shortcomings and a high-ranking judicial official suggested that efforts to audit the 2013 election were "sabotaged."⁶ In contrast to the 2007 general election, the EAC and AU modestly improved their response to election quality concerns in the 2013 general election. The modest improvement derives from learning that came from the failed 2007-2008 regional response and a persistent fear that violence could erupt again if election grievances were not – at least minimally – mitigated: (1) there was better quality information about the election due to a higher level of cooperation between international election observation missions, the existence of a more competent domestic observation mission, and a more transparent election monitoring body (Independent Electoral and Boundaries Commission); and (2) Odinga sought to build regional relationships and reach out particularly to Museveni. Odinga even offered the Ugandan leader support during his 2011 election campaign. The regional relationship-building resulted in slightly higher favorability of the opposition in the region. Odinga also demonstrated that as prime minister he could manage the country without challenging regional conventions. The previous image of Odinga in the region as a change-making radical lessened.

There were also much more minimal changes to the EAC's approach to election assistance and how the EAC engaged networks of international organizations: (3) the EAC adopted principles of election observation and election

assistance expanded to include long-term and larger election observation missions, with technical assistance coming from election experts of EISA. Even so, the EAC Secretariat did not significantly invest in its ad hoc electoral assistance program beyond these changes. Also, there is evidence that under the EAC, electoral commissioners met at the regional level, but these meetings were not consistent nor yielded many tangible improvements in election quality. (4) The EAC began to seek partnerships with other international organizations, such as the EU, IGAD, and COMESA and moved towards signing a formal arrangement with EISA. However, by the time of the 2013 election, these formal partnerships were not yet confirmed in the area of political affairs. Finally, almost no learning took place in EAC's approach to mediation and conflict resolution: (5) the EAC continued to manage mediation through ad hoc means by appointing one Partner State to lead mediation efforts, with Uganda consistently acting as a "dishonest" regional diplomatic broker and backstop of all mediation efforts.

In sum, the EAC continues to lag behind the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) in its ability to promote better quality elections and facilitate power transitions. Although improvements occurred on the back of the 2007 Kenyan election, these limited improvements were ultimately attenuated by the Partner States' unwillingness to seriously commit resources and build institutions pursuant to its Treaty obligations on democracy and good governance.

Kenya's 2007 election: an EAC failure

Kenya on the regional agenda

Kenya was not on the EAC's potential crises radar before the 2007 election. Although the EAC deployed an election observation mission through the East African Legislative Assembly (EALA), this small team did not aim to collect substantial information on the election nor actively sought to navigate the political tensions in a meaningful way. However, the heated election campaign did draw enough attention from the international community to merit the presence of EU observers. Nevertheless, interviews with respondents familiar with the lead up to the 2007 election consistently indicated that the post-election crisis was not expected in advance of the election – at least not to the extent of the violence and dispute that occurred.

Although East African countries have had crises before 2007, including Uganda (1980s), Rwanda (1990s), and Burundi (1990s-2000s), these civil conflicts did not necessarily involve an election dispute. In addition, at the time of Kenya's election, Rwanda and Burundi had just acceded to the EAC earlier in the year after debate whether they should be considered as part of the East African region. The EAC lacked conflict mediation experience in election-related disputes before 2007.

After being dissolved in 1977, Kenya, Tanzania, and Uganda decided to re-establish the EAC and a new treaty

came into effect on 7 July 2000. The EAC was in its nascent stage in 2007, with the first seven years of the new EAC Treaty used to set goals for integration and establish a basic framework for regional diplomacy. During this period, policy considerations focused almost solely on economic integration: liberalizing regional trade, establishing a common market, achieving regional solidarity in international trade negotiations, and the regulation of citizen movement. For instance, the customs union framework was agreed to in 2004. When asked about the main purpose of the EAC, interview respondents at the EAC and in Kenya suggested that the EAC was set up to promote economic development and integration.⁷ The perception of the EAC as an economic project is founded in the reality of the priorities at the EAC Secretariat. EAC officials largely view political considerations, such as elections and democracy, as longer-term discussions that should be postponed until later in order to not alienate the Partner States. When asked about the goal of political federation, an EAC official remarked that it would never happen.⁸ The EAC undoubtedly pursues an unbalanced preference for the economic pillars of integration (e.g., common markets and trade) over people-centered development, good governance, and democracy. For these reasons, before the 2007 election, the EAC did not invest in regional political monitoring or a regional-level early warning system. There was no pre-election information at the EAC that could have guided election mediation.

Only during the post-election crisis did the EAC Partner States become concerned about Kenya. Regional attention was required because of the destruction of the Kenyan-Ugandan railway that runs to the Port of Mombasa (i.e., the route that 80 percent of Uganda's foreign imports pass), the death and internal displacement of Kenyans, the creation of regional refugee flows, and negative regional economic effects.⁹ However, even despite these regional crisis externalities, the EAC Partners States seemed complacent in the short-run and did not appear to take the situation seriously. The EAC declared neutrality in mid-January 2008 – that is to say, it backed no claims to Kenya's presidency. But, the actions of the EAC and its Partner States suggested they had no way to devise a productive, unified strategy to handle the crisis. For instance, EAC Secretary General Juma Mwapachu felt compelled to make a statement of neutrality after accepting Wilfred Machage as Kenya's minister in charge of EAC affairs in a presumptuous Kibaki cabinet.

The only regional redress came from the Partner States engaging Kenya's stakeholders bilaterally in hasty and ad hoc post-election mediation efforts. But, like EAC mediation efforts, these actions lacked a consistent approach. In the end, the EAC and Partners States abdicated their mediation role to the United Nations (UN). The EAC's failure to predict and manage an election-related dispute was exposed despite the election violence making security in Kenya a concern for all EAC countries. In sum, regional attention – by itself – does not ensure that a response from the EAC will mitigate election grievances much less stop a civil conflict. The question is what explains this failure?

Inept approach to gathering election quality information

At the outset, there was a hope that election observation could be coordinated and effectively leveraged. By gathering election information it was the intention to increase the buy-in of the political stakeholders and raise the legitimacy of the election process. As it had in the early 2000s, the United Nations Development Programme (UNDP) organized a short-term 2007-2008 Election Assistance Programme in Kenya with the aim to coordinate efforts of international (i.e., the European Union and the EAC) and domestic groups, such as the conglomerate of civil society organizations, the Kenya Elections Domestic Observation Forum (KEDOF) (Elklit 2011).¹⁰ What appears on the surface to be an intensive and well-planned effort to ensure the legitimacy of a free and fair election was, in practice, a failure of design and implementation. The UNDP effectively did not play the role of coordinator and instead settled on a limited technical assistance role and was a major funding partner of election observation. In effect, a majority of the UNDP's financial support targeted KEDOF and voter education efforts.¹¹

International observation efforts fell short in gathering and reporting actionable information that could guide intervention. Although the EU questioned the result, as did KEDOF, because of a lack of transparency in the tallying process, there was little indication – at the time – about how election malfeasance influenced the outcome. Likewise, the EAC mission from EALA similarly questioned aspects of the process but did not offer any conclusions about how the deficiencies influenced the outcome. The post-election Independent Review Commission (IREC, also known as the Kriegler Commission) that investigated the 2007 election criticized election observers for not being cautious in their statements, which may have led to increased uncertainty.¹² However, it does not appear to be the criticisms that were the concern, but rather that criticisms were offered without specific information about the scope and effects of the election malpractice. The election quality information was imperfect and fell firmly in the gray area of interpretation. For instance, Kriegler and the IREC report indicated that we will never know who actually won the 2007 election.¹³ When crafting an international or regional response, such "gray area" election information will lead to caution that may result in paralysis, and paralysis in turn likely promotes a status quo outcome. The 2007 election clearly illustrates how the mitigation of election grievances requires a high threshold of actionable information.

Domestic election observation woes

The approach of domestic civil society was to have an umbrella organization manage domestic election observation. KEDOF, as the umbrella cooperative was called, included an assortment of civil society organizations and faith-based organizations (FBOs), such as the Institute for Education in Democracy (IED), Kenya Episcopal Conference (KEC), Catholic Justice and Peace Commission (CJPC), National Council of Churches of Kenya (NCCCK), National Council of Women in Kenya (NCWK), and the ScoreCard Partnership/Community Aid International (CAI). It is clear that although plans had been made well in advance of the 2007 elections, voter education and the formal integration of

domestic electoral observers did not occur until the last months before the election. Further, the post-election IREC report suggests that "as a result" of the ad hoc and last minute involvement of civil society organizations and FBOs, "partisan political messages tended to compete with wholesome voter education messages."¹⁴

IED was slated to work closely with the ECK to coordinate the domestic election observing efforts. IED held a conference entitled "Enhancing Democracy and Good Governance in the Lead Up to the 2007 General Elections," which included ECK officials, KEDOF, and domestic observation groups. IED also engaged the EU Election Observer Mission (EU EOM). At the IED pre-election conference, the emphasis was on domestic efforts to ensure the transparency and legitimacy of the 2007 elections particularly by attempting to define areas of cooperation between the ECK and domestic observers. ECK Commissioner Jack Tumwa explained that the ECK had "partnered" with 50 civil society organizations with significant funding from the UNDP.¹⁵ Morris Odhiambo, a KEDOF co-chair, indicated that the conglomeration of KEDOF had "close to 15 years experience in election monitoring." In this vein, KEDOF representatives expressed confidence in their preparations, internal diversity (i.e., incorporating women), and readiness to take a proactive approach to voter education and ensuring a free and fair media leading up to the election. Despite these preparations, the IREC report notes several complaints from civil society organizations, such as the exclusion from dialogue with the ECK, with the ECK providing few explanations as to why.

Ultimately, the final verdict of KEDOF was underwhelming though it did acknowledge several problems with the national tallying process and the announcement of results:

Whereas the General Elections of 2007 were conducted openly, fairly and professionally. from preparation and deployment of materials and personnel to all polling stations across the country to the polling centers, and whereas the polling day went peacefully in that voters were largely able to vote freely according to their choices, the handling of the results of the polling and the rest of the process thereafter, in our opinion, were questionable [...]¹⁶

The KEDOF report did offer a strong condemnation of the flawed process, but KEDOF did not provide specifics about the allegations of vote rigging at the vote tally and results announcement phase. With hindsight, the chief organizers of the KEDOF mission suggested in interviews that the statement was timid and poorly conceived. It is partially the fault of KEDOF's troubled internal dynamics and limited scope of the mission. In addition, KEDOF gathered more evidence about the quality of the election than officially reported, but did not feel comfortable sharing all of it. There was an underlying fear of KEDOF becoming too embroiled in the partisan debate over who won the election and hurting mediation process. This is a common dilemma faced by even the most robust and equipped domestic observation missions. There needed to be some actionable statement about how flaws in the election may have influenced the outcome to yield international and regional action. Despite not conducting a parallel vote tabulation (PVT), it was possible for KEDOF to offer an explicit analysis of the polling station and returning figures for com-

parison to determine where there were higher probabilities of election rigging.¹⁷ This was possible with the several thousand observers that comprised KEDOF and indications about this ability from the organizers of KEDOF in interviews. Reflecting on the experience, respondents suggested that KEDOF had a "serious crisis of legitimacy" because they did not provide evidence about the scope of election malfeasance. For this reason, even the chief organizers of the mission suggest that the KEDOF mission failed in its duties.¹⁸

Regional and international election observation follows suit

The EAC deployed a small observation mission through the EALA. Nine of the members were EALA MPs, while two members came from EAC Secretariat and another two members came from EALA's technical support team.¹⁹ The 13-member mission was small and did not achieve a broad scope of coverage in the country. The size and scope of the mission illustrate that the EAC was hoping to continue a minimal observation program. But, some EALA MPs in interviews suggested that they personally had fairly high aspirations of judging the election's quality even in 2007. Despite the limited aim and scope, the EALA-led mission highlighted several concerns with the election, including the use of opaque ballot boxes, voter registry deficiencies, voter assistance challenging the secrecy of the vote, and encroachment of campaign activities on polling stations.

When it came to the disputed results collation and announcement process, the EALA-led team acknowledged several concerns, but did not offer any statements of condemnation other than suggesting that the "ECK Chairman exhibited no control over the process of tallying and announcement of results."²⁰ The conclusion was that the pre-election and election process went fairly well, but "the delay in the announcement of the results plus the shortcomings mentioned above resulted in gross mismanagement of the tallying process and declarations of the Presidential results. This critically undermined the credibility of the final stage of the electoral process."²¹ Overall, the report characterizes the election flaws as management and logistical failures, rather than failures due to a polarized political environment, or most importantly due to the purposeful manipulation of results by one side or the other.

To this point, there was no indication about how the mismanagement may have influenced the election outcome since statements about the particular delays in reporting returns from the president's strongholds did not amount to an analytical judgment. In effect, the EALA-led mission skirted major criticism of the process. This exhibits how the mission sought to maintain some credibility by not ignoring glaring shortcomings – i.e., not appearing to be completely divorced from reality – while minimizing their influence on an overall assessment. Even though the EALA mission report was fairly weak, after the election, some respondents indicated that EAC Partner State officials and some at EAC Secretariat thought that the EALA-led mission had offered too much criticism in the context of a volatile situation. This provided some impetus for the EAC Secretariat (acting on behalf of Partner States) to take a greater stake in election observation missions. As observed in 2013 Kenyan election, EALA's position within

election observation was diluted by including more Secretariat staff and nominated members from the Partner States. Nevertheless, the high watermark of EAC criticism was not high nor detailed.

Interestingly, the EU EOM offered many of the same criticisms in their preliminary statement. The EU EOM concluded that "The 2007 General Elections have fallen short of key international and regional standards for democratic elections. Most significantly, they were marred by a lack of transparency in the processing and tallying of presidential results, which raises concerns about the accuracy of the final result of this election."²² Despite offering more specific context and figures, the preliminary statement and final report did not differ greatly from the EALA-led mission's verdict.

What this suggests is that election observation findings convergence may be useful for forming a general verdict on an election, but it does not sufficiently provide the actionable information needed to support post-election mediation and intervention. Since the ECK judged that Kibaki had won the election, the threshold for presenting evidence of a credible threat to the integrity of this outcome was high. The failure to gather the type of information that could challenge or overturn the ECK's result is due to the weak capacity of the observation missions – both unintentional and intentional.

EAC's non-existent electoral assistance program

The EAC had not invested in election assistance before the 2007 election. There was no standing election assistance unit at the Secretariat, and electoral assistance amounted to the EALA-led election observation mission. All of these efforts were coordinated by the Political Affairs department.²³ Until the 2007 election, the EAC region had not faced significant disruptions due specifically to elections. Further, respondents at EAC Secretariat suggested that Partner States (and the Secretariat) believed that the primary focus of regional integration was economic. Respondents expressed concern that addressing sensitive election norms early in the EAC's nascent period could immediately thwart long-term integration efforts.²⁴ This expressed view referenced the history of the EAC's breakup in the 1970s and the existing divergent political norms in the Partner States.

It was expected that over time after economic integration progressed, the goal of political federation would eventually necessitate discussions of harmonizing election conduct. Likewise, efforts to operationalize EAC Treaty provisions on good governance and democracy by enacting specific protocols, as ECOWAS and SADC had done, were not seriously considered before the 2007 elections. Further, there is no evidence of formal or informal discussions on election quality concerns, such as a meeting of national election commissioners, sponsored or tacitly supported by the EAC. All election assistance efforts worked through international and domestic NGOs operating at a national level in the Partner States. Arguably, embracing election assistance at the regional level can trickle down to support ongoing efforts at the domestic level. There is no evidence that any of this took place before the 2007 election. Ultimately,

without any hand in electoral assistance, it was difficult to support the electoral process and gather specific information about the election flaws. In short, the EAC's configuration and economic aims took the organization out of the running for solving major political disputes at the outset.

EAC's untested, ad hoc mediation approach and the role of "personal diplomacy"

Before the 2007 elections, the EAC had not engaged in any significant, multilateral mediation processes. Prior civil conflict and political crises mediation for Burundi and Rwanda took place before these countries were fully integrated into the EAC architecture - a process that began earlier in 2007. In the area of elections, general stability existed through the 1990s and 2000s in Kenya, Tanzania, and Uganda due in part to repressive regimes and weak opposition parties that could not offer a strong contest for the ruling party nor raised election malpractice concerns in a way that would challenge domestic and regional stability. Despite the relative regional stability, Kenya experienced pre-election violence and government repression in the 1990s, however, without region-wide consequences. The one exception to weakened opposition among the EAC countries was the National Rainbow Coalition (NaRC) – though comprised of former ruling party insiders from Kenyan African National Union (KANU) – in Kenya's 2002 election. NaRC was able to win power in a landslide election (61% v. 30%). The 2002 election did not challenge regional stability because the insiders that participated in NaRC did not mark a significant departure from KANU (Anderson 2003; Barkan 2004; Howard and Roessler 2006). In addition, the fact that the election was a landslide, with a large groundswell of popular support for NaRC in contrast to the then perceived "naïve" and Moi-imposed Uhuru Kenyatta, meant that there was little question about who won the election. Further, by all accounts, the 2002 election occurred in the context of a fairly free process in which civil society and opposition had the ability to contest without the traditionally high barriers to entry. For these reasons, the one event of political competition in East Africa concluded peacefully and without regional disruption.

Similarly, the 2005 Constitutional referendum was competitive. Kibaki supported the draft constitution along with some members of NaRC, whereas Raila Odinga and other NaRC functionaries broke with Kibaki to form the Orange movement and encouraged Kenyans to vote against the constitution (Chege 2008). The same set of competing elites remained. Despite the vigorous competition and elite fissures within the dominant political parties (Lynch 2006; Whitaker and Giersch 2009), the decision to reject the Constitution garnered divisive support (3.5 v. 2.5 million votes). These two facts, particularly the margin of victory, allowed for post-referendum peace and stability in Kenya and the region. It is possible that the 2002 and 2005 votes with similar elites contesting the 2007 election lulled the EAC region (and perhaps international community) to sleep, such that any effort to invest in early warning and conflict prevention efforts would appear to be a waste of time and funds. When asked about the mentality of the EAC before the 2007 election, respondents suggested that there were some fears that growing political competition in

Kenya could pose a threat to stability. But, since the same elites comprised the parties through the early 2000s, there was a sense that major systemic challenges would not arise and peace would prevail.

Another major reason why the EAC did not invest in early warning and mediation processes is that the bargaining infrastructure of the EAC was based solely on inter-state relations, with an emphasis on economic concerns, such as trade, property ownership, market access, and confirming and monitoring a common market implementation. In almost all interviews, perceptions of regional and domestic actors alike suggested the EAC was first and foremost an economic institution. This holds true even for the majority of respondents that believed that the EAC should venture more into the political realm since this could support the economic integration agenda.

Lastly, since there was no guiding mediation procedure, the EAC relied on ad hoc mediation efforts during the 2007 post-election crisis, which centered on personal diplomacy. This is not unlike high-level delegations comprised of heads of state deployed by ECOWAS and SADC. However, in ECOWAS, there is a great emphasis on forming delegations that take into account how the appointed mediators are perceived by the protagonists. Also, often mediators serve to symbolize something related to the dispute, such as a former president who gave up power after losing an election, or an election commissioner known to have successfully managed an election. This is consistently not the case in East Africa. For instance, one useful tactic in effective diplomacy – even in the context of personal diplomacy – is to appoint a chief mediator who enjoys modest respect and is perceived with some level of impartiality from all parties. Instead, in 2007-2008, the EAC allowed Uganda's president, Yoweri Museveni, to lead the mediation efforts because he was president of the EAC. At the outset, there was no consideration of alternative mediators who would be more acceptable, particularly to Kenya's opposition coalition. The most troubling part about the decision to allow Museveni's mediation is that Museveni had already made statements about the election and offered a hasty congratulations of Kibaki.²⁵ Museveni was the first African head of state to congratulate Kibaki.²⁶ The early statements undercut Museveni's ability to be an honest broker and illustrate how the EAC was not prepared at the outset to engage in meaningful mediation. Odinga's comments on Museveni in his autobiography entitled *The Flame of Freedom* illustrate how much Odinga did not trust Museveni to be a mediator.²⁷

Even before Museveni made statements about the election in favor of Kibaki, opposition leaders had a founded mistrust of Museveni's intentions. In several interviews with opposition party officials, there was a similar sentiment: "Museveni does not want someone who provides a moral and leadership challenge."²⁸ And, it was mentioned that Museveni wanted to avoid a crisis in Kenya, but he was not interested in a fully stable and strong Kenya that would challenge his authority on East African concerns. The respondents suggested that these views stemmed from Museveni's ego and his practice of "self-preservation" politics. The "ego" sentiment stems from Museveni's desire to be the East African agenda setter, particularly within the EAC. Museveni has consistently suggested that if a political federation emerges from the EAC integration process that he would seek the presidency. This view is shared by EAC

officials and echoed by EAC watchers.

As to self-preservation, Museveni has through words and actions – both before and after the 2007 election – signaled that he is uncomfortable with a leadership challenge in the East African region, and evidence suggests that Museveni most fears an Odinga presidency. This fear arises from Odinga's stated embrace for the democratic process and the perception that Odinga may actively promote the democracy agenda fervently at the EAC level. As part of a family slightly removed from Kenyan insider politics and by virtue of Odinga's opposition roots from his father Jaramogi Odinga Odinga, it would be plausible that Odinga may seek to aid other political parties and candidates in a similar position. This could entail an abandonment of the regional detente between incumbents. Furthermore, several respondents studying East African regional affairs and ethnic politics indicated that Odinga reportedly has popularity in Uganda among similar Luo ethnic groups. Traditionally, some of these associated Luo ethnic groups have challenged Museveni and formed an opposition to Museveni. From Museveni's assessment, it could be possible that an Odinga presidency would embolden dissent in Uganda and sympathy from Kenya. In addition, it would be possible for Odinga to challenge Museveni's desire for East African leadership by suggesting that Odinga holds more transnational appeal. For these reasons, Kenyan political stakeholders and political analysts in interviews and documentary evidence suggest that Museveni had a huge stake in Kenya's election with a clear Kibaki preference.

During the 2007 election mediation process, Museveni's preference for Kibaki was on display overtly and covertly. Museveni was the first African head of state to offer Kibaki congratulations for winning the election. This occurred in a telephone message announced by Museveni's spokesman on 2 January 2008 just days after ECK announced the results. According to Odinga's account, even President Jakaya Kikwete was unsure why Museveni had been quick to offer Kibaki support.²⁹ At this time, the only other country offering congratulations was the U.S. while citing concerns with the electoral process. Secondly, Museveni mobilized the military to protect the Kenya-Uganda border, though Uganda's military spokesmen left it ambiguous whether the Ugandan troops were operating on Kenyan soil or not. However, there is some circumstantial evidence that the Ugandan military operated in Kenya during the crisis in Nyanza and Western regions with the aim of suppressing dissent over the result.³⁰ These alleged covert actions may have worked to subvert honest mediation.

During mediation efforts, Odinga claims that Museveni tried to avoid losing control over the negotiations at every step. Museveni preferred that Kenya set up its own domestic mediation and election inquiry process, including a judicial commission to audit the election. In the context of this approach Odinga writes that:

He [Museveni] had come on his own but we thought he was conspiring with Kibaki. He had called me prior to leaving Uganda and told me Kibaki had said he could come, asking me if I had any objection, to which I said no. [...] But I thought his role was to scuttle the mediation process. He wanted instead a judicial commission of inquiry, with Commonwealth judges Kibaki would appoint and who would

scrutinise the ballot papers.³¹

Kibaki bought into Museveni's approach as evidenced by refusing a number of international mediators, such as John Kufour and Desmond Tutu, in what appears to be an attempt to gut balanced mediation.³² Ultimately, Museveni's mediation efforts sponsored by the EAC failed and the UN led by Kofi Annan provided the basis for mediation. The EAC's failure is due in great part to the unwillingness to appoint an honest broker and engage in systematic mediation, which is present in ECOWAS. The 2007 election clearly underscores the EAC's the lack of strategy and interest in meaningful mediation. The EAC's approach contrasts with ECOWAS' direct and hands-on approach to the post-election stand-off in Côte d'Ivoire (2010). ECOWAS maintained their primal role in confronting the impasse throughout the crisis. Even when it came to mediation in 2007 and 2008 in Zimbabwe, SADC was able to steer the parties towards a power-sharing agreement and did not defer to other international mediators. However, as chapter 6 illustrates, the SADC facilitation had significant shortcomings, but to a much lesser degree than the EAC in 2007.

EAC's hollow institutional shell and donor countries' economic agenda

The EAC's cooperation with other regional and international organizations before the 2007 election was minimal. There is evidence of foreign funding, particularly from European countries, for some of the EAC's activities including the building of the Secretariat. Many of these efforts stemmed from a belief among European countries in the EU that "regionalism" could bring about economic development and increased political conditionality and scrutiny. The EAC benefited from the foreign donor funds as the regular contributions from the Partner States to the EAC budget remained low and often delayed. The funding does not appear to have directly contributed to any areas related democracy promotion or electoral assistance. Instead, funding targeted public finance and management, trade cooperation, economic development, health, environmental initiatives, and efforts to build capacity for the EAC's bureaucracy.

An EAC Partnership Fund was formed in 2006 by donor countries interested in supporting the EAC. In its earliest form, the Fund allowed countries to pool resources and provide the EAC donor funds as grants. The EAC Partnership Fund began with financial support from Germany and Norway (totaling 640,920 USD) in 2006.³³ In practice, donors could pool for joint support or procure funding via their own grant programs in the context of the Partnership Fund. For instance, the Canadian government, as part of the EAC Partnership Fund, designed a program from 2009-2012 that focused on capacity building and trade policy and regulation. Although the program claimed to have a small democratic governance component in the budget (about 20 percent of the total allotment), the reported results from the program emphasized the program's success in harmonizing trade and tax policy. Likewise, Germany contributed to the Partnership Fund with the twin goals of: (1) "Enhancement of regional integration and socio-economic development of the EAC"; and the (2) "facilitation for the harmonisation and alignment of Development Partners' (DP) support

to the EAC.”³⁴ Although the donor fund contributions increased between 2006 and 2013, as mentioned in the next section on the 2013 elections, the focus remained on economic integration, technical assistance, and institutional capacity building. Before the 2007 election, the Partnership Fund was just in its second year and received financial contributions from Denmark, Germany, Norway, and Sweden equaling 1.92 million USD. There is no evidence that this money was used to promote election assistance or human rights programs surrounding elections.

Even 6 years into the Fund with a cumulative total of 34.72 million USD contributed, a visit to the EAC headquarters in 2012 revealed that professional support staff at the EAC was limited. Interviews with EAC staff reveal that a significant portion of donor funds was used in part to hire, train, and maintain staff. Remaining funding went towards specific regional initiatives on trade, economic integration, and environmental management (e.g., initiatives pertaining to the management of the Lake Victoria basin).

In sum, despite the foreign donor funding, there is little evidence that the EAC sought to use funds for political concerns nor did the EAC pursue consistent working relationships with organizations in the democracy and elections space. Before the 2007 election, the EAC had selective embeddedness that did not extend to democracy and electoral assistance efforts. Further, there is no evidence that donor countries used their support for economic and capacity building as leverage for democracy promotion at the regional level. In meetings with EAC officials and donor country representatives, it was clear that the two spheres would not be confounded. Before the 2007 election, the EAC also did not engage with NGOs in the democracy and elections space, including EISA.³⁵ There is no evidence of significant collaboration on democracy concerns.

In contrast, regional civil society did receive donor funds, such as the East African Law Society’s support from Western donors, including the Ford Foundation. Yet, regional civil society organizations do not exercise significant power over EAC policy and agenda – a similar finding across all African regional organizations. Therefore, the EAC has consistently shored up a division between support for economic and political-related activities, with international embeddedness occurring only on economic matters.

Odinga’s battle with perceptions

Before the 2007 election, EAC officials and East African heads of state were familiar with Raila Odinga because Odinga (and his father before him) had a long record in Kenyan politics, including his role in forging NaRC and his campaign against the 2005 draft Constitution, which succeeded. From the 2005 “no campaign” sprang the Orange Democratic Movement (ODM), which contested the election in 2007 as a fairly unified party with Odinga as the leader.

The 2005 “no campaign” allowed Odinga to demonstrate his ability to gain and mobilize public support outside of the KANU infrastructure and its mainstay elites. The signal this sent is that Odinga could be a viable candidate

for president and his allies could cooperate to achieve political objectives, particularly in the electoral arena. This is significant because many African opposition leaders and parties are easily dismissed, particularly by peer countries, as lacking a popular support base and being fragmented, poorly managed, and personality driven. Odinga had effectively challenged this presupposition before the 2007 election.

In a number of interviews, political analysts suggest that due to Odinga's father, Jaramogi Oginga Odinga, there was an existing perception that Odinga was a leftist bent on increased redistribution and seeking to challenge some of the "norms" of leadership in East Africa.³⁶ Further, as mentioned before, Odinga was also viewed as a threat by President Museveni because of the ethnic ties that Odinga had to Luo-related peoples in Uganda. This was enhanced by Odinga's popularity in Ugandan regions more resistant to Museveni's rule at the time. Before the 2007 election, there is little evidence that Odinga invested heavily in efforts to alleviate the fears of Museveni or lobby other East African governments. In retrospect, more aggressive attempts to form a relationship with East African heads of state may have been useful to securing a more favorable EAC-sponsored mediation approach - at least on the margins.

On the other hand, there are often barriers to meeting foreign heads of state and government officials for opposition leaders and parties because these meetings could be viewed as undermining the current government and contravening diplomatic protocol. In several interviews, the issue of diplomatic protocol was raised to explain why regional lobbying was constrained.³⁷ In addition, the EAC structure that preferences states and sitting governments did not provide a platform for opposition leaders to consult. And, this did not give Odinga the ability to lobby as effectively as he may have desired. Although the EALA does allow opposition MPs, there are few examples of these MPs influencing the EALA and the EAC on democracy and election matters. Therefore, Odinga faced barriers to changing perceptions in the East African region despite his rising profile in Kenya before 2007. Nevertheless, even if Odinga did pursue more regional lobbying, the EAC has few countries to offer appeals and Museveni already appeared to hold an intransigent position on Odinga. The constraints of regional lobbying at the EAC level are highly restrictive. The EAC erects much higher barriers to courting sympathy than ECOWAS and even SADC.

EAC in 2007: the impotent regional organization

The EAC was not prepared to confront election malfeasance in Kenya's 2007 election nor did it expect the high level of post-election violence and the need to mediate the election dispute. In 2007, the EAC was almost entirely an economic-centric organization with vague norms on democracy, elections, and election observation alongside no capacity and support for carrying out election assistance. Even when the Partner States experienced the fall out of instability in Kenya, they were not prudent in pursuing mediation. The unimaginative appointment of Museveni was case in point. And, although the election yielded a power-sharing arrangement, this outcome did not necessarily reflect the will of voters nor was it reached with the help of EAC mediation. As the region's first major test, the 2007

Kenyan election underscored the weaknesses of the EAC in political affairs.

Kenya's 2013 election: modest improvement for the EAC

In contrast to the EAC's response during and after the 2007 election, the 2013 election marks a modest shift in thinking and approach at the EAC. It is clear from interviews and documentary evidence that the shift reflects introspection and learning from Kenya's 2007 election. For Kenya, there was an expectation that electoral competition would continue at similarly high levels to the 2007 election and that there could possibly be a post-election dispute, with accompanying violence. Post-election violence was not out of the realm of possibility. Interviewees from international democracy promotion organizations largely contended that there was a fairly low probability of widespread post-election violence because institutions, such as the electoral commission and the disputes resolution process, had been reformed and agreed to in the 2010 Constitution.³⁸ The legitimacy of the 2010 Constitution encouraged political elites to have a wait-and-see approach at least for the immediate 2013 elections.³⁹ However, the fact that the new institutions had not undergone an election test meant that there was still a possibility that election malfeasance would occur, which could spark a confrontation, or the losing party in the election would not accept the outcome. These situations were anticipated and informed the proactive response that international and regional organizations would take.

For one, the EAC invested in defining new guidelines for election observation and for the first time fielded a long-term observation mission in 2013.⁴⁰ The EAC also began to cooperate with other regional organizations in election observation, including AU and Western observer groups (the Carter Center and EU EOM). The EAC also began to reach out to partners, such as EISA, to support a bare bones program of electoral assistance. Even though the assistance focused on election observation, at the very least it illustrates the EAC's slight change in viewpoint. At the same time, mechanisms for mediation and conflict resolution remained the same and there is little evidence to suggest that the EAC received external support for democracy and human rights promotion at the regional level. In the end, the foreign donors continued to support economic development and capacity building programs marking no shift in donor funding strategy. Instead, significant resources for election-related concerns, particularly from the EU, went to the AU. In sum, the EAC's behavior during the disputed 2013 election continued to exhibit similar shortfalls, but there were modest improvements spurred by the abject failure of the regional response in 2007.

Election quality information: better, but not perfect

There were several observer teams deployed to observe the elections, including the EAC, AU, EU, and The Carter Center. There were four different long-term election observation missions beginning as early as December 2012, including the EAC. The EAC deployed 55 observers, and the AU deployed 69 observers. The EAC mission included

members from the EAC Forum of Electoral Commission, which illustrates how some regional collaboration on election matters had begun.⁴¹ The AU claims to have visited 400 polling stations on election day. There was significant information about the registration process, as well as election day activities. In advance of the elections, heads of missions and technical teams for the different missions met with each other and key stakeholders in Kenya. There was clearly a cordial relationship between missions, which involved a high level of sharing information. The EAC and AU also received technical support from EISA, with at least one experienced officer embedded in the mission to provide technical assistance.⁴² It was suggested by those associated with the Election Observation Group (ELOG) that the EAC and AU largely benefited from EISA's support⁴³ and one could tell a majority of the work was being done by EISA staff behind the scenes. By the time of the 2013 elections, the EU's financial support for long-term observation from the AU began. AU's first ever long-term observation (LTO) mission was deployed in Kenya on 12 January. Though the team only included 12 LTOs, it did mark a shift in AU election observation methodology. The international election missions also had a substantial scope of coverage in contrast to the 2007 election. It is clear that the preparations of the EAC and AU reflect a new concern about election-related conflict in Kenya and learning on the part of regional organizations to become more present during elections.

Domestic observation was much more organized than KEDOF in the 2007 election, with ELOG becoming an umbrella platform for civil society to observe the elections. According to the chairman of ELOG, ELOG was "built on the ashes of KEDOF" with an 80 percent overlap in organization membership.⁴⁴ The intent of ELOG was to observe the 2013 election and maintain a secretariat to observe all elections in Kenya similar to the setup for the network of electoral support in Southern Africa (e.g., Zimbabwe Electoral Support Network in Zimbabwe). The new approach reflected recommendations from the Kriegler Report, which emphasized institutionalizing election observation and implementing technology. On the technology front, ELOG carried out a PVT. The total mission had 7,000 regular observers and 1,000 "elite core observers to provide a statistical view" by conducting the PVT. The ELOG mission also deployed 540 long-term observers beginning modest observation from June 2012. According to ELOG documentation, the observer mission received financial support from several Western governments, including the US, UK, Netherlands, Denmark, Finland, Sweden, and multilateral funding from the EU. NDI, EISA, and Transparency International also contributed funds and hands-on technical support from NDI supported the PVT implementation.⁴⁵

Interviews with Kennedy Masime, then chairman of ELOG, and two other members on the organizing committee reveal the strengths and weaknesses of the ELOG mission. Donor countries emphasized funding for election day activities over pre-election observation and monitoring. Further, funds were less than expected and ELOG committee members speculated that Western donors were reticent to support an election process that included Uhuru Kenyatta and William Ruto who had pending cases at the International Criminal Court (ICC). In addition, UNDP was reticent to fund a similar set of organizations as KEDOF because of the failures in 2007. Communication was also strained within

ELOG, with some partner organizations close to planning and current information, while other organizations were on the outside of the process and felt uninformed about the decisions being made. Despite these major challenges, the leadership of ELOG indicated that the mission contributed well to the election observation effort with a successful implementation of the PVT.⁴⁶

The different observation missions generally had a similar assessment of the elections, mainly that the elections were fair and transparent. Across all reports, there were concerns about the electronic voter identification system, the failure of the electronic results transmission, and the efficiency of voting at polling stations. These criticisms were found in the EAC and AU reports, and these concerns were expressed by everyone interviewed about the election flaws. None of the missions questioned the results that Independent Electoral and Boundaries Commission (IEBC) released in any significant way. ELOG released the results of the PVT on 9 March showing that the IEBC figures match similarly – within the margin of error – the PVT results.⁴⁷ The amount of evidence presented did not provide grounds for Odinga to challenge the results and the election passed without a post-election crisis. In general, despite the aforementioned flaws, the 2013 election marked a vast improvement in election quality from 2007.

Nevertheless, several sources directly familiar with the management of the election indicated that election observers missed significant aspects of hidden malpractice and underestimated the effects of failing technology. For instance, one commonly mentioned problem concerned the ownership and management of the server that facilitated and stored the results transmission. The server was owned by an associate of Kenyatta and a Jubilee supporter. Analysts suggested that tampering, as well as sabotage of the transmission, was possible.⁴⁸ Although specific allegations (e.g., selective registration, multiple voting, delayed materials and voting) of election malpractice were different across election expert respondents, they all consistently mentioned the failure of the technological safeguards. A critical perspective of the election suggests that there was a serious basis to question the outcome, but this is not done in any election observation report. The suggestion is that Kenyatta, running with the endorsement of Kibaki and the ruling party, stood to benefit from the inadequacies of the election preparations and the process of procuring logistics. In election situations, the information threshold is considerably high to challenge the electoral commission's judgment and must be procured in a timely fashion. Without "smoking gun" evidence, most election observers are likely to give the commission the benefit of the doubt. The improvements in election observation were a good start, but the interrogation of the election fell short.

Electoral assistance still nascent

After the failures of the 2007 election, the EAC sought out some consultation on how they could support electoral processes. Although changes did not occur at the Secretariat, the EAC worked closely with EISA to help professionalize election observation. In November 2012, the EAC agreed to Principles for Election Observation and Evaluation.

Support for working on the Principles came from EISA although the collaboration did not take place with a formal MOU.⁴⁹ The Principles include embracing public financing for political parties, equal and fair media access, and maintaining the neutrality of the security sector. The language of the document also reflects the standards of professional election observation, mainly the act of deploying pre-election assessment missions (PAMs) aimed at gathering relevant information about basic conditions for an election.⁵⁰ PAMs add an additional decision step that interrogates whether elections conditions in a given country are adequate enough to deploy an election observation mission in the first place. PAMs have proven a useful tool, in other regions, to augment the standards of election observation and put pressure on governments to correct some malpractice in advance of an election and before observers are even deployed.

Guidelines and protocols are significant in the international law context because many legal analysts in East Africa suggest that the EAC Treaty's vague provisions cannot be enforced without clauses "operationalizing" aspects of the Treaty, with specifics about definitions, approaches, and enforcement mechanisms. ECOWAS and SADC have developed similar specific regional instruments. Guidelines are the weakest form of commitment compared to protocols, but it does illustrate a slightly stronger commitment to election support than previously. The timing of the EAC Principles for Election Observation and Evaluation appears to be correlated with the 2013 Kenyan elections and other elections in East Africa between 2015-2016. Although this is only an on paper commitment, there is a significant shift in the seriousness of election observation and the willingness of the EAC to work with NGOs, such as EISA. It is important to note that the EAC debated a specific protocol on democracy and good governance before the 2013 election, but the document continued to languish without full assent by the Partner States. This indicates that there are clear limits to the EAC's interest in providing election assistance.

Election assistance from the EAC amounted to the election observation mission just described, and the AU did not provide any additional election assistance. There is no evidence that IEBC benefited from EAC (or AU) support outside of observation. The IEBC did learn from the 2012 Ghanaian election case and from NGO-sponsored visits to other African countries.⁵¹ Judges of Kenya's Supreme Court consulted the Ugandan high court about how to handle appeals processes during the 2013 presidential election petition.⁵² This indicates that election-related support largely did not flow from the EAC or the AU, but rather from in-country program support (e.g., NGO sponsorship) and ad hoc consultations. Further, although the 2013 election marks a high water mark for the EAC's involvement in elections, it did not have a large influence over the quality and conduct of the election through electoral assistance.

EAC mediation not pursued in 2013

Between the 2007 and 2013 elections, the EAC did not invest in conflict resolution and mediation mechanisms.⁵³ There was some discussion at the EAC Secretariat and EALA about establishing an early warning system, but this did

not come to fruition before 2013. Odinga did reject the election results and brought a petition to Kenya's Supreme Court; however, the Supreme Court threw out the case despite some discrepancies in voting returns. The Court indicated that the election shortcomings did not require targeted nor widespread mitigation. In an interview with Chief Justice Willy Mutunga, he suggested that ODM did not present enough systematic evidence to overturn the IEBC's results.⁵⁴ The Supreme Court consulted extensively with the Ugandan judicial officials who dealt with election disputes resolution because they had achieved perceived success in adjudicating election disputes.⁵⁵ The goal was to use the similar processes as Uganda, such that a court decision would not lead to violence and instability. The concern for violence was on the minds of the Supreme Court justices. Throughout the proceedings, there was no pressure on the court from the EAC or Partner States, but perhaps some procedural pollination occurred via Uganda.

Odinga publicly continued to contest the result after the Supreme Court's decision, but the dispute did not cause a breakdown in peace like the 2007 election. For this reason, the EAC's mediation efforts were largely not tested directly. Through the petition process, the EAC urged Odinga to abide by the grievance process and accept the results. All in all the principle of sovereignty and recourse through national institutions trumped any independent review from the EAC. And, perhaps thankfully for the EAC Partner States, Odinga – unhappy with the judgment – did urge his supporters to acknowledge the outcome of the petition formally, but at the same time disagree with the judgment.

However, if the EAC was called upon to mediate, it is unlikely these efforts would have been decisive or helpful. For one, Museveni continued to run point on the election despite his credibility on democracy and election issues being rightly questioned by Kenya's opposition leaders. Just before the 2013 elections, Museveni was seemingly attempting to intervene in the election by raising the Migingo Island dispute. The island, claimed by both Kenya and Uganda, is presently under Kenya's control after Uganda withdrew from the island in 2009. Odinga has fervently rejected Uganda's territorial claims, but Kibaki was willing to work with Museveni and even undermine Odinga's position. In other words, Museveni purposely worked to drive a wedge between himself and Odinga.⁵⁶ Interestingly, the same dispute arose again in 2016 and 2017 ahead of the 2017 elections, with Odinga accusing Museveni of scheming with Kenyatta to intimidate the peoples of Nyanza. Regardless of the exact intentions of Museveni – which several analysts mentioned as meddling in Odinga's backyard – the Ugandan president continues to pursue interests in Kenya, with an anti-Odinga bias. In fact, before the 2013 election and afterward, Museveni made disparaging remarks about Odinga and Luo people on multiple occasions. For instance, in 2009, Museveni said that "Wajaluo [Luo] are mad." Museveni's disdain was and is clear.⁵⁷

In turn, after the loss in 2013, Odinga has not been afraid to criticize Museveni for not implementing term limits and on policy matters. Odinga has sought to build bridges with Tanzania's President John Pombe Magufuli,⁵⁸ with several meetings and party linkages developing because of the seeming futility of receiving any favors from Museveni when the chips are on the table. During the 2017 election campaign, Odinga referred to Magufuli as a "friend."⁵⁹ It is clear

that as long as Museveni is the EAC's chief point person on regional mediation, particularly in Kenya, Museveni's lack of any impartiality and diplomatic tact will doom EAC mediation efforts. Therefore, it is likely that Odinga – like he did in 2007-2008 when negotiations stalled – will turn to the AU and the international community for conflict resolution.

EAC increasing engagement with international organizations

The EAC's cooperation with international organizations after the 2007 election increased on the political side; however, the economic motivations of the organization still far out-pace political matters. The EAC began to work with EISA to develop an election observation framework, and the EU began to explore supporting these efforts financially.⁶⁰ The outcome of this collaboration was the Principles for Election Observation and Evaluation. After the 2013 elections, the EAC pursued a standing MOU with EISA to continue providing training and technical support.⁶¹

Although not prepared before the 2013 elections, in 2014, the EU offered the EAC money to support election observation and assistance. An "Action Document" from the EU refers to the inauguration of an EAC Regional Electoral Support Project, with a budget of 5.17 million euros. An important part of the project is to enhance the EAC-Forum of Electoral Commissions.⁶² The donor country support marks a significant change in the relationship between external organizations and the EAC on election-related matters. It is possible that the EU-sponsored program may lead to an increase in EAC embeddedness. Nevertheless, these efforts remained nascent before the 2013 elections. Cooperation was maintained around development priorities and not political or election concerns.

Odinga, the lobbyist

Having been a long-serving politician in Kenyan politics, Odinga had significant credibility in the East African region. Being Prime Minister offered Odinga the opportunity to receive an audience in the region, and by all accounts this platform allowed Odinga and ODM to forge relationships in East Africa and on the African continent. The accounts of ODM party leaders suggest that Odinga as Prime Minister had much greater access than Tsvangirai when it came to meeting with African leaders in the region.⁶³ This is most likely because there was no liberation movement club blocking access. In the role of Prime Minister, Odinga demonstrated how he could manage state business and conduct himself in accordance with regional norms. Hence, the stereotype of being a "radical" was greatly challenged through Odinga's governing experience and East African leaders appeared to take note except for Museveni who already viewed Odinga in any form as a potential threat.

Even despite Museveni's view, Odinga helped Museveni's re-election bid in 2011 by campaigning and from some unverified reports Odinga appeared in campaign posters endorsing Museveni.⁶⁴ Odinga insiders suggested in interviews that these favors were aimed at containing Museveni's potentially damaging impacts in the 2013 elections.

Just before the 2013 election, Odinga engaged in regional lobbying in Tanzania, Rwanda, and Uganda. There are several documented trips that Odinga made to urge support for a peaceful and transparent election, and to ensure that the EAC Partner States not rush to judgment over the outcome if there was any dispute. These efforts were also taken by Kenyatta who took similar pre-election trips to meet regional leaders in person. In the weeks and months before the election, there were mentions of dueling trips for Odinga and Kenyatta documented by the Kenyan press.

Sources close to these meetings suggested that policy matters and the election were on the agenda. Odinga successfully kept Uganda from meddling in the process directly, but Museveni was still quick to congratulate Kenyatta. Since there was no call for EAC mediation, it is not clear as to how the lobbying efforts may have influenced Partner States' positions on a dispute. Yet, it stands to reason that Odinga did prepare the groundwork for this possibility more purposely than in the 2007 election. Moving forward, Odinga's lobbying efforts in Tanzania may yield results in the long-run and shift power from Museveni's preeminence in EAC mediation.

EAC's modest improvement

In sum, the EAC experienced a slow and modest evolution in approach to elections after Kenya's 2007 elections. The largest changes occurred in the way that the EAC deals with election observation and collaboration with international organizations on political matters. Opposition parties, such as Odinga's ODM, have also adjusted to the realities of regional politics and engaged in building regional relationships. Despite these changes, the EAC continues to limit election assistance, with a majority of funding and programming going towards economic initiatives of regional integration. In addition, mediation approaches exhibit an extreme form of personal diplomacy, which revolves around Museveni's regional agenda. It is likely that the EAC will persist in its impotent response to election concerns until there are leadership changes in the Partner States, with a greater consensus on the value of political competition as part of the EAC Treaty's existing notion of democracy and good governance.

Notes

¹Interviews with civil society leaders and political analysts in Kenya, 2014.

²Other analysts (e.g., Cottrell and Ghai 2007) suggested that the "no" was more of a signal of underlying pro-democracy interests.

³Gettleman, Jeffrey. 31 December 2007. "Disputed Vote Plunges Kenya Into Bloodshed." *New York Times*.

⁴NPR. 3 January 2008. "Kenyan Politicians Under Pressure to Seek Calm." Online: <https://www.npr.org/templates/story/story.php?storyId=17805727>

⁵Treaty for the Establishment of the East African Community, agreed to in 2000 and revised in 2006 and 2007 before Kenya's 2007 election.

⁶Interview with one election support liaison, June 2013. Compilation of interviews with political analysts in Kenya. Interview with a judiciary official, September 2014 and August 2017.

⁷Interviews conducted at the EAC with administrative and deputy secretaries, July and August 2012.

⁸Interview with an EAC official, July 2012.

⁹Zephania Ubwani. 13 January 2008. "EAC Ministers Urge Kenya to Unite for Peace." *Daily Nation*. Online: <http://www.nation.co.ke/news/1056-226168-lu2b1kz/index.html> and Mary Kimani. April 2008. "East Africa Feels Blows of Kenyan Crisis." *Africa Renewal*. Online: <http://www.un.org/africarenewal/magazine/april-2008/east-africa-feels-blows-kenyan-crisis>

¹⁰Elklit (2011) provides a good account of the role of international organizations, including UNDP's involvement in election assistance. The UNDP also provides information on their activities in Kenya on their website: <http://www.ke.undp.org/content/kenya/en/home/ourwork/democraticgovernance/news/undpelectoralssupportinkenya/>

¹¹Interview with civil society leader familiar with the KEDOF mission, August 2014.

¹²Independent Review Commission Report, 2008.

¹³David Mugonyi, Oliver Methenge, and Dave Opiyo. 17 September 2008. "Kriegler's Verdict on Elections." *The Daily Nation*. Online: <http://www.nation.co.ke/news/1056-472140-knvwf7z/index.html>

¹⁴Independent Review Commission Report, 2008.

¹⁵Interview with one of the KEDOF co-chairs, September 2014 and the IED National Conference Report entitled "Enhancing Democracy and Good Governance in the Lead Up to the 2007 General Elections; Promoting Issue-based Campaign," 2007.

¹⁶KEDOF Preliminary Press Statement and Verdict of 2007 Kenya's General Elections

¹⁷IRI conducted an exit poll with a sample size of 5,500; however, the results were not shared: "IRI does not have confidence in the integrity of the data and therefore believes the poll is invalid." (Cheeseman 2008)

¹⁸Interview with one of the co-chairs of KEDOF and two members of the organizing committee, August and September 2014.

¹⁹The East African Community Observer Mission Report Kenya: General Elections, December 2007 and an interview with a member of regional civil society, August 2012.

²⁰The East African Community Observer Mission Report: Kenya General Elections December 2007.

²¹Ibid.

²²EU Election Observation Mission: Preliminary Statement: Doubts about the Credibility of the Presidential Results Hamper Kenya's Democratic Progress, 2008.

²³Confirmed during fieldwork at the EAC, 2012.

²⁴In most interview with EAC officials and under-secretaries, the respondents wanted to speak about the socio-economic, educational, and cultural benefits of the EAC. In at least two interviews, the respondents were surprised that the fieldwork was focusing on election matters.

²⁵Milton Olupot and Nathan Etengu. 6 January 2008. "Museveni Defends Message to Kibaki." *New Vision*. Online: <https://www.newvision.co.ug/newvision/news/1198648/museveni-defends-message-kibaki>

²⁶Khadiagala (2010) also explains how Museveni hamstrung his own mediation.

²⁷Odinga (2013) and analysis by Daniel K Kalinaki. 4 October 2013. "Raila: 'Why I Did Not Trust Museveni in Post-election Crisis.'" *The EastAfrican*. Online: <http://www.theeastafrican.co.ke/magazine/Raila-Why-I-did-not-trust-Museveni-in-post-election-crisis/434746-2018720-xh5vmt/index.html>

²⁸Interview with a high-ranking ODM official, August 2014 and interview with two academics, August and September 2014.

²⁹Odinga (2013) and analysis by Daniel K Kalinaki. 4 October 2013. "Raila: 'Why I Did Not Trust Museveni in Post-election Crisis.'" *The EastAfrican*. Online: <http://www.theeastafrican.co.ke/magazine/Raila-Why-I-did-not-trust-Museveni-in-post-election-crisis/434746-2018720-xh5vmt/index.html>

³⁰The allegations that Uganda directly or indirectly intervened with its intelligence service and/or military were mentioned in two interviews with senior ODM officials, August 2014.

³¹Odinga (2013) and analysis by Daniel K Kalinaki. 4 October 2013. "Raila: 'Why I Did Not Trust Museveni in Post-election Cri-

sis.” *The EastAfrican*. Online: <http://www.theeastafrican.co.ke/magazine/Raila-Why-I-did-not-trust-Museveni-in-post-election-crisis/434746-2018720-xh5vmt/index.html>

³²Daily Nation. 1 December 2013. “Chaotic Polls Nearly Sent Kenya into an Abyss.” Brown (2010) provides a detailed account of the how other African mediators attempted to become involved, including Kufour. In fact, Kufour purportedly came close to reaching an agreement.

³³EAC Partnership Fund. Online: <http://eacgermany.org>

³⁴EAC Partnership Fund. Online: <http://eacgermany.org>

³⁵Interview with a respondent familiar with EISA’s regional partnerships, May 2013.

³⁶Interviews conducted in August and September 2014.

³⁷Interviews conducted in August and September 2014.

³⁸For instance: interview with a country representative for an organization supporting Kenya’s electoral processes, September 2014.

³⁹Interview with a high-ranking ODM official, August 2014.

⁴⁰The EastAfrican. 17 November 2012. “New EAC Standards to Apply in Kenya’s 2013 Election.” Online: <http://www.theeastafrican.co.ke/news/New-EAC-standards-to-apply-in-Kenya-2013-elections/2558-1622568-quxrhz/index.html>

⁴¹The EastAfrican. 17 November 2012. “New EAC Standards to Apply in Kenya’s 2013 Election.” Online: <http://www.theeastafrican.co.ke/news/New-EAC-standards-to-apply-in-Kenya-2013-elections/2558-1622568-quxrhz/index.html>

⁴²The author observed this support first-hand while participating in The Carter Center’s observation mission, March 2013.

⁴³Interview with a member of ELOG’s coordinating committee, September 2014.

⁴⁴Ibid.

⁴⁵ELOG Report. 2013. “The Historic Vote: Elections 2013.”

⁴⁶Interviews with two members of ELOG’s coordinating committee, September 2014.

⁴⁷ELOG Report. 2013. “The Historic Vote: Elections 2013.”

⁴⁸Interview with UNDP official familiar with Kenya’s 2013 election, June 2013 and interview with Institute for Security Studies analyst, September 2014.

⁴⁹Interview with an official familiar with international election assistance, May 2013.

⁵⁰The EAC Principles for Election Observation and Evaluation: Guidelines for EAC Election Observation Missions and Code of Conduct for Election Observers, enacted in November 2012. EAC officials dealing with political affairs emphasized that the new guidelines sought to improve election information gathering and support due to the past experience in the 2007 elections.

⁵¹Interviews with two IEBC commissioners, September 2014.

⁵²Interview with a high-ranking official in Kenya’s judiciary, September 2014.

⁵³As chapter 7 points out, this lack of learning in mediation distinguishes the EAC from ECOWAS, which continues to re-evaluate and improve mechanisms of mediation over time.

⁵⁴Interview with then Chief Justice Willy Mutunga, September 2015. In a separate interview recorded in August 2017, Dr. Mutunga suggested that the audit of the election ordered by the Supreme Court had been “sabotaged.” Since there was only a 14-day window to offer a judgment, delays in the audit meant that the audit was never completed despite the Supreme Court’s request.

⁵⁵Interview with a high-ranking official in Kenya’s judiciary, September 2014. Related to ODM’s petition process, the Supreme Court directly consulted Uganda’s chief justice for advice in dealing with the election petition, for instance, on matters of process.

⁵⁶Emmanuel Kisiangani. 17 August 2011. “Dispute Over Migingo Escalates.” *Institute for Security Studies*. Online: <https://issafrica.org/iss-today/dispute-over-migingo-escalates>

⁵⁷Barrack Muluka. 16 May 2009. “Museveni is Stoking the Same Fires that Saw Him Revolt Against Obote.” *Standard Media*.

⁵⁸Daily Nation. 3 April 2016. “Raila Visits Magufuli on His Tanzania Holiday.” Online: <http://www.nation.co.ke/news/politics/Raila-on->

holiday-in-Tanzania/1064-3144194-gogvnh/index.html

⁵⁹Joseph Ngunjiri. 28 July 2017. "Raila Uses Friendship with Magufuli to Win over Voters." Online: <http://www.nation.co.ke/news/politics/Raila-uses-friendship-with-Magufuli-to-win-over-voters/1064-4036634-d8do7z/index.html> Odinga's meetings with Magufuli have continued including after the 2017 elections.

⁶⁰Interview with an official close to EISA's involvement in election support, May 2013 and April 2015.

⁶¹Ibid.

⁶²European Union. 16 December 2014. "Regional Electoral Support Programme for East African Community (Action Document)." Online: <https://ec.europa.eu/europeaid/regional-electoral-support-programme-east-african-community-action-documenten>

⁶³Interviews with two high-ranking ODM officials, August and September 2014.

⁶⁴Interview with a high-ranking ODM official, August 2014.

Chapter 6

SADC's Missed Opportunities in Zimbabwe

Introduction

In 2004, the Southern African Development Community (SADC) member states adopted the original version of the SADC Principles and Guidelines Governing Democratic Elections.¹ The Guidelines embrace in clear language the need for free association, political tolerance, impartiality of electoral institutions, and the ability of citizens to exercise a free vote (Section 2). The Guidelines also embrace regional oversight of elections through election observation to determine the quality of elections. It is expected that there will be an accurate voter's roll, "non-discrimination in the voters' registration," and a "conducive environment for free, fair and peaceful elections" (Section 4). Many of the election concerns that arose in Zimbabwe clearly placed the country at odds with SADC agreed-upon norms. The questions are: did SADC have an opportunity to apply their norms in practice in Zimbabwe? And, if SADC had the opportunity to influence election quality and perhaps alternation of power pursuant to their own stated Guidelines, was it seized? Why or why not?

In the post-independence era, nowhere in Southern Africa were the opportunities for an African regional organization influencing a power transition and augmenting election quality as numerous and consequential as they were in Zimbabwe. In almost all accounts of malfeasance in Zimbabwe's elections from 2000 to the present, SADC is mentioned as at the very least a background influencer over the course of the narratives (Bratton and Masunungure 2008; Nathan 2012; Bratton 2014 among many others). Many accounts focus particularly on the mediation efforts of then South African president Thabo Mbeki (Hove and Ndawana 2016; Gevisser 2007) and later Jacob Zuma, with respect to their individual mediation styles, strategic imperatives, and even psychological considerations. However, few accounts broaden their focus beyond the individual mediators and the South African facilitation to examine the diverse set of opinions and strategies pursued by SADC member states and the role of SADC Secretariat. At this broader level, one finds that South Africa is not alone in its failure to confront Mugabe and the Zimbabwe African National Union Patriotic Front (ZANU-PF). This chapter offers a balanced perspective that considers the facilitation

process and the individual mediators, as well as sheds light on the tensions among SADC states and the role of the institutions at SADC Secretariat.

Despite dissent within SADC, influential SADC member states, such as South Africa and Angola, attempted to coordinate a cautious approach to successive election-related crises in Zimbabwe. As displayed in the Zimbabwe mediation, SADC acted as a barrier between the southern African countries and the international community, particularly on democracy and election concerns. The strength of SADC is its ability to insulate member states from external pressure. The ability to insulate does not mean that the internal structures at the SADC Secretariat are capable.² SADC's institutions are made to implement the directives of member states and provide international legal cover for policies that member states want to pursue. The drivers of regional policies and priorities are the Troika, Summit, and Council of Ministers. There is little room for SADC Secretariat officials to become policy entrepreneurs and develop their own programs. The problem with the lack of institutionalization at SADC Secretariat and the elevation of state-centric organs is that coordination beyond mutual support if required, becomes difficult. The successive Zimbabwe crises exposed the limits of coordination within SADC and the lack of desire to improve SADC institutions despite repeated failures dealing with ZANU-PF and the opportunities for multilateral action to address the root causes of Zimbabwe's election-related crises.

Missed opportunities

This chapter illustrates that member states acting in SADC had the potential to exercise considerable influence over election quality in Zimbabwe for the 2008 and 2013 elections because of the diplomatic dominance of member states, such as South Africa, and SADC's mandate to facilitate dialogue in Zimbabwe. The one major feat of members states acting in SADC was demanding that Zimbabwean political adversaries agree to a new constitution draft and hold a referendum before elections scheduled in 2013. Throughout the troubled process, officials familiar with the constitution-making negotiations acknowledged that SADC helped backstop the efforts.³ SADC diplomats uniformly point to the constitution-making success. However, on the matter of election quality and a transfer of power, SADC only realized its potential influence on the margins. Neither the 2008 nor the 2013 elections revealed an improvement in election quality, particularly at the presidential level. During the 2008 election, SADC and its member states struggled with the evolving uncertain and violent climate that occurred in 2007 and in the wake of the first-round of the presidential vote. SADC election observers found themselves in the midst of violence outside of their headquarter hotel. The observers left Zimbabwe hastily while noting that the second-round of "the vote did not reflect the will of the people."⁴ No direct action was taken to limit ZANU-PF's repression or to mitigate the obvious incidences of election malfeasance clearly visible to SADC. With the opportunity to learn from past mistakes, member states in SADC, by and large, did not improve their support for the 2013 election.

Explaining SADC impotence in 2008 and 2013 - and in between

For the 2008 general election, SADC had one advantage largely due to the blatant government efforts to manipulate the vote in the second-round: (1) the SADC election observer witnessed a fairly free parliamentary vote but lacked significant actionable information about the results of the first-round of the presidential vote. SADC did, however, witness and record incidents of widespread state repression and did not actively question Morgan Tsvangirai's boycott under the dire circumstances. It is clear that SADC had first-hand knowledge about the manipulative tactics in the second-round, but a limited view of the first-round presidential vote. Despite one modest strength (2) SADC had weak institutions with a limited staff and mandate to coordinate and procure election assistance at the regional level; (3) SADC engaged the Electoral Institute for Sustainable Democracy in Africa (EISA) to aid with election observation, but did not cooperate with other networks of international actors; (4) SADC struggled to construct a regional policy towards Mugabe and ZANU-PF, as most SADC countries appeared to be at least cautious to confront Mugabe. Moreover, this caution was embodied by South Africa and Mbeki's mediation efforts throughout the 2000s, such that Mugabe rightly expected no major sanctions from South Africa and other SADC member states; and (5) although Tsvangirai was on the regional scene since 1999, through 2008, Tsvangirai had demonstrated no ability to fight perceptions of being a Western puppet, a lover of white farmers, and an agent attempting to rally support against liberation parties in SADC.

A similar set of dynamics persisted in the 2013 elections, with SADC being even more complicit with election malfeasance: (1) the SADC observer mission clearly lowered the bar for election quality, such that peace and stability were the only criteria; (2) despite the violent nature of the 2008 elections, SADC did little to enhance election assistance capabilities in fact any efforts were purposely limited; (3) SADC and South Africa's Zuma had "washed their hands" of the Zimbabwe crisis after the promulgation of the new 2013 constitution and because Tsvangirai appears to have made serious blunders by partially ignoring advice from SADC states to delay the election; (4) SADC continued to limit links with international actors except for allowing EISA to support election observation and South Africa's financial support for the election insulated Zimbabwe from United Nations (UN) scrutiny; and (5) Tsvangirai forged better relationships with regional neighbors, but his approach to Mugabe and over-confidence heading into elections hurt his credibility and made MDC-T (MDC-Tsvangirai) look naïve. The result of SADC's inaction in 2013 was a deeply flawed election, which reflects very little learning on the part of SADC. In this case, it is possible to see how difficult it is to bring about changes to regional organizations even after large-scale and embarrassing crises. By contrast, ZANU-PF adapted to SADC's approach and became increasingly adept at manipulation without overt violence. ZANU-PF perfected their ability to repress dissent without provoking SADC countries.

Zimbabwe on the regional agenda

Zimbabwe became a regional concern as early as 2000 because competitive parliamentary elections forced Mugabe to engage in election malfeasance. In 2000, election observers questioned some aspect of the process. The Commonwealth Observer Mission noted the uptick in political participation and the atmosphere of augmented election competition. The Commonwealth also mentioned the prevalence of violence that targeted opposition candidates and independents, the biased state-controlled media, and the failures of the Elections Directorate and the Registrar-General to cooperate with political and civil society stakeholders.⁵ Similarly, the Organization of African Unity (OAU) raised the intimidation of voters, but remarked that “these incidents [intimidation] were not sufficiently significant to have a negative impact on the voter turnout.”⁶ Other Africa-based observer groups of the SADC Parliamentary Forum (SADC-PF) and the Electoral Commissions Forum (SADC-ECF) were more forgiving, with an almost clean bill of health given to the elections. The first posture of African-based organizations was to allay fears of violence and to point to healthy aspects (i.e., turnout) of the process.

By contrast, the 2002 presidential election received modest condemnation for election malfeasance from several international observation groups, including the Commonwealth. ZANU-PF effectively used a new Public Order and Security Act (POSA) to monitor and prevent the opposition from organizing campaign events, particularly in ZANU-PF strongholds. In addition, the Access to Information and Protection of Privacy Act (AIPPA) allowed the government to regulate the gathering and flow of information by registering local journalists and limiting accreditation to foreign journalists (Bratton and Penar 2018). It is clear that ZANU-PF had an interest in limiting flows of information domestically and internationally.

Interestingly, some election observers were still invited to view the 2002 election. The Commonwealth concluded that despite a facade of professional election management, violence and intimidation against the opposition and its supporters severely jeopardized the election. The Commonwealth placed the blame solely on the members and supporters of the “ruling party” against the opposition and stated that “the violence and intimidation created a climate of fear and suspicion.” In addition, the Commonwealth accused flaws in POSA for limiting the opposition’s efforts to campaign freely throughout the country. Among other accusations leveled at the government and election institutions, the Commonwealth concluded that the election did not reflect the “free expression of the will by electors.”⁷

Other observer groups were not allowed to remain in the country throughout the election process. Pierre Schori, who was head of the European Union (EU)’s observation mission and Sweden’s ambassador to the UN, had his credentials rejected by the government.⁸ The Zimbabwean government was seeking to punish the EU and limit access to election quality information. EISA records indicate that Zimbabwe extended invitations to observe the elections to select countries, while barring others, such as the UK, Germany, the Netherlands, Sweden, Finland, and Denmark.⁹

There was a clear effort by the Zimbabwean government to limit information about the election and punishment for offering critiques in the past.

Of the observers present, the OAU embraced the verdict saying the outcome was "transparent, credible, free and fair." The SADC Ministerial Task Force also stated that the elections were "substantially free and fair" despite the noted pre-election violence. A more sober view came from the team of 50 South African Observers (South African Observer Mission), which noted "polarisation, tension and incidents of violence and intimidation," but in the end indicated that the elections were "legitimate" (Bratton and Penar 2018). An important feature of the report was the mention of concerns with the election process without pointing fingers at the ZANU-PF government except when it came to the ruling party's monopolization of the media. In contrast, the most exuberant assessment came from the African National Congress (ANC) Observer mission that commended Mugabe on an "overwhelming majority."¹⁰ The reports from Africa-based organizations and observation missions indicate that efforts would be made to give the 2002 election a clean bill of health.

Despite what appears to be organized efforts to support ZANU-PF and shore up the election result, Mbeki appeared to be curious about the actual realities on the ground. Mbeki personally commissioned a thorough election report by a panel of judges. The commissioning of the report reflects Mbeki's lack of confidence in the other established missions (of which there were many) to give an accurate assessment and the general desire for information above and beyond what "rubber stamp" missions could provide. The resulting Khampepe Report (named for one of two judges leading the study) was sealed for 12 years until the Mail & Guardian newspaper won a court battle to have the report released in 2014.¹¹

Although the Report focuses much attention on an assessment of the legal framework for elections, it did look at the actual conduct of the election and even discussed the academic literature on election quality directly (e.g., Elklit and Svensson 1997).¹² In search of evidence, the Report mentions inquiries at all levels of government, including the police and military. In conclusion, the Khampepe Report states that "in particular the cumulative substantial departures from international standards of free and fair elections found in Zimbabwe during the pre-election period, these elections, in our view, cannot be considered to be free and fair."¹³

The stunning indictment of the 2002 election demonstrates the ability of South Africa to conduct a well-researched and observationally thorough report. It shows how information may be gathered and interpreted in the context of a given country despite the political climate. The Khampepe Report also illustrates the ability of neighboring countries to be critical of each other's elections at least in private. However, the suppression of the Report reveals how South Africa tried hard – particularly early in the 2000s – to shelter Mugabe from the weight of international and regional criticism all the while not being fooled by the tragic realities on the ground. More or less, SADC would follow in the footsteps of South Africa to sabotage thorough information gathering such that regional election observation largely

took the shape of a cover-up operation in later years. In short, there was a fear of information and SADC was able to structure its observation missions accordingly.

Finally, the very fact that the Judicial Observation Mission was appointed and South African generals were also sent to observe conditions in Zimbabwe clearly illustrates how Zimbabwe became a regional concern from 2000 onwards. Much of the regional attention is due to the success that Tsvangirai garnered in national elections and ZANU-PF's scramble to retain power under political duress. The 2002 election is the first sign that the Zimbabwean crisis would involve competition between Mugabe and Tsvangirai at the regional level. In fact, the 2000 and 2002 elections illustrate how Tsvangirai would require regional assistance to prevail in the official count of a Zimbabwean election. Otherwise, malfeasance could and would be repeated, and Tsvangirai would never be allowed to garner 50% (officially) of the vote. The domestic balance of power was decisively in favor of Mugabe and ZANU-PF.

Zimbabwe's violent 2008 election

One of the features of the period between the 2002 and 2008 elections was the high level of fluidity and uncertainty about the electoral process. For one, ZANU-PF – being in power – retained control of the election timing and was not afraid of using this advantage. In addition, despite the dialogue process beginning in earnest in 2007, ZANU-PF dictated all decisions about conditions of the elections without consideration of MDC's position and with little fear of condemnation from SADC and its regional hegemon South Africa. Second, ZANU-PF assumed that it need not fear retribution for using violence and intimidation against the opposition. Mugabe and ZANU-PF aptly surmised that the only constraint could come from SADC.

Election information: lack of access and the existence of private information

In response to past criticisms about election processes, Zimbabwe offered selective invitations to observer groups and sought to limit information about election quality. Africa-based election observation missions from SADC, SADC-PF, the Pan-African Parliament (PAP), Common Market for Eastern and Southern Africa (COMESA), and EISA were given the power to gather information and shape the dissemination of information surrounding the election. In all cases, the quality of actionable election information disseminated was severely limited though it is likely that the information gathered was considerably substantive because of the scope of the violence. When it came to information about the election figures and the shadowy results process in the first-round presidential vote, there was little concrete information available.

Domestic election observation: ZESN's assessment

Zimbabwe Election Support Network (ZESN) used the SADC Principles and Guidelines Governing Democratic Elections as the benchmark for judging the elections. The Principles and Guidelines were agreed to in 2004, and the 2008 election was the first time that Zimbabwe's election conduct would be measured against a common regional metric. It is not always common for domestic observers to reference regional standards, but the effort to do so reflects the assumption that comparing the election process to Zimbabwe's legal framework would obscure the fact that the electoral laws themselves are flawed. According to officials at ZESN, the SADC Guidelines agreed to in 2004 reflected direct consultation with domestic observation platforms, including ZESN. Furthermore, ZESN appears to be purposely appealing to the SADC regional audience because SADC member states would be the most likely to intervene if at all. ZESN clearly valued regional support since it was part of the organization's strategy to lobby at the regional level for comprehensive SADC guidelines in the first place. Every SADC meeting, ZESN sent representatives to contribute to the SADC Civil Society Forum. This reflects a rare case in which domestic civil society sought to lobby regionally. In addition, ZESN is a member of the Election Support Network (ESN) system in Southern Africa. The SADC ESN framework provides domestic observer organizations a peer support group, common regional training, and a locus for ensuring the implementation of best practices. In the 2000s, EISA was charged with setting up and providing direct assistance to SADC ESN organizations. For these reasons, ZESN had a better understanding than most domestic civil society organizations about the importance of maintaining regional linkages.

ZESN deployed a large 8,000 observer mission with a contingent of observers trained to conduct a parallel vote tabulation (PVT). ZESN's first statement after first-round made minimal mention of the violence, and in fact, recognized a reduction of violence and intimidation. ZESN reported the results of the PVT showing that in the presidential election Tsvangirai garnered 49.4% compared to Mugabe's 41.8%, with a 95% confidence interval of 47% to 51.8% for Tsvangirai. The concern with the figures is that Tsvangirai's ability to obtain 50+1 was within the margin of error. According to a senior ZESN official, there were meetings "behind the scenes" with SADC regarding ZESN's observations of the election and the PVT. It appears as if SADC was desperate for some information while the Zimbabwe Electoral Commission (ZEC) was silent on the results. At one point, some SADC generals were sent to meet with ZESN about the election projections.

ZANU-PF also released their own figures on 2 April indicating that Tsvangirai garnered 48.3% and Mugabe received 43%.¹⁴ Tsvangirai and MDC also released results indicating that Tsvangirai had won in the first round with 50.2% against Mugabe's 43.8%.¹⁵ The accuracy of all of these "PVTs" may be called into question since the methodology used to produce, in particular, the MDC-T and ZANU-PF figures was not transparent. The fact remained that there was a lack of information about the real vote count. Secondly, the heavy focus on the PVT results also detracted from assessing the influence of state repression in advance of the election.

ZESN did not offer much information about the six-week delay in announcing results. ZESN did, however, remark that after the results were announced on 2 May, the two weeks before the election date was announced and thereafter was filled with violence and destruction: "the run up to the run off degenerated into a run over leaving in its wake a trail of destruction [...]"¹⁶ It is important to note that ZESN's efforts were hampered throughout the 2008 election process with the government allowing the intimidation of ZESN workers. Likewise, government repression targeted ZESN members, including some observers being beaten and their homes destroyed.¹⁷

In attempting an observation mission for the presidential run-off vote, ZEC only accredited 500 ZESN observers.¹⁸ There was also a purposeful strategy to delay sending invitations to observers in order to limit the view of the election. For this reason, regardless of the professionalism and centralization of ZESN's domestic observation platform, the massive state repression and manipulation wrecked any information-gathering efforts that ZESN could have fielded. It is clear that ZANU-PF feared the influence that actionable information could have on its maintenance of power and the linkages that ZESN had begun to forge at the regional level.

Regional election observation missions

A central feature of SADC election observation in 2008 was its structural weaknesses. SADC election observation missions rely on direct contributions of observers and ad hoc funding from SADC member states. When an election observation mission is organized, SADC's election assistance unit asks member states to nominate observers and secure funding to support the observers. In 2008, a majority of the election observers as part of the 163 observers came from South Africa and Angola. Later the number was augmented for the second-round vote to 413 total observers mainly with more South African observers arriving. As a reflection of the diffuse nature of SADC election observation is the consistent reference to separate country contingents within the SADC mission in election reporting (e.g., South African Observer Team, Botswana Observer Team). Moreover, the Botswana Observer Team issued its own statement on the election, which conflicted in some ways with the overarching SADC mission position. In effect, SADC missions are highly decentralized.

The decentralization also led to member state capture of the SADC mission. In three interviews with officials familiar with the 2008 SADC mission and SADC missions more broadly, there is a consistent sentiment that observers sent by member states come with detailed and specific directives from their country sponsor. Two sources explained how SADC observers receive counsel from their member state throughout the election at least in the form of an "orientation."¹⁹ There were also rumors raised in interviews that particular countries – respondents consistently mentioned Angola – had told observers to be positive about election proceedings in Zimbabwe.²⁰ This highly state-centric approach to election observation is not likely to lead to an adequate collection of actionable information.

The interventions of member states in most instances solidified a pro-incumbent bias or at least lowered expect-

tations for the elections. MDC-T and MDC-Mutambara (MDC-M) functionaries suggested that SADC maintained very low standards for Zimbabwe's 2008 election. SADC and the AU were "only focused on violence, but not on the credibility" and "stability over democracy" in the elections. Opposition respondents emphasized the failure of SADC to acknowledge the significance of severe shortcomings, such as inaccuracies of the voters' roll and the extremely long delay in producing the results. The general perception of opposition respondents was that SADC could not possibly miss the glaring election deficiencies unless standards were lowered, or SADC was purposely lending support to ZANU-PF, or both.²¹

Zimbabwe invited most of the African regional organizations to send observers, including the AU, Pan-African Parliament (PAP), East African Community (EAC), Economic Community of West Africa States (ECOWAS), and Economic Community of Central African States. Zimbabwe also invited the SADC-ECF to observe and offer a technical assessment. Most notable was the failure to invite a separate SADC-PF mission. The formal reason for the omission was that SADC-PF should join its observation under the SADC umbrella.²² The subsuming of SADC-PF may have been due to the tendency of the group to offer criticisms of elections.²³

In the post-interview questionnaire, opposition functionaries and civil society workers consistently rated SADC-PF ahead of all African-based observation missions. In interviews with these political leaders, without prompting, respondents singled out SADC-PF as "credible" and "trustworthy." An MDC-M official who was appointed to SADC-PF (2002-2008) explained how the composition of SADC-PF, which includes government and opposition appointees, allows the organ to have a more independent outlook.²⁴ Another aspect is that SADC-PF enjoyed substantial foreign donor funding that supported programming on governance and elections, unlike the insulated SADC Secretariat. SADC-PF offered a credible Africa-based observation platform in the 2000s; however, the Zimbabwean government did not invite an independent SADC-PF mission for the 2008 elections.

Masking election malfeasance

There were considerable inconsistencies in the way the opposition, in particular MDC-T, attempted to point out election malfeasance. For instance, on the eve of the first-round vote, all MDC factions called on SADC to intervene to prevent a "rigging scheme" by ZANU-PF. Arthur Mutambara is quoted as saying that "All we are asking for is a free and fair election [...] The irregularities we have uncovered are very fundamental, very serious. Please SADC, the other African countries and the international community, help us to have a legitimate election that the losers will not challenge."²⁵ This last-ditch cry for regional concern did reveal allegations of election malfeasance, including the lowering of the number of polling stations from 11,000 to 8,500 and many inaccuracies with the voters' roll (e.g., 8,000 register voters at a location without residences). Opposition statements also highlighted how urban voters – an important bastion of opposition support – would be influenced by the observed malfeasance. Moreover, the Registrar

– firmly in ZANU-PF’s grip – procured a last-minute voters’ rolls in a picture format, rather than a database. This action contravened Zimbabwe’s Electoral Act that demands a timely procurement of the voters’ roll. The united opposition’s (MDC-T, MDC-M, and Simba Makoni’s outfit) information dump appears to have had little to no effect on SADC’s overall assessment.

After the first-round election, there appears to be a subtle, but important shift in MDC-T’s approach to election quality. Instead of pointing out flaws in the entire election process, MDC-T only challenged the presidential results. This is likely because MDC-T had won a majority in parliament and wanted to preserve the result. In doing so, MDC-T partially consented to a flawed process. Likewise, most Africa-based observers including SADC emphasized the freeness and fairness of the parliamentary vote in their statements. In interviews, opposition respondents always differentiated between the parliamentary and presidential elections, with most opposition officials calling the parliamentary election “free and fair” with enthusiasm.²⁶ That being said, Tendai Biti of MDC-T called for presidential results to be released quickly and strongly indicated – before and after the ZEC’s announcement – that Tsvangirai had won the election and Mugabe should step down. The indictment came with an allegation that 120,000 votes were being changed from Tsvangirai to Mugabe to deny Tsvangirai a victory. The problem for SADC after the first-round was that there was no clear information about the accuracy of the figures despite a highly suspect delay. Despite having no clear information on exact numbers, SADC could observe the suspect delay in announcing even preliminary results. Yet, SADC was overly cautious in their response.

There were some dissenting views within the SADC observation mission. The Democratic Alliance (DA) Party of South Africa released a “minority report” indicating that the 2008 election contravened 9 out of 10 SADC principles on elections.²⁷ An important insight embedded in the report is the fact that SADC observers received accreditation through 29 March - the day of the election with only 11 March being the start date. This meant that all observer efforts effectively ceased during the counting process and according to the DA’s report, observers had to leave the Mickle Hotel immediately after the election. Even though SADC lacked capacity and the independence to draw its own conclusions, SADC was also hampered in its effort to collect information. In short, the events during the counting and results announcement process were not adequately observed by any observer group.

Officially, SADC observers did not redeploy to Zimbabwe until 28 May. This leaves a time gap of April and much of May in which SADC did not formally have a robust election observer presence. Instead, an ad hoc small group of observers were sent after the emergency Summit in Zambia. In April and May, the Zimbabwean government moved to repress opposition leaders and supporters, civil society activists, and journalists. The fact that the government’s violent response to the election occurred when SADC observers were not present suggests that ZANU-PF clearly wanted to conceal the extent to which it used violence in the country. The lack of observers does not mean that information about the arrests and disappearances did not get transmitted, but it did allow time for an election cover-up

and it put SADC on its back foot when it came to observing the inter-election period.

The run-off saw the deployment of a much larger SADC observation mission, with 413 members.²⁸ The decision to send more observers reflected the concerns about violence and the spread of neighborhood externalities. Mbeki, acting as the facilitator, made increasing election observation capacity the main tool of preventing conflict outside of "negotiations." There were no pre-conditions for the observers' deployment and no threats to remove observers if violence and intimidation of the opposition continued. The SADC preliminary statement noted the violence and intimidation of the opposition and the opposition's withdrawal from the election. However, no judgment was passed on the opposition boycott, and the observers continued to observe the election despite the withdrawal. In fact, the SADC statement emphasizes how election day was "peaceful" and orderly.²⁹ It is clear that critical information about the election process was received by SADC, but in this case, SADC deliberately chose to sit on the information. In short, election quality information was a necessary, but not sufficient condition for a confrontation of election malfeasance.

Election assistance and international embeddedness

There is no evidence that SADC provided election assistance. SADC had an existing MOU with EISA to conduct election-related programming including the training for SADC election observers and providing technical assistance. SADC's Electoral Support Unit delegated election responsibilities to EISA. All technical assistance had to be procured in the context of established SADC documents. SADC maintained its own Guidelines on Elections and election observation checklist, which formed the basis for EISA's training.

External actors, such as Western donors and EISA, engaged the SADC-ECF. Before the 2008 election, EISA facilitated the drafting and confirmation of the Principles for Elections Management, Monitoring and Observation in the SADC Region (PEMMO) in 2003. The PEMMO served to support the SADC-ECF in improving election management in the region. According to SADC-ECF documents and interviews with SADC-ECF and UN officials, SADC-ECF received funding from the EU and the United Nations Development Programme (UNDP) to engage in election management improvements.³⁰ Most of the facilitation focused on conducting capacity building training, such as Building Resources in Democracy, Governance and Elections Project (BRIDGE) training. SADC-ECF continues to insist that it has a technical focus on election management and works directly with election commissions. The major areas of concern include staff management, procurement, and election logistics. The fact that SADC-ECF had a technical approach meant that the external donors had limited inroads to broadly influencing SADC practices in elections.

Mediation

Pre-election

Before 2000, SADC had not become involved in election-related matters in Zimbabwe. MDC officials explained that at the time they did not know how to raise concerns with SADC.³¹ However, after the 2002 election in which violence was used, MDC began to refer cases to SADC and the AU. At first, South African vice president Kgalema Motlanthe was appointed to facilitate dialogue between political stakeholders in Zimbabwe.³² After four or five months, ZANU-PF became "confident" in their position and left the formal dialogue. Informally, Patrick Chinamasa and Welshman Ncube began to discuss a new constitution, but ZANU-PF's commitment to negotiations was lukewarm and the constitutional push died in 2005.³³

In light of the flawed 2002 elections, SADC applied modest pressure on Zimbabwe to improve political conditions and augment election quality. More proximate to the 2008 elections were attacks on the opposition in early 2007 (Raftopoulos 2008). Interviews revealed there was a private current within SADC that gained traction among some member states, including Botswana, Tanzania, and Zambia that there needed to be renewal within ZANU-PF and a plan for a leadership transition without a regime transition.³⁴ The SADC extraordinary summit meeting in Dar es Salaam, Tanzania in March 2007 raised the ire of continuing political violence and economic collapse in Zimbabwe. Behind the scenes, member states pushed for the renewal within ZANU-PF without regime change position, but publicly SADC embraced Mugabe and went as far as endorsing the flawed 2002 election. The final communiqué states that "The Extra-Ordinary Summit recalled that free, fair and democratic presidential election were held in 2002 in Zimbabwe."³⁵ The statement reflects a revision of SADC's previous criticism and directly contradicts the private policy goals of many SADC member states.

Nevertheless, the summit's final communiqué did charge Mbeki to serve as the facilitator of dialogue between the Zimbabwe government and its opposition. Whereas elements within the MDC appeared committed to a mediation process, ZANU-PF displayed much more reluctance. Mugabe delayed sending envoys to talks in Pretoria and repeatedly refused face-to-face deliberations with Tsvangirai. And representatives of civil society, who were denied a seat at the negotiating table, rejected Mbeki's strategy of quiet diplomacy; they saw his unwillingness to publicly criticize Mugabe's policies as inadequate to obtain real concessions (Bratton and Penar 2018).

Closer to the 2008 election, the political adversaries attempted to negotiate some modest reforms to the security sector and election practices under the facilitation of Mbeki. Some mediators explained that Mbeki followed the negotiations well and was willing to work at the highest level. Negotiators described Mbeki as being available to the negotiating parties, but not interested in directing the negotiations or determining issues on the agenda.³⁶ This meant that Zimbabwean political stakeholders determined the direction of the negotiations, and there was no coercion from

Mbeki to confront certain matters.

In direct contravention of the negotiations, ZANU-PF declared the election date and SADC did not actively protest the pronouncement. A discussion of the abrupt declaration elicited a resigned and muted response in interviews with opposition leaders. It seemed that MDC-T and MDC-M had resigned themselves to elections and the argument that the Constitution demanded timely elections prevailed. Pre-election reforms focused on the regulation of the media, accreditation of journalists, and the Public Order and Security Act (POSA).³⁷ Opposition leaders indicated that the minimal legal changes made in December 2007 were not implemented before the 2008 elections. Overall, the results of the pre-2008 negotiations reflected SADC's lack of interest in pushing a meaningful leadership transition approach and exposed the weaknesses of Mbeki's approach to mediation.

During election

SADC had grown frustrated with the delays in announcing the results. On 12 April, an extra-ordinary SADC Summit was called for in Lusaka to consider the political crisis in Zimbabwe. Tsvangirai and Biti attended the Summit, and Mugabe was represented by Emmerson Mnangagwa. According to Summit records, then Angolan president José Eduardo dos Santos had the responsibility of framing the debate on Zimbabwe as the chairperson of the Organ on Politics, Defense, and Security Cooperation. This is important because several respondents in interviews noted Angola's close relationship with Mugabe. The Communiqué states that Dos Santos' report "indicated that the electoral process was acceptable to all parties" and that election observation efforts had been sufficient.³⁸ The statement was emblematic of a Summit that was supposed to raise serious questions about the election but instead had highlighted the positives of the elections, including how the parliamentary elections were free and peaceful. Ultimately, SADC did cautiously demand that ZEC release the results and that the process of verification be monitored by political stakeholders. Tsvangirai and Biti are reported to have come away from the Summit partially satisfied with SADC's offer to send observers to ensure a fair count.³⁹ Ultimately, the Lusaka meeting yielded no pressure on ZANU-PF and the SADC monitors did not appear to raise meaningful concerns. The Lusaka Summit preserved the dominance of ZANU-PF allies, mainly Angola, and reinforced the principle that Mbeki would handle the facilitation process single-handily.

In retrospect, some MDC-T officials indicated in interviews that Tsvangirai was "naïve" in accepting the results of the Summit.⁴⁰ Some officials were also critical of Tsvangirai because he accepted SADC's pressure to participate in a second-round. In one interview, an MDC-T official explained how SADC came back to Zimbabwe, but only to verify the results and confirm the figures without any scrutiny.⁴¹ There was, however, some dissent within the modest SADC monitoring team. One South African observer, Hon. Dianne Kohler Barnard, shared her independent view that the count of votes was a farce. The statement received condemnation from the SADC mission leader Kingsley

Mambolo for not following the standards of election observation and SADC procedures.⁴²

Despite the relative inaction of SADC, one of the MDC-T mediators explained that the SADC member states were "feeling the premium, the costs of an unstable Zimbabwe."⁴³ Despite the rising regional cost, opposition respondents strongly believed that ZANU-PF had friends among the liberation countries, such as Namibia and Angola. That being said, SADC and Mbeki did desire for an election postponement, as did MDC-T. The problem was that SADC never questioned nor attempted to delegitimize any of Mugabe's actions when he pushed towards election without any progress in the dialogue. It was a classic fool me once (i.e., the 2007 mediation), shame on you, fool me twice (i.e., after the first-round) shame on me scenario.

The violence before the run-off reached such a point that there are reports of SADC observers being caught up in the violence in Mashonaland. In an interview, Tsvangirai shared that "We were very skeptical because it is one thing to observe and another thing to enforce [...] We were raising these, we were briefing these regional leaders about Mugabe's violence and all that. He would deny it and there was no follow through."⁴⁴ There was a sense that despite some rhetorical support from SADC, follow through was not forthcoming. Considering the overwhelming violence, MDC-T boycotted the elections. When MDC-T and MDC-M leaders were asked about how Mbeki reacted to the boycott, the leaders thought that Mbeki was not happy with the boycott although no public statement was made or communicated privately either way.⁴⁵ The silence of Mbeki on the boycott reflects the difficult position of Mbeki and many SADC states that had genuine concerns about Zimbabwe but were unwilling to use SADC as a platform to make their concerns public.

The election went ahead with SADC observers present and – tacitly – accepting the run-off process despite saying that the elections "did not reflect the will of Zimbabweans." Beyond the motivation of mutual support, when asked about the reasons for the observers remaining in Zimbabwe, there are several theories in interviews: first, SADC wanted to have a foothold in the country to gather information for ongoing and future mediation; and second, there was fear that more violence would occur if SADC observers completely disengaged. SADC's memorable final verdict statement mentioned in most interviews with MDC-T officials is an accurate one, as well as hollow. It is clear that many, perhaps a majority of Zimbabweans supported Tsvangirai, and this was not reflected in the results. But, the SADC commentary stopped much short of calling Mugabe an illegitimate president.

Opposition credibility

Before the election

In the late 1990s and early 2000s, Tsvangirai and the MDC made a series of missteps that had a lasting influence on regional perceptions. In 1999 shortly after Tsvangirai launched MDC, Tsvangirai traveled to Mozambique to meet with Afonso Dlakhamba of Mozambican National Resistance (RENAMO). In addition, Tsvangirai forged links with

the Democratic Alliance (DA) party in South Africa.⁴⁶ Tsvangirai and then DA leader Tony Leon formed a close relationship after Leon traveled to Zimbabwe to meet with Tsvangirai and opposition leaders.⁴⁷ It is not confirmed whether MDC received DA funding, but the fact remains that MDC clearly held a view that a "new frontline" of opposition parties in liberation countries was a key part of their strategy. At first, Tsvangirai does not appear to make any efforts to conceal his entreaties to opposition parties in southern Africa.

The pursued strategy reflected a view that MDC would talk to whoever was willing to talk to it – and provide financing. For instance, the US-based IRI provided support for building party structures beginning in 1993 and before the 2008 election, IRI held workshops to build MDC's capacity. In addition, before the 2008 election, the US helped strengthen the "internal management capacity of the MDC" and provided "technical assistance."⁴⁸ Even if the approach of engaging with neighboring opposition parties and support from Western countries provided significant financial and technical benefits for MDC, it led to deeper regional isolation.

Domestically, Tsvangirai at least tacitly embraced the support of white farmers by taking their financing. These "blunders" allowed liberation movements to brand MDC as a puppet of imperialism. However, in the mid-2000s, Tsvangirai began to pivot to reflect the criticism that he was seeking to topple liberation parties region-wide. By 2008, MDC still paid for its earlier sins since regional perceptions were hard to shake. Further, as the post-election strategy illustrates, MDC highly valued links to Western countries for support, which did not play well in southern Africa.

Post-election

After the 2008 elections, the gulf between MDC-M and MDC-T appeared to widen. An official with then MDC-M suggested that MDC-T became spoil-sports to some degree: "My assessment is that they [MDC-T officials] became extremely arrogant; they acquired this sense of entitlement that they won the elections and they were entitled to have Morgan at statehouse and they were the legitimate government. And, they did not need to reach out to anyone. They developed this cavalier attitude."⁴⁹ The accusation was that MDC-T's approach alienated itself throughout the election process and particularly in the post-election negotiations. MDC-T demanded a transition of power. SADC member states and Mbeki did not take MDC-T's demand for Mugabe to relinquish the presidency seriously and instead legitimized the efforts of the MDC-M faction in advance of negotiations. The lack of unity among the opposition leaders clearly provided Mbeki and ZANU-PF's SADC backers the ability to paint MDC-T as overly radical in its post-election demands in contrast to the "moderate" and "reasonable" MDC-M.

At the early stages of the mediation, MDC-T requested support from extra-SADC organizations, including the AU and the UN. However, the AU and the West and to some degree the UN deferred to SADC and Mbeki's facilitation team. MDC-T was unable to take its grievances to potentially friendlier venues outside of SADC and Mbeki despite

some dissenting voices arising within SADC from Botswana and Zambia. With none of the MDC-T preconditions being met (e.g., an end to the violence and a release of political prisoners), MDC-T agreed to engage in talks with ZANU-PF under the SADC facilitation. When asked about what appears to be acquiescence to ZANU-PF, MDC-T officials all said that the need for talks arose from the need to stop the violence and solve the dire economic collapse. Economic collapse may also have been a reason why Mugabe and ZANU-PF reluctantly began to negotiate. MDC-T gave up their somewhat strong bargaining position and their quest to involve external actors outside of SADC at the outset for the "good of the country."⁵⁰

When the mediation began Tsvangirai insisted on a transfer of power, but did not appear to challenge the direction of the mediation process by demanding Mugabe relinquish power as the dialogue continued. The SADC Summit in August in Johannesburg revealed Tsvangirai's acceptance of Mugabe as the president as long as Tsvangirai achieved significant power vis-a-vis the presidency.⁵¹ The decision to accept the "election" of Mugabe was a major MDC-T concession and contradicts other cautious statements by Tsvangirai and Biti, which questioned the direction of the mediation process. MDC-T's evolution and concession may be due to a fear that SADC and Mbeki would explore a political solution with MDC-M and ZANU-PF leaving MDC-T cut out of government or with limited powers in a final agreement. This calculation is based on the view that SADC already maintained favorable relations with ZANU-PF and would use any opportunity to discredit MDC-T by calling them negotiation saboteurs. At the same time, Botswana's Khama and Zambia's Mwanawasa made statements critical of Zimbabwe. In this instance, MDC-T seemed to suffer from self-doubt in its diplomacy despite securing a parliamentary majority.

Another consideration was the momentum of the political crisis. Neither MDC-T nor SADC was capable to blunting the momentum of the evolving post-election situation. The convening of parliament and Mugabe's threat to form a cabinet received very modest condemnation from SADC on the grounds that Mugabe's unilateral actions were not contributing to dialogue. The opposition mediators uniformly expressed in interviews how Mbeki did not believe it was his place to dictate the terms of agreement or be confrontational with the parties during the negotiations. The lack of structure weakened MDC-T's political position vis-a-vis a ZANU-PF willing to take actions that it wanted unilaterally.

The post-election negotiations resulted in a power-sharing agreement, Global Political Agreement (GPA), signed on 15 September provided a broad-strokes framework in which Tsvangirai – in theory – obtained the reins of policy-making in Zimbabwe, including the ability to oversee a portfolio of ministries. One problem was that the agreement provided too much discretion to the guarantor. The ANC ousted Mbeki just over a week after the agreement signing meaning that facilitation duties may be transferred although Mbeki did maintain his facilitation role. The problem was that the weight of the South African government on issues could not be directly leveraged (despite Motlanthe's backing) through Mbeki. Second, the GPA had many ambiguities on crucial political concerns, particularly the allo-

cation of ministries and how long the agreement would be in effect. SADC did stay engaged throughout, but neither Mbeki nor Motlanthe pressured Mugabe on the allocation of critical ministries, in particular, Home Affairs and Defense. SADC missed the clearest opportunity to pursue an approach to bring about leadership change and meaningful political reform when it failed to back Tsvangirai's insistence on obtaining crucial ministries. Moreover, the consequential death of Zambia's President Mwanawasa removed one of Mugabe's most vocal critics and limited one of MDC-T's avenues for obtaining more regional support. The only vocal Mugabe critic remaining was Botswana's Khama. Almost immediately the ministry framework of the GPA was challenged by Mugabe. ZANU-PF sensing the weakness of the SADC mediation efforts emphasized that all agreements may be reached without regional oversight. Also, in several interviews, respondents shared the opinion that they thought the GPA would lead to fresh elections within a year. This is why MDC and ZANU-PF argued considerably over aspects of election management, such as whether the voters roll should be maintained at the polling station or ward level.⁵² Yet, in actuality, elections did not come early.

When negotiations stalled, Tsvangirai called on Mbeki to relinquish his role in the mediation and appealed to SADC for a better mediator and facilitation team. This fact challenges the narrative that MDC-T was complacent with accepting SADC's imposition of Mbeki. Tsvangirai called out Mbeki's inability to challenge Mugabe suggesting that SADC "did not have the courage." However, Mbeki's true opinions on ZANU-PF came out in a direct attack on Tsvangirai in response. Mbeki cast Tsvangirai's criticism in terms of an "offense" to "African culture, and therefore offend our sense of dignity as Africans." Mbeki also dredged up the narrative that MDC-T was beholden to the "Western Europe and North America" rather than Africa and Zimbabwe.⁵³ The one problem with Mbeki's "analysis" is that if Tsvangirai showed any weakness in negotiating Mugabe would take advantage of the situation, as he did with the election timing and threats to form a government unilaterally. Tsvangirai's frustration grew out of a real sense of repeated failures from SADC and its cartel-like behavior.

One of the negotiators suggested that Mbeki did not appreciate MDC-T's "exhibitionist" approach.⁵⁴ This involved calling press conferences throughout the negotiation to aggrieve aspects of the negotiations. This contrasted with Mbeki's style of keeping things out of the public eye. MDC-T also took their concerns directly to the "fish-mongers group" of Western countries. One negotiator remarked that in the case of any disagreements, MDC-T would immediately inform Western countries. In turn, Mbeki would receive calls from Western leaders ("big brother" in the words of one respondent) with concerns about the negotiations. The MDC-T strategy of turning to Western countries annoyed Mbeki and likely accented ZANU-PF's rhetoric of the MDC-T being a Western proxy in Zimbabwe.⁵⁵ One official familiar with the negotiations suggested that Mbeki "believed in the power of intellect and the power of reason. And whenever he had a conversation with Morgan he found no reason, he found no intellect. And, for that reason, he was always obvious that he had an extremely negative opinion of Morgan's ability and always wondered

why the people of Zimbabwe could think that someone like him could run.”⁵⁶ Ultimately, Tsvangirai and MDC-T could not shake the perception of being captured by the West, and Mbeki’s rebuke of Tsvangirai illustrates this point.

Even Tsvangirai shared some of his reflections about the negotiation process and suggested that ”I think on our part [...] we were clear about the roadmap to the outcome: like for instance, we were putting pressure on Mugabe to negotiate a new constitution and free and fair elections. That we agreed. But, how we were going to outline that roadmap and its benchmarks to achieve free and fair elections at the end - we were not clear.”⁵⁷

In addition, Tsvangirai indicated that another failure was the cohesiveness of the MDC-T negotiators and the party structures. Tsvangirai suggested that the senior negotiators had their own prerogatives and initially tried to negotiate a constitutional draft, but ”there was a weakness in how the negotiators were accountable to the party.” For instance, the negotiators signed the Kariba agreement without consulting the national executive. The lack of coordination that Tsvangirai mentions may also explain why Mbeki was critical of MDC-T and Tsvangirai.

Tsvangirai indicated that the lack of coordination and a roadmap contributed to the ”loopholes” in the GPA. Tsvangirai shared that:

”Negotiators tried to define the agenda instead of the party defining the agenda [... the party was] totally in the dark. Myself as president was being briefed yes and sometimes saying no we can’t accept this. [... But not the party]. Because why? The negotiators felt that if they revealed too much perhaps they will not succeed; people would shoot down the whole exercise. So they were very conservative with the truth of what they were negotiating. And sometimes I have also to accept responsibility as president. I should have ensured that at every stage of the negotiations these people would consult the national executive. They were more interested in concluding the negotiation than the content of the negotiations; what was negotiated.”⁵⁸

Tsvangirai believed that Mbeki was pushing a certain result with MDC-T as a junior partner in government and the negotiators played into Mbeki and ZANU-PF’s hands. Tsvangirai’s reflections highlight some missteps by MDC-T but also point out the difficult negotiating environment in which MDC-T felt weak vis-a-vis ZANU-PF and a SADC that had not proved itself capable of taking Mugabe to task.

Ultimately, Mugabe’s threats to form a cabinet and pursue an early election – without any SADC response – cornered MDC-T into negotiations. Tsvangirai reluctantly agreed to enter into government, without a clear understanding about the particulars of the how the ministries would be divided or run. As one respondent explained, one the day of the swearing-in of ministers, additional ministers were unilaterally added by Mugabe with Tsvangirai feeling as if he could not confront Mugabe on the spot.⁵⁹ Furthermore, the practicalities of dividing the ministries led to MDC-T officials receiving the ”soft” ministries (e.g., economy, electricity, health) and ZANU-PF maintaining the ”hard” ministries (e.g., defense, home affairs, local government).⁶⁰

SADC provided no substantive guidance over the allocation of ministries – another missed opportunity. According to opposition officials, SADC observed Mugabe’s tactics and suggested that it was MDC-T’s fault for not monitoring the GPA and agreements that had been struck about the functioning of ministries. This allowed SADC a scapegoat to wash their hands of guaranteeing the functioning of the power-sharing government. In sum, MDC-T was caught between a ‘rock and SADC’ throughout. Despite deliberate efforts to leverage SADC, SADC was immovable. As a senior MDC official explained: “SADC abused our trust.” Furthermore, critics of SADC’s approach, including Botswana and Zambia (and political factions in South Africa), were largely sidelined. Mbeki kept a grip on the process with a majority of support from SADC countries. MDC-T’s lack of cohesion and diplomatic missteps also contributed to SADC countries largely closing ranks around Mugabe and ZANU-PF.

Zimbabwe’s 2013 elections

After the 2008 elections, SADC faced the twin-fold aims of ending the temporary power-sharing arrangement and returning Zimbabwe to a permanent political order and paving the way for regular elections in 2013. SADC barely succeeded in achieving the former without a clear strategy for securing the later. The hope was that constitutional reform would by itself mitigate some of the election quality concerns as it appeared to have worked in Kenya with the 2010 Constitution and the March 2013 elections. However, the lessons of Kenya should have illustrated that even with three years to prepare multi-sector reform, it was still not enough time for a new constitutional dispensation to significantly improve election quality. In Zimbabwe, the time gap between the constitutional referendum and the election was just over three months. The timeline to elections was certainly not long enough to secure reforms to institutions, such as the security sector, election commission, and registrar general, with the responsibility of ensuring free and fair elections.

As 2013 election case study reveals, all relevant actors – MDC-T and SADC member states – knew this was the case. Yet, for MDC-T, there was pressure to go to elections on a short timeline and a prevailing belief that a win was inevitable despite credible opinion surveys showing otherwise. And, for SADC, there was an underlying intention to prolong the preparation process until some crucial reforms were implemented. Yet, in the face of Mugabe’s determination to have elections when he wanted, SADC simply stood by and MDC-T provided the cover they needed to “wash their hands” of Zimbabwe. The feat of facilitating the new constitution-making process also allowed SADC to claim some sort of success – at long last – in Zimbabwe.

Election quality information

Election observer missions

Similar to 2008, ZEC and the foreign ministry offered invitations to Africa-based regional organizations and countries with good relations with ZANU-PF, such as Algeria, Ethiopia, Uganda, China, Iran, and Cuba. When asked about invitations to Western observer groups, such as the EU and the Carter Center, Tsvangirai explained that they tried to invite other observers.⁶¹ However, ZANU-PF demanded that Western observers not be permitted.⁶² According to MDC-T officials, it was the prerogative of the Ministry of Foreign Affairs – a ministry controlled by ZANU-PF in the unity government – that made the decision not to invite so-called Western observer groups.

Yet, in contrast to 2008, SADC-PF was able to observe the elections and filed their own independent report. The nature of SADC-PF's mission appears to have changed, but not in a way to improve its independence and methodology. Instead, SADC-PF observers reflected the same lack of cohesion as SADC missions, with representatives from individual countries protecting their country's diplomatic prerogative. This entailed separate country contingents offering their own assessments.

SADC applied the same procedures for appointing observers through bilateral channels as before and did not deploy a long-term observation mission. There is no evidence that SADC attempted to improve the approach or methodology of election observation in advance of the 2013 elections. In interviews, respondents familiar with the SADC observer mission defended the short-term observer deployment noting that the uncertainty about the election date made it difficult to plan an advanced and orderly deployment. The SADC deployment was significantly large, with 573 observers.⁶³ However, by the time the SADC observers arrived in Zimbabwe on 15 July, special voting had already occurred on the 14-15 of July, with ZESN already raising concerns with the process and the possibility of double voting.⁶⁴ SADC and those arranging the observer deployment did not comment extensively on the uncertainty about the election date at the time of the election. Further, there was no demand that time be given to deploy a long-term observer mission.

In contrast, the AU – using its more robust election observation methodology – deployed a 9-member long-term observation mission that deployed on 15 June.⁶⁵ The AU LTO mission was small and quickly organized after the date of the elections was announced.⁶⁶ The AU short-term observer team of 60 arrived much closer to the election date on 23 July. Like SADC, the short-term observers were not present for the period of special voting in mid-July. As the election began, only ZESN and a small AU contingent were present on the ground. ZESN deployed a sizable 7,099 member observer mission across the country. ZESN also quietly deployed a "survey based observation" with a PVT component. According to a ZESN official, the observers were well prepared to conduct the observation mission with ICT functioning effectively.⁶⁷

Existing election concerns

Unlike previous elections, the new Constitution mandated that several changes occur with respect to the management of elections, as well as the expectation that changes would take place to the media environment, electoral law, and the freedoms surrounding association. Civil society workers deemed this process the "implementation phase" or the "alignment phase" in which Zimbabwe's canon of law needed to be reconciled with the new Constitution. In particular, ZESN states that stakeholders "expected that the Electoral Act, POSA and AIPPA would be amended."⁶⁸ The problem is that no observers except ZESN monitored the "alignment environment" and the period for the election preparation – even if there were to be an honest effort – was cut short. Again, just like in 2008, Mugabe unilaterally selected a date for the harmonized election (31 July) with the aid of a Constitutional Court ruling compelling Mugabe to do so. Instead of a consultative alignment process, Mugabe sought to make amendments to the law without consent from Tsvangirai and MDC-T. If the alignment process was going to be critical to creating the environment for credible elections, observers were not focused on this process. The only independent reporting came from ZESN. This is what set the stage for a permissive environment – the "ambiguity of alignment" and the limited number of international observers (i.e., the AU LTOs) – for Mugabe and ZANU-PF to pursue the electioneering strategy it desired.

Among many concerns, the largest shortfalls came from the truncated voter registration process, the inaccurate voters' roll, and ZANU-PF tactics made to exploit elements of the election process, such as special voting (e.g., security service and civil servants) and the overuse of voting slips while at the same time turning away eligible voters. The truncated registration period most likely disadvantaged voters in urban areas, particularly in "high-density" areas of Harare. ZANU-PF hoped to gain advantages by lowering turnout in more MDC-T friendly urban environs. According to one candidate in the Harare area, special voting of government personnel, mainly the security sector, was used to engineer wins in districts, which were assumed to be MDC strongholds.⁶⁹ The accusation stems from state personnel (e.g., military regulars in barracks) strategically sent to vote in particular districts to dilute MDC support.

ZESN documented the use of 'light' coercion, including high rates of assisted voting and efforts to encourage voters with questionable status to vote. In terms of ICT, several opposition respondents accused an Israeli firm, NIKUV, of supporting ZANU-PF's efforts to dominate the ICT infrastructure and make it vulnerable to manipulation.⁷⁰ Bratton, Dulani and Masunungure (2016) illustrates with evidence from a public opinion survey that it is quite possible that Mugabe may have garnered more votes than Tsvangirai, but as an insurance policy, ZANU-PF overdid election fraud. The overkill manipulative tactics, in fact, led to more criticism of ZANU-PF domestically. However, there was only very modest criticism from SADC.

As a sign of the atmosphere and secrecy surrounding election management, the office of Registrar General played games with the voters' roll by refusing the opposition MDC-T to view the list in a timely fashion or in a format that could be easily interrogated. At least two officials familiar with ZEC complained about the intransigence of the

Registrar General to procure an accurate voters' list.⁷¹ In one interview, the respondent clearly labels the Registrar General at the time as a pro-ZANU-PF operative. Sources familiar with ZEC shared other frustrations about ZEC's institutional constraints to carry out a credible election. One of the major complaints involved not only the short election timeline in 2013 but also the fact that ZEC is not a permanent body that meets consistently. ZEC is constituted of appointees who have their regular profession (e.g., judge, professor, lawyer) in addition to their short-term active tenure (i.e., the three months before and three months after elections) running elections. This effectively means that ZEC itself is not able to monitor election conditions much before election day. In addition, some of the ZEC commissioners were ZANU-PF stalwarts according to sources close to the election commission. The same sources explained how ZANU-PF supporters in ZEC hampered the efforts of Rita Makarau, the ZEC chairperson, to make even limited improvements to election quality, such as interrogating voters' roll.

The clear incidences of election malfeasance did not go unnoticed by civil society and ZESN, but certain ambiguities about the scope of the malfeasance allowed late arriving SADC and other international observers to withhold harsh judgment. SADC and other observer groups did not offer any resistance to what appears to be a concerted effort by ZANU-PF to keep observers at least partially in the dark. Furthermore, in advance of the 2013 elections, there appeared to be some level of distrust between ZESN and SADC, with SADC viewing the domestic observers as overly critical, activist, and MDC-inclined.⁷² There is little evidence that productive relationships existed during the 2013 election process. Most of ZESN's functioning relationships were with SADC-ESN, regional civil society (e.g., SADC-CNGO), and to some degree SADC-ECF.⁷³ Therefore, much of the outcry from ZESN was viewed skeptically by the African regional observers.

Observers' judgments of the elections

Early in the election process, former Nigerian president Olusegun Obasanjo – who is known for being blunt and offering his personal opinions in election observation missions – indicated at one point that he had "grave concerns about the voters' roll." His 70-member AU observation mission went as far as suggesting that some aspects of the process seemed "to have breached the law." In particular, the AU mission raised the concerns of eligible voters being turned away.⁷⁴ The problem with the AU's statement was that there was an assumption that the political tensions between political stakeholders and election-related institutions (e.g., ZEC and the Registrar General) could be bridged with the short timeline. For the AU, glaring malfeasance was chalked up to poor "pre-election perceptions" and management shortcomings, such as the failure to publicly display the voters' roll in a timely manner. In short, the critique came from the point of bureaucratic electoral management and appeared divorced from the political tensions that soured stakeholder relations at the outset. Nevertheless, the AU was broadly critical, but offered no actionable information and stopped short of condemning the process. In fact, the AU judged the elections to be "free, honest,

and credible.”⁷⁵

SADC was even less critical and struck a diplomatic and mostly condescending tone towards MDC-T in their early statements. The SADC team led by Bernard Membe, Tanzania’s Foreign Minister, praised the orderly nature of the election, deeming it “free and peaceful,” but stopped short of pronouncing it fair (Bratton and Penar 2018). Membe explained in a press conference after the election: “At what cost can the election be nullified? I know that it is painful at the moment, but political parties should accept and move on for the good of the people. In politics, we do all the campaigns and win, but also we have to face a reality and move on. That is what we call political maturity.”⁷⁶ The remarks reflect how the observers, in particular SADC, indicated that though there were problems with the election, there would be no regional support for mitigating election grievances and the “outcome” would stand. In fact, one high-ranking MDC-T official explained in an interview that Membe privately criticized MDC-T for the existence and the potential continuance of so-called sanctions in Zimbabwe.⁷⁷ The accusation reflected a view within SADC that “solving” the political impasse in Zimbabwe could give way to relief on so-called Western sanctions – despite the sanctions only being levied against top ZANU-PF officials and essentially lifted after the Constitution vote – and thereby relieve the economic concerns of Zimbabwe. Added to this calculation was the fact that the EU announced that the observations of SADC would be taken into account when reassessing EU policy towards Zimbabwe. This provided an even greater incentive for SADC to overlook election quality concerns and lower the bar. Speaking as the facilitator appointed by SADC, Zuma extended “profound congratulations” to Mugabe on his re-election in a “successful” vote and called for all parties to accept the result (Bratton and Penar 2018).

Not all SADC member states gave the elections approval. Botswana’s contingent of observers within SADC-PF and SADC – 80 members strong – took a costly step of producing its own dissenting opinion stating that observers from the country had to “preserve our own integrity both as individuals and representatives of our Parliament and country.” This statement illustrates how member state observers clearly viewed themselves as extensions of their sending country. The Botswana dissent emphasized the concerns with the voters’ roll and blamed the Registrar General for the failure to audit the roll, including not distributing the roll in a usable format and in a timely fashion. In addition, the delegation noted how the Zimbabwe government raised the barriers to registration. Connected to this critique were the high rates of voters turned away and on the flipside the prevalence of special voting. Ultimately, the Botswana delegation condemned the elections as not free, fair, nor credible: “There is no doubt that what has been revealed so far by our observers cannot be considered as an acceptable standard for free and fair elections in SADC.”⁷⁸

Botswana’s dissent did not receive any support in Africa, but the criticism was similar to Western countries and organizations, such as the US, UK, and EU. These Western countries questioned the entire process and pointed out some of the flaws mentioned in observer reports. Western countries generally condemned the election and deemed

the process not a credible election.⁷⁹ However, the criticisms did not amount to significant diplomatic pressure on Mugabe and ZANU-PF or a direct rebuke of the African regional organizations observing the elections. SADC had successfully played its role as a shield to Zimbabwe and an apt signaler of the region to the West about Southern Africa's willingness to embrace Mugabe's victory. The clearest signal came after the election when Mugabe took the presidencies of SADC and the AU in quick succession after the 2013 election.

Election assistance

Formed in August 2004, the SADC Electoral Advisory Council (SEAC) was set up to advise on democracy and election concerns. A new 15-member SEAC was inaugurated in April 2011.⁸⁰ Nominees come from SADC member states and represent a range of lawyers, judges, diplomats, and academics. The major concern is that most SEAC members have significant linkages to their nominating governments. The Electoral Support Unit of SADC though positioned in the Secretariat in the Directorate of the Organ on Politics, Defense and Security Cooperation is supposed to support SEAC. SADC allows for a slim three-member permanent staff in its Electoral Support Unit: a politics and diplomacy officer, elections and governance officer, and a research officer.

Interviews with two SADC officials revealed that SEAC had significant influence over policy, but that the independence of SEAC was limited due to the appointment structure.⁸¹ In this arrangement, officers within the Electoral Support Unit felt that their primary responsibility was to work with the SADC Secretariat to implement policy largely dictated by the Heads of State, the Council of Ministers, and SEAC, rather than craft policy. Despite clear deference to the structures and constraints of the SADC apparatus, the election officers felt that little by little the Electoral Support Unit could act as a focal point for proposing new policies. At the time in 2013, the Electoral Support Unit proposed a set of revised guidelines for election quality in the region. The SADC officials expected that the revised document would be approved by SADC heads of state and ministers (before Zimbabwe's election). However, the revised guidelines were only agreed and assented to two years later after substantial debate. The long process of enacting the revised guidelines reflected the skeptical sentiment of member state diplomats and officials in other SADC departments.⁸² Without revised guidelines and very little improvements in the process of selecting and supporting election observers, the Electoral Support Unit's ability to procure election assistance was severely limited. Officials at SADC attempted to illustrate how election observers were receiving better training and logistics for missions.⁸³ However, the methodology of deploying short-term missions with state contributions persisted. Electoral Support Unit staff clearly identified these structural constraints as deficiencies and desired to have a professionalized approach to election observation. SADC member states resisted.

With only three months until Zimbabwe's 2013 elections, there was almost no talk about preparations for election assistance. The silence is likely due to the lack of preparations, the limited knowledge of the election timeline (at the

time), and a general fear of sharing one's thoughts on the situation. There is no evidence that SADC gave election assistance in advance of the election. There was no pre-election mission sent to assess election conditions nor was a long-term observation mission deployed. Any election assistance flowed bilaterally to Zimbabwe, mainly in the form of monetary support for the financial costs of the elections. Most of the external funding came from South Africa in the form of 100 million USD in support.⁸⁴

On the other hand, SADC-ECF claims to have contributed to the regional debate over election standards and provided a focal point for the dissemination of best practices of election management. One of the things that SADC-ECF emphasized was that there was a need to harmonize guidelines for elections at the regional level because the guidelines from EISA, the AU, and SADC operated independently. A SADC-ECF official explained that harmonizing guidelines was a critical step that allowed SADC-ECF to support its members to lobby their governments for reform.⁸⁵ In 2013, SADC-ECF observed Zimbabwe's 2013 constitutional referendum and the subsequent national elections. However, SADC-ECF maintained feedback that was diplomatic and focused on the technical aspects of the elections. Further, there is no evidence that SADC-ECF procured a significant amount of election assistance to ZEC or stakeholders before the 2013 elections in Zimbabwe. It does not appear that SADC-ECF's efforts to disseminate best practices was successful when it came to the institutional design of election commission. The part-time ZEC is a bit of an outlier among the members of SADC-ECF. Most election commissions in the region had standing election commissions with dedicated commissioners.

Almost all of the election assistance came from EISA. In 2011, an MOU was signed between EISA and ZEC to improve election management, stakeholder engagement (e.g., civil society and political parties), and augment the level of voter education.⁸⁶ EISA worked directly with ZEC to craft a voter education manual. On more politically-relevant areas, EISA supported ZEC by arranging panels on conflict management in South Africa, supporting multi-party liaison committees, and helping ZEC navigate an often antagonistic relationship with the media.⁸⁷ EISA also worked with ZEC to improve voter registration, but this support became limited after the constitutional referendum. Officials familiar with EISA's support to ZEC noted that Zimbabwean political leaders wanted to control the election process. Eventually, EISA was forced to abandon much of its election assistance because of interference and political intransigence. As an official familiar with EISA's support remarked, EISA is a Pan-African organization, which makes it "uniquely" placed to do work with African countries; however, EISA had certain principles it was unwilling to compromise despite being diplomatic.⁸⁸ In short, there was a limited role for EISA election assistance before the 2013 elections. Most of the success that EISA had involved helping ZEC engage stakeholders, such as ZESN in the context of conducting workshops.

Mediation

GPA and new constitution

As he did repeatedly when outmaneuvered, Tsvangirai took his grievances to SADC, the guarantor of the GPA. In a vigorous round of diplomatic appeals, he toured African capitals to raise the alarm about the resumption of political obstruction and state-sponsored terror. In an apparent breakthrough, the SADC Organ on Politics, Defense, and Security a "troika" composed of the heads of state of South Africa, Zambia and Mozambique issued an unusually sharp rebuke to Mugabe. In a statement after meeting in Livingstone, Zambia on 31 March 2011, the regional leaders "noted with grave concern the polarization of the political environment as characterized by, inter alia, resurgence of violence, arrests, and intimidation" (Bratton and Penar 2018).⁸⁹

By this time, Zuma had replaced Mbeki as ANC party leader (in December 2007) and state president (in May 2009). From his support base on the left of the ANC and in the SACP, COSATU and the ANC Youth League, Zuma staked out a tougher stance on Zimbabwe. Before taking up office, he criticized Mbeki as one of those world leaders "who witness repression and pretend it is not happening" and rebuked Mugabe for refusing to step down after losing the 2008 election (Bratton and Penar 2018).⁹⁰ MDC-T officials expressed in interviews that they believed that Zuma would take a harder line on Mugabe. However, in practice, officials had grave concerns about Zuma's diplomatic skills to achieve a harder line: "the facilitation team of Mbeki [...] had a proper coordination and they knew what they wanted to achieve, and they had the skills to achieve it. They [Mbeki's team] were biased, but they had an answer and they would drive all over us with that answer. With the other facilitation team, themselves I don't think they had the same skill - less skill. [...] Very willing, but less effective."⁹¹ When asked about whether Zuma had a desired outcome for Zimbabwe, which involved a plan for leadership transition, one respondent stated that "I did not see it [a plan]. When there was a crisis they were there, when it was done, it was OK."⁹² Ultimately, the assessment was that it was just talk from Zuma without structure. Despite reservations about Zuma's approach to facilitation, Zuma did speak for the SADC troika in 2011, stating: "It is time for SADC to speak with one voice in impressing on all the parties concerned that the situation can no longer be tolerated."⁹³

Thereafter, and even though Mugabe periodically threatened to pull Zimbabwe out of SADC, the struggle over rules for the election was played out within the framework of a SADC "roadmap."⁹⁴ This charter included a set of liberalizing reforms to revise the voters' roll, permit private broadcasting, speed up the announcement of election results, allow free assembly, and prohibit political hate speech. Other issues, such as the recruitment of non-partisan staff for the electoral commission and public commitment by the security chiefs to uphold the rule of law were non-starters due to ZANU-PF obduracy (Bratton and Penar 2018).

By disciplining Mugabe, SADC seemed to have taken decisive action to settle the political impasse in Zimbabwe.

In practice, however, the SADC-sponsored election roadmap represented a retreat from a broad reform agenda. In its place, the international facilitators adopted "a strategy of containment and deterrence, intended primarily to avert widespread violence and ensure that elections are reasonably credible."⁹⁵ All parties, SADC included, became distracted from pursuing electoral reforms by the effort to design and pass a new constitution, which was a GPA requirement. In addition, SADC failed to follow through on its role as guarantor to the GPA by establishing a permanent and effective presence to monitor in-country developments. As a result, both international and domestic actors were ill-prepared to counter conditions that undermined the integrity of the vote as elections fast approached after the ratification of a new constitution in March 2013 (Bratton and Penar 2018).

The purpose of the government of national unity was to lay the groundwork for a new constitutional order. However, the power-sharing government arrangement precipitated intense distrust between ZANU-PF and MDC-T. In addition to retaining the "hard" ministries of security, intelligence, and judicial services, ZANU-PF refused to cooperate with MDC-T in these issues areas (Bratton 2014). This was done through overt ways of defining policies without consulting or even briefing MDC-T's deputy ministers. MDC-T ministers and deputy ministers shared their frustration with mobilizing the civil service behind policies and tactics designed to segment ministries through the creation of sub-ministries. The intense friction within government did not provide the confidence for constitutional or election-related negotiations. Both ZANU-PF and MDC-T wanted to call for snap elections to change the balance of power (Bratton 2014).

SADC did exercise pressure over the parties in the constitution-making process. The concern about the process dates to the SADC Summit in Windhoek in 2010 when SADC laid down an implementation matrix for the GPA. According to a Constitution Parliamentary Committee (COPAC) official, MDC-T was not pressured to support the constitution prematurely by SADC. MDC-T was reportedly content with the new constitution because it included a bill of rights, security sector and electoral reforms, new institutions (e.g., Ant-Corruption Commission), and devolution.⁹⁶ When it came to the constitution, SADC provided feedback on the procedure, rather than the substance of the constitution. The only noted direct intervention from SADC came when Mugabe attempted to delay the final agreement on the constitution. According to an official in COPAC, SADC wanted the results of a referendum to ensure that any new constitution had popular consent in advance of new elections.⁹⁷ The referendum was largely judged by SADC and other observers as free and fair; but of course, there was no intense political contestation surrounding the referendum.

In advance of the 2013 elections

Because Zimbabwe's 2013 presidential and parliamentary elections represented the culmination of a period of power-sharing, the political stakes were high.⁹⁸ Henceforth, power would be divided: the winner would go on to govern

without the constraints of forced coalition. Historically, elections in Zimbabwe had always been a focal point for violence. However, at least on the surface, the 2013 campaign appeared peaceful. All parties wished to avoid a replay of the disastrous 2008 presidential runoff, which had triggered the need for power sharing in the first place. Even ZANU-PF elites recognized that, given past precedents, the quality of the 2013 contest was an object of intense international scrutiny. The ruling party, therefore, kept its overt terror tactics in reserve, to be used only if other methods of electioneering and manipulation failed. Because the economy had partly recovered under the Government of National Unity (GNU) and windfall diamond revenues had become available, the incumbent government could campaign in 2013 by substituting patronage for violence. But an atmosphere of relative peace did not mean that ZANU-PF had dismantled its infrastructure of military, intelligence, police, and militia forces around the country. Earlier episodes of political violence served as a constant reminder, especially to the rural population, of the consequences that might befall them if they voted the "wrong" way. Thus, the ruling party stood ready to reap a harvest of fear that it had sown far earlier (Bratton and Penar 2018).

Moreover, international election observers announced less stringent criteria. SADC's early calls for "free and fair" elections were replaced by references to the need for a "peaceful" and "credible" contest.⁹⁹ Fatigued by a seemingly endless political standoff in Zimbabwe, Western governments were anxious to normalize relations with a legitimate government. As mentioned before, the EU chose to interpret widespread popular support for a new constitution as a justification to resume direct aid to the government and to lift targeted sanctions on all but the most hardline ZANU-PF leaders. The UN also backed off meekly when ZANU-PF refused prospective funding for the elections because of conditions requiring the presence of international election observers. Instead, the international community lined up behind SADC, represented by Zuma, as their agents in monitoring the elections (Bratton and Penar 2018).

The run-up to the 2013 elections was fraught with last-minute drama. On 31 May, Zimbabwe's newly created Constitutional Court issued a surprise ruling that elections must be held by 31 July. A presidential proclamation quickly confirmed the accelerated schedule. In an argument that received a sympathetic hearing in some SADC circles, opposition parties argued that insufficient time remained for voter registration, inspection of the voters' roll, candidate nomination, and the election campaign. Armed with lawyers, both sides argued their positions at a mid-June SADC summit in Maputo (Bratton and Penar 2018). When asked about the Constitutional Court ruling in relation to the discussion in Maputo, Tsvangirai said that "SADC was trapped [...] when I look at it I say my goodness [...] They were helpless. I was there in Maputo when they were discussing this issue. And they all said we have no jurisdiction over matters of national laws or national court. So, go back and observe the judgment of the court [...] yes you have to go to elections."¹⁰⁰ Tsvangirai lamented a "perfect appeals" process if the SADC institutions allowed it, but with the SADC Tribunal dismantled, there was no regional legal recourse.¹⁰¹

MDC-T officials claimed to have argued that SADC must make an election contingent on the implementation

of electoral reforms in the alignment process. MDC-T did make a statement that shared the major shortcomings present before elections: an unprepared voters' roll, no "leveling of the playing field" (in Tsvangirai's own words), and security could not be guaranteed. Tsvangirai shared that he thought that "if we [MDC-T] had taken a stand, under these circumstances we will not go in, I think SADC would have backed off. They would have said look there is no way that one party can impose their will on another. [...] We could have done that."¹⁰² But, MDC-T officials lamented that in hindsight it was easy to view their strategic mistake. A source close to the Maputo meeting indicated that there was a quiet hope that elections could be delayed.¹⁰³ In the end, the Maputo meeting produced a symbolic compromise that acknowledged unimplemented electoral reforms but essentially allowed the early voting date to stand. The upshot, therefore, was that elections were permitted to proceed without security, electoral and media reforms, and in a climate conducive to a high-quality outcome (Bratton and Penar 2018).

This narrative would be incomplete without reference to the last-minute roles permissive at best, adverse at worst played by key international and domestic actors. On the international side, Zuma called into question his reputation for taking a harder line than Mbeki. He intervened to undercut Lindiwe Zulu, leader of his own mediation team for Zimbabwe, who had argued for a postponement of the elections since preparations were "not looking good." Responding to an aggrieved outburst from Mugabe, Zuma censured Zulu's "megaphone diplomacy," effectively silencing SADC's most critical public voice. On the domestic side, Tsvangirai reportedly insisted on adhering to ZANU-PF's tight election schedule despite an apparent willingness from SADC to entertain the possibility of a delay. Behind the scenes at the Maputo summit, South Africa along with Mozambique, Botswana, Zambia, and Tanzania reportedly urged the MDCs to stay out of the elections because the outcome was pre-determined. But Tsvangirai decided to go ahead anyway, either because he thought MDC could win a ballot contest or because he worried that Mugabe would proceed to an election without him. But this erratic decision was a key factor in causing South Africa to wash its hands of a tortuous mediation process of which it had long grown tired (Bratton and Penar 2018).

International embeddedness

As noted in chapter 3, SADC has maintained a position in opposition to becoming too embedded in non-African international networks. The 2013 Zimbabwean elections illustrate the desire to self-isolate by embracing SADC and limiting other external influences. As a result of the poor economic conditions, Zimbabwe could barely afford the constitutional referendum and subsequently had no funds – other than the finances ZANU-PF used for its own patronage – to pay for a general election. At first, the UN explored financing the elections with about 132 million USD. Although ZANU-PF entertained the UN support, the party tried to obtain funds from SADC neighbors as a first resort. In contrast, MDC-T wanted to use the financial deficit to solicit international support for funding and election assistance. Biti cited the lack of funds as a central issue preventing free and fair elections. Ultimately, ZANU-PF's

entreaties prevailed and a 100 million USD support package from South Africa settled the matter.

Patrick Chinamasa, then the justice minister, stated to the local press that UN funding for the election would open the door to external inference.¹⁰⁴ Chinamasa suggested that the UN wanted to support MDC-T: "It was clear that the team wanted a broader mandate and from today's meeting we saw that they wanted to hand-hold the MDC formations in their relationship with ZANU-PF, and that we reject."¹⁰⁵ Chinamasa also stated that: "They kept on talking about security sector and media reforms, all sorts of euphemisms, not even mentioning sanctions that are poisoning our electoral environment. We remain alert to any attempts to manipulate, infiltrate and interfere with our internal processes and we are happy we have parted ways with them."¹⁰⁶

ZANU-PF clearly did not want any external actor perceived to push changes to the election environment, including ensuring that constitutionally mandated reforms be enacted before a general election. It is not clear what Biti's position on the UN funding was, but there is not much evidence to suggest that MDC-T resisted the ZANU-PF position taken vis-a-vis the UN. In short, ZANU-PF was successfully able to wall itself off from UN influence, and it relied on South Africa to do so. Put another way, it appears as if Zuma's diplomacy also aided and abetted Mugabe's international self-isolation. One can question whether South Africa could have used the issue of delaying funding to leverage a later election date. In response, respondents familiar with South Africa's diplomacy noted that South Africa feared that without finances for the election, the election would still go ahead with even worse election conditions.

EISA was the only accredited organization working directly on elections in Zimbabwe, and EISA maintained good relations with the UN. In the constitutional referendum, EISA helped with the management. For the general election, Biti and Chinamasa both agreed that ZEC may work with EISA to attempt to obtain funding. During the process of attempting to secure election funds, Zimbabwe approached EISA with a 42 million USD budget with the hopes that EISA could broker the finances while holding potential financiers (in Western Europe) without direct influence over the election process.

After the first talks, EISA approached donor countries and multilateral organizations, such as the EU. In response to the fund requests, the donor countries indicated that they could not offer bilateral funds without consent and cooperation of the UN. The European countries required some access and influence over the election process and the budgetary procurement. The problem was that EISA could not guarantee the European donors that EISA would have the ability to fully monitor the procurement of funds and arrange the tendering. Therefore, EISA could not play an intermediary role between the donor countries and Zimbabwe. It was an opportunity for Western donor countries to exercise at least some indirect influence, but pre-conditions did not allow it.¹⁰⁷

After the elections, EISA's Zimbabwe country office was closed because donors lost any interest in supporting programming. In particular, the donors were not happy with ZANU-PF's efforts to undermine the constitution, specifically the intransigent Office of the Registrar General, which maintains the voters' roll.

Opposition strategy outside of the mediation process

One of the most important changes was that Tsvangirai began to engage African neighbors. Tsvangirai emphasized relationships with Botswana, Côte d'Ivoire, Ghana, and Gabon.¹⁰⁸ In particular, some MDC-T officials explained how these relationships provided support for MDC-T's reformist agenda. Tsvangirai explains clearly in an interview that MDC-T attempted to become a well-recognized, Africa-centric party. In the pursuit of this goal, MDC-T severed links with the DA Party of South Africa. On the other hand, MDC-T did engage with the ANC of South Africa and BDP of Botswana. However, MDC-T made no efforts to lobby or form relationships with ruling liberation parties Mozambique Liberation Front (FRELIMO) and South West African People's Organisation (SWAPO). These were no-go zones for regional lobbying. It is not clear how effective the re-branding of MDC-T was at the SADC level; however, it appears that MDC-T did use its advantage as being part of the government to achieve an audience with other African countries.

Similar to the 2008 elections, MDC-T pursued a limited and inchoate strategy to improve election quality mainly because MDC-T had no clear theory about what changes to election quality would improve its chances of success. On the one hand, MDC-T attempted to buy time in order to ensure that constitutional reforms were put in place. In addition, MDC-T wanted to ensure that the playing field was more even in the management of elections (Bratton 2014). On the other hand, MDC-T insiders continually misjudged its popularity and underestimated growing ZANU-PF support. This made the party less recalcitrant and resistant to slowing the election preparations down. Furthermore, MDC-T sought to close some election loopholes, such as maintaining a secret ballot, while opening others, such as allowing voter slips. Since there were many problems with registering voters (Bratton 2014), Biti agreed that voter slips should be used to ensure that potential voters on the rolls could vote. The problem with this "quick fix" was that it allowed an opening for abuse by ZANU-PF. In addition, the opposition continued to be factionalized with MDC-N maintaining its own autonomy. Internally, some of the same problems with a lack of internal party cohesion also plagued the MDC-T party. Comments after the 2013 elections by former Tsvangirai allies, such as Biti and Mangoma, reflect the divisions and strain that existed within MDC-T during the 2013 election.

Finally, the crucial decision not to boycott or challenge the election timeline proved significant. As mentioned, some SADC countries at the Maputo Summit believed that a delay in Zimbabwe's election timeline was necessary to implement reforms dictated by the new constitution. All MDC-T officials interviewed lamented the decision in hindsight to move ahead with Mugabe's favored timeline and ignore the advice of some of the SADC countries. Officials familiar with MDC-T's operation indicated that the leaders of the party believed that an election victory was going to happen regardless of the lack of reforms. In two interviews, respondents noted that any evidence, such as survey results from Freedom House and Afrobarometer, suggesting that ZANU-PF held a lead in support were dismissed as inaccurate. Moreover, MDC-T officials pointed to the size of crowds at rallies to justify their optimism.

This thinking led to a self-fulfilling prophecy when it came to the election timing and the lack of resistance over the election date.

Conclusion

Tsvangirai said, "We wanted a free and fair election and that free and fair election is premised on the various standards that SADC has outlined itself." MDC-T officials indicated that SADC did not have a full picture, but with the 2013 election process being peaceful, SADC was able to "wash their hands" and deem Zimbabwe a "closed chapter." Even Khama of Botswana was frustrated with Tsvangirai and MDC-T's strategic decisions. Many SADC countries were happy to give a stamp of approval to the process ("credible") because it signaled to the West that relations could be reconsidered. In turn, the region hoped Zimbabwe's financial crisis would begin to ease. The result came at the cost of applying SADC's stated principles of democracy and governance. In sum, the thirteen-years of SADC's attention to Zimbabwe's political crisis ended with very little to show for it. SADC helped facilitate the constitution-making process, but the promulgation of the constitution and Zimbabwe's first act under the new constitution was a shameful election.

SADC missed several opportunities to improve the quality of the 2008 and 2013 elections. Although information about the problems with the election was present, it did not become actionable nor did regional observers attempt to get the full picture of the election failures. There was no learning about constituting professional election observation missions between the two Zimbabwean elections. Crucially, SADC did not invest in election assistance institutions nor did it engage international partners throughout the period. Finally, the facilitation process failed to support Tsvangirai and MDC-T's call for meaningful reform. The facilitation largely lent quiet support – despite some internal dissent within SADC – for ZANU-PF and did not enhance MDC-T's bargaining position. This was only compounded by MDC-T's strategic blunders – though partially due to domestic political and regional constraints. In the end, SADC proved highly ineffectual at improving election quality in Zimbabwe.

Notes

¹SADC subsequently adopted a revised set of guidelines in 2015. This chapter will use the 2004 version as the reference point since it was in effect throughout Zimbabwe's 2008 and 2013 elections.

²In a candid interview conducted in May 2013, one senior SADC official lamented how boring and disempowering it is to work at SADC Secretariat because the Secretariat does not have power vis-a-vis the member states.

³Interview with one of the chief Constitution Parliamentary Committee (COPAC) members representing MDC, October 2014 and an interview with a representative of MDC to the SADC facilitation, November 2014.

⁴SADC Election Observer Mission. 27 June 2008. "SADC Preliminary Statement."

⁵Commonwealth Observer Group. 30 June 2000. "The Report of the Commonwealth Observer Group."

⁶Organization of African Unity (OAU). July 2000. "Interim Statement."

⁷Commonwealth Observer Group. 14 March 2002. "Preliminary Report" and "Report of the Commonwealth Observer Group."

⁸Andrew Meldrum. 16 February 2002. "Mugabe Throws Out EU Observer." *The Guardian*. Online: <https://www.theguardian.com/world/2002/feb/17/zimbabwe.andrewmeldrum> Schori had headed the EU mission for the 2000 elections and had called the previous result into question.

⁹Khabele Matlosa. 2002. "The Role of Observer Missions in the SADC Region: Promoting or Hindering Democracy - Zimbabwe a Case Study."; EISA. February 2002. "Foreign Observers and the 2002 Zimbabwean Presidential Election." Online: <https://www.eisa.org.za/wep/zim2002om3.htm>

¹⁰ANC Today. March 2002. "Zimbabwe Presidential Elections." Vol. 2, No.11

¹¹Chantelle Benjamin. 14 November 2014. "M&G Wins Right to View Khampepe Report on Zim Elections." *Mail & Guardian*. Online: <https://mg.co.za/article/2014-11-14-mg-wins-right-to-view-khampepe-report-on-zim-elections/>

¹²The use of the academic literature may in part reflect the absence of specific regional standards of election quality at the time. From the discussion, the Report summarizes that "the word 'free' relates to the freedom or options or absence of impediments, voters, individually or collectively enjoy in relation to the electoral process. The word 'fair' relates to whether the environment and systems within which elections are prepared for, and conducted and concluded are equitable. [...] We are in respectful agreement with the criteria or standards developed by the learned writers." From Sisi Khampepe and Dikgang Moseneke on behalf of the Judicial Observer Mission. 2002. "Report on the 2002 Presidential Elections of Zimbabwe."

¹³Ibid.

¹⁴EISA. 16 April 2008. "Zimbabwe: 2008 Post-election - Parallel Vote Tabulations."

¹⁵Mark Tran. 2 April 2008. "Zimbabwe Opposition: Tsvangirai Has Won Presidency." *The Guardian*. Online: <https://www.theguardian.com/world/2008/apr/02/zimbabwe1>

¹⁶ZESN. August 2008. "Report on the Zimbabwe 29 March Harmonised Election and 27 June 2008 Presidential Run-Off."

¹⁷According to ZESN's final report, Director Rindai Chipfunde-Vava was arrested at the airport and the offices were raided before ZEC had released the results.

¹⁸Ibid.

¹⁹Interview with high-ranking SADC official, May 2013 and an interview with a SADC country diplomat, June 2013

²⁰Ibid. These respondents were highly convinced that certain delegations were already coached by their sending governments.

²¹Interviews with two MDC-T officials and one MDC-N official, October 2014.

²²In interviews, officials at SADC attempted to explain how SADC-PF cooperation with SADC missions would be good for cohesive election observation and promote logistical efficiency.

²³In particular, SADC-PF rejected Zimbabwe's 2002 presidential result: "the climate of insecurity obtaining in Zimbabwe since the 2000 parliamentary elections was such that the electoral process could not be said to adequately comply with the Norms and Standards for Elections in the SADC region."

²⁴Interview with an MDC-M/N official, November 2014. This same official associated with SADC-PF indicated that approximately "80 percent" of discussions within SADC-PF focused on governance, democracy, and human rights.

²⁵Independent. 27 March 2008. "Opposition Reveals Rigging Plot."

²⁶Interviews with high-ranking MDC-T and MDC-M/N officials, October and November 2014.

²⁷Democratic Alliance. April 2008. "Minority Report on the 2008 Zimbabwe Elections

²⁸SADC Election Observation Mission. 30-June 2008. "Preliminary Statement."

- ²⁹Ibid.
- ³⁰SADC-ECF. "ECF Report on Activities in Southern Africa." Interview with a SADC-ECF official, May 2013.
- ³¹Interviews with two high-ranking MDC officials, October 2014.
- ³²Then Nigerian President Olusegun Obasanjo also appointed a mediator to work on facilitating dialogue.
- ³³Interview with a high-ranking MDC-M/N official, November 2014.
- ³⁴Interview with a civil society leader familiar with ongoing at SADC, November 2014 and an interview with a high-ranking MDC-M/N official, November 2014.
- ³⁵SADC. 29 March 2007. "Communiqué 2007 Extra-Ordinary SADC Summit of Heads of State and Government, Dar-es-Salaam."
- ³⁶Interview with two of the MDC faction negotiators, October and November 2014.
- ³⁷EISA. 2008. "EISA Election Observer Mission Report: Zimbabwe."
- ³⁸SADC. 13 April 2008. "SADC Communiqué: First Extra-Ordinary SADC Summit of Heads of State and Government."
- ³⁹Interview with a high-ranking MDC-T official, October 2014.
- ⁴⁰Interestingly, some of the same MDC-T officials had shown a modest embrace of the Summit results at the time.
- ⁴¹Interview with a high-ranking MDC-T official, October 2014.
- ⁴²Voice of America. 2009. "Divisions Within South African Elections Observer Mission To Zimbabwe." Online: <https://www.voanews.com/a/a-13-2008-03-27-voa68/345046.html>
- ⁴³Interview with one of the MDC-T representatives to the mediation process, October 2014. When asked why some member states seeing the cost decided to question Mugabe and emphasize democracy process, as did Ian Khama and Jakaya Kikwete, the respondent said: "you can't ask that question since democracy is [obviously] a superior construct" to support. In short, the question about why some SADC countries began to dissent was unclear to some of the opposition leaders.
- ⁴⁴Interview with Tsvangirai, October 2014.
- ⁴⁵Interview with a high-ranking MDC-M/N official closely familiar with Mbeki and the facilitation, November 2014.
- ⁴⁶Interview with an MDC consultant, October 2014.
- ⁴⁷Angela Quintal. 11 August 2008. "Tsvangirai Lied About DA Donors - Leon." Online: <https://www.iol.co.za/news/africa/tsvangirai-lied-about-da-donors-leon-411917> Leon claims in his autobiography that he did not know that Tsvangirai solicited financial support from DA donors.
- ⁴⁸US State Department, Ambassador James D. McGee. 16 November 2007. "Performance Report on Fiscal Year 2007 for Zimbabwe." Online: <http://pdf.usaid.gov/pdfdocs/PDACL121.pdf>
- ⁴⁹Interview with a high-ranking MDC-M/N official, November 2014.
- ⁵⁰Interview with a high-ranking MDC-T official, October 2014.
- ⁵¹Stella Mapenzauswa. 16 August 2008. "SADC Summit Focuses on Zimbabwe, No Deal Yet." Online: <http://www.reuters.com/article/idINIndia-35039320080817>
- ⁵²Interview with a high-ranking MDC-M/N official, November 2014.
- ⁵³News24. 28 November 2008. "Mbeki Slams Tsvangirai." Online: <http://www.news24.com/SouthAfrica/News/Mbeki-slams-Tsvangirai-20081128-2>
- ⁵⁴At one level, Mbeki viewed the negotiation as a diplomatic, closed-door affair; however, Tsvangirai viewed the negotiations as part of a larger political struggle.
- ⁵⁵The most clear account of the critique came in an interview with a high-ranking MDC-M/N official, November 2014.
- ⁵⁶Ibid. On the other hand, Mbeki is purported to have respected Tendai Biti and Elton Mangoma.
- ⁵⁷Interview with Tsvangirai, October 2014.
- ⁵⁸Interview with Tsvangirai, October 2014.

⁵⁹Interview with a high-ranking MDC-M/N official, November 2014.

⁶⁰In all interviews, the MDC-T officials lamented how they made a strategic blunder by giving up critical ministries that controlled internal security affairs. MDC-T officials displayed their pride in their ability to extract concessions from Mugabe and ZANU-PF, and the lawyers among the MDC-T officials uniformly stated their insistence that the GPA was a good and air-tight agreement. This latter sentiment seems challenged by the negotiations over ministries that followed and Tsvangirai's post-election reflection.

⁶¹Interview with Tsvangirai, October 2014.

⁶²ZANU-PF employed the Western sanctions narrative to suggest that the West was not acting in good faith.

⁶³SADC Election Observation Mission. 2 August 2013. "Preliminary Statement."

⁶⁴ZESN. 1 August 2013. "2013 Harmonised Elections Preliminary Statement."

⁶⁵African Union Election Observation Mission. 25 July 2013. "Arrival Statement and Presentation of Long Term Observers Pre-Election Findings."

⁶⁶It does not appear as if a thorough pre-election assessment mission was arranged.

⁶⁷Interview with two high-ranking ZESN officials, October 2014.

⁶⁸ZESN. 1 August 2013. "2013 Harmonised Elections Preliminary Statement," pp 15.

⁶⁹Allegations were made in an interview with a prominent and long-serving MDC-T MP who lost re-election in Harare, November 2014. The district was assumed to be an MDC-T stronghold.

⁷⁰As it was pointed out in several newspapers and in interviews, the phrase of being "nikuv'ed" came into public usage. Yael Even Or. 2 March 2017. "Did an Israeli Company Hack Zimbabwe Elections?" Online: <https://www.theindependent.co.zw/2017/03/02/israeli-company-hack-zimbabwe-elections/>

⁷¹Interviews with two officials familiar with ZEC, October 2014.

⁷²Interview with a high-ranking ZESN official, October 2014.

⁷³Ibid.

⁷⁴Bridget Mananavire and Xolisani Ncube. 3 August 2013. Online: <https://www.dailynews.co.zw/articles/2013/08/03/au-cites-poll-flaws>

⁷⁵African Union Election Observation Mission. 2013. "Report of African Union Election Observation Mission to the 31 July 2013 Harmonised Elections in the Republic of Zimbabwe."

⁷⁶Bridget Mananavire and Xolisani Ncube. 3 August 2013. Online: <https://www.dailynews.co.zw/articles/2013/08/03/au-cites-poll-flaws>

⁷⁷The AU Observer Report in the discussion of Zimbabwe's election history mentions the Western sanctions based on the 2002 presidential election. The Report suggests a link between the sanctions levied on ZANU-PF officials and the economic pain experienced by the country.

⁷⁸Reuters. 5 August 2013. "Botswana Faults Zimbabwe Election, Calls for Audit." Online: <https://www.reuters.com/article/us-zimbabwe-election-botswana/botswana-faults-zimbabwe-election-calls-for-audit-idUSBRE9740NK20130805>

⁷⁹United States State Department. 2013. "Zimbabwe 2013 Human Rights Report." and Devon Maylie and Patrick McGroarty. 4 August. 2013. "Mugabe Tightens Grip on Power After Disputed Zimbabwe Vote." Online: <https://www.wsj.com/articles/SB10001424127887323514404578647732249178720>

⁸⁰Southern African Research and Documentation Center. June 2012. "Advisory Council to Encourage Adherence to SADC Election Principles and Guidelines." Online: <https://www.sardc.net/en/southern-african-news-features/advisory-council-to-encourage-adherence-to-sadc-election-principles-and-guidelines/>

⁸¹Interviews with two senior SADC officials, May 2013.

⁸²In fact, one South African diplomat strongly insinuated the Electoral Support Unit's vision for new election guidelines was naïve and would never come about any time soon. The diplomat even launched a personal attack on one of the Electoral Support Unit's staff.

⁸³Interviews with two senior SADC officials, May 2013.

- ⁸⁴Sebastian Mhofu. 15 April 2013. "South Africa to Fund Zimbabwe Elections." Online: <https://www.voanews.com/a/south-africa-agrees-to-fund-zimbabwe-elections/1641880.html>
- ⁸⁵Interview with a senior SADC-ECF official, May 2013.
- ⁸⁶Interview with an official familiar with EISA's activities, May 2013.
- ⁸⁷Interview with an official familiar with EISA's activities, May 2015.
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- ⁹⁶Interview with a high-ranking MDC-T official familiar with COPAC deliberations, October 2014.
- ⁹⁷Ibid.
- ⁹⁸Significant portions of this section on the mediation process come from a forthcoming co-authored work, Bratton and Penar (2018).
- ⁹⁹International Crisis Group. 6 May 2013. "Zimbabwes Elections: Mugabes Last Stand" Africa Report No. 202.
- ¹⁰⁰Interview with Tsvangirai, October 2014.
- ¹⁰¹A ruling by the African Court of Human Rights mandated that Zimbabwe allow the diaspora to vote. The judgment was disregarded by ZANU-PF and not implemented.
- ¹⁰²Interview with Tsvangirai, October 2014.
- ¹⁰³Interview with a civil society leader familiar with the Maputo Summit proceedings, November 2014.
- ¹⁰⁴MacDonald Dzirutwe. 17 April 2013. "Zimbabwe Withdraws U.N. Election Funding Request: Minister." Online: <http://www.reuters.com/article/us-zimbabwe-elections/zimbabwe-withdraws-u-n-election-funding-request-minister-idUSBRE93G0FA20130417>
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- ¹⁰⁸Interview with Tsvangirai, October 2014.

Chapter 7

The Double-Edged Sword of Election-Related Intervention: Explaining Why ECOWAS and the African Union Played a Decisive Role in Côte d'Ivoire and the Consequences

Introduction

The 2010 presidential election in Côte d'Ivoire is an election, which the African regional organizations took great interest in election observation, disputes resolution, and participated in a military intervention (Bassett and Straus 2011). This chapter explains why Côte d'Ivoire received widespread attention by African regional organizations, mainly the Economic Community of West African States (ECOWAS), and the international community more broadly. The first part of this chapter establishes why the international community took interest in the election affairs of the country. More importantly, this chapter illustrates why African regional intervention sought to mitigate election grievances with the aim of promoting, at least marginally, a credible election in Côte d'Ivoire – a country with a history of one-party authoritarian rule and significant political instability with persistent political exclusion. The lengths to which African regional organizations, particularly ECOWAS, went to ensure a marginally level election playing field and a transition of power are fairly unprecedented. The 2010 presidential election in Côte d'Ivoire represents an almost perfect confluence of factors that transpired to produce the result. Similar election conditions and disputes occur in other elections in African countries, but African regional organizations do not often respond the way they did in Côte d'Ivoire.

In discussing the 2010 presidential election, this chapter does not provide an exhaustive account of the happenings in the election, but rather provides a targeted explanation about why regional intervention occurred in Côte

d'Ivoire unlike in other disputed elections. The main factors that explain the robust and largely unprecedented regional response to the 2010 presidential election in Côte d'Ivoire are: (1) the high amount and quality of information gathered from a variety sources, including election observers and domestic institutions (e.g., the electoral commission) about the election conduct and results; (2) the independent and professional structures dedicated to election assistance at ECOWAS and the embrace of robust norms of election practice across ECOWAS' commission and organs; (3) ECOWAS' "no compromise" approach to election-related mediation and by extension the rejection of a power-sharing middle ground; (4) the embeddedness of ECOWAS in networks of international actors, particularly the United Nations Operation in Côte d'Ivoire (UNOCI) operating in Côte d'Ivoire, the French through the Francophone countries, and international NGOs in the elections space; and (5) the high level of credibility afforded to the leading opposition candidate Alassane Ouattara in contrast to the regional and continental isolation of the then-ruling party and its candidate President Laurent Gbagbo. Taken together these factors provided the stage for one of the most robust regional responses to a disputed election.

At the same time that regional intervention may have ensured that the 2010 presidential election reflected the will of the people, there were a number of long-term negative effects of the intervention of ECOWAS and the African Union (AU). Some of the negative effects are hard to avoid in a post-conflict environment, while others grow out of African regional organizations' return to the permissive, pro-incumbent bias. For Côte d'Ivoire this has meant regional support for Ouattara and the discrediting of Gbagbo and opposition parties more broadly. The result is that Ouattara has largely been given a free hand. The lack of regional accountability has permitted Ouattara to limit civic space, suppress political competition, and avoid meaningful steps toward national reconciliation. In short, African regional organizations handed Ouattara and his allies a "to the victors goes the spoils" outcome, rather than conditional support and a consistent monitoring of Côte d'Ivoire's political affairs.

Establishing regional and intervention attention since 1999

At the time of the 2010 election, regional attention from African regional organizations was already significantly high because the prior civil conflict and political unrest in Côte d'Ivoire necessitated ECOWAS (and to some extent AU) mediation and support for peacekeeping efforts led by the United Nations (UN). In 1999 and particularly in the mid-2000s, Côte d'Ivoire became one of ECOWAS' most consequential peacekeeping priorities, with consistent monitoring of the political situation by ECOWAS and especially Francophone countries within the organization. The knowledge gained about the nature of the civil conflict and assessments of the opposing political forces before the 2010 election becomes critical to compelling ECOWAS' post-election engagement. Also, the foothold that ECOWAS developed in Côte d'Ivoire since 1999 provided the basis to take the lead in dealing with the election dispute. Ulti-

mately, the 1999-2010 period is critical to ECOWAS surpassing the first hurdle of regional intervention in elections: making a country's election environment a regional priority and paying attention to underlying election grievances.

Civil conflict and external intervention

The 2000 presidential election in Côte d'Ivoire occurred against the backdrop of a military coup in 1999. The coup precipitated condemnation from the international community, including ECOWAS, and an arms embargo from ECOWAS and the European Union (EU). The 2000 election pitted Robert Gueï against Gbagbo, in which Gbagbo garnered 59.36 percent of the vote compared to Gueï's 32.72 percent (Bah 2010). The major issue in the 2000 presidential election was the exclusion of candidates from contending in the election, mainly Ouattara and former president Henri Konan Bédié (Chirot 2006). In particular, the exclusion of Ouattara indicated to many Ivoirians that the Northern part of the country would not have representation in the new government since Gbagbo was seen as a candidate from Western and Southern Côte d'Ivoire and Gueï was also from the West. Another reason why some people did not respect the 2000 election outcome was that the victory of Gbagbo marked a challenge to Côte d'Ivoire's relationship with France – a relationship that France viewed as paramount to its broader links to Francophone African countries. As a symbol of this close alliance was an underground tunnel that connected the presidential mansion to the French embassy.¹ In ideological and symbolic protest to this intimate Côte d'Ivoire-France relationship, the tunnel was closed and Gbagbo explored policy changes to augment the country's sovereignty. Gbagbo's revisionist view deeply troubled the French and provided an additional reason why the 2000 election was challenged.

Parliamentary elections in 2000 highlighted growing polarization in the country. The former ruling party, Parti démocratique de Côte d'Ivoire (PDCI), achieved near parity with Gbagbo's Front populaire ivoirien (FPI): 96 seats to 94 seats.² The subsequent municipal elections in 2001 revealed further weaknesses in FPI's regional coverage since Ouattara's party, Le Rassemblement des républicains (RDR), fared well, and so did PDCI.³ Despite these electoral gains, there was a great impatience by PDCI and RDR to recapture the state institutions and the presidency. The lack of patience spilled over into a rebellion in the northern regions of Côte d'Ivoire in 2002.

The main objective of the rebellion was to secure more political representation, including holding a new election or sharing power at the highest levels of government. The unstated aim was wresting the presidency from Gbagbo and returning it to some configuration of the ruling elites that governed since independence. For the rebels, this largely meant installing a fellow northerner, Ouattara, as president. A more regional and global concern was Gbagbo's interest in "renegotiating" Côte d'Ivoire's relationship with France, particularly pressing for increased economic independence from France. This intersected with Burkina Faso being close to France and therefore desiring that Côte d'Ivoire not significantly assert greater autonomy from France or augment national sovereignty at the regional level. For these reasons, the Burkina Faso government tolerated, if not directly supported the northern rebels, the

Forces Nouvelles, against Gbagbo's central government. The support for the Forces Nouvelles came in the form of money, material, and operating bases in Burkina Faso (Chirot 2006). With the civil conflict escalating, the French enforced a de facto north-south partition of the country (Chirot 2006; Bah 2010). At first, the Gbagbo and French government cooperated, but when it became clear to the Gbagbo government that France was continuing to, in the words of several respondents, "shelter" the rebel movement,⁴ the Gbagbo government protested and bombed French aircraft in the central region as part of a military action against the rebels. The French insisted that they were "just here [Côte d'Ivoire] to make our [France's] presences felt."⁵ This began a period of direct conflict between France and the Gbagbo government. Although the heated situation did not evolve into a military confrontation, it did set up the contentious atmosphere for future relations.

The north-south partition line prevented Gbagbo's government from administering the northern parts of Côte d'Ivoire. The national government viewed the externally enforced demarcation as a gross incursion into the country's sovereignty and direct colonial meddling. In many ways, France's involvement in the civil conflict heightened the desire for a re-evaluation of the Côte d'Ivoire-France relationship. The first attempts to mediate the civil conflict began with fairly minimal French intervention. On 28 October 2002, the rebel forces, including rebel leader Guillaume Soro and Gbagbo's government agreed to meet in Lomé. The joint statements from the Lomé meetings indicate that Gbagbo's government was willing to negotiate with the rebels on several concerns, such as amnesty, and the rebels were open to discussions about their reincorporation into Côte d'Ivoire's national military (Kode 2016). Nevertheless, the main concern for rebels was attaining (in a sense re-establishing) a level of political power in representative and state institutions, with one of the main demands being the resignation of Gbagbo. By the end of 2002 after several false starts in negotiations, the rebels began to take a more favorable position vis-à-vis the Gbagbo government by seemingly dropping their condition of the resignation of Gbagbo. However, the negotiation process was derailed by the acceleration of the conflict by several rebel groups throughout the country, and as respondents suggested, France's discontent with the Lomé process.⁶ FPI officials suggested in interviews that France played the spoiler role and did not prefer the Lomé process because the potential outcome did not appear to challenge Gbagbo's power enough.⁷

Meanwhile, the conflict gained the attention of the regional and international community in 2002. The civil conflict negatively affected the regional economic infrastructure and forced the displacement of Ivoirians within the country and also led to refugees settling in neighboring countries, including Burkina Faso and Ghana.⁸ In early 2003, the UN reported that the conflict had displaced 600,000 internally in the latter part of 2002 and that 640,000 Ivoirians sought refuge in neighboring countries after the original talks failed.⁹ The pace of the fighting accelerated in this period.

As a sign of regional anxiety about the conflict, ECOWAS deployed a military contingent under the name ECOWAS Mission in Côte d'Ivoire (ECOMICI). This deployment occurred alongside the intervention of the French

military (i.e., Opération Licorne). Discussion about the civil conflict also took place at the UN Security Council culminating in Security Council Resolution 1479 that established the Mission des Nations unies en Côte d'Ivoire (MINUCI) in 2003 and subsequently Resolution 1528 (2004) that transferred MINUCI into United Nations Operation in Cte d'Ivoire (UNOCI) (Bovcon 2009). By 2003, the French, ECOWAS, and the UN had an internationally sanctioned and firmly established military presence in the country. In sum, the nature of the civil conflict allowed regional and international actors to get a foothold in the country. This constituted an acute level of attention and scrutiny of Côte d'Ivoire's domestic affairs.

Establishing the Linas-Marcoussis dispensation

The failure of the Lomé negotiations led to France insisting that Gbagbo's national government enter into a dialogue with a broad number of rebel groups. Several officials from Gbagbo's government indicated that the major contrast between the Lomé and subsequent Linas-Marcoussis process was that Gbagbo's national government was viewed as the aggressor in the latter. These respondents consistently felt as though the French mediators clearly had a preference against Gbagbo because he asserted a sovereign Côte d'Ivoire and that Burkina Faso equally shared the bias.¹⁰ Nevertheless, under significant international pressure, Gbagbo's negotiating party accepted the Linas-Marcoussis agreement despite making a myriad of concessions regarding representation in government and major state institutions.

The Linas-Marcoussis agreement established an "extra-constitutional" era in which provisions of the 2000 constitution were directly contradicted by the Linas-Marcoussis agreement, such as the eligibility of presidential candidates (e.g., parentage and residency requirements). In addition, since the agreement embraced power-sharing in government (i.e., sharing of state resources and revenues and power within key state institutions, such as the national election commission), new realities of political power were constituted without any clear constitutional order. A broader concern was the precedent that the agreement created: that violence (i.e., rebellion against the state) can achieve positive political benefits and that normal constitutional processes could not mediate political disputes in the country. In sum, a critical analysis of the Linas-Marcoussis agreement is that it subtly embraced a political culture of impunity. As one respondent from the FPI said: "sometimes Marcoussis; sometimes Marcoussis is finished [spoken in English]... comme lui dit le parti opposition fais Marcoussis etait fini..."¹¹ The agreement locked the opposing parties in a long-term bargaining game that was largely outside of the normal procedures of a constitutional rule of law.

Other problems with the Linas-Marcoussis agreement arose in its practical application. The implications of the agreement for elections was the creation of a "consociational" election commission that included representatives of most political factions, including rebels movements. The oversized election commission, Commission Electorale Indépendante de Côte d'Ivoire (CEI), claimed to succeed because all factions could monitor the process; however, this led to divisive disagreements within the commission, a view that the commission did not need to dialogue much

outside of its members since all political groupings were represented, and ultimately the strengthening of the election commission's chair.¹² The augmentation of the position of chair stemmed from the fact that the commission had to make decisions that were hard for opposing members to agree on, such that much authority was – for expediency's sake – delegated to the election commission head. Furthermore, the partisan nature of the CEI made key stakeholders perceive the commission as not independent of the political persuasions of its members. This deepened mistrust surrounding election management.

Even as intra-institutional power-sharing took place, so did inter-institutional power-sharing. Relevant to elections, the Constitutional Council of Côte d'Ivoire was generally seen as controlled by the supporters of Gbagbo because the president, Paul Yao N'Dré, was a close ally of Gbagbo (Kode 2016).¹³ On the other hand, the electoral commission, although comprised of different political parties was generally viewed as controlled by Ouattara and his allies opposing Gbagbo's government. The reason for this is that the head of the electoral commission, Youssouf Bakayoko, was generally seen as an ally of Ouattara.¹⁴ The implication of this level of intra- and inter- power-sharing institutions of government meant that there were many potential conflicts between and within institutions. This reality set up a potential discrepancy over the declared winner of the 2010 presidential election. Further, the climate of institutional conflict supports the view that Côte d'Ivoire was operating outside of the normal constitutional parameters with high levels of distrust between opposing political factions.

Not all members of the Gbagbo government supported the Linas-Marcoussis agreement. This includes Mamadou Koulibaly – president of Côte d'Ivoire's National Assembly – who left the conference in France citing his protestation of even doing a deal with the rebels and cooperating with France, which was acting as a *de facto* colonial occupation force.¹⁵ Koulibaly also raised concerns about how an extra-constitutional process of power-sharing would bring out stability and the rule of law long-term.¹⁶ Many supporters of FPI likewise protested the agreement and took to the streets.¹⁷ Viewing the agreement in retrospect, many FPI functionaries viewed the Linas-Marcoussis process as an opportunistic way by France to regain a foothold in the country through cooperation with the rebels.¹⁸ Interestingly, ECOWAS generally embraced the power-sharing efforts as a means to end the conflict. Yet, this embrace may be more due to the Francophone countries controlling the ECOWAS response and largely acting as France's surrogates (this is at least true for Burkina Faso), rather than challenging regional non-interference or constitutionalism norms systematically. In summary, despite protestations of the Gbagbo government and their supporters, the international community believed it necessary to maintain consistent involvement in Côte d'Ivoire throughout the 2000s.

2010 presidential election

Against this backdrop and after several delays in the timing of the election (explained below), Côte d'Ivoire held a two-round presidential election in 2010. The following describes five factors that determined the election quality and results, with a specific emphasis on the role of the African regional organizations.

Gathering information on election quality

Information about the real outcome of an election and the magnitude of election malfeasance is often difficult to obtain, particularly with a limited amount of time. This information can come from state institutions, election observation, intelligence, and public opinion surveys. There was a significantly high level of quality information that the international community had about the outcome and quality of Côte d'Ivoire's 2010 presidential election. The following examines the sources and quality of information present.

Domestic institutions involved in election

An important feature of the 2010 election was the competing results from the national election commission (CEI) and the Constitutional Council, with each institution indicating that a different candidate won the election. The CEI released results that showed Ouattara won the second round 54.1 percent to Gbagbo's 45.9 percent.¹⁹ Part of the reason to believe that this outcome reflected the will of voters is that in the first round Ouattara garnered 30.07 percent and then courted an alliance with Bédié who garnered 25.24 percent. In several interviews, PDCI officials claimed that they had evidence of vote rigging by both the RDR and FPI in the first round.²⁰ However, these complaints were set aside after Ouattara actively confirmed an alliance – l'Appel de Daoukro – with Bédié and PDCI. Assuming that the same voters voted in the second round, Ouattara would achieve 57 percent, which is much higher than the 50 percent plus one necessary to win. In short, it makes the 54.1 percent reported in the second round by the CEI a plausible figure. This fact made the CEI's second round results believable and several respondents from African regional organizations and international observers referenced this fact.²¹

Yet, there was significant dissent with the CEI results from within the CEI itself. In November during a press conference designated to release the CEI's results, a member of the CEI – allied to Gbagbo – took the paper with the results and proceeded to crumple and rip it before leaving the room.²² This widely publicized act underscored the acrimony within the CEI and did call into question the body's ability to make a pronouncement on the election. Another complicating factor is that the electoral commission is only supposed to release results as provisional because the final result is announced by the Constitutional Council after the Council has heard election petitions and audited

the result. In direct contrast to the results of the CEI, the Constitutional Council indicated that Gbagbo won the election 51.45 percent to 48.55 percent. The Council based its decision on eliminating the results from seven northern regions – the strongholds of Ouattara – due to purported irregularities. The decision was widely criticized.

Firstly, the Council's independence was questioned since the President of the Constitutional Council, Paul Yao N'Dré, was a known ally of Gbagbo. Secondly, it was easy to portray the blatant elimination of several Ouattara's strongholds as a partisan decision aimed at manipulating the results. Interestingly, the decision to eliminate the votes was a move that many FPI officials did not appreciate.²³ In interviews, the "soft-line" FPI officials took two positions on what the Constitutional Council should have done. The first position was to conduct a nation-wide recount and/or revote in all affected areas of the country.²⁴ Another and more popular position in FPI was to hold a nation-wide revote because the feeling was that the Constitutional Council was obligated to hold a revote in the entire country if significant irregularities occurred as per the constitution.²⁵ The FPI officials espousing these views thought that the Council President N'Dré overstepped his mandate by appearing overtly partisan and weakened the position of the FPI in any post-election agreement (Bassett and Straus 2011). In the end, the Council decision made it look like FPI was using party control of institutions to steal an election.

In sum, the information from domestic institutions was mixed; however, several factors made a Ouattara victory plausible at least in the opinions of international actors. There was also a perception that FPI was attempting to steal the election by using its control of certain state institutions. Even the mixed view of "who really won the election" from domestic institutions was good enough to require international attention and allowed some basis to claim that the opposition won the election. It is likely that had the CEI and the Constitutional Council embraced a Gbagbo victory even if it meant manipulating the results behind the scenes, the result would have received much less regional and international scrutiny.

Domestic election observation

When it comes to domestic election observation, there is a debate over the benefits of having one, large-scale and cohesive mission as opposed to a few and smaller missions. Arguably, this depends on the technical ability of the observation missions and their ability to provide an independent assessment of election quality. For the 2010 presidential elections, there were two domestic election observation missions despite efforts to create one cohesive domestic observation mission. Nevertheless, this represents a fairly high level of centralization and coordination for domestic election observation on the surface.

At first, all civil society organizations convened as part of the Convention de la Société Civile Ivoirienne (CSCI), hereafter the Convention. However, a number of organizations did not "follow the rules" of the Convention leading to a censure of certain organizations. The dissenting organizations formed a breakaway group of observers known as the

Platform.²⁶ The first reason for the divisions was the divergent approaches to and connections with the election commission. The organizations comprising the Platform, including West Africa Network for Peacebuilding (WANEP) and le Forum de la Société Civile de l'Afrique de l'ouest (FOSCAO), sought to collaborate closely with the CEI. At particular issue was the direct personal relationships between civil society organizations and CEI commissioners. The Convention believed that the use of personal relationships presented a conflict of interest.²⁷ To this, the Convention attempted to be more independent and critical of the CEI, such that the CEI complained about the constant reporting by the long-term election observation efforts. The consequence was that the Convention had trouble gaining accreditation for election observation.²⁸ However, the persistent efforts of the coordinators allowed the Convention to gain accreditation and function throughout the country as the largest single domestic observer group.

Another reason for the split in domestic observation was the structure of funding and administrative support. The EU provided the Convention mission with over 1 million euros and contracted the Electoral Institute for Sustainable Democracy in Africa (EISA) to provide technical assistance in observation and conducting a parallel vote tabulation (PVT). A regular meeting of a "Committee of Parentage" ensured close ties and monitoring of the Convention mission by the EU and EISA. The Platform instead gained funding from the United Nations Development Programme (UNDP) basket fund.²⁹

Despite these organizational divisions and the potential for competition, in both election reports for the second round, the Convention and Platform missions endorsed Ouattara's election victory and suggested that the election met the minimum criteria for an election. However, civil society's voice was limited in the post-election period because underneath the surface of fairly cohesive election observation missions were divisions among individual civil society organizations in both the Convention and Platform missions. The divisions grew out of the political inclinations of the over 150 individual organizations that comprised the Convention, fear that certain pronouncements would lead to political persecution, and the presence of different views about how civil society should engage in the mediation process.³⁰

Society civil leaders explained in interviews that stating that Ouattara won the election could ostracize civil society from Gbagbo supporters at the time and into the future.³¹ It would also present civil society as biased against Gbagbo and may disqualify civil society from a seat at the table during mediation.³² Interviews also revealed that a great amount of anxiety in being forthcoming with statements on the election stemmed from immediate fears of persecution.³³ For these reasons, any clear statement on the outcome and quality of the election was significantly delayed.

Consistently, respondents from civil society organizations involved in election observation indicated that the domestic election observation missions did hold meetings with international stakeholders, such as ECOWAS and the AU.³⁴ All respondents suggested that the relationship between domestic election observer missions and ECOWAS

and the AU was fairly productive throughout the election process. This meant that at least some information about election quality was sent up the ladder for regional organizations to use. However, reporting of any findings more widely was delayed in error – a clearly retrospective judgment by civil society respondents. In fact, the results of the PVT were not released because members of the Convention mission did not want to seem to declare a winner and instead opted to embrace dialogue.³⁵ Although the PVT was never released – though Convention leaders indicated that the results showed that Ouattara had won the election – the Convention did hold a press conference on UNOCI FM. In the radio interview, the Convention suggested that Ouattara had most likely won the election and that the election had met the minimum standards. Immediately after this late pronouncement was made, leading figures in civil society left the country for safety, making their way to Togo, Benin, Ghana, and other surrounding countries.³⁶

In sum, despite the best efforts of civil society, domestic election observation had a minimal influence on the amount of credible information that regional actors used to determine a course of action. The lack of timely statements on the election meant that the international community did not benefit greatly from the information. Nevertheless, the fact that the two major domestic election observation missions did not suggest that Gbagbo won the election nor did the missions contradict any other pronouncement, through even their silence, meant that civil society did not stand in the way of regional decision-making during the post-election crisis.

Regional and international election observation

There was an intense international election observation effort, which is mainly due to the post-conflict nature of the 2010 presidential elections. The UN included a mandate for UNOCI to provide election assistance, observe the elections, and ultimately certify the result (Théroux-Bénoni 2012; Bassett 2011).³⁷ The aim was to have the UN organize and indirectly convene international election observers so that a common verdict would result. Due to the healthy relations that ECOWAS had with the UNOCI, the collaborative framework functioned well for the UNOCI and ECOWAS. The UNOCI-ECOWAS cooperation was critical because although the UNOCI played a fundamental role in organizing the election efforts, they did not play a significant part in on-the-ground election observation. In practice, the UNOCI largely focused on security concerns and coordination efforts for election observation.

ECOWAS deployed over 200 observers across 19 regions including a contingent of long-term observers.³⁸ To date, this is one of the largest and most expansive election observation efforts from ECOWAS. To coordinate and analyze the information coming from observers, ECOWAS set up a Situation Room to which focal points in each region with observers continually reported. From interviews with ECOWAS officials surrounding the 2010 mission, it is clear that ECOWAS had set up one its most robust and serious observation missions at the time. Ultimately, the size and scope of the mission reflect ECOWAS' sensitivity to election-related risk even in advance of an election crisis, along with the ability to cooperate with the broader international community. The deployment occurred during

the period of time in which the AU was not publicizing its election involvement. However, the AU's Election Assistance Unit and official documents indicate that AU observers were present for the election. Interview respondents from the AU suggested that the AU deferred largely to ECOWAS in Côte d'Ivoire due to ECOWAS' long-term term engagement in the country, a minimal AU budget for robust election observation, and partly because of the principle of subsidiarity that privileges local regional bodies over larger regional bodies. In short, the most important African regional actor was ECOWAS with the AU playing a very limited role.

Officials familiar with the ECOWAS mission suggested that the observation mission only witnessed minor incidents.³⁹ Other international observers were more pointed in their criticism, though offered similar assessments. There was a 120-member EU observer mission and The Carter Center deployed a short-term and long-term observation mission that at its peak included 60 observers covering 22 departments. The Carter Center also was involved in observing the voter registration process. The EU and Carter Center reached similar conclusions about the lack of logistical execution without substantially harming the integrity of the vote. For instance, the observers faulted the CEI for its lack of transparency during parts of the election process, including a lack of operational leadership during the voter registration phase and not posting the results visibly at polling stations during the second round of voting.⁴⁰

Despite the CEI's failures, the observers did not judge negatively the CEI on influencing the election's outcome. The Carter Center final report states: "[...] the presidential election had generally complied with international standards and that the results announced by CEI President Bakayako were credible and complied with the will of the Ivoirian people expressed through the ballot boxes."⁴¹ The EU and ECOWAS also agreed. The convergence of main concern for ECOWAS, EU, and The Carter Center was the politicized behavior of the Constitutional Council. The Carter Center suggested that "The flawed decision of the Constitutional Council plunged Côte d'Ivoire back into a serious crisis"⁴² and the EU's report states that "Ce résultat na pas été accepté par le président sortant qui a déposé une plainte á un Conseil constitutionnel nommé par lui et acquis à sa cause. Le Conseil a immédiatement donné satisfaction à Laurent Gbagbo en invalidant les résultats dans sept départements de la partie nord du pays, où la MOE UE navait pas relevé dirrégularités majeures susceptibles de remettre en cause les résultats annoncés par la CEI."⁴³ In short, the EU indicated that the Constitutional Council invalidated votes in the north of the country without any proof of irregularities in the north. This handed the election to Gbagbo. Even more forcefully, the EU stated that "Elle viole la loi qui fixe l'organisation et le fonctionnement du Conseil par labsence du décret ncessaire à la nomination des rapporteurs ; le Conseil excède ses pouvoirs en annulant des résultats, partiellement et de façon discriminatoire, en visant une région sans programmer une nouvelle élection présidentielle."⁴⁴ The EU is clearly stating the Constitutional Council violated the law and exceeded its powers by annulling the results. The Constitutional Council's actions amounted to extremely discriminatory behavior.

ECOWAS officials also pointed to the illegality of the Constitutional Council's decision by claiming that there

was no systematic evidence of misconduct in the northern regions. This is an important finding because it directly challenges the ruling of a domestic institution, and it required a high informational threshold to reach a decision.⁴⁵ In sum, the cooperation and robustness of international election observers, including ECOWAS, provided an important basis to make a determination about the quality of the election and judge who won the election. This allowed ECOWAS along with other international actors to proceed with mediation and intervention with the aim to ensure an alternation of power and not a sub-optimum, non-constitutional power-sharing outcome.

Regional organization structure

As mentioned in chapter 3, ECOWAS has invested in a standing election assistance unit to coordinate financial and technical support along with election observation (described above). The head of the unit has held the position of head of the election division since 2006 and accrued professional experience participating in many domestic and international election observation missions. The head of the unit also had extensive experience working with international NGOs providing technical assistance (e.g., International Foundation for Electoral Systems (IFES) and UNDP).⁴⁶ In interviews with the head of the unit and ECOWAS election assistance staff, it is clear that the presence of an experienced staff with specific country portfolios and the same unit head since 2006 has ensured consistency, institutional memory, and tailored country programming for election assistance. ECOWAS' approach to maintaining country staff with country portfolios differs from understaffed and centralized models of the East African Community (EAC) and the Southern African Development Community (SADC).

Before deploying its long-term observation mission, ECOWAS deployed a fact-finding mission in Côte d'Ivoire to conduct a needs assessment. Based on this report, ECOWAS provided modest financial support for the election in an amount of about 500,000 USD for election training and citizen sensitization efforts.⁴⁷ According to election unit officials, a majority of the funding for additional election support outside of regular and planned short-term election observation efforts comes from external donor grants. The election unit devotes a significant portion of its efforts to apply for funds, including from Western donor countries and foundations.⁴⁸ The result is that ECOWAS may maintain a larger staff, conduct a broader set of programming, and cultivate increasing autonomy as a unit since its funds are not wholly controlled by ECOWAS Commission budgetary constraints.

For the 2010 election, the ECOWAS election assistance unit arranged and facilitated meetings with election experts for members and staff of the CEI. The aim of this facilitation was primarily capacity building and to construct a framework for stakeholder dialogue necessary for a highly contested election. For instance, the head of Sierra Leone's election commission came to Côte d'Ivoire to help the CEI learn about how to better engage with civil society. One of the outcomes of this ECOWAS-facilitated consultation was the direct representation of civil society on the CEI.⁴⁹

These efforts aimed at supporting stakeholder dialogue may appear insignificant; however, interviews with CEI officials in 2015 reveal that the CEI consistently struggled (and continues to do so) with engaging civil society and political parties. Even five years after the elections in 2015, one election commissioner remarked that there is little reason to conduct large-scale stakeholder meetings because all interests are already represented in the CEI itself⁵⁰ – a view not shared by some election assistance staff and international NGOs, which work with the CEI.⁵¹ Therefore, any support for stakeholder dialogue is of great consequence for election practices in the country.

These efforts were supported by the Department on Democracy and Governance at the ECOWAS Commission and the early warning unit; however, there is little evidence that these other ECOWAS units contributed much more than did the election assistance unit in 2010. Despite the early warning unit developing advanced monitoring and analyses systems throughout the 2010s,⁵² the unit was fairly nascent in 2010. The early warning system is presently a critical feature of ECOWAS' conflict and election infrastructure, and it would be expected to play an important role in situations similar to Côte d'Ivoire's 2010 election. Yet, it did not exercise a direct influence over ECOWAS' response in 2010.

Further, civil society organizations cooperating with ECOWAS, such as the West Africa Network for Peacebuilding (WANEP) and the West African Civil Society Forum (WACSOF), played little to no role in providing election assistance nor did they contribute significantly to obtaining information about happenings during the 2010 election. This evidence suggests that regional civil society plays a minimal role, particularly in election disputes. The reason for this is that aside from WANEP's cooperation with the early warning unit, ECOWAS-sanctioned civil society organizations largely play a sensitization role that is based on top-down relations.⁵³ Therefore, they rarely gather information on the grassroots level to share with ECOWAS in a meaningful way or set the regional agenda. This challenges the view that regional (African) civil society may effectively influence regional decision-making in the African context. Further, WACSOF, like other ECOWAS civil society bodies, does not often or at all focus on election-related concerns; instead, they largely focus on human development (e.g., health, child brides) and social policy.⁵⁴ These areas are particularly targeted to their donor base and also illustrate how regional civil society desires to somewhat distance itself from sensitive political matters.

Approach to mediation and intervention

Insistence on holding the election before 2010

ECOWAS consistently embraces regular, timely elections and the maintenance of civilian rule. In response to coups, ECOWAS typically suspends the country's membership until multi-party, civilian elections are organized (Williams 2007). Although Côte d'Ivoire did not experience a coup during the 2000s, there was a suspension of regular elections,

with the scheduled 2005 election effectively canceled. The continued postponement of the election date from 2005 until the end of 2010 was at first welcomed by ECOWAS according to ECOWAS member testimony at the UN and the AU.⁵⁵ The ECOWAS position on elections in the mid-2000s was that Côte d'Ivoire lacked the requisite security, national unity, and safeguards in place to ensure an even minimally fair and peaceful election. For instance, the voters' roll lacked accuracy. The documentation of citizens needed for an updated voters' registry was not maintained with the civil conflict effectively partitioning the country. There was also a high degree of mistrust between political factions and rebels were still partially mobilized making certain parts of the country a de facto "no-go zone" for a national campaign. Ultimately, the reasons that ECOWAS gave for delaying the 2005 elections were reasonable and reflected an even-handed position to promote the long-term stability of Côte d'Ivoire. The UN and AU concurred with the assessment, and elections were delayed without significant consequence to the Gbagbo's government (e.g., additional sanctions, suspension of membership).

Yet, as 2010 drew closer, ECOWAS and the UN began to push for scheduling a general election, so that Gbagbo would not extend his mandate indefinitely without a poll. If the 2010 date was missed, it would have marked a second regularly scheduled election avoided and open the door for indefinite delays. Also, another delay could set a bad precedent in the region for holding regular, scheduled elections. The emphasis on holding an election in 2009 (and then thereafter in 2010) was opposed by Gbagbo and many in FPI. According to UN testimony, Gbagbo's government purposely sought to delay the election date by foot-dragging tactics, including slow compliance with UNOCI election support officials and ECOWAS.⁵⁶ For instance, there were repeated and potentially purposeful delays in establishing the identity of Ivoirian citizens and registering voters.

FPI officials suggested in interviews that elections should not have taken place because the rebels failed to uphold key elements of the peace agreement, mainly disarmament and the mainstreaming of rebel forces into the military.⁵⁷ A major defense department official at the time indicated that although Gbagbo wanted a delay until disarmament was complete, the international community was under a largely false belief that the situation in Côte d'Ivoire had improved.⁵⁸ In the view of FPI officials, the international community was not being fair in ensuring that conditions for an election were met. For instance, these officials cite the international community's refusal for the government to employ more security resources (e.g., personnel, weapons) to ensure peace during the election. Despite these arguments, ECOWAS clearly employed diplomatic pressure alongside UNOCI and insisted that elections take place. ECOWAS' course of action illustrates a "tough" approach towards one of their own member states and confirms the organization's commitment to regular elections.

Post-election mediation

After the election, ECOWAS recognized Ouattara as the winner and the AU, Francophonie, and UN also agreed. However, Gbagbo refused to relinquish power citing the decision of the Constitutional Council that he had won the election and that the sovereignty of Côte d'Ivoire must be respected. There are many instances in which this appeal to non-intervention and national sovereignty works in African elections, but it failed for Gbagbo.

ECOWAS was clearly opposed to a power-sharing agreement akin to the outcomes in Kenya's 2007 and Zimbabwe's 2008 elections. ECOWAS diplomats believed power-sharing arrangements were not working out well in Kenya and Zimbabwe. Also, the application of this post-election model could set a dangerous precedent in West Africa: that election "losers" will demand power-sharing agreements. In effect, a plague of power-sharing could spread with extra-constitutional agreements superseding regional norms of respecting national constitutions. In the African context, ECOWAS has acted as a norm pioneer, with the condemnation of non-constitutional changes of government and an emphasis on constitutionalism. This is likely due to the history of military coups in the region and the need to deter them. West Africa has also experienced many conflicts that have arisen from broken political processes, which involved a government's arbitrary actions or violent expressions of anti-government grievances in response to the arbitrary use of power outside constitutional means. For these reasons, ECOWAS has developed and enforced the norms of constitutionalism vigorously in West Africa.

Another consideration is that Côte d'Ivoire had experienced power-sharing already with the Linas-Marcoussis agreement, and it did not result in building trust between opposing factions nor long-term stability. The information from election observers and domestic institutions provided ECOWAS with enough intelligence to take a bold stance against Gbagbo.⁵⁹ Finally, France clearly lent its support to ECOWAS and all efforts to remove Gbagbo from power. From interviews, it is clear that ECOWAS and AU diplomats and even the French media received pressure from the French government to ensure that Gbagbo leave power.⁶⁰ The influence of France was transmitted through reliable allies (e.g., Burkina Faso) to ECOWAS (and the AU).

The uncompromising stance of ECOWAS was not completely agreed to by AU diplomats at first. On behalf of the AU, President Dos Santos of Angola floated the idea of a power-sharing arrangement in which Ouattara became the president and Gbagbo would likely become the prime minister.⁶¹ Gbagbo and his hard-line faction in the FPI led by Aboudramane Sangaré flatly rejected this plan because it meant acknowledging Ouattara's win. In interviews, several FPI official indicated that they supported the power-sharing compromise because they felt the region and the international community was against them. A prominent Ivoirian diplomat during the crisis said in an interview that the "writing was on the wall" and essentially the whole world was against Gbagbo.⁶² In three separate interviews, FPI officials explained that Simone Gbagbo – Laurent's wife – told the president that God destined him to be president.⁶³ In the end, this may well be a post hoc rationalization on the part of FPI officials to appear more compromising than

they really were at the time. However, there are some indications that there was dissent in Gbagbo's rank-and-file, with the departure of some government ministers and officials, including Amani N'Guesson as defense minister and National Assembly president Mamadou Koulibaly.

When it became clear that Gbagbo would not leave the presidency under any conditions, the AU began to embrace ECOWAS' hard-line stance. The ECOWAS position did not provide much latitude for AU mediators, Thabo Mbeki and Raila Odinga, to make progress with Gbagbo. Bassett and Straus (2011) suggest that the AU and ECOWAS were consistent and on the same page through most of the mediation. This does not appear to be the case according to sources involved in the mediation effort. It is, however, true that the AU faced as Bassett and Straus (2011) indicate "internal differences" of opinion such as modest dissent from South Africa and Angola. It is likely that ECOWAS officials were skeptical of Mbeki and Odinga and even attempted to thwart their mediation efforts since both Mbeki and Odinga were viewed as champions of post-election power-sharing and not in tune with West African norms. Ultimately, the AU did take cues from ECOWAS by respecting the principle of subsidiarity – that the AU must first respect the wishes of a sub-regional body. The eventual AU High-Level Panel recommendations reflected an uncompromising approach to power-sharing that ECOWAS first announced. The AU's move in ECOWAS' direction was also aided by the direct influence of France at the election crisis summit in Addis Ababa after which the AU and ECOWAS clearly shared the same vision for Côte d'Ivoire. Diplomats involved in the Addis Ababa meetings all attest that French diplomats played a hands-on lobbying role at the AU discussions leading to the Panel's recommendations.⁶⁴ The AU's support for the ECOWAS position forms part of the mythology of AU Commission chairperson Jean Ping's demonization among FPI officials. In the pro-FPI media, Ping was blamed for being biased, with more choice words used in FPI interviews.

If the positions by ECOWAS and subsequently the AU appear almost pre-determined, or obvious in their formulation, it is important to point out how many disputed elections across Africa pass by without the level of significant pressure observed in Côte d'Ivoire. Arguably, it is ECOWAS' history of uncompromising diplomacy surrounding non-constitutional changes in government and demands for regular elections that allowed it to sustain its position. This is furthered buttressed – particularly when it came to the use of military force – by the related factors of UN encouragement and French pressure (which often flows through the UN Security Council). These twin influences have allowed ECOWAS' judgments on constitutionalism to hold broader weight even outside of West Africa and most likely enable West African countries to work cooperatively in mediation efforts.

Regional organization embeddedness

ECOWAS efforts at election assistance took place in the context of and in cooperation with UN initiatives. According to official UN reports and debriefings, the UN became involved in electoral assistance from 2003 when the power-sharing government requested election support. The response was the creation of the Electoral Assistance Division (EAD) in 2004. For some time there was even a designated post of High Representative for Elections within the UN infrastructure. UNOCI widened its direct involvement in election affairs as early as 2006 when consultations took place about the implementation of a national identification and voter registration system. When voter registration efforts began in 2008, UNOCI provided logistical support and also a security presence to build confidence in the process. UNDP also supported broader UN efforts by running election-related programming, including the Programme d'Appui au Processus Electoral.⁶⁵

To aid the process, the UNOCI also facilitated ECOWAS technical assistance and welcomed the involvement of other international NGOs helping with election management, including the National Democratic Institute (NDI), IFES, and The Carter Center. For instance, The Carter Center observed the voter registration process. In 2005, there was an agreement in Pretoria that the UN should certify the final election results and this mandate was supported by the EAD. Documents suggest that the certification mandate compelled the UN to become intensely involved in the election process and desiring information from cooperating observers. When international organizations, such as the UN, call for cooperation this is not always embraced by African regional organizations. However, ECOWAS has a history of working with the UN in peacekeeping and relations between the two are generally favorable. Therefore, ECOWAS heeded the UN's call for cooperation.

UNOCI's extensive mandate allowed the basis for a high level of coordination between African regional organizations, particularly ECOWAS, and international NGOs. Ultimately, this rare set of embedded relations meant that during the election and post-election period, there was considerable concert between international actors. Further, it also ensured that ECOWAS was responsive to the broader concerns of the international community as communicated by the UN. This goes above and beyond ECOWAS Secretariat's already regularized cooperation with international NGOs and donor countries to provide election and democratic governance support. In sum, ECOWAS was (and is) highly embedded in the UN and international NGO networks.

Gbagbo v. Ouattara: competition for credibility

One of the major factors influencing the actions of African regional organizations is the perception of the opposition party and its leader(s). In the main, regional neighbors will give an incumbent president and their party the benefit

of the doubt and be fairly resistant to engage in dialogue with opposition forces. What is rare in the case of Côte d'Ivoire was how then President Gbagbo managed to become viewed as an outsider and even a menace by many neighboring states. This rarity is not lost on Gbagbo allies who in interviews bemoaned the persistent loss of their leader's credibility and popularity in the region. This contrasts with Ouattara – then an opposition leader – who was able to demonstrate his credibility and find favor with Côte d'Ivoire's neighbors and the international community.

Gbagbo and France

Gbagbo wanted a reassessment of the close arrangement between France and Côte d'Ivoire. Some of the greatest disagreements between Gbagbo and France reflected differences of opinion on the civil conflict in the early 2000s, the bombing of French airplanes during the conflict, and France's military presence in the country. Gbagbo wanted to lessen France's military footprint, including closing the large 43e bataillon d'infanterie de marine base in the country.

The rumors of Gbagbo being wholly anti-France appear to be inaccurate. By all accounts of those close to Gbagbo, Gbagbo's tough rhetoric towards France was just rhetoric.⁶⁶ In practice, Gbagbo held several pragmatic and moderate positions, including a desire not to withdraw (at least quickly) from the West African monetary union despite the urging of some FPI ranking officials. When it came to Côte d'Ivoire's contracts with French companies (e.g., the electricity procurement and energy sectors), Gbagbo did not aim to expel these companies wholesale, but rather negotiated contracts that would be more favorable to Côte d'Ivoire's "national interest." Nevertheless, these efforts were largely characterized as antagonistic by the French and their neighboring allies (e.g., Burkina Faso) who were firmly in the French network. Further, the civil conflict only heightened anti-France sentiments, with Gbagbo doing little to ease diplomatic tensions by moderating his rhetoric or clarifying his policy approach.

Gbagbo, ECOWAS, and Francophone countries

One of the potential buffers to Western criticism is attaining supportive regional allies. In contrast to other instances in which a country attempted to confront or renegotiate its relationship with a major Western power, Gbagbo and his government failed to achieve regional support throughout the 2000s. The failure is predominately related to Gbagbo's inability and lack of interest in understanding the norms surrounding how African heads of state should treat one another, minding the strength of Western powers, mainly the French and the U.S., in limiting Gbagbo's regional audience in ECOWAS, and ideological differences that gave preference to anti-socialist views among ECOWAS countries. Taken together, Gbagbo did not receive regional support, save a unique bond that formed between Gbagbo and Ghana's president John Atta Mills.

Gbagbo made several mistakes when it came to the treatment of other African countries, particularly his neighbors. According to an FPI official close to Gbagbo, when invited to meet with the President of Togo, Gbagbo decided not

to go personally and instead sent a lower-ranking minister. The President of Togo viewed this as a sign of disrespect. In fact, several interviewees suggested that it was common for Gbagbo not to travel for high-level meetings and send ministers and lower-ranking officials instead.⁶⁷ The decision to do regional diplomacy in this way stems from the heavy emphasis that Gbagbo placed on domestic policy, and in the words of several respondents, Gbagbo's more intellectual, bookish manner – a manner that was less concerned with small talk and diplomatic pleasantries.⁶⁸ At the same time as this could have been in Gbagbo's nature, Gbagbo did have real and persistent fears that leaving the country could precipitate a military coup, or that the rebels would exploit his absence to make advances in the civil conflict. This barracks mentality likely served to reinforce Gbagbo's approach to his neighbors.

Gbagbo's government had poor relations with Burkina Faso because of the country's close ties to France and their support for the rebel movement in the north. FPI respondents consistently suggested that then President Blaise Compaoré was biased in favor of the rebels during negotiations. One respondent went as far to say that Compaoré used the civil war to hold the Gbagbo government hostage.⁶⁹ There was also a policy and personal dimension at play. Ouattara has familial ties to Burkina Faso because at least one of his parents was Burkinabé by birth. Gbagbo's government and supporters attempted to disqualify Ouattara from running for political office on the grounds of being a foreigner. This expression of *ivorité* did not sit well with Burkina Faso since the country complained that Gbagbo's government was mistreating and disenfranchising people of Burkinabé origin and ethnic groups with a common heritage. There is also evidence that personal ties were strong between Ouattara and Compaoré. In 2014 (after the 2010 election), when Compaoré faced domestic protests, Ouattara was largely silent and offered Compaoré asylum and eventually Ivoirian citizenship. This act is a direct sign of personal reciprocity for Compaoré's support of Ouattara in the 2010 election dispute and their long-standing relationship. Gbagbo's government also had poor relations with President Goodluck Jonathan's Nigeria because Goodluck closely collaborated with the U.S. on Côte d'Ivoire matters. The U.S. largely backed French efforts to constrain the Gbagbo government, including helping to enforce an embargo and preventing the sale of arms.

In contrast to these unfriendly relations, Gbagbo did forge good relations with President John Atta Mills of Ghana. Several respondents from FPI reported that Mills was sympathetic to Gbagbo's pro-sovereigntist appeals and its connection to a broader Pan-African agenda.⁷⁰ Further, a key piece is the ideological, pro-socialist position, that Mills and Gbagbo shared in contrast to the more neoliberal outlook of most of the other ECOWAS country leaders, including Goodluck Jonathan. In fact, there were rumors that Gbagbo went as far as to contribute financially to Mill's presidential campaign.⁷¹ This relationship was maintained before the election period and even throughout the election crisis, with Ghana taking a neutral position on the election result and opposing ECOWAS or other military intervention in the country. Mills took this position despite some vocal domestic criticism.

Gbagbo and the African continent

The lack of regional allies was similarly seen at the continental level. The main reason for this is because many other African countries took cues from Côte d'Ivoire's reference group, mainly ECOWAS and particularly the other Francophone countries. Without much traction at the regional level, Gbagbo could not achieve a greater continental appeal. Further, Gbagbo did not appear to put forth any grand vision for Africa based on his domestic policy. Gbagbo was largely concerned with internal affairs and how it related to France and his immediate neighbors. This observation may partially be due to Gbagbo's more narrow ideological interests, or by the necessity of governing a country in civil conflict with a risk of instability and military coup. Respondents from Gbagbo's government weigh both of these factors in explaining Gbagbo's continental outlook.

Nevertheless, Gbagbo was able to forge a close relationship with Angola and to some degree South Africa. The reason for these ties was the ideological solidarity felt on the pro-socialist front along with Gbagbo's emphasis on national sovereignty as a bulwark against Western imperialism. In particular, Angola was a stalwart ally with Côte d'Ivoire during the crisis. The support is present in the post-election mediation process in which Angola was the main proponent of a power-sharing agreement (with some AU backing). It was also recognized within Côte d'Ivoire such that the rebels launched particularly deadly and destructive attacks targeting the Angolan embassy in Abidjan. In 2015 when the fieldwork took place, the embassy building site was still bullet-riddled. The attacks also highlight how the Côte d'Ivoire election matter became regionalized even at the domestic level.

Interestingly, Gbagbo did not appear to have strong ties to President Robert Mugabe's Zimbabwe who may have had some ideological affinity and a shared sense of marginalization in the international community. When asked about the Côte d'Ivoire-Zimbabwe relationship, respondents indicated that Gbagbo – though embracing some of the views of anti-colonialism, anti-imperialism – did not agree with Mugabe's path to achieving his ends.⁷² This illustrated how Gbagbo wanted to approach neo-colonial confrontation through softer, less blatant ways.

West Africa's golden boy: Alassane Ouattara

Ouattara had a rather unparalleled argument and ability to signal that his becoming president would not "rock the boat" and instead cement the ideological norms of neoliberalism and close ties with France. Ouattara's effective signaling occurred through his professional experience, prior administration of neoliberal policies, and close personal ties to African and Western leaders, including French President Nicholas Sarkozy. In short, Ouattara capitalized on most of Gbagbo's weaknesses at the regional and international level.

In contrast to then President Gbagbo, Ouattara had cultivated significant relationships with West African countries, France, and the broader international community. The relationships grew out of Ouattara's many years working on

economic policy at the regional and international level. Ouattara was educated in the U.S. and upon completing his Ph.D. at the University of Pennsylvania, he worked as an economist at the International Monetary Fund (IMF) for 15 years (1968-1973) (Kode 2016). From this post, he became involved with the West African Monetary Union Central Bank (BCEAO) in several roles eventually becoming the Vice Governor from 1983-1984 until he returned to the IMF as the Director of the Africa Department. This was followed by another stint as a governor of the BCEAO.⁷³ Interestingly, Ouattara's foray into Ivoirian politics came through his role in administering a structural adjustment policy in Côte d'Ivoire in the early 1990s. He then became the prime minister under President Houphouët-Boigny and left his position at the BCEAO. After the death of Houphouët-Boigny, Ouattara attempted to become president until Henri Konan Bédié prevented this action. Ouattara again went back to work for the IMF from 1994 to 1999.

Ouattara also obtained notoriety through his marriage to Dominique Claudine Nouvian, a French national and Catholic convert. The marriage in 1991 afforded Ouattara the business and personal links of Nouvian particularly in French business, as well as some interests in the U.S.⁷⁴ Further, the wedding provided the basis for cultivating one of Ouattara's many valuable personal relationships that appeared to be indispensable during the 2010 elections, mainly Ouattara's close friendship with French President Nicolas Sarkozy. While mayor of Neuilly-sur-Seine, Sarkozy presided over the wedding ceremony between Ouattara and Nouvian.⁷⁵ Most respondents suggested that the wedding ceremony consummated a Sarkozy-Ouattara alliance.⁷⁶ There is significant evidence to suggest that Sarkozy had great respect for Ouattara calling him an "old friend."

Aside from personal connections, Ouattara had a clearly neoliberal pedigree and took positions on major economic decisions seemingly in line with French and American interests. During his time as prime minister, he was a zealous supporter of neoliberal policies, such that students at universities protested the imposition of new fees and the elimination of certain benefits, including free meals and easy access to school materials. Ouattara was able to present himself and his candidacy for the presidency as more than an acceptable choice to the French and to other Francophone countries with which he had gained the respect of their leaders. Further, the stark contrast with Gbagbo's sovereigntist and socialist rhetoric made Ouattara a preferred candidate for many African and Western countries.

Epilogue: 2015 election, 2016 referendum, and a troubled future

Regional intervention in the 2010 presidential election did not guarantee that election quality will improve in the long-term. Although African regional organizations do experience trends in learning best practices for providing election assistance, the attention and resources targeted at a given country vary across elections. Further, Côte d'Ivoire's 2010 presidential election in contrast to the subsequent 2011 parliamentary and 2015 presidential elections demonstrates how critical regional intervention is in delivering better quality elections.

The 2011 parliamentary election took place in the shadow of the post-election crisis in which the Gbagbo and the FPI were discredited and formally (and de facto) boycotted the poll. There were few efforts to encourage FPI's buy-in because the priority for Ouattara was to prosecute the opposition leaders and functionaries. For this reason, *Rassemblement des houphouëtistes pour la démocratie et la paix* (RDHP) associated parties won all of the seats in parliament, and the National Assembly largely became a rubber stamp on President Ouattara's prerogative. Thereafter efforts to achieve national reconciliation grossly failed by all accounts with the post-election crisis justice targeting only FPI allies. Most respondents involved in the national reconciliation process mentioned that the process largely failed.⁷⁷ What is most striking is the Ouattara government's attack on FPI activists and increased intolerance of opposition group organizations.⁷⁸ These actions under the cover of dealing with the post-crisis situation significantly closed civic space without any regional or international resistance.

Ouattara's government and key allies, including France and the U.S., desired the appearance of electoral competition in the 2015 presidential election. This meant that significant efforts were taken to convince at least one segment of the opposition to participate in the elections.⁷⁹ Although many of the hard-line supporters of Gbagbo advocated and maintained a boycott, one strand of the FPI lead by Pascal Affi N'Guessan reluctantly agreed to participate in the elections. This decision occurred after significant domestic and international pressure, such as a private meeting between President Francois Hollande of France and N'Guessan, in which an FPI associate suggested that France strongly encouraged N'Guessan's participation.⁸⁰ Some newspapers even speculated that there was a financial inducement.

Nevertheless, several former Gbagbo associates including Sangaré and Koulibaly never agreed to contest the poll and cited concerns with the electoral process. In an interview, Koulibaly emphasized concerns with the voters' roll, security to campaign throughout the country, and the independence and professionalism of the CEI.⁸¹ After observing the CEI, it is clear that preparations for the election did not involve a high degree of stakeholder consultation nor were there significant reforms to the CEI since the 2010 election other than reducing its membership size. The lack of reform is despite a concerted and peaceful effort from opposition parties and civil society to propose CEI reforms. Several civil society activists expressed their frustration with the CEI reform process.⁸² In addition, the same controversial head of the CEI, Youssouf Bakayoko, managed the elections, which did not build confidence in election management.

There was hardly much regional attention for the 2015 elections. ECOWAS and the AU did not become significantly involved in providing election assistance (save some small-scale capacity building support), election observation efforts were limited, and UNOCI did not play a major role in the process. Usually, post-conflict countries receive more sustained regional attention, particularly surrounding an election. However, the general sense was that the election would not be competitive and the opposition factions had no means to threaten violence. For this rea-

son, ECOWAS and the AU did not make any specialized interventions during the election process regardless of the many concerns with closing civic space and limits on the freedom of opposition parties to operate. These concerns about government surveillance and interference were reported by opposition leaders in interviews. During a campaign event, within the private and gated headquarters house of FPI, the government deployed a limited police presence to directly observe the rally.⁸³

In keeping with the region's assessment, the 2015 election went ahead and was free of violence, but also witnessed low voter turnout (53 percent as reported by the CEI). In addition, N'Guessan garnered only 9 percent of the vote. This result did not reflect the will of the Ivoirian people in a broader sense. The outcome clearly does not illustrate that election quality had improved nor that the democratic process solidified after the 2010 presidential election and intervention. In fact, the absence of African regional organization involvement and the return to the pro-incumbent bias traditionally present in elections further buttressed the authority of the Ouattara government to conduct the election its own way.

Then, a year later (2016) without broad-based consultation, Ouattara held a constitutional referendum that would serve to centralized power through major institutional changes (e.g., the creation of a Senate with one-third of members appointed by the president) and several more government patronage positions.⁸⁴ The constitutional referendum in 2016 received almost no regional attention despite a crackdown on opposition protests and a largely heeded opposition boycott of the referendum. The level of participation reported by the CEI was only 42 percent meaning that despite garnering a 93 percent "yes" vote, a majority of Ivoirians did not actively support – at least in the referendum – the new constitution. This reflects a further step down a path towards a closing civic space and illustrates a severe challenge to democratic governance. Similar to the 2015 presidential elections, ECOWAS and the AU did not comment on the constitution-making process and referendum, including not sending observers to view the polls. This disengagement created a permissive environment in which disruptions at over 100 polling stations and protests were just a footnote in the international media.⁸⁵

In sum, African regional organization engagement is critical to improving election quality and democratic governance, but it is not always present in the long-term. The outcome is that just as regional intervention may improve election conditions in a given election, this may not be replicated in future elections. Constructive engagement by African regional organizations becomes increasingly likely beginning with regional attention and only when the confluence of factors described, such as a high level of information, regional organization embeddedness, and opposition credibility, are present.

Notes

¹Associated Press. 7 April 2011. "Ivory Coast Leaders in Bunker Vows Not to Surrender." Online: http://www.nbcnews.com/id/42481532/ns/world_news-africa/t/ivory-coast-leader-bunker-vows-not-surrender The article notes that a tunnel was built during the presidency of Félix Houphouët-Boigny so that the president could be sheltered if a coup took place.

²African Elections Database

³NDI. 13 July 2011. "Côte d'Ivoire National Reconciliation & the State of Democracy: An Assessment Mission Report." Freedom House. 2002. "Freedom in the World: Côte d'Ivoire."

⁴Interview with a senior defense department official. February 2015. As part of their narratives, senior FPI officials suggested that Forces Nouvelles was conspiring with France to put pressure on Gbagbo's government.

⁵Wax, Emily. 10 January 2003. "France's Tentative Role in a Civil War; Troops in Ivory Coast Clash With Some Rebels While Staying Clear of Others" *Washington Post*.

⁶Interview with a senior FPI official, March 2015.

⁷Interview with four FPI officials, February and March 2015.

⁸Kaplan, Robert. 12 January 2003. "Infectious Chaos in West Africa." *New York Times*.

⁹The Independent. 10 January 2013. "Civil War Has Forced 600,000 People to Flee Homes in Four Months, UN Group Says."

¹⁰Interviews with four high-ranking FPI officials, February and March 2015.

¹¹Interview with a high-ranking FPI official and one of the delegates to the Marcoussis Conference, March 2015.

¹²Interview with election support staff official for the CEI, March 2015. The official had considerable professional experience in supporting election commissions in West African countries.

¹³Reporting about the post-election dispute clearly identified Paul Yao N'Dré as an ally of Gbagbo. For instance: NPR. 6 May 2011. "Ivory Coast Elections Official Changes his Mind, Now Backs President-Elect."

¹⁴Bakayoko served as the Minister for Foreign Affairs during the power-sharing government from 2006 to just before the election in 2010. He was a member of the PDCI party that opposed Gbagbo's FPI party in the second-round of the presidential election. Bakayoko's political affiliation made it is easy for FPI and others to assume that Bakayoko was sympathetic to Ouattara. Some FPI official expressed in interviews concern about how Gbagbo allowed Bakayoko to become the head of the CEI. In retrospect, they felt it was a major political blunder.

¹⁵Interview with high-ranking FPI official who attended the Marcoussis Conference, March 2015.

¹⁶Interview with high-ranking FPI official familiar with Koulibaly's protestation, March 2015.

¹⁷Somini Sengupta. 2 February 2013. "Thousands Rally in Ivory Coast to Protest Peace Plan." *New York Times*.

¹⁸The sentiment was expressed in at least five formal interviews with FPI officials. Even those more sympathetic to the deal believed it was France usurping power.

¹⁹African Elections Database

²⁰Interviews with two PDCI officials, February and March 2015.

²¹For instance, in an interview with an ECOWAS election assistance official, May 2015.

²²In addition to a domestic broadcast, a video clip was posted on social media. It can be found on YouTube: <https://www.youtube.com/watch?v=Gld7JTFet9U>

²³In at least three interviews (conducted between February and April 2015), high-ranking officials of FPI indicated that N'Dré and the Council's decision did not even have an air of impartiality, which in turn obscured – in their words – founded allegations of election malfeasance.

²⁴Two separate interviews with PFI officials in ministerial positions during the Gbagbo administration, March 2015.

²⁵An opinion expressed in an interview with a senior FPI official and politician, March and April 2015. This politician and his supporters

immediately tried to distance themselves from the Council's decision because of the perception of government manipulation. The high-ranking official would soon after resign his post just in advance of the civil conflict.

²⁶Interview with an election support official who worked with civil society organizations during the election process, February 2015.

²⁷Ibid.

²⁸Ibid. and an interview with a senior civil society leader, January 2015.

²⁹Interview with an EISA election support official, February 2015.

³⁰Interview with two civil society leaders involved in the Convention's organizing committee, January 2015 and February 2015.

³¹Interview with a civil society leader in the Convention's organizing committee, January 2015.

³²Ibid.

³³Interviews with several civil society leaders revealed a high level of fear about releasing their views publicly. There was uncertainty who would emerge from the conflict, so civil society leaders wanted to maintain a low-profile.

³⁴Interviews with civil society leaders of both the Convention and Platform observer groups, January, February, and March 2015.

³⁵Interviewers with civil society leaders involved with the organizing and supporting the Convention mission consistently suggested that they wanted to foster dialogue rather than determining blame. One influential committee member regretted civil society's feeble role in shaping the debate over the election results. There were regrets that more decisive announcements were not made earlier.

³⁶In one interview (January 2015), the civil society leader mentioned that after the UNOCI announcement that he left for Ghana and only returned to Côte d'Ivoire when the conflict ended.

³⁷The UN makes their certification announcement: <http://www.unmultimedia.org/avlibrary/asset/U101/U101112f/>

³⁸ECOWAS Press Release. 26 November 2010.

³⁹For example, the views expressed in an interview with an ECOWAS election assistance official, April 2015.

⁴⁰Election Observation reports from both the EU and The Carter Center.

⁴¹The Carter Center Final Report. 2011.

⁴²Ibid.

⁴³EU Final Report. 2011.

⁴⁴Ibid.

⁴⁵ECOWAS provided their findings privately as opposed to releasing them publicly. ECOWAS used statements confirming the results to express their view of the election. Mbeki questioned whether ECOWAS was, in fact, attempting to hide something and that the UN and ECOWAS overstepped their bounds: Thabo Mbeki. 29 April 2011. "What the World Got Wrong in Côte d'Ivoire." *Foreign Policy*.

⁴⁶Interview with high-ranking ECOWAS election assistance official, May 2015.

⁴⁷Ibid.

⁴⁸Interviews with two members of the election assistance and good governance staff, May 2015.

⁴⁹Interview with two civil society leaders familiar with the process of CEI reform, March 2015.

⁵⁰Interviews with officials familiar with the workings of the CEI. These included a commissioner and staff, March 2015.

⁵¹Interview with an official familiar with election support for the CEI, March 2015.

⁵²Interviews were conducted with three members of the Early Warning System staff, May 2015.

⁵³Interview with WANEP's senior representative embedded in ECOWAS, May 2015.

⁵⁴Interview with a high-ranking official of WACSOF, May 2015.

⁵⁵UN Report. 13 October 2005. "Deadline for Côte d'Ivoire Elections Unattainable, African Union Presidency Tells Security Council, as Regional Body Proposes 12-Month Postponement." Online: <http://www.un.org/press/en/2005/sc8522.doc.htm> The UN Security Council ultimately passed a resolution, Resolution 1721, postponing the election and extending the mandates of the Côte d'Ivoire's political leaders.

⁵⁶For instance, on 29 September 2009, the President of the Security Councils formally expressed concern about the speed of the implementation of elections. One of the main concerns referenced was the compiling of the voters' roll. Other letters followed including another on 8 December 2009, as well as public statements.

⁵⁷Interview with an FPI cabinet minister familiar with defense-related concerns, February 2015. The sentiment was also reflected in an interview with one of Côte d'Ivoire's chief diplomats to the UN, February 2015.

⁵⁸Interview with an FPI cabinet minister familiar with defense-related concerns, February 2015

⁵⁹All of the election quality information came from the election observation missions since there was no PVT conducted in Côte d'Ivoire until the 2015 presidential election.

⁶⁰Interview with an AU diplomat, April 2015, and an interview with a reporter familiar with France's coverage of the election dispute, March 2015.

⁶¹Interview with a senior cabinet minister familiar with defense-related policy and who was with Gbagbo in the bunker during the post-election crisis, March 2015.

⁶²Interview with one of Côte d'Ivoire's chief diplomats to the UN, February 2015.

⁶³Three separate interviews with senior FPI leaders, February and March 2015.

⁶⁴Interview with one of FPI's mediators, February 2015. The role of France at the AU was not contested when asked about in other interviews.

⁶⁵UN Consultancy Report. 2013. "Rapport d'Evaluation du Programme d'Appui au Processus Electoral en Côte d'Ivoire."

⁶⁶This sentiment was shared in interviews with at least two senior FPI officials, 2015.

⁶⁷In particular, one high-ranking FPI official explained that Gbagbo cared more about the domestic political situation than traveling to conduct regional affairs, February 2015.

⁶⁸Separate interviews with two FPI officials, February and March 2015.

⁶⁹Interview with a senior FPI official, February 2015.

⁷⁰Mills was reticent to criticize Gbagbo at the outset. MyJoyOnline. 20 December 2010. "'Tell Gbagbo to Quit' - NPP Tells Mills." In Ghana, the matter of Gbagbo became politicized. Opposition leader Nana Addo Dankwa Akufo-Addo spoke out against Mills' approach. NPP General Secretary Kwadwo Owusu Afriyie is quoted as saying that "we also pray for Mills to gather courage and principled leadership to tell his friend next door to go now and allow the will of the Ivorian majority to prevail."

⁷¹MyJoyOnline. 20 December 2010. "'Tell Gbagbo to Quit' - NPP Tells Mills."

⁷²Interview with an academic who was also a senior FPI official, February 2015.

⁷³IMF Biography of Alassane Ouattara. "Ivory Coast's Alassane Ouattara in Profile." Online: <https://web.archive.org/web/20051221095339/http://www.imf.org/external/np/omd/bios/Ado.htm>; BBC. 11 April 2011. Online: <http://www.bbc.com/news/world-africa-12934834>

⁷⁴Biography Sketch of Dominique Folloroux-Ouattara. Online: <https://www.revolvy.com/main/index.php?s=Dominique20Folloroux-Ouattara>

⁷⁵This story was raised in several interviews detailing the ties between Ouattara and France. Daniel Howden and John Lichfield. "Profile: Ouattara, the Quiet Man with Connections." *Independent* Online: <https://www.independent.co.uk/news/world/africa/profile-ouattara-the-quiet-man-with-connections-2263657.html>

⁷⁶Bovcon (2009)

⁷⁷Interview with a member of the Truth and Reconciliation Commission (CDVR), March 2015.

⁷⁸Interview with prominent FPI and former student activist, March 2015.

⁷⁹

⁸⁰RFI. 18 July 2014. "François Hollande rencontre l'opposition ivoirienne." Online: <http://www.rfi.fr/afrique/20140718-cote-d-ivoire-francois-hollande-rencontre-opposition-ivoirienne-affi-n-guessan-fpi-niger-tchad>

⁸¹Interview with Mamadou Koulibaly, March 2015.

⁸²Two separate interviews with civil society leaders associated with the CEI reform process, February and March 2015.

⁸³Observed FPI political rally within walls of the FPI headquarters led by N'Guessan on 14 February 2015.

⁸⁴Peter Penar. 10 October 2017. "Controversial Constitutional Referendum Sparks Distrust in Côte d'Ivoire." *The Conversation - Africa*; Nick Branson. October 2016. "Constitution-making in Côte d'Ivoire." *Africa Research Institute*.

⁸⁵Joe Bavier and Loucoumane Coulibaly. 30 October 2016. "Violence and Low Turnout in Ivory Coast's Constitutional Referendum." Online: <https://www.reuters.com/article/us-ivorycoast-referendum/violence-and-low-turnout-in-ivory-coasts-constitutional-referendum-idUSKBN12U09F>

Part IV

The Potential for African Regional Organizations

Chapter 8

Pro-interventionists v. Pro-sovereignists in Africa: Explaining Attitudes towards the Duty to Intervene Regionally

Introduction

In the wake of Uganda's 2016 elections, many Kenyan citizens protested on social media against President Uhuru Kenyatta's hasty congratulations of President Yoweri Museveni's severely manipulated election win (Figure 8.1).

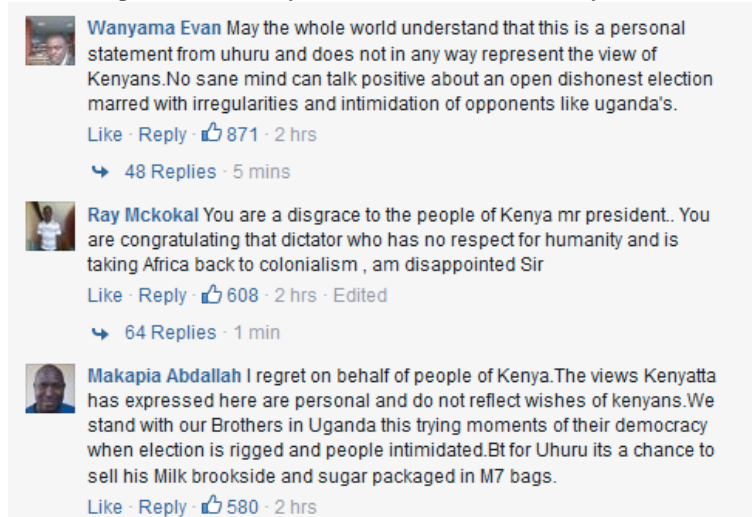
Figure 8.1: President Uhuru Kenyatta's Congratulatory Facebook Post



Despite reports of election malfeasance and the widely publicized multiple arrests of opposition leader Kizza Besigye in the week of the election, Kenyatta was silent on these happenings. In addition, Kenyatta's statement indicated that African organizations (e.g., the East African Community and African Union) approved the election

process. Contradicting Kenyatta's position, several Western countries, including the U.S., and the domestic election observer platform, Citizens Elections Observers Network (CEON-U), voiced alarm about the use of state power against the opposition parties and endorsed reports of election malfeasance. Many Kenyans similarly condemned the elections and Kenyatta's position referencing unfair conditions for opposition parties and Museveni's perennial use of manipulation (Figure 8.2).

Figure 8.2: Response from Kenyans to President Uhuru Kenyatta's Facebook Post



This example highlights the potential differences between ruling elites and their embrace of the pro-sovereigntist viewpoint and the opinions of some citizens. It also shows how regional norms may be contested by some citizens, and that citizens may increasingly become vocal about regional norms and their *modus operandi*. To what extent are the selected Facebook posts with their pro-interventionist viewpoint representative of broader public opinion? And, what explains African citizens' embrace of a pro-interventionist viewpoint when thinking about flawed elections and human rights abuses? Data pertaining to citizens' pro-interventionist or pro-sovereigntist leanings from Round 6 (2014-2015) of the Afrobarometer survey provide an opportunity to investigate this question and determine which citizens are most likely to challenge the regional normative status quo. In addition, answering the central research question allows us to consider how stable certain international or regional norms are, how changes in a given country may influence citizens' perceptions, and how citizens view the prospects for regional intervention in election-related and human rights matters.

The main finding is that the politically vulnerable, mainly opposition supporters and citizens concerned about flawed election practices and feeling unfree in their country tend to support a more pro-interventionist viewpoint. Further, citizens that strongly embrace democratic norms, with support for democracy and who reject non-democratic alternatives, are also inclined to believe in regional intervention if election quality and human rights are jeopardized

in neighboring countries. In sum, there are both egocentric and ideational reasons to embrace the pro-interventionist viewpoint. One of the implications of these findings is that as opposition strength grows, it is possible that citizens will increasingly demand responsible regional intervention despite the poor track record of regional intervention in Africa. Relatedly, there is an underlying optimism from the politically vulnerable that African regional intervention can be employed to confront election violations and protect human rights. At the same time, African regional organizations have failed to scrutinize flawed elections and intervene to protect human rights. Moreover, African regional organizations have exhibited an overt pro-incumbent bias in several interventions, such as the 2008 elections in Zimbabwe. Despite this reality, some citizens' persist in their belief that intervention should still take place – with the hope for better results.

Background

Consolidation of the pro-sovereigntist discourse

In the post-colonial period, newly independent African states and liberation movements still fighting for decolonization embraced the discourse and norms of non-interference and non-intervention to suggest that colonial powers should not have direct or indirect control over domestic affairs. Although originally targeted at colonial powers, the norms of non-intervention broadened to include neighboring African states as well (Jackson and Rosberg 1982). The most recent articulation of non-interference and non-intervention norms has implied that the incumbent and ruling party should have a freehand within their territorial domain. Further, domestic policy should not be thoroughly scrutinized by neighboring countries unless an internal matter becomes a major regional concern, such as a civil conflict with neighborhood externalities (e.g., regional adverse economic impacts, flows of refugees, spillover of violence) or a gross violation of human rights.

Non-intervention norms have persisted partially because some African states have a weak or non-existent commitment to democracy and human rights. There is little expectation that countries, such as The Gambia, Rwanda, Sudan, and Uganda, will scrutinize election practices and the human rights records of neighboring countries and urge intervention. If countries with flawed elections and human rights concerns offered critiques of neighboring countries, this would set a "dangerous" precedent for scrutiny in the region. The precedent would open up neighboring critics to employ the same increased scrutiny in the future. Even South Africa, which has a constitution that embraces liberal democratic principles, has decided on many occasions, such as with troubled elections in the Democratic Republic of the Congo (DRC) and Zimbabwe, to limit scrutiny. For this example, the limited scrutiny can also be partially explained by undemocratic strands within the political landscape in South Africa.

In many African countries, the political elite accepts more authoritarian practices as justified, particularly in state

building and maintaining security and order. For instance, ruling parties justify the use of public order acts during elections – which limit opposition mobilization efforts – as necessary to maintaining security for elections and protecting opposition officials and supporters.¹ These arguments justifying state tactics during elections remain persuasive for many African states. Together non-intervention norms and the acceptance of more authoritarian practices makes regional intervention highly limited and not at all duty bound even if repression and manipulation occur in a neighboring state.

Development of new pro-interventionist norms?

Even as non-intervention norms have persisted to date, in response to increasingly competitive elections with neighborhood externalities, incidences of extreme human rights abuse, and civil conflicts, several changes have occurred at the regional and international level. Since 2000, African states acting in African regional organizations at the continental (Organization of Africa Union and thereafter the African Union) and sub-continental level through the Regional Economic Communities (RECs) of the East African Community (EAC), Economic Community of West African States (ECOWAS), Economic Community of Central African States (ECCAS), Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC) have increasingly become involved in the political affairs of member states pursuant to on paper commitments to democracy (e.g., African Charter on Democracy, Elections and Governance, SADC Principles and Guidelines Governing Democratic Elections) and human rights.

Involvement of regional organizations ranges from “diplomatic speak,” political pressure, election observation and commentary, sanctioning and membership suspension, to military and peacekeeping engagements. Regional programs of election assistance and peacekeeping have been institutionalized to varying degrees across regions (see Theory section). Yet, even as institutionalization is taking place, the consistency and results of engagements of neighboring states under regional organization auspices have been wanting. For instance, African-based observers who lack requisite credibility and impartiality to judge elections often do not improve election quality in significant ways, particularly in the 2000s (?). More often than not, observers associated with African regional organization “rubber stamp” elections and overlook – in many instances – even glaring incidents of electoral malfeasance in elections: 2016 Uganda, 2014 Mozambique, 2007 Kenya, and 2007 Nigeria, for example.

Other cases of election malfeasance and human rights abuses, such as those in Burundi and Zimbabwe, receive some regional and continental attention, but efforts to facilitate dialogue and address abuses did not amount to significant improvements in the election and human rights conditions. It is clear that African regional organizations have largely failed to develop and employ effective enforcement mechanisms pursuant to “on paper” commitments to democracy and human rights. Based on enforcement failures, regional organizations are largely viewed as supporters

of the status quo and the fraternity of incumbents and their ruling parties – the classic “dictators supporting dictators” tendency during the Cold War period, or in a more recent manifestation in a “incumbents supporting incumbents” tendency.

However, these developments at the regional and continental level are circumscribed within a broader international democracy, election quality, and human rights agenda. Clearly, against wholesale non-intervention norms, the United Nations (UN) adopted the responsibility to protect standard in 2005, which states that “sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility that holds States accountable for the welfare of their people.” The pillars of responsibility to protect suggest that the international community has a duty to intervene if a state fails to protect its own people. According to UN approaches to intervention (Chapter 8, Article 3), regional organizations are given the initiative to deal with local disputes and advance peace. For this reason, international pressure has been applied to African regional organizations to employ enforcement mechanisms more consistently pursuant to their own regional treaty obligations and the UN standards, including the responsibility to protect.

The traditional non-interventionist norms are also contested by the International Criminal Court (ICC)’s involvement in election and human rights concerns. A vast majority of African countries are at least signatories to the Rome Statute. Several indictments (e.g., Laurent Gbagbo of Côte d’Ivoire and Kenyatta and William Ruto of Kenya) and threats of investigation (e.g., 2011 and 2015 Nigeria) associated with civil conflicts and election disputes demonstrate the ICC’s intervention in states’ internal affairs. These actions have sparked a backlash from some African leaders against the ICC, with one argument suggesting that the ICC is unfairly targeting Africans and amounting to external intervention in African countries. Kenyatta’s mobilization of elite-level support from African leaders against the ICC illustrates how African leaders by-and-large embrace the non-intervention discourse sometimes in opposition to broader international obligations. Further, the African Union (AU)’s apparent anti-ICC position and the anti-ICC resolution passed by the ruling African National Congress (ANC) of South Africa reflect the diffusion of the pro-sovereigntist views across African countries against the international community’s emphasis on elections and human rights-related intervention. The creation of an “African ICC” has been purposed, which further reveals the desires of some member states in regional organizations to deflect criticism and stunt the spread of international norms surrounding election quality and human rights.

In addition to UN and ICC involvement, Western countries and international organizations provide significant resources and – at times – pressure to enforce international standards of elections and human rights. For instance, a significant proportion of the AU’s election observation budget comes from European Union (EU) contributions. And, the EU provides technical and professional support through the Election Observation and Democratic Support (EODS) project by training election observers. Other support comes from bilateral programs for professionalization

in election and human rights monitoring, and multilateral initiatives through International IDEA and BRIDGE training. International NGOs, such as the National Democratic Institute (NDI), International Republican Institute (IRI), International Foundation for Electoral Systems (IFES), and Electoral Institute for Sustainable Democracy in Africa (EISA) directly collaborate with domestic institutions (e.g., election commissions and local NGOs) and EISA, in particular, holds memoranda of understanding (MOUs) with regional organizations to enhance democracy and human rights programming. Yet, despite assistance, some African governments have sought to limit their influence through civil society regulations or making it difficult to engage regional stakeholders.

Due to the AU's acceptance of external support for elections and human rights and the hiring of professionals with experience in these areas, many African analysts had hope that the AU would take the lead in enforcement. Yet, AU engagements have largely not succeeded even when minimal enforcement mechanisms were employed, such as not sending election observers to the 2015 Burundi and 2015 Sudan elections. Further, the AU still to take cues from its constituent sub-continental organizations, with first-action steps taken by local regional organizations, such the EAC's mediation role in 2015 Burundi. For this reason, it is useful to look at public opinion as it refers to neighboring states, and these states acting in their sub-continental regional organization. There is also useful variation across the regional organizations in commitments and enforcement, with ECOWAS intervening most consistently in trouble spots. The variation in norms and enforcement may be significant in outcomes for election quality and human rights.

Nevertheless, in the main, the normative structure of African regional politics and the associated elite politics appears to produce feeble responses to flawed elections and human rights abuses. It is possible that citizens' opinions – though not consistently vocal on regional norms – have the ability to reinforce the structure forged by elites or challenge the norms of non-intervention that have persisted since the post-colonial era and into the post-Cold War period.

Theoretical Framework

There are two ways to examine regional intervention from the citizens' perspective: through the lens of an egocentric outlook, and that of an ideation, or principled outlook. The egocentric lens emphasizes how citizens' political experiences in their own country influence their attitudes towards regional intervention. This includes citizens' partisan persuasion, perceptions of election quality, freedom in the country, and familiarity with regional organizations. The ideational lens emphasizes citizens' embrace of democracy, respect for the rule of law, and general beliefs about the political system. This reflects the internalized beliefs of citizens about ensuring democracy is practiced and human rights are protected. The ideational aspect is akin to a principled stand. At an extreme, citizens may embrace democratic and human rights ideals beyond their borders and subscribe to a regional "ideational solidarity." This solidarity

may extend to the duty of neighboring states to intervene and defend democratic principles when they are challenged abroad.

Regional intervention through the egocentric lens

Although the domain of regional norms is largely for political elites, ruling political elites have employed appeals to non-interference to rally the populace. These appeals have generally framed non-interference and non-intervention as a protection against the meddling of "imperial powers" of the West. This discourse from ruling parties is particularly strong in Zimbabwe, Angola, and Côte d'Ivoire under Gbagbo. The anti-colonial basis for the non-intervention discourse may be weaker in other African countries; however, it remains a common argument to justify the ruling party's freehand in the country, politically, economically, and otherwise. One of the intended effects of these appeals is to entrench a pro-sovereigntist viewpoint among the populace. It is expected that the pro-sovereigntist messaging attracts particular adherence by citizens pre-disposed to support the ruling party.

Brotherhood of sovereigntist appeals at the elite level

In the main, the pro-sovereigntist viewpoint and discourse are highly advantageous to the incumbents and their ruling parties. In situations where election and human rights practices come under intense international scrutiny, particularly from so-called Western democracy promoters, the ruling political elite often elevates non-interference and non-intervention rhetoric to deflect criticisms of state practices. For instance, Zimbabwe's severely flawed and violent elections in 2002 and 2008 attracted condemnation from the West and scrutiny from regional neighbors in SADC, such as Botswana and South Africa. SADC countries were negatively affected by the externalities generated from Zimbabwe's elections in the form of regional economic destabilization and the influx of immigration. In response, President Ian Khama of Botswana directly condemned President Robert Mugabe and the Zimbabwe African National Union Patriotic Front (ZANU-PF)'s aggression against the political opposition. Even Mugabe's perennial ally, South Africa, began to seek more information about the poor election conditions and human rights abuses. Most notably, South Africa sent a team of generals to observe the 2002 elections and the security situation.

Mugabe and ZANU-PF condemned the increased scrutiny and responded directly to some of the largely whispered criticisms from neighboring countries. In response to the more outspoken Khama, Mugabe suggested that Botswana was interfering in Zimbabwean politics at the request of the Western imperialists and that Botswana was not a friend of the liberation struggle. Mugabe also personally attacked Khama mentioning on several occasions that Khama was a homosexual. Mugabe and ZANU-PF also cautioned South Africa – though they were less directly confrontational – to respect the sovereignty of Zimbabwe and the political processes within the country. The fact that South Africa's report on the 2002 election remained sealed for years illustrates how strong the pro-sovereigntist viewpoint continues

to be for the ruling political elite, even for a nominally democratic South Africa.

”Trickle down” v. ”trickle up” regionalization

It is likely that appeals to the pro-sovereigntist, non-intervention viewpoint are also directed at the citizenry, with a different signal sent to ruling party and opposition party supporters. As alluded to, for supporters of the incumbent and ruling party, the discourse seeks to reinforce the state’s authority within the country and in some countries (e.g., former Frontline States) draws on the liberation struggle framework that has been used to mobilized citizens and shape public opinion in the past. Increasingly, part of the appeal is to justify conditions in the country, in terms of democracy, freedom, and free and fair elections and devalue critiques.

In contrast, the message from the incumbent and ruling party to opposition supporters is designed to deter any regionalization of domestic political disputes. Regionalization of disputes refers to the strategy of domestic actors bringing domestic concerns to regional and international forums, thereby gaining broader attention. Since domestic scrutiny of election and human right practices is often futile in more authoritarian settings, in which the ruling party has control over state investigatory and judicial institutions, opposition parties have some incentive to regionalize their grievances. The aim is to seek forums outside of the domestic environment in order to receive a more balanced response and mobilize regional and international resources for policy change.

Although bringing domestic concerns to regional neighbors and regional organizations may not lead to increased scrutiny or redress by ruling parties, it serves as a last resort for many opposition parties and supporters. This is particularly true in the face of large-scale malfeasance and human rights abuses. Opposition party supporters despite knowing the history of African elites supporting one another are willing to hold ”a bit of faith” that regional scrutiny will yield some benefits. As the following discussion suggests, the evolution of African regional organizations may provide opposition supporters increasing hope that regional neighbors may actually provide useful scrutiny and intervention in elections and human rights areas. In addition to partisanship, the belief that regional recourse could potentially work (often as a last resort) is expected to be strongest for citizens who feel elections are not at all free and fair and who feel highly unfree in their country.

Evolving African regional organizations?

In the more recent age of regular elections, African regional organizations have expanded their institutional structures (to varying degrees) to engage in election-related and human rights activities, such as election observation, post-election mediation, and human rights advocacy. Despite the expansion of African regional organizations into the elections space, there is merited skepticism about the aims and outcomes of these interventions, particularly when looking at the early 2000s.

When discussing the effects of African regional organizations, the conventional wisdom—espoused by Pevehouse (2005) and Donno (2010) —suggests that African regional organizations only embrace democracy “on paper” and sanctioning and intervention because of poor democratic practices rarely occurs. This is an accurate assessment since regional commitments in the African context do not signal a credible desire to enact democratic reforms, including holding quality elections, or an interest in raising the costs of deviating from democratic reforms (Mansfield and Pevehouse 2006, Mansfield and Pevehouse 2008). For example, a number of countries who have either ratified or signed the AU’s African Charter on Democracy, Elections and Governance continually violate their commitments on a regular basis, such as Ethiopia, Mauritania, and Rwanda which have fully ratified the Charter (Figure 8.3). There are also repeated violations of sub-continental treaty principles, such as the pillar of democracy and good governance in the EAC Treaty.

Figure 8.3: Ratifying Countries and Signatories to the AU’s African Charter on Democracy, Elections and Governance



Source: African Commission on Human and Peoples’ Rights (2016)

Likewise, methods of regional monitoring human rights and election quality concerns are highly questionable. In assessing election observation’s effects, previous literature makes a distinction between so-called “credible” (often Western) and “non-credible” (including to African regional organization) observers. Kelley (2011) finds that regional observers lack credibility and have no positive effect on lowering violent protests and deterring opposition boycotts. The implication is that regional election observation will not contribute to better election quality and scrutiny over protecting human rights.

On the other hand, the previous literature neglects substantial evolutions, particularly in election-related interventions in recent years (in the 2010s). For example, the AU and ECOWAS have begun to regularly deploy pre-election

assessment missions (PAMs) a few weeks or months prior to election day to determine whether the baseline conditions for a "credible" election are present. There is evidence that PAMs provide crucial information used to decide whether to deploy an election observation mission. Although PAMs are not publicly available, they are available to African regional organization officials, key country stakeholders, and international partners that provide financial and programmatic support for election observation programs (e.g., EU, UK).

Based on field interviews with key stakeholders, it is clear that PAM internal assessments have direct effects, and have changed the nature of election observation. For instance, the AU decided not to deploy election observers for Burundi and Sudan's 2015 elections based on PAM recommendations. This contrasts with the previous AU norm of observing all elections without interrogating whether elections have met baseline criteria for deploying observers (e.g., the AU observing Gambia's 2011 severely flawed election against even the wishes of a "boycotting" ECOWAS).

Further, election assistance units have employees with professional experience in elections work. These election professionals sometimes receive their positions and salaries from Western donor countries. This arrangement allows the regional organizations, such as the AU, to by-pass internal hiring processes and attach trained and impartial election professionals to regional organization programming.

African regional organizations have also begun to embrace improved observation methodologies. Most recently, regional organizations have deployed long-term observers (LTOs) and held centralized training for a roster of regular election observers. The move to long-term observation at the AU level is heavily supported by the EU and training involves a variety of partners, including the EU's Election Observation and Democratic Support (EODS) organization and EISA. Further, consultations during elections occur with a wider range of political stakeholders. In the last five years (since 2010), regional election observation has evolved from "sightseeing" junkets to more serious election observation and dialogue missions. Although the extent to which improvements in election observation methodologies is limited by the political pressures of member states, missions do provide useful information for judging the quality of elections.

These developments provide some incentive for opposition inclined citizens and those feeling that elections are flawed and the country is unfree to look outside of the domestic arena to embrace regional intervention. The hope is that regional intervention may force the incumbent and their ruling party to address some opposition grievances. On the flipside, these new developments at the regional level provide incumbents and ruling parties an incentive to elevate pro-sovereigntist arguments even more. This is clearly the case when the ruling elites suggest that any collaboration between opposition parties with neighboring countries to achieve greater scrutiny over elections and human rights practices is not nationally authentic and a form of treason. For this reason, it is expected that citizens with ruling and opposition party support will have very different views on regional intervention.

The aforementioned theory centered on egocentric factors produces four testable hypotheses:

H1: Citizens who are ruling party supporters are more likely to support the pro-sovereigntist viewpoint, whereas citizens who are opposition supporters are more likely to support the pro-interventionist viewpoint.

H2: Citizens with a less favorable opinion about the quality of elections in their country will be more likely to support a pro-interventionist viewpoint.

H3: Citizens who feel unfree in their country will be more likely to support a pro-interventionist viewpoint.

H4: Citizens with a more favorable opinion of their relevant regional organization (e.g., ECCAS, ECOWAS, EAC, SADC) will be more likely to support a pro-interventionist viewpoint.

Taken together, these hypotheses assert that citizens feeling politically disadvantaged under the current ruling party are more willing to embrace a pro-interventionist viewpoint. Ultimately, political experiences in one's own country, the egocentric aspect, provides an impetus to be either pro-sovereigntist or pro-interventionist.

Regional intervention through the ideational lens

Citizens' pro-interventionist and pro-sovereigntist views may be shaped by ideational beliefs about the value of democracy and the rule of law. Due to the history of non-intervention and its association with the "dictators supporting dictators" approach, it is likely that citizens who embrace democracy and rule of law will be more interested in contesting the non-intervention norm. This is not to say that regional intervention will or has resulted in better democratic and rule of law outcomes.

In fact, as mentioned in the previous section on election quality concerns, African states in regional organizations have purposely buttressed the power of incumbents and ruling parties in the face of election challenges. However, it is likely that citizens will interpret these regional failures to enhance election and human rights practices as the result of indifferent non-intervention (e.g., Kenyatta's support of Museveni's 2016 election).

This chapter posits that non-intervention, pro-sovereigntist norms have been co-opted by the ruling incumbents and parties to justify authoritarian tactics, and a pro-interventionist viewpoint may be associated with confronting authoritarianism more broadly. Therefore, citizens may support intervening beyond their borders with a responsibility to defend democracy and human rights. This amounts to beliefs-based transnational solidarity. In the process, citizens may engage with broader international norms, such as the responsibility to protect standard and regional organization "on paper" treaty commitments, or international institutions, such as the ICC and its prerogative, to promote the

protection of human rights. In short, citizens' beliefs may matter to how they interpret regional intervention.

This leads to the following hypotheses:

H5: Citizens who embrace democracy will be more likely to support a pro-interventionist viewpoint.

H6: Citizens who believe that the rule of law should be protected will be more likely to support a pro-interventionist viewpoint.

These hypotheses reflect how citizens' ideational beliefs about democracy and the rule of law will influence their opinions on regional intervention.

Empirical Approach

Data

The data for the empirical analysis comes from Afrobarometer. Afrobarometer is a pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across more than 30 countries in Africa. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples that yield country-level results with margins of error of +/-2% (for samples of 2,400) or +/-3% (for samples of 1,200) at a 95% confidence level. The empirical analysis uses Afrobarometer Round 6 data (2014/2015) from about 45,000 interviews in 29 sub-Saharan African countries.²

Dependent variable

The Afrobarometer Round 6 survey asks a standard question about regional intervention to ensure free elections and prevent human rights abuses:

Which of the following statements is closest to your view: Choose Statement 1 or Statement 2. (The interviewer probes for the strength of opinion: Do you agree or agree very strongly?)

Statement 1: The governments of each country in [Appropriate region, e.g., West] Africa have a duty to try to guarantee free elections and prevent human rights abuses in other countries in the region, for example by using political pressure, economic sanctions or military force.

Statement 2: Each country in this region should respect the independence of other countries and allow them to make their own decisions about how their country should be governed.

Response choices include: "Agree very strongly with statement 1," "agree with statement 1," "agree with statement 2," and "agree very strongly with statement 2." Though the interviewer does not read "agree with neither" or "don't know," respondents may select these options. The pro-interventionist viewpoint is captured by respondents that "agree very strongly" or "agree" with statement 1, while the pro-sovereigntist (non-intervention) viewpoint is captured by respondents that "agree very strongly" or "agree" with statement 2.

Without excluding "agree with neither" and "don't know" responses in calculating frequencies, Table 8.1 illustrates the proportion of respondents that hold the pro-interventionist and pro-sovereigntist viewpoints across the 32 countries.

Table 8.1: Pro-Interventionists and Pro-Sovereignists Viewpoint Across 32 sub-Saharan African Countries

Country	Pro-sovereignists	Pro-interventionists
Madagascar	78%	19%
Namibia	76%	22%
Côte d'Ivoire	74%	25%
Gabon	70%	29%
South Africa	65%	30%
Cameroon	63%	27%
Liberia	63%	36%
Senegal	62%	37%
Zambia	61%	30%
Guinea	60%	34%
Cape Verde	60%	33%
Mali	60%	38%
Botswana	59%	34%
Kenya	59%	35%
Benin	58%	39%
Uganda	57%	33%
Africa Average (32 countries)	57%	35%
Sudan	56%	33%
Mauritius	56%	30%
São Tomé and Príncipe	55%	14%
Lesotho	54%	34%
Tanzania	53%	34%
Nigeria	52%	43%
Ghana	52%	40%
Niger	51%	44%
Swaziland	50%	43%
Malawi	50%	43%
Mozambique	49%	33%
Zimbabwe	48%	45%
Togo	48%	48%
Burundi	46%	41%
Sierra Leone	41%	38%
Burkina Faso	31%	66%

Note: N= 45,183 in 32 African countries covered by Afrobarometer Round 6, not including missings and "don't knows," and "agree with neither" not shown in Table 8.1.

By-and-large the pro-sovereignist viewpoint is dominant among the citizenry. Most countries have a minority of at least 30% of the citizens supporting a pro-interventionist viewpoint, with only Burkinabes holding a majority pro-interventionist view. The observed dominance is not surprising given the investment of ruling parties in the pro-sovereignist viewpoint for citizen consumption. There are potential factors that can explain the country-level variation, including the impact of Blaise Compaore's forced removal in Burkina Faso (2014) and the negative role of direct foreign intervention in São Tomé and Príncipe's politics (e.g., direct Angolan intervention in elections and political affairs). Though these country-level experiences are arguably important, this chapter examines the variation at the individual level. Further, models using mean centered variables suggest that within-country differences may be driving differences in public opinion, rather than country-level variation.

The intervention dependent variable used in the statistical analysis excludes respondents offering "agree with neither" and "don't know" response, except for the ordinal logistic models in the Appendix (Appendix A.6). The intervention variable is dichotomous, with 1 representing a pro-interventionist view and 0 representing a pro-sovereignty view (Appendix Figure A.8 and Appendix A.4).

Independent variables

Partisan affinity

As a proxy of partisan affinity, this chapter uses trust in the opposition parties. Trust in the opposition parties is a good measure because although even opposition supporters may trust the ruling party and government, it is "high bar" to express an affinity for opposition parties, particularly for strong and weak supporters of the ruling party. Afrobarometer asks respondents: "How much do you trust each of the following, or haven't you heard enough about them to say: opposition political parties?" Respondents indicate whether they trust the opposition "a lot," "somewhat," "just a little," and "not at all." The models illustrated code all "don't know" response as a separate middle category between "somewhat" and "just a little." Models not included in this chapter with the don't knows excluded yield similar results.

Perception of election quality

If citizens view elections as significantly flawed, this may be associated with a more pro-interventionist viewpoint. Afrobarometer asks respondents about the overall quality of their previous national elections: "On the whole, how would you rate the freeness and fairness of the last national election, held in [20XX]?" Possible responses include "completely free and fair," "free and fair, but with minor problems," "free and fair, with major problems," and "not free and fair." All don't know responses are excluded.³

Perception of basic freedoms

This chapter uses an index of citizens' perceptions of basic freedoms in their country. It is expected that citizens who feel less free in their country will be more likely to embrace the pro-interventionist position. Afrobarometer asks respondents: "In this country, how free are you: (1) to say what you think, (2) to join any political organization you want, and (3) to choose who to vote for without feeling pressured." The response categories are "completely free," "somewhat free," "not very free," and "not at all free." The index is calculated based on the average response across the three question parts for which respondents provided at least one response (i.e., not a "don't know" response).

Views on regional organizations

Respondents with a more positive view of their relevant African regional organization may be more likely

to support regional intervention. Afrobarometer asks respondents: "In your opinion, how much do each of the following do to help your country, or haven't you heard enough to say: Regional organization [Appropriate regional organization: EAC/ ECOWAS/ IGAD/ SADC]." The response categories are "do nothing, no help," "help a little bit," "help somewhat," and "help a lot." Respondents who say they "don't know/ haven't heard enough" are included in the "do nothing, no help" category because it is clear that they view the impact on the country as negligible or even undetectable.

Support for democracy

Support for democracy is measured in two ways: whether citizens find democracy more preferable than other forms of government, and whether citizens support or reject non-democratic alternatives. It is expected that those with a belief in democratic governance will be more likely to hold pro-interventionist views. There is a direct measure of support of democracy from a question that asks respondents to select the statement that best reflects their view: "democracy is preferable to any other kind of government," "in some circumstances, a non-democratic government can be preferable," and "for someone like me, it doesn't matter what kind of government we have." The "don't know" responses are included with those that say that it doesn't matter because the don't know response seems to suggest indifference about the form of government, or at least a very weak affinity for democracy.

Afrobarometer also asks respondents whether they disapprove or approve of three non-democratic regimes: one-party rule, military rule, and one-man rule. An average score was calculated for all respondents that offered at least one response to one of the non-democratic forms of government. This provides an index of citizens' support or lack of support of non-democratic alternatives. Higher values denote a rejection of non-democratic alternatives and therefore greater support for democratic governance. As shown in the results section, the two different measures of support for democracy yield similar outcomes.

Respecting the rule of law

Citizens who believe that the president should abide by the laws of the country should be more likely to hold a pro-interventionist viewpoint, as a sign of embracing the rule of law. Afrobarometer asks respondents to choose between: "Statement 1: Since the President was elected to lead the country, he should not be bound by laws or court decisions that he thinks are wrong" and "Statement 2: The President must always obey the laws and the courts, even if he thinks they are wrong."⁴

Additional variables

Respondents who are more interested in political affairs (i.e., sophisticates) may exhibit a more positive view be-

cause they see the potential benefits of regional intervention, particularly in ensuring political and economic stability. Afrobarometer asks respondents: "How interested would you say you are in political affairs?" The response categories are "very interested," "somewhat interested," "not very interested," and "not at all interested." The models also use controls for basic demographic variables, including gender, urban-rural dwelling, education, and employment.

Descriptive statistics

Table 8.2 includes the summary statistics for each of the variables used in the model estimations.

Table 8.2: Descriptive Statistics for Variables in the Models

	N	Missing/ No Value	Mean	SE Mean	CI Mean 95%	Min	Max	Median	Variance	Std. Deviation
Opposition Trust	46,706	2,431	1.244	0.005	0.009	0	3	1	1.075	1.037
Democracy Support	49,092	45	2.447	0.004	0.007	1	3	3	0.695	0.834
Perception of Election Quality	44,570	4,567	3.058	0.005	0.010	1	4	3	1.108	1.053
Perception of Freedom	48,761	376	3.383	0.003	0.007	1	4	3.667	0.556	0.746
Rule of Law	49,124	13	1.444	0.004	0.008	0	2	2	0.739	0.860
Regional Org Support	47,914	1,223	1.221	0.005	0.010	0	3	1	1.343	1.159
Sophistication	49,113	24	1.585	0.005	0.010	0	3	2	1.220	1.104
Rejection of Non-Democratic Alternatives Index	49,128	9	4.090	0.004	0.008	1	5	4	0.853	0.924
Election Quality Index	48,081	1,056	1.839	0.003	0.006	0	3	1.800	0.404	0.636
Gender	49,137	0	1.503	0.002	0.004	1	2	2	0.250	0.500
Urban	49,137	0	0.609	0.002	0.004	0	1	1	0.238	0.488

Model Estimation

The estimation approach employs a logistic regression for the dichotomous intervention variable (i.e., the variable excluding "don't knows" and "agree with neither."). There is a primary model and five additional models that include other variables to check for robustness. Finally, the primary model is employed using fixed effects at the country level.

The Appendix includes three models that use group mean centered and group mean values to estimate the effects of the main independent variables (Appendix Table A.5). This is done to explore the within and between country effects. Also, the Appendix includes a replication of two of the logistic regressions using an ordered logit as a robustness check (Appendix Table A.6).

Results

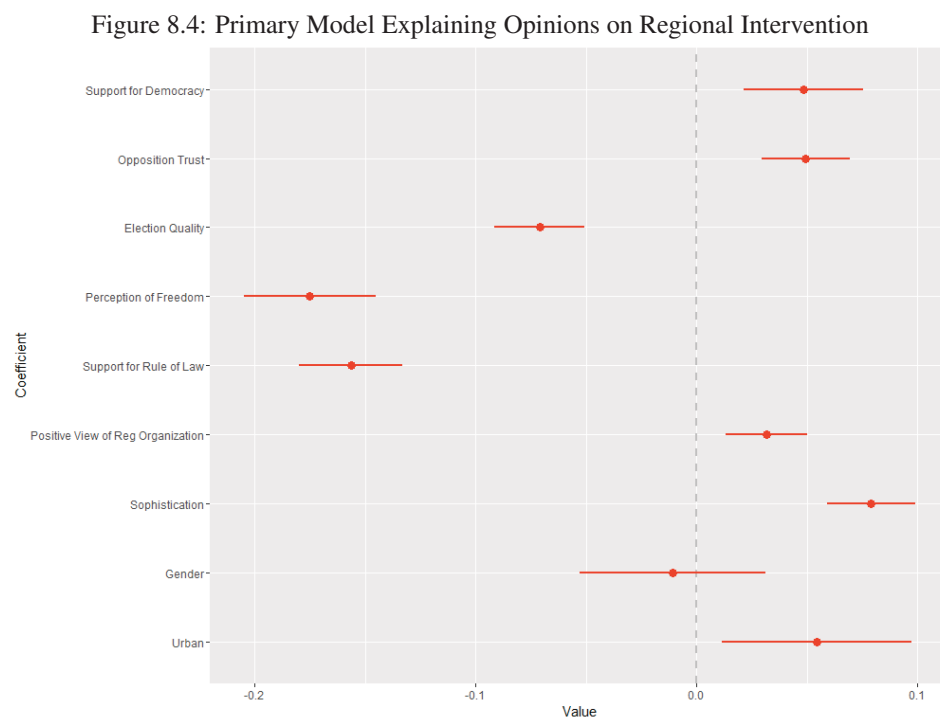
The results from the primary model (Figure 8.4) suggest that partisanship influences citizens' opinion on regional intervention. Higher support for the opposition party is associated with a more pro-interventionist viewpoint. The corollary to this finding is that strong ruling party supporters tend to hold more pro-sovereigntist views – which are generally in line with ruling governing elites. Citizens' experiences also influence their views on regional intervention. Citizens who believe elections are flawed in their own country and they feel an overarching lack of freedom tend to

have a more pro-interventionist viewpoint.

Overall, citizens that think more highly of their regional organization tend to be more favorable towards intervention. This may suggest that citizens who evaluate their regional organization as capable and proficient may have more faith in the organization's ability to improve election quality and human rights. However, the relationship is fairly weak. This may be because citizens still have a "wait and see" attitude toward largely pro-incumbent regional organizations.

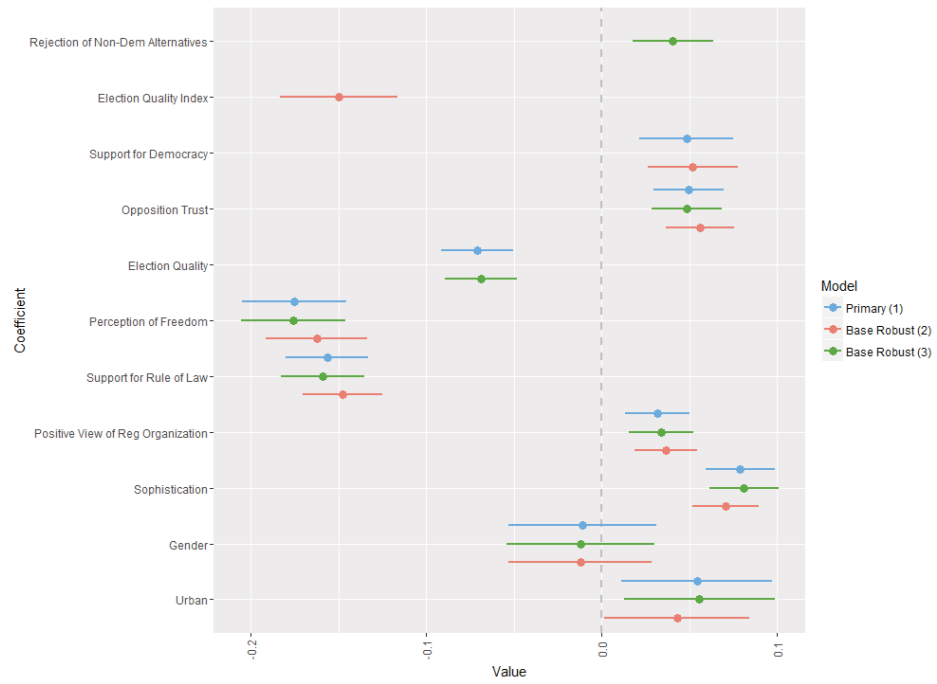
The ideational hypotheses are generally supported by evidence that citizens who are supportive of democratic governance are more favorable towards intervention. However, the support is not found for the rule of law hypothesis. Citizens who believe more in the rule of law (i.e., executive restraint) tend to hold a more pro-sovereigntist position.

The results are robust across different specifications of the primary model (Figure 8.5 and Table 8.3). The rejection of non-democratic alternatives index and election quality index variables suggest that the findings pertaining to democratic support and election quality are robust.



Note: Illustrates coefficient values and 95% confidence intervals with N=38,109.

Figure 8.5: Model Explaining Opinions on Regional Intervention Coefficient Comparison



Note: Illustrates coefficient values and 95% confidence intervals.

Table 8.3: Explaining Citizens Opinions on Regional Intervention

	<i>Logistic</i>					<i>Generalized Linear Fixed Effects</i>	
	Primary Model (1)	(2)	(3)	(4)	(5)	(6)	(7)
Support for Democracy	0.052*** (0.014)	0.056*** (0.013)		0.054*** (0.014)	0.059*** (0.013)		0.039*** (0.014)
Opposition Trust (Partisanship)	0.051*** (0.010)	0.055*** (0.010)	0.050*** (0.010)	0.050*** (0.010)	0.055*** (0.010)	0.050*** (0.010)	0.043*** (0.010)
Rejection of Non-Democratic Alt			0.042*** (0.012)			0.045*** (0.012)	
Election Quality	-0.071*** (0.011)		-0.068*** (0.011)	-0.071*** (0.011)		-0.068*** (0.011)	-0.069*** (0.011)
Election Quality Index		-0.140*** (0.017)			-0.141*** (0.018)		
Freedom Index	-0.166*** (0.015)	-0.154*** (0.015)	-0.167*** (0.015)	-0.166*** (0.016)	-0.153*** (0.015)	-0.166*** (0.016)	-0.158*** (0.017)
Support for Rule of Law	-0.149*** (0.012)	-0.139*** (0.012)	-0.152*** (0.012)	-0.149*** (0.012)	-0.139*** (0.012)	-0.152*** (0.012)	-0.152*** (0.012)
Regional Org Support	0.020** (0.009)	0.025*** (0.009)	0.022** (0.009)	0.021** (0.009)	0.026*** (0.009)	0.023** (0.009)	0.042*** (0.010)
Sophistication	0.082*** (0.010)	0.076*** (0.010)	0.084*** (0.010)	0.083*** (0.010)	0.077*** (0.010)	0.085*** (0.010)	0.063*** (0.010)
Education				-0.0002 (0.006)	-0.001 (0.006)	0.0002 (0.006)	
Employment				-0.014 (0.009)	-0.014 (0.009)	-0.015 (0.009)	
Gender	-0.010 (0.022)	-0.014 (0.021)	-0.012 (0.022)	-0.010 (0.022)	-0.014 (0.021)	-0.012 (0.022)	-0.010 (0.022)
Urban	0.034 (0.022)	0.024 (0.021)	0.036 (0.022)	0.030 (0.024)	0.018 (0.023)	0.032 (0.024)	-0.016 (0.023)
ECOWAS	0.467*** (0.076)	0.365*** (0.069)	0.458*** (0.076)	0.471*** (0.077)	0.379*** (0.071)	0.461*** (0.078)	0.438 (0.312)
EAC	0.471*** (0.078)	0.352*** (0.072)	0.450*** (0.078)	0.478*** (0.080)	0.371*** (0.073)	0.457*** (0.080)	0.504 (0.334)
ECCAS	-0.228** (0.093)	-0.354*** (0.086)	-0.236** (0.093)	-0.227** (0.094)	-0.341*** (0.088)	-0.235** (0.094)	-0.278 (0.368)
SADC	0.316*** (0.076)	0.221*** (0.069)	0.307** (0.076)	0.319*** (0.077)	0.236*** (0.071)	0.310*** (0.077)	0.240 (0.314)
Constant	-0.232** (0.099)	-0.143 (0.093)	-0.270*** (0.103)	-0.222** (0.106)	-0.145 (0.100)	-0.268** (0.110)	-0.181 (0.308)
Observations	38,109	40,835	38,138	37,915	40,608	37,943	38,109
Log Likelihood	-24,977.140	-26,761.610	-24,996.920	-24,845.820	-26,607.190	-24,864.240	-24,708.970
Akaike Inf. Crit.	49,982.290	53,551.220	50,021.840	49,723.650	53,246.370	49,760.470	49,447.940
Bayesian Inf. Crit.							49,576.160

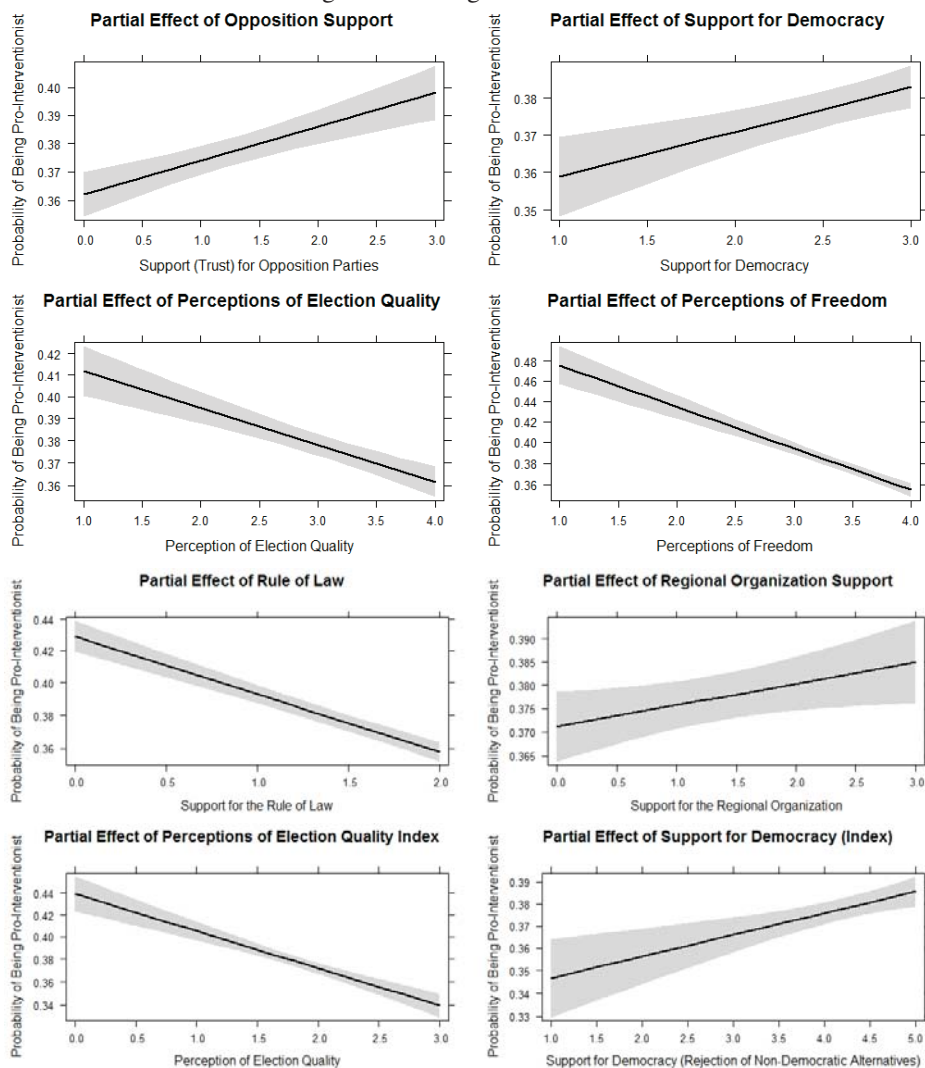
*p<0.1; **p<0.05; ***p<0.01

The marginal effects illustrate the strength of the relationship moving from low to high values on each of the main variables of interest (Figure 8.6). The effects of partisanship, perceptions of election quality, and perceptions of freedom are the largest when moving from lowest to highest values, with support for democracy having a modest effect.

These findings suggest that egocentric perceptions about happenings in one's own country politically have the

largest effect over their attitude toward regional intervention in comparison to ideational motivations (e.g., support for democracy and rule of law) for intervention. Further, of all of the egocentric factors, citizens experiences with poor elections in their own country and authoritarian rule compels them to feel that regional intervention may be necessary.

Figure 8.6: Marginal Effects Plots



Note: Reflects 95% confidence intervals for all marginal effects plots.

The results are considerably robust for the election quality findings, with the marginal effects for the election quality index suggesting that there is a significant effect as citizens move from thinking their elections are highly flawed to completely free and fair.

Conclusion

Although only a minority of citizens embrace a pro-interventionist viewpoint when it comes to neighboring countries ensuring free and fair elections and protecting against human rights abuses, it is a significant minority that challenges engrained norms of non-intervention and a strong pro-sovereigntist viewpoint. The decision to embrace a pro-interventionist viewpoint appears to reflect citizens' political experience through partisanship, observing the quality of elections, and feelings of freedom in their country. It is also influenced by the ideational commitments of citizens to democratic ideals, mainly the support of democracy. Of all of the effects, experiences with a lack of freedom in the country and flawed elections weigh on citizens' opinions the most.

The implication of these findings is that as political competition and opposition support increase, pro-sovereigntist norms once thought hegemonic may be revised. As an example of a country going through a significant democratic revolution, Burkina Faso illustrates that major political events in a country could sway citizens' views on regional intervention. Significant changes in citizens' opinions and their more vocal articulation, such as Kenyans' response to Uganda's 2016 election, could incentivize the political elite to re-evaluate their outright pro-sovereigntist viewpoint.

Finally, recent developments at the AU and regional organization level to institutionalize the scrutiny of elections and human rights provide a motivation for the politically vulnerable to regionalize their domestic grievances. The occurrences of opposition leaders meeting with the ruling leaders of neighboring states, particularly before elections (e.g., Raila Odinga's frequent East African trips), illustrate a conscious effort by some political elites to revise the pro-sovereigntist hegemony. Nevertheless, many ruling elites describe these efforts as attempts to invite neighborhood and international meddling in domestic affairs, and at times accuse opposition leaders of treason. It is clear that as opposition leaders have begun to realize the importance of the pro-interventionist v. pro-sovereigntist debate and the implications for elections and human rights support, so too do politically vulnerable citizens.

Notes

¹The Ugandan government maintained that at least one of the "arrests" of opposition leader Kizza Besigye in February 2016 was done to maintain law and order and protect the leader's safety.

²Although data is available from Burkina Faso, Swaziland, and Gabon, these countries are excluded in the statistical analysis. Survey questions about opposition parties were not asked in Burkina Faso due to the revolution in the country in which the opposition forces became the transitional government and a new "opposition party" had not been established. These questions are also not asked in Swaziland because the country does not formally recognize opposition parties, nor allows for citizens to comment on opposition politics. Gabon is also excluded because the question about whether the relevant regional organization is helpful or not was not asked in the country. In models (not shown) in which the regional organization favorability variable is excluded and Gabon is included, the results do not change for other variables.

³As a robustness check, an index was created for a number of election-related concerns. Afrobarometer asks respondents about how often they

occur in their country's elections: "votes are counted fairly," "opposition candidates are prevented from running for office," "the media provides fair coverage of all candidates," "voters are bribed," "voters are offered a genuine choice in the elections," and "voters are threatened with violence at the polls." The response categories are: "always," "often," "sometimes," and "never." The response categories are reordered to reflect more positive assessments having higher values for each election concern. For instance, the scale is reversed when asking about opposition candidates being prevented from running for office. An average score across all questions was calculated for all respondents that offered at least one response to the election questions (i.e., not a "don't know" response). This produces an index of every citizens' views of election quality in their country.

⁴Response choices include: "Agree very strongly with statement 1," "agree with statement 1," "agree with statement 2," and "agree very strongly with statement 2." Though the interviewer does not read "agree with neither" or "don't know," respondents may select these options. Support for the rule of law is captured by a combined category for respondents that report "agree very strongly" or "agree" with statement 1, while citizens less supportive of the rule of law are captured by a combined category of respondents that "agree very strongly" or "agree" with statement 2. A middle category is created to include responses of "agree with neither" and "don't know."

Chapter 9

Becoming My Brother's Keeper?

Shaping the regional response

The analysis of the recent elections in Côte d'Ivoire, Kenya, and Zimbabwe illustrates how African regional organizations may shape election quality and alternations of power. It is clear that there is significant variation across the African regional organizations in the likelihood that regional influence will contribute – at least in part – to a democratizing moment. This dissertation has presented a theoretical framework, which considers the institutional arrangements, capacities, and international interactions and partnerships of regional organizations. These attributes vary across Africa's regional organizations, with the Economic Community of West African States (ECOWAS) far surpassing the others in every category. Another critical feature is how domestic political opposition interacts with a usually pro-incumbent regional organization. Taken together the five factors shape a regional organization's intervention: (1) the ability of regional organizations to gather and interpret actionable information about the quality of the election, mainly through election observation; (2) the support for and capacity of regional institutions to administer election assistance programs; (3) the embeddedness of regional organizations in networks of international institutions (such as the United Nations (UN), donor countries, and international nongovernmental organizations in the democracy and elections space); (4) the degree of inclusion and balance in a regional organization's approach to mediation and conflict resolution; and (5) the ability of opposition parties to develop relationships with regional neighbors and signal their credibility.

Two most recent election cases that occurred after concluding the fieldwork for this dissertation illustrate how important regional organizations are to shaping outcomes. In August 2016, Gabon held an election in which the official figures in government strongholds failed to reconcile with expectations about turnout, census figures, and basic math. For instance, in the incumbent president Ali Bongo's home region of Haut-Ogooué official figures put turnout at 99% with a 95.5% share for Bongo. This turnout figure deviated significantly from other regions with turnout ranging from 45% to 71%. Even members of the government, including Justice Minister Séraphin Moudounga – who resigned

after the election – questioned whether the results “tally with reality.”¹ Despite the malfeasance present in the election, Bongo was declared the winner by a mere 5,594 votes over opposition leader Jean Ping (49.8% v. 48.23%). Looking at the Afrobarometer Round 6 figures from the year before the election (September/October 2015), Gabonese expressed discontent with Bongo and his government, with 54% strongly disapproving or disapproving Bongo’s performance, and 61% said they have none or just a little trust in the president. Likewise, many Gabonese do not trust their election commission (i.e., 51% have “not at all” and 25% have “a little bit” of trust in the commission). Despite these clear indications about the unpopularity of the president, Bongo was able to use a deeply flawed domestic legal recourse process to throw out any challenge to the election result. In fact, the president of the Constitutional Court that presided over the election petition, Marie-Madeleine Mborantsuo, was Bongo’s father’s (the late Omar Bongo) mistress.²

The election and petition processes were highly flawed, and the European Union (EU) voiced its deep concern, including French Prime Minister Manuel Valls.³ The EU election observation mission that was present challenged the process and the results. On 1 September, High Representative Federica Mogherini of the EU stated that “Confidence in the election results can only be restored by a transparent verification, polling station by polling station. The EU is in contact with its partners, in particular, its African partners, with a view to facilitating a peaceful outcome to the crisis.”⁴ Despite the attention from the West, nothing was done to mitigate the election malfeasance. Ping pleaded for international and regional involvement, but no intervention came from regional organizations – not even the African Union (AU) of which Ping was the former Chairperson of the Commission.

Ping had significant regional and international linkages before the election. He was the former Chairperson of the AU Commission (2008-2012) and served as the foreign affairs minister for Gabon from 1999 to 2008, including a year stint as the President of the UN General Assembly (2004-2005). Ping was a mainstay of Gabon’s government before he began to work in foreign affairs. Ping had extensive personal networks in Africa and the international community. When Ping decided to run as an opposition candidate for president, Ping used his connections to legitimize his campaign in tightly controlled Gabon. Ping’s opposition party, Union of Forces for Change (UFC), was newly created for the purpose of contesting the 2016 election. The party was not institutionalized and had no track record of prior electoral success. Yet, at the same time, the UFC did largely unify the main opposition movements in the country in hopes that Ping’s regional credentials and widespread familiarity would lead to a victory. After the 2016 election, there is evidence that Ping was able to interact with AU officials. Interestingly, in his former capacity, Ping was largely complicit with flawed elections during his AU tenure, and this seems to have come back to haunt him. Yet, the lobbying came to no avail at the decisive sub-regional level – Economic Community of Central African States (ECCAS).

Despite the modest strengths of the opposition, ECCAS’ cartel behavior did not allow Ping a hearing within the Central African sub-region even if Ping was somewhat successful in marshaling AU and mainly international

forces. What was missing was an ECCAS willing to pressure the incumbent, Bongo. ECCAS was almost silent throughout the entire period of post-election protest. When it comes to election disputes, ECCAS is below the East African Community (EAC) in confronting election malfeasance due to its many weaknesses. Arguably, ECCAS' lack of response doomed any efforts to confront election malfeasance and incumbent manipulation. In comparison, just months later, an election dispute arose in The Gambia, but the regional response and outcome were significantly different from Gabon.

The Gambia's 2016 election

A surprising result

It goes without saying that no analyst expected then President Yahya Jammeh would lose his own tightly controlled election process on 1 December 2016. Jammeh had proclaimed on several occasions that he would "rule for a billion years" and made it clear he would never give into opposition.⁵ The entire electoral playing field was decisively in Jammeh's favor in terms of media coverage and access, resources, and an atmosphere of fear and intimidation existed before election day. In July 2016, one of the prominent opposition leaders, Ousainou Darboe, was imprisoned for an "unlawful demonstration" along with 18 other opposition officials.⁶ The imprisonment of Darboe meant that the opposition selected Adama Barrow as its candidate.

Even the secrecy of the ballot could not be guaranteed as voters place marbles in a shoot to register their votes. According to Gambian students studying at Michigan State University, it is easy to know how others vote simply by hearing which bucket each marble fell. A marble dropping into a full bucket was, in past elections, a vote for Jammeh. Despite the clear incumbent advantages, Jammeh consistently claimed that elections in The Gambia were "rig-proof."⁷ Soon after the voting finished in The Gambia, the Independent Electoral Commission (IEC) suggested that Jammeh had surprisingly lost the election. Jammeh quickly accepted the results on 2 December even before the official tally had been announced by the electoral commission. Jammeh called the winner, opposition leader Adama Barrow, to offer his concession and his advice.⁸ The concession call immediately went viral on social media and many Gambians celebrated the looming transfer of power away from Jammeh who had been the ruler since taking power in a 1994 coup. A week later on 9 December, Jammeh rescinded his concession and suggested that his review of the election results had uncovered irregularities. Jammeh called for the results to be interrogated and another election organized. He was buying time and began engaging in legal acrobatics to achieve a second-chance election. Nevertheless, Barrow eventually came to power and Jammeh went into exile in Equatorial Guinea. The transfer of power would most likely never have happened without ECOWAS' intervention in the post-election impasse.

The Gambia's 2016 election represents an out-of-sample case study of regional organizations becoming involved

in an election-related dispute. The case arose after the completion of this dissertation's theoretical framework and the research pertaining to elections in Côte d'Ivoire, Kenya, and Zimbabwe. Furthermore, the election crisis presented me an opportunity to apply the theoretical framework and the lessons from the case studies to the evolving Gambian situation. I shared my perspective by appearing on several BBC programs, including *Newsday* and *World Have Your Say*. The major question was whether Jammeh would succeed in his bid to prolong his term and find a way to hold a revote or forge a power-sharing agreement, or whether Jammeh would step down on his own or due to ECOWAS intervention. In retrospect, it is easy to assume that ECOWAS was going to intervene and Jammeh would leave power; however, in early January 2017, it was possible to imagine how Jammeh could buy time and hang on to power. ECOWAS proved to be the deciding actor in removing Jammeh. The following details the important pre- and post-election developments in The Gambia that encompassed ECOWAS' decisive intervention.

Pre-election period

ECOWAS' intervention in Gambia's electoral affairs began in 2011 when ECOWAS refused to send election observers. Citing an environment that was not conducive to free and fair elections and clear incumbent advantages, ECOWAS decided to take the step of not sending election observers.⁹ ECOWAS stated that "Unfortunately, the reports of the fact-finding mission and the Early Warning System paint a picture of intimidation, an unacceptable level of control of the electronic media by the party in power, the lack of neutrality of state and para-statal institutions, and an opposition and electorate cowed by repression and intimidation."¹⁰ The act of withholding election observation missions has occurred in only select cases, and it is usually the culmination of a failed bargaining process between the member state and the regional organization. The regional organization threatens to withhold election observers and thereby overtly question the legitimacy of the electoral process in order to force the incumbent government to enact policies that would improve the election environment. If the incumbent is intransigent as Jammeh proved to be in 2011, then the regional organization could follow through with its threat or acquiesce by sending observers anyway. Since Jammeh refused to make significant changes to the election process, ECOWAS followed through with its threat to withhold election observers. In this case and in 2016, ECOWAS pre-election assessment missions (PAMs) and Early Warning System information formed the basis of gathering and interpreting information that informed the decisions to withhold election observers. In direct opposition to ECOWAS, the AU decided to send election observers in 2011. The AU indicated that they would observe all African elections with the hope of improving election quality through engagement. The AU's action led to a public stand-off between ECOWAS and the AU. ECOWAS criticized the AU decision for challenging the principle of subsidiary and for undermining ECOWAS' enforcement of norms of democracy and free and fair elections in the region. The wedge between ECOWAS and AU reflects an outward manifestation of the differences in election standards and the relative willingness to punish norm-breakers. It is clear that

ECOWAS had many concerns with the electoral process in The Gambia before 2011 and that the country provoked significant monitoring from ECOWAS.

In the lead-up to the 2016 election (c. mid-2016), ECOWAS stated its willingness to send election observers and engage with the Jammeh government on electoral reforms. The hope was that engagement early on (as opposed to punishment-oriented diplomacy) would improve election conditions. ECOWAS chose the carrot over the stick at the outset. However, as the election date drew closer, ECOWAS conducted continuing election check-ins and a PAM, which revealed that election conditions continued to fall short of the region's standards. The information gathered came to light through ECOWAS' stringent approach to monitoring pre-election conditions. In the weeks before the election, ECOWAS was faced again with the decision to send or not send election observers. Despite attempting an engagement approach, ECOWAS could not bring itself to compromise on its commitment to free and fair elections and decided just before the election to not send election observers.¹¹

Again, the AU decided to send election observers. One of the less noted considerations was that opposition leader Barrow had called on observers to contribute to ensuring that free and fair elections take place.¹² The problem with this call was that ECOWAS seems to have thought that even having observers present would not provide enough support to give any competitor a fighting chance against Jammeh. This ECOWAS assessment is reasonable given Jammeh's tight grip on the country, his regime of fear and intimidation, and the use of unfettered, arbitrary power.

One thing appears clear before the 2016 election: Jammeh was unable to curry any favor among ECOWAS countries. Further, between the 2011 and 2016 elections, ECOWAS had expressed concern and opened an investigation into Jammeh's treatment of a Gambian ECOWAS Parliament MP that had questioned policies of Jammeh in the regional forum. According to two ECOWAS MPs, a member of the Gambian delegation returned home after a sitting of the ECOWAS Parliament and was promptly arrested and had his property attacked.¹³ ECOWAS considered investigating the matter because the government's actions had hurt the safety of one of its members. The incident added another reason why Jammeh remained isolated in the region. In addition, The Gambia (and Togo) blocked a regional effort in 2015 to embrace a regional norm instituting a two-term limit for presidents. There was significant disappointment among member states with The Gambia's lack of interest in improving ECOWAS political norms.

2016 election

The presidential election took place on 1 December with only AU observers present. EU observers were denied access and as mentioned ECOWAS refused to send an observer team. Shortly after the end of voting, the Independent Electoral Commission indicated that Jammeh had lost the three-way election. The official results from the Commission showed that Barrow received 43.3%, Jammeh received 39.6%, and Mama Kandeh received 17.1%. The information about the election was clear from the Electoral Commission. Jammeh attempted to pre-empt calls for his ouster by

offering his concession. As a sign of solidarity, ECOWAS offered a joint statement on the election result with the AU and UN Office for West Africa and the Sahel (UNOWAS) asserting that the election process was "peaceful, free, fair and transparent."¹⁴ The official statement commends Jammeh "for gracefully conceding defeat, and also congratulate Mr. Adama Barrow for winning the presidential election."¹⁵ The joint statement was issued swiftly and underscores the embeddedness of ECOWAS in UN networks.

2016 election aftermath

Perhaps provoked by statements from the opposition about the need for a commission to look into past human rights abuses and corruption, Jammeh announced that he was withdrawing his concession and would instead challenge the election result. Jammeh claimed that the Electoral Commission's marginal modification of the final totals of the election signified that there were "serious and unacceptable abnormalities" in a process he previously praised as "rig-proof."¹⁶ ECOWAS did not take a wait-and-see approach and instead reissued a firm statement that a transfer of power must take place on 19 January. As early as 16 December, ECOWAS also indicated that force could be used to ensure that there was a transfer of power. The AU similarly supported the ECOWAS position and took a supporting role behind ECOWAS.

In response, Jammeh called for a legal process to overturn the election results and demanded a re-vote. The Constitution did provide for legal recourse in election disputes via the Supreme Court. However, in a rare configuration, The Gambia's Supreme Court was composed of judges hailing from neighboring ECOWAS counties, including Nigeria and Sierra Leone.¹⁷ The Chief Justice was Nigerian national Emmanuel Fagbenle. Fagbenle noted the problem of incomplete court appointments since the Court was not fully constituted and preparations would have to be made for the justices to meet. The disarray in the legal due process may have been Jammeh's intentional plan to de-institutionalize the court ahead of the elections. The Supreme Court was unable to reach a quorum on 10 January and all proceedings were postponed.

Through this process of attempted legal acrobatics, ECOWAS issued unwavering statements that Jammeh must step down and transfer power on the constitutionally designated day, 19 January. ECOWAS discounted any efforts of Jammeh to assert the principle of sovereignty of national law. In direct reference to ECOWAS' firm position, Jammeh stated that ECOWAS' involvement in The Gambia was "foreign interference" and criticized international organizations for "hasty resolutions."¹⁸ ECOWAS did not appear to mind Jammeh's verbal assault. In fact, the critique may have furthered galvanized support to mount intervention if necessary.

At first, ECOWAS chair, Liberian president Ellen Johnson Sirleaf attempted to mediate, but her efforts were stonewalled by Jammeh. Then, ECOWAS sent Nigerian president Muhammadu Buhari and Ghanaian president John Mahama to discuss the ECOWAS position with Jammeh. Mahama had lost Ghana's presidential election just a few

days earlier on 7 December 2017. The appointment of Mahama seemed designed to send a signal that accepting a peaceful transfer of power was the norm in West Africa. This seems clear because with only days left in his presidency, Mahama did not hold major weight in the region. Although the mediation was in private, it seems that ECOWAS' mediators clearly held to the transfer of power position. There was a complete rejection of the domestic legal process and any attempt at power-sharing remedies. On 23 December, ECOWAS again reiterated its position that Jammeh relinquish power or a regional military force would be deployed. As 19 January drew closer, Jammeh attempted to crackdown on dissent, declared a state of emergency, and The Gambia parliament passed a law that extended Jammeh's term beyond 19 January for three additional months. These efforts sought again to put up a wall between domestic law and ECOWAS pressure. It is quite possible that these efforts would have succeeded if ECOWAS backed off. In addition, Jammeh continued to rail against the prospect of external intervention.

Then, in mid-January, Jammeh recorded and released a call between himself and Sirleaf. Jammeh begged for ECOWAS to stay out of The Gambia's affairs.¹⁹ Sirleaf did not relent in the recording, although its release seemed to infuriate ECOWAS mediators further. ECOWAS began to mobilize a military force (e.g., by sending a Nigerian naval vessel into the waters outside Dakar) to demonstrate its willingness to intervene. Meanwhile, Barrow had left the country for Senegal and was welcomed by President Macky Sall. Barrow continued to work closely with ECOWAS officials and made statements about his commitments to ECOWAS and international accords. Although some statements about post-election justice may have worried some ECOWAS mediators,²⁰ Barrow was able to send clear signals to the region about his intent to move The Gambia in a more democratic and peaceful direction. ECOWAS and the international community welcomed the signals and Barrow proved effective at mobilizing the region. Jammeh still refused to step aside although he did entertain ECOWAS-sponsored mediators, Mauritanian president Mohamed Ould Abdel Aziz and Guinean president Alpha Condé. On 19 January, Barrow was sworn in at The Gambian embassy in Dakar. Immediately afterward, the UN Security Council passed Resolution 2337, which reaffirmed ECOWAS' role in mediation but stopped short of authorizing a direct military engagement.²¹ ECOWAS mobilized the region-backed military force for an invasion. With ECOWAS regional forces stationed in The Gambia and closing in, Jammeh left for exile in Equatorial Guinea via Guinea. It is possible that Aziz and Condé's last-minute mediation efforts gave Jammeh the exile escape. But, it was clear that with ECOWAS troops closing in on Banjul that Jammeh had no options.

In short, Jammeh tested ECOWAS' resolve and unity and it held for two months without failure. A highlight of ECOWAS' solidarity was the speed at which member states were willing to provide military assets for an invasion. Nigeria activated its navy (and enforced a blockade) and airforce, Ghana pledged up to 300 troops, and Senegal volunteered to lead a ground assault. ECOWAS remained in The Gambia to ensure a peaceful transition and guarantee Barrow's safety and authority.²² Another feature was the ability of ECOWAS to be flexible with its mediation efforts

as opposed to delegating responsibility to one or two heads of state. Finally, ECOWAS' positive relationships with the UN enhanced the ability of ECOWAS to credibly carry out its diplomacy and military intervention. The Gambia case reflects the confluence of factors that predicted ECOWAS would contribute to enforcing an alternation of power.

Importance of African regional organizations

The recent election cases of Gabon and The Gambia demonstrate divergent outcomes based on the character of African regional organization involvement. In particular, the cases demonstrate the potential limits on the West's direct influence over confronting election malfeasance and enforcing transfers of power. Gabon experienced Western pressure, but without result. Ultimately, African regional organizations have proven pivotal to explaining the effects of external influence over electoral processes. This is not to say that the West is not exercising influence; however, as this dissertation suggests, the influence is increasingly flowing via African regional organizations through international networks of political and financial support. The international embeddedness of regional organizations is an important factor shaping interventions.

The five causal factors explored throughout this dissertation must work together to produce a democratizing moment. During the process of conducting fieldwork and building the theoretical framework a number of additional factors and institutions were investigated. However, the influence of other factors proved non-existent or negligible.

What factors do not matter

There are a number of causal processes that some analysts have investigated in the African context, have sought to apply to the African context, or were found influential in other regions that find no empirical support. Many of these causal processes fail to reflect the particular institutions and political norms in African international relations. They also fail to acknowledge that the regional-level promotion of better quality elections and the alternation of power often comes about without clear intentionality on the part of regional organizations.

Credible commitments?

The literature on regional organizations and democratization emphasizes norms diffusion, maintaining credible commitments to democratic reforms and policy lock-in, and international institutions with systems of conditionality, screening, monitoring, and sanctioning. When discussing the effects of African regional organizations, the conventional wisdom – espoused by Pevehouse (2005) and Donno (2010) – suggests that African regional organizations only embrace democracy "on paper" and sanctioning and intervention because of poor democratic practices rarely occurs. This is an accurate assessment since regional commitments in the African context do not signal a credible

desire to enact democratic reforms or an interest in raising the costs of deviating from democratic reforms, such as better quality elections (Mansfield and Pevehouse 2008).

Although the credibility of commitments to better quality elections may increase over time, this is not the original intention of the treaty signers nor does a treaty or agreement have an independent, unconditional effect on changing an incumbent's behavior at election time. Some of the worst offending countries, such as Ethiopia, Mauritania, and Rwanda, have signed and ratified the African Union Charter on Democracy, Elections and Governance. Further, there is no screening effect since the extension and suspension of membership in all African regional organizations is not stringent. There is an all-are-welcome policy. To this point, election observation pursuant to treaty obligations also does not reflect the same dynamics of monitoring and conditionality present in the robust example of the EU's criteria, monitoring, and sanctioning regime (Pevehouse 2002*b*; Pevehouse 2002*a*; Pridham 2005).

Even though the credibility of commitments mechanism does not function, the "on paper" treaties, protocols, and guidelines have become operationalized in some ways through the creation of regional institutions (i.e., election assistance units). Bureaucrats working in African regional organizations carefully study the regional agreements to provide a legal basis for advice and reporting. However, these bureaucrats are largely norm entrepreneurs at the nascent stage, and they often fight an uphill battle with recalcitrant member states.

Regional civil society networks

Outside of formal member state-based institutions of regional organizations, there are formal and informal networks of regional civil society organizations. Some civil society organizations have affiliate organizations in countries (e.g., the West Africa Network for Peacebuilding - WANEP), while other organizations exist only at the regional level with minimal contact with domestic organizations. There are also umbrella organizations and general platforms that provide a loose structure for civil society's involvement in regional politics.

The previous literature has emphasized how transnational civil society networks may play a role in democratization (Bunce and Wolchik 2010*b*; Bunce and Wolchik 2010*a*). From this perspective, regional networks allow for sharing the best practices, strategies, language, and symbols needed for democratic pressure. Despite these arguments being convincing in some contexts (e.g., Eastern Europe), there is no evidence that regional civil society plays a role in promoting better quality elections and the alternation of power in Africa.

This conclusion arises partly based on civil society's failure to be rooted even at the domestic level. There are few cases of civil society organizations commanding a broad citizen following. Rather, organizations with a supposed regional network are usually comprised of a small staff with most if not all funding coming from external sources (e.g., Western donor countries). Because civil society lacks domestic rootedness, it is hard for organizations to claim the ability to represent citizens' interests. And, incumbent governments also seize on this fact to criticize civil society.

Therefore, civil society largely abdicates its representative role, particularly at the regional level.

African regional organizations reinforce this position of civil society and view it not as transmitting ideas and information, but rather receivers and dissemination agents of ideas and programs. African regional civil society is largely top-down and not bottom-up. In several interviews, executive directors and high-level functionaries of regional civil society organizations said that their primary role was to "sensitize" citizens in the member states to what the regional organization is trying to do on a variety of issues (e.g., crime, health, trade). The concept of "sensitization" is about sharing information and attempting to garner support for regional initiatives. In many ways, it is necessary for African regional organizations to share what they are doing and explain the prospects for regional integration. However, the flow of information is one-way and societal interests are almost never represented well. This is a largely consistent finding across all of the African regional organizations.

In recent years, African regional organizations have coordinated and sponsored meetings with select civil society organizations and individuals, including youth forums. Yet, these forums focus on sensitization and the quality of consultation is limited with the agenda fully being set in advance by the regional organization and its staff.²³

Another feature of regional civil society is the avoidance of politically sensitive concerns. Over the life of most organizations, there has been a shift away from democracy, governance, and human rights concerns to social and economic concerns. This shift is in part donor-driven. In some regional contexts (such as East Africa), the shift is aided by donor countries that believe regional level support for democracy and human rights programming is not worthwhile. Instead, there is an emphasis at the regional level on resource management, trade and labor, and "hot topics," such as child marriage. Accordingly, civil society organizations with a regional scope are much more robust in these economic and developmental areas. Although regional law societies have begun to take up human rights concerns, their advocacy has been limited thus far in relation to elections.

For these primary reasons, African transnational networks of civil society organizations and movements are neither decisive nor active in improving the quality of elections and ensuring the alternation of power. One of the few exceptions is WANEP, which maintains an office at ECOWAS Secretariat and helps monitor conflict in the region. The finding on regional civil society contrasts greatly with other cases of successful transnational activism seen in other world regions.

Representative bodies at the regional level

Another potential avenue for influencing the behavior of African regional organizations is through regional representative bodies. The AU, EAC, and ECOWAS have regional parliaments, with the Southern African Development Community (SADC) having a lesser representative parliamentary forum comprised of member state MPs (SADC Parliamentary Forum). None of the representative bodies are directly elected and the procedures for member selec-

tion differ, but most have a proportionality criteria. For instance, the EAC requires that members of the East African Legislative Assembly (EALA) be selected through an indirect election in proportion to the distribution of power (incumbent and opposition parties) in a member country's parliament. This rule allows opposition parties to have MPs in regional parliaments, with a lengthy term (around five years).

The hope is that opposition party access to regional governance could provide a platform to express election quality concerns, influence the composition and processes of regional election observation, and enact at the very least advisory opinions underscoring necessary election reforms. In practice, none of these occur to a great degree. A number of factors conspire against the independence of legislative assemblies and allow incumbent governments to capture the agenda. First, the fluidity of opposition parties at the domestic level and the tenure of appointments to regional bodies means that although opposition allegiances may change, the members of regional parliament will likely not. Therefore, so-called opposition representatives at the regional level may not be representing the opposition party (or parties) or maybe only representing a specific faction of it. This dilutes or negates the representative function of most regional parliaments. Second, a clear majority of members of regional parliament will come from incumbent governments. This means that opposition voices will be easily drowned out even if adequate and flexible representation can be achieved.

Third, the powers of regional parliaments are fairly limited. Regional parliaments do discuss election-related legislation and consider guidelines on elections and election observation.²⁴ There is usually a committee structure that delegates specific tasks on governance, conflict, and security activities. However, most regional parliaments only have advisory legislative powers, such as the Pan-African Parliament of the AU. This means that legislative bills do not have the force of law, or that it requires heads of state and/or a council of relevant government ministers to ascent to any legislation. Ultimately, the power rests with the member state executives. This part of the legislative process severely disadvantages any opposition voices that may be at the regional level. Several opposition MPs at the regional level have expressed this frustration in interviews. Despite this fact, MPs of regional parliaments expressed hope that more powers would be extended in the future.²⁵ And, some MPs referenced legislative achievements pertaining to elections. Until legislative assemblies accrue some stand-alone authority, it is unlikely that regional legislatures will have an influence over outcomes.

Fourth, the infrequent meeting of regional parliaments and the inflexibility of the agenda-setting make ongoing election concerns rarely debated in a timely manner. Regional parliaments usually meet in full plenary once or twice a year and conduct most business in smaller committee meetings. It makes sense that meetings are infrequent because it costs a significant amount of money to host meetings and representatives have their official and personal business to attend to at home. The agenda for meetings is set much in advance of sittings. In fact, some regional organizations require that a significant portion of the legislative agenda be determined by heads of state and/or relevant ministers.

For instance, the council of ministers will require or strongly encourage a regional parliament to discuss certain priorities. In the end, timely election discussions rarely come to fore, as agenda-setting at least outside of committees rarely targets ongoing political processes.

Finally, election observation by regional parliaments in recent years has been weak and ineffectual. Regional parliaments have historically conducted their own election observation missions. In many elections, the assessments of regional parliament missions were more critical than the regional organization missions. For almost all stakeholders and based on a post-interview questionnaire, the SADC Parliamentary Forum (SADC-PF) is widely recognized as being much more trustworthy than other regional election observation missions in Southern Africa. For instance, SADC-PF was highly critical of Zimbabwe's 2008 election. This outcome is intriguing because missions do include a majority of member state incumbent representatives who should exhibit a pro-incumbent bias on balance. However, there are several instances of independence being exercised on election observation missions. The same has been true for the Pan-African Parliament (PAP).

In clear recognition of this trend, African regional organizations have sought to reel in the independence of regional parliamentary missions. After several critical election statements, the SADC-PF was subsumed into the overall SADC mission and the same has occurred with the PAP and the EALA missions. The trend is clear. These organizational changes mean that a regional organization mission is now comprised of some representatives from the regional parliament and other members selected by member states. Interviews reveal that the main justification is to encourage a unified regional voice on elections, which would make election recommendations carry more weight. Cooperation also lessens logistical problems. However, it appears that there is a deliberate effort to limit independent assessments of elections and dilute any independent power that a regional parliament may have had.

In sum, at present, regional parliaments do not make significant contributions to improving election quality and ensuring the alternation of power. Regional parliaments face an uphill battle to maintain their representative function, institutional independence, and exert influence over legislation and outcomes.

Nascent role for the regional courts

In recent years, increasing hope has been placed with regional courts, such as the African Court, ECOWAS Court, EAC Court of Justice, and the SADC Tribunal. These hopes rest on courts expanding their jurisdiction to human and political rights concerns and the ability for individual citizens to take cases to the court after all national remedies are exhausted. Donor countries have acknowledged the potential of regional courts, with the EU contributing most of the African Court's startup budget.²⁶

At the time of writing, the courts have not significantly expanded their jurisdiction in the human rights area with implications for election quality. Almost no cases directly involving election matters have been heard in a regional

court. Only two cases were mentioned in interviews and visits to regional courts: a case on behalf of Côte d'Ivoire's Laurent Gbagbo pertaining to his and his wife's detention and a case brought by Eric-Amie Samien, an Ivorian civil society worker, attempting to challenge Côte d'Ivoire's electoral law in the African Court.²⁷ In interviews, civil society workers and opposition party functionaries largely did not see regional courts as an avenue for additional recourse.

It makes sense that civil society and opposition parties do not devote energy to regional legal appeals. There are significant barriers to appeal. Many cases are not heard due to a failure to supposedly "exhaust all local remedies." This legal context means that individuals have to take their cases before all appropriate national courts before getting a hearing at the regional level. This is often a fall back position for states asserting their judicial sovereignty. Another barrier is that courts often have limited authority to rule on treaty matters because treaty provisions are not "operationalized" in specific protocols. For instance, the EAC Treaty emphasizes people-centered governance, the protection of human rights, and democratic principles. However, the EACJ is not able to hear cases on democracy and election issues because these elements of the Treaty are not elucidated in further protocols and guidelines.²⁸ This form of legal deflection extricates regional courts from a range of issue areas. Finally, just like regional legislatures, regional courts face major capacity deficiencies including limited court support staff and infrequent case meetings.

In terms of politically sensitive matters, member states are not afraid to dismantle a court when the court appears to overstep its boundaries (e.g., the SADC Tribunal). Officials at regional courts will indicate that states generally comply with rulings. However, there is a selection effect in which "easier" cases are added to regional court dockets with rulings not directly challenging the incumbent's authority. When cases with important policy implications are decided, it is possible for member states to punish the courts. Similar to legislative assemblies, courts have little effective independence of the member states.

In sum, the ability of regional courts to exercise an influence on election-related concerns is limited and not exercised for fear of a backlash. In turn, civil society and opposition party stakeholders will have little expectation that the regional courts will provide adequate and timely recourse at least at the present time.

Learning over time

Although the above-mentioned factors do not have a significant bearing on election quality and the alternation of power, it is possible that they could in the future. This is because African regional organizations evolve over time. Some of the most important changes include the increased professionalism of election observation missions, the ability of election observation to gather actionable information, and the quality of election assistance programs coordinated at the regional level. These changes are particularly occurring within regional organization institutions in

which election professionals have honestly sought to implement better election-related programming.

However, election programming is only part of the equation. Most learning at regional organizations is slow and incremental. The empirical evidence presented in the case study chapters that examine different elections in the same country reveals that despite failures surrounding elections (e.g., mediation), there may not be adjustments made in the future. In short, African regional organizations are not always sensitive to past failures and the original logic of the regional cartel often prevails. There are some exceptions, such as ECOWAS' refusal to accept power-sharing in Côte d'Ivoire because of the problems with agreements in Kenya (2007) and Zimbabwe (2008).

Outside of regional institutional changes, most learning takes places unintentionally and under the duress of dealing with a particular election-related impasse. Once a certain precedent is set in mediation or intervention, for example, this becomes a possibility in future cases. As the case studies illustrate, learning over time is highly unintentional.

Summarizing contributions

The evidence presented in this dissertation points to the significant role that African regional organizations play in influencing election quality, leadership alternation, and democratization more broadly. Whether regional involvement helps or hinders democratization is largely a function of the five main causal factors detailed in this dissertation. Due to the arrangement of regional institutions and cooperation with international partners, such as the UN, ECOWAS has begun to play an influential role in policing democratic practices in the region, particularly surrounding elections. However, the mechanisms for consistently monitoring developments in the inter-election period are still lacking. Nevertheless, the institutions in place, such as the Early Warning System and Election Assistance Unit, provide a basis for further institutional development.

As part of the contribution, the dissertation has compared African regional organizations, rather than view each organization in isolation. For instance, in contrast to ECOWAS, EAC and SADC (and ECCAS) lack institutional independence and the capacity to develop election-related institutions. One of the major concerns is the lack of engagement of international partners that provide funding and technical support for elections. EAC is evolving in this area, but SADC continues to shun international partners in the political sphere. The AU – discussed at times in the dissertation – has become the focus of international support with meaningful changes in election observation practices, for example. But, the jury is still out on the effectiveness and consistency of the new approaches to election affairs. In addition to the comparative approach, the multiple country-election case studies have illustrated patterns of continuity and change at the regional level. ECOWAS appears to have sharpened its approach to election-related concerns, whereas very modest improvements are found in the EAC and SADC practice – in the main – demonstrates

continuity in their approach to election quality concerns.

One reading of the dissertation is that democratization and leadership alternation comes from above. However, the emphasis on the interaction of the domestic opposition and regional organizations reveals that opposition candidates and parties must pursue effective strategies domestically and regionally. It begins at the domestic level with opposition parties demonstrating support, which may capture the attention of regional organizations. What is important is how opposition parties translate domestic support into effective strategies for building relationships with traditionally pro-incumbent regional organizations. Relationship building can be hard and take time, but it appears to be effective at attenuating pro-incumbent bias, or even turning the tables. The analysis shows the importance of both international and domestic factors.

The dissertation also contributes to opening the veil that often shrouds international institutions and considers the interaction between international (regional) and domestic stakeholders. By speaking directly with many of the officials that control the destinies of regional organizations, it is increasingly possible to understand how regional organizations behave. Likewise, the investigation of how regional organizations network with international and domestic stakeholders reveals the institutional and personal relationships that may shape outcomes. The approach to fieldwork and first-hand information gathering increases our knowledge of regional organizations beyond documentary and news-knowledge information.

Finally, the dissertation provides a theoretical framework to structure the comparison of African regional organizations that can be applied outside of Africa, particularly to regional configurations without a strong reservoir of support for democratic values. This encompasses regional organizations in Asia (e.g., Association of Southeast Asian Nations), Central Asia (e.g., Eurasian Economic Community and Central Asian Union), the Middle East (e.g., Arab League), and to some degree Latin America (e.g., Organization of American States and Mercosur). These regional organizations may contribute increasingly to furthering democratic norms, but only under the conditions explained in this dissertation.

What the future holds

Pan-African integration – even if it is predominately economic – will necessarily involve making decisions about political norms and enforcement. The existence of flawed elections often with consequences for neighboring states will continue to force African regional organizations to decide what political behavior will be tolerated. There is great uncertainty particularly for some African regional organizations, such as the EAC and SADC, about the outcome of ongoing discussions about elections and election quality. Decisions that will boost the professionalism and independence of election assistance, as well as allow for organizations to cooperate with international partners, such

as international NGOs and Western donors, will signal the possibility that regional organizations can contribute to augmenting election quality. However, in recent years, the AU, for instance, has begun to target the issue of managing external partnerships. The discussion has focused on budgetary and personnel matters, with some African leaders, such as Paul Kagame, calling for African countries to make regional organizations more self-sufficient.²⁹ Self-sufficiency is not a concern if it means that regional institutions are strengthened. But, if the efforts to promote self-sufficiency lead to a deepening of state capture of regional organizations and shutting out funding and technical assistance for democracy, elections, and good governance work then the modest changes mentioned in this dissertation could be erased. Nevertheless, the question of appropriate political behavior will continue to be a nagging concern facing African regional organizations into the future.

Notes

¹BBC. 5 September 2016. "Gabon Election: Justice Minister Quits Over Disputed Result." Online: <http://www.bbc.com/news/world-africa-37281970>

²Alex Thurston. 13 September 2016. "Cards Stacked Against Gabon's Opposition in Election Challenge to Bongo" Online: <https://www.worldpoliticsreview.com/articles/19891/cards-stacked-against-gabon-s-opposition-in-election-challenge-to-bongo>; Elsa Buchanan. 14 September 2016. "Gabon Elections: What Next Now Jean Ping has Petitioned Constitutional Court?" Online: <http://www.ibtimes.co.uk/gabon-elections-what-next-now-jean-ping-has-petitioned-constitutional-court-1581268>

³Conor Gaffey. 6 September 2016. "French PM Calls for Gabon Vote Recount." Online: <http://www.newsweek.com/manuel-valls-gabon-election-ali-bongo-496088>

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⁵BBC. 12 December 2011. "Gambia's Yahya Jammeh Ready for 'Billion-year' Rule." Online: <http://www.bbc.com/news/world-africa-16148458>

⁶BBC. 21 July 2016. "Gambia Opposition Leader Ousainou Darboe Jailed." Online: <http://www.bbc.com/news/world-africa-36853700>

⁷Umaru Fofana. 10 December 2016. "How Gambia's Yahya Jammeh Lost His Grip on Power." Online: <http://www.bbc.com/news/world-africa-38249924>

⁸Ruth Maclean and Emma Graham-Harrison. 2 December 2016. "The Gambia's President Jammeh Concedes Defeat in Election." Online: <https://www.theguardian.com/world/2016/dec/02/the-gambia-president-jammeh-concede-defeat-in-election>

⁹ECOWAS Statement. 22 November 2011. "ECOWAS Statement on the 24 November 2011 Presidential Election in The Gambia." Online: <http://news.ecowas.int/presseshow.php?nb=234&lang=en&annee=2011>

¹⁰Ibid.

¹¹The Citizen. 30 November 2011. "ECOWAS to Boycott Gambia's Presidential Elections." Online: <https://citizen.co.za/news/news-africa/1361893/ecowas-to-boycott-gambias-presidential-elections/>

¹²Daniel Finnan. 29 November 2011. "Gambian Presidential Election Must be Free and Fair, says Opposition Candidate." Online: <http://en.rfi.fr/africa/20161129-gambian-opposition-contender-calls-african-union-neutrality-election-monitoring>

¹³Interviews with two ECOWAS Parliament MPs in May 2015

¹⁴"ECOWAS, African Union and UN Statement on the Gambian December 1 Presidential Election." 2 December 2016. Online:

<http://www.ecowas.int/ecowas-african-union-and-un-statement-on-the-gambian-december-1-presidential-election/>

¹⁵Ibid.

¹⁶The Guardian. 10 December 2016. "Gambian President Yahya Jammeh Rejects Election Result" Online: <https://www.theguardian.com/world/2016/dec/10/gambian-president-rejects-election-results-yahya-jammeh-adama-barrow>

¹⁷Some analysts suggest that the international configuration of the Supreme Court was designed so that Jammeh could "employ" judges who would be favorable.

¹⁸BBC. 11 January 2017. "Gambia's President Jammeh Vows 'To Say Until Election Ruling.'" Online: <http://www.bbc.com/news/world-africa-38582180>

¹⁹"Gambia's Jammeh 'Begs' ECOWAS Chair Sirleaf on Phone Call." Online: <http://allafrica.com/view/group/main/main/id/00048679.html>

²⁰The worry stemmed from a fear that Jammeh may refuse to leave to power if he thought he would be prosecuted.

²¹UN Security Council Resolution 2337. 19 January 2017. "Peace Consolidation in West Africa." Online: <http://unscr.com/en/resolutions/2337>

²²Reuters. 5 June 2017. "West African Regional Bloc Extends Military Mission in Gambia." Online: <https://www.reuters.com/article/us-gambia-security/west-african-regional-bloc-extends-military-mission-in-gambia-idUSKBN18W23F>

²³The inclusion of the youth, in particular, is presently evolving over time. It is possible that regional organizations will be more consultative over time.

²⁴Interview with an EAC EALA MP, September 2014.

²⁵Conversations with EAC EALA MPs, September 2014 and ECOWAS Parliament MPs, April 2015.

²⁶Interview with an official familiar with EU's financial support to the AU, April 2015.

²⁷Interview with a civil society leader in Côte d'Ivoire, March 2015.

²⁸Interview with a high-ranking EACJ official, August 2012.

²⁹The Brookings Institution. 21 September 2017. "President Kagame of Rwanda Discusses Reforms to the African Union." Online: <https://www.brookings.edu/blog/africa-in-focus/2017/09/29/president-kagame-of-rwanda-discusses-reforms-to-the-african-union/>

APPENDIX

Figure A.1: Dissertation Cover Photo: Participation in an East African Community Workshop, 2014



Figure A.2: Participating in The Carter Center's Election Observation Mission in Kenya, March 2013



Figure A.3: First interview with then Chief Justice of Kenya's Supreme Court Dr. Willy Mutunga, September 2014



Figure A.4: Meeting with Afrobarometer National Partner CREFDI including Mr. Abel Gbala in the Foreground, January 2015



Figure A.5: Meeting with former President of Côte d'Ivoire's National Assembly Professor Mamadou Koulibaly, April 2015

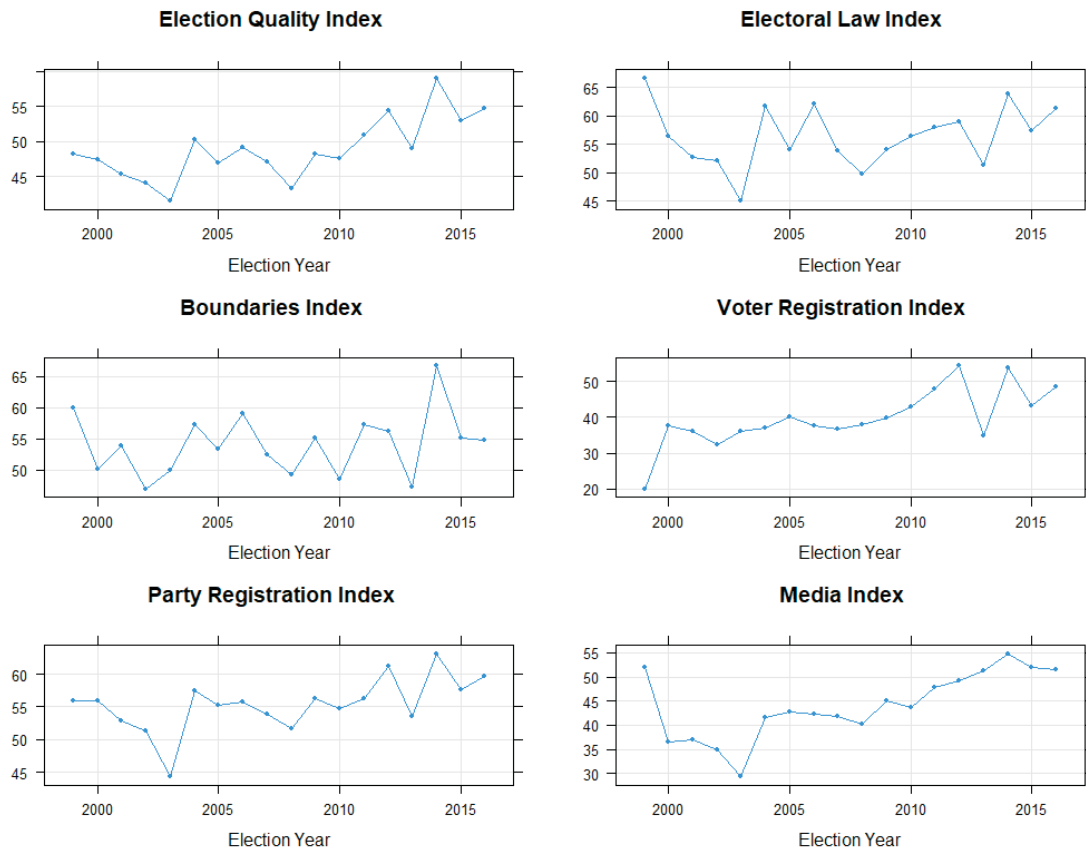


Table A.1: Number of Election Observations by Country and Year, 2000-2016

Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Angola	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0
Benin	0	2	0	1	0	0	2	1	0	0	0	2	0	0	0	1	1
Botswana	0	1	0	0	1	0	0	0	0	1	0	0	0	0	1	0	0
Burkina Faso	0	0	1	0	0	1	0	1	0	0	1	0	1	0	0	2	0
Burundi	0	0	0	0	0	2	0	0	0	0	2	0	0	0	0	2	0
C African Rep	0	0	0	0	1	4	0	0	0	0	0	3	0	0	0	0	2
Cameroon	0	0	1	0	1	0	0	1	0	0	0	1	0	1	0	0	0
Cape Verde	0	2	0	0	0	0	2	0	0	0	0	3	0	0	0	0	2
Chad	0	1	1	0	0	1	1	0	0	0	0	2	0	0	0	0	1
Comoros	0	1	1	0	2	0	1	0	0	3	1	0	0	0	0	1	1
Congo	0	0	1	0	0	0	0	2	0	1	0	0	2	0	0	0	1
Côte d'Ivoire	3	1	0	0	0	0	0	0	0	0	2	1	0	0	0	1	2
Djibouti	0	0	0	1	0	1	0	0	1	0	0	1	0	1	0	0	1
DRC	0	0	0	0	0	1	3	0	0	0	0	2	0	0	0	0	0
Equatorial Guinea	0	0	1	0	1	0	0	0	1	1	0	1	0	1	0	0	1
Ethiopia	1	0	0	0	0	1	0	0	0	0	1	0	0	0	0	1	0
Gabon	0	2	0	0	0	1	1	0	0	1	0	1	0	0	0	0	1
Gambia	0	1	1	0	0	0	1	1	0	0	0	1	1	0	0	0	1
Ghana	3	0	0	0	2	0	0	0	3	0	0	0	2	0	0	0	2
Guinea	0	1	1	1	0	0	0	0	0	0	2	0	0	1	0	1	0
Guinea-Bissau	1	0	0	0	1	2	0	0	1	2	0	0	1	0	2	0	0
Kenya	0	0	2	0	0	1	0	2	0	0	1	0	0	2	0	0	0
Lesotho	0	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1	0
Liberia	0	0	0	0	0	3	0	0	0	0	0	4	0	0	1	0	0
Madagascar	0	1	1	0	0	0	1	2	0	0	1	0	0	3	0	0	0
Malawi	0	0	0	0	2	0	0	0	0	2	0	0	0	0	2	0	0
Mali	0	0	4	0	0	0	0	3	0	0	0	0	0	4	0	0	0
Mauritania	0	2	0	1	0	0	3	2	0	1	0	0	0	2	1	0	0
Mauritius	1	0	0	0	0	1	0	0	0	0	1	0	0	0	1	0	0
Mozambique	0	0	0	0	2	0	0	0	0	2	0	0	0	0	2	0	0
Namibia	0	0	0	0	2	0	0	0	0	2	0	0	0	0	2	0	0
Niger	0	0	0	0	3	0	0	0	0	2	1	3	0	0	0	0	2
Nigeria	0	0	0	2	0	0	0	2	0	0	0	2	0	0	0	2	0
Rwanda	0	0	0	3	0	0	0	0	1	0	1	0	0	1	0	0	0
São Tomé and Príncipe	0	1	1	1	0	0	2	0	0	0	1	1	0	0	1	0	1
Senegal	2	2	0	0	0	0	0	2	0	0	0	0	3	0	0	0	0
Seychelles	0	1	1	0	0	0	1	1	0	0	0	2	0	0	0	0	0
Sierra Leone	0	0	2	0	0	0	0	3	0	0	0	0	2	0	0	0	0
South Africa	0	0	0	0	1	0	0	0	0	1	0	0	0	0	1	0	0
South Sudan	0	0	0	0	0	0	0	0	0	0	2	1	0	0	0	0	0
Sudan	2	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2	0
Swaziland	0	0	0	1	0	0	0	0	1	0	0	0	0	1	0	0	0
Tanzania	3	0	0	0	0	2	0	0	0	0	2	0	0	0	0	2	0
Togo	0	0	1	1	0	1	0	1	0	0	1	0	0	1	0	1	0
Uganda	1	2	0	0	0	1	2	0	0	0	0	2	0	0	0	0	2
Zambia	0	2	0	0	0	0	2	0	1	0	0	2	0	0	0	1	2
Zimbabwe	2	0	1	0	0	1	0	0	3	0	0	0	0	3	0	0	0

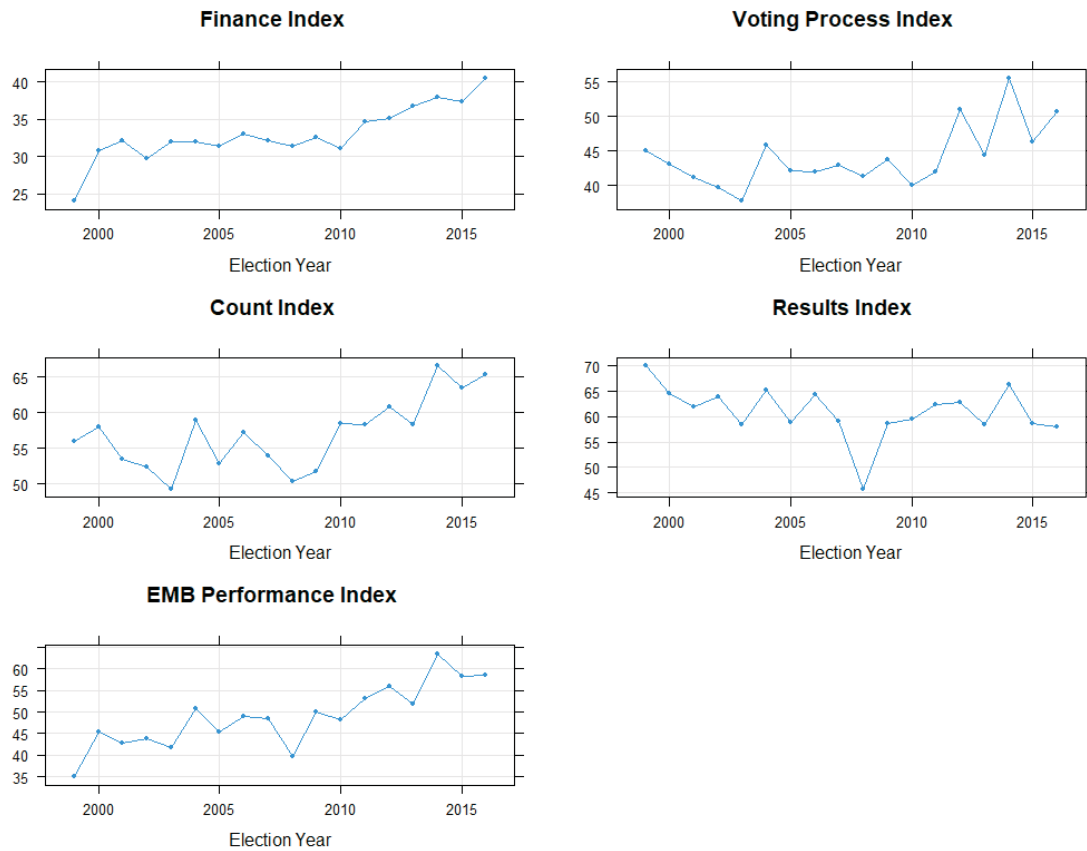
Note: All tables and figures rely on the PEI data combined with the author's original dataset (see the Data and Coding section in chapter 4).

Figure A.6: Election Quality Component Averages by Year, 2000-2016



Note: Each component index is determined by the sum of scores for each aspect of the election divided by the total points possible for the given election component. All component indices are normalized on a 100-point scale for cross-country and component comparisons. All tables and figures rely on the PEI data combined with the author's original dataset (see the Data and Coding section in chapter 4).

Figure A.7: Election Quality Component Averages by Year, 2000-2016



Note: Each component index is determined by the sum of scores for each aspect of the election divided by the total points possible for the given election component. This means that component indices are normalized on a 100-point scale for cross-country and component comparisons. All tables and figures rely on the PEI data combined with the author's original dataset (see the Data and Coding section in chapter 4).

Table A.2: Differences in Election Quality Components Between 2000-2009 and 2000-2016

Country	Electoral Law	Procedures	Boundaries	Voter Registration	Party Registration	Media	Finance	Voting Process	Count	Results	EMB Performance	Overall
Angola	0	5	0	6.7	4	8	8	17.5	4	5	15	7.8
Benin	-0.6	27.1	3.3	22.8	10.3	18.7	13.7	9.8	19	-12.5	29.6	13.1
Botswana	0	13.3	6.7	4.4	9.3	10.7	2.7	4.2	-9.3	3.3	0	4.1
Burkina Faso	7.2	10	15	1.7	-3.3	26.3	13.7	7.3	2.7	-0.4	10	8.3
Burundi	-25	-20	-26.7	-8.3	-24	-10	-5	-7.5	-17	-27.5	-17.5	-15.9
C African Rep	20	14	-10.7	10.7	16.8	12.8	7.2	4	16.8	0	12	9.5
Cameroon	3.3	10	10	1.1	0	14	6	-0.4	1.3	0	14.2	5
Cape Verde	5.3	1	-10.7	-5.3	-1.6	5.2	0	2	-3.2	-7	0	-0.8
Chad	18.9	15	0	14.4	1.7	1.3	-2.7	4.4	6.7	6.3	23.3	7.1
Comoros	6.4	-6.9	4.4	-2.2	6.7	18.3	2.7	-2.8	4	-16.5	1	1.5
Congo	-4.4	1.3	-2.2	4.4	10.7	7	0	17.1	1	2.1	2.1	5
Côte d'Ivoire	13.3	14.2	7.8	27.8	28.7	8	6.7	5.8	7.7	-4.6	10	10.7
Djibouti	8.9	13.3	20	7.8	5.3	16	4	4.2	9.3	10	13.3	9.5
DRC	0	-17.5	0	0	-11	-11	0	0.6	-10	-17.5	-10	-6.8
Equatorial Guinea	6.7	7.9	15.6	6.7	10	4	3.3	7.5	12	-8.3	6.7	6.5
Ethiopia	-10	-5	0	0	-10	4	2	-6.3	-12	7.5	-5	-3.5
Gabon	0	15.5	0	16	6.8	8.4	7.2	10	10	-8.5	9	7.2
Gambia	4.4	25	13.3	13.3	9	10	2.7	9.6	15.3	-2.9	16.3	10.4
Ghana	3.3	5	6.7	16.7	10	13.5	12	8.8	2.5	21.3	10.6	9.9
Guinea	30	12.5	11.7	10	19.7	25	10	17.9	23.7	7.1	15	16.9
Guinea-Bissau	2.2	15.2	2.2	19.7	0.4	1.7	11.4	9.5	5.7	-6	6.4	6.3
Kenya	13.3	6.3	0	6.7	5.3	12.8	0	2.2	7.5	18.3	8.7	6.9
Lesotho	0	25	0	16.7	0	18	8	7.5	12	15	12.5	10.4
Liberia	2.2	5	1.3	14.7	0.8	4.8	0.8	2.7	25.1	31.3	23.3	9.6
Madagascar	5	6.5	8	6.7	2.6	18.6	9	4.3	18.2	-9.3	12.5	7.6
Malawi	-1.7	10	0	6.7	-4	16	-4	7.5	0	7.5	10	4.6
Mali	10	3.9	3.3	16.7	6	7.1	10.3	6.8	7.1	10.7	12.5	8.3
Mauritania	-7.4	3.9	-17	0.7	-1.8	16.9	0	-9.4	-4	-23.9	10	-2.7
Mauritius	-3.3	0	-3.3	0	-6	4	2	1.3	2	-27.5	0	-2.2
Mozambique	3.3	17.5	0	20	-4	0	-4	3.8	6	-7.5	2.5	2.9
Namibia	0	-5	-6.7	0	-4	8	0	2.5	16	-2.5	10	2.2
Niger	21.6	9.7	-5.3	5.6	8.9	14.5	5.3	8.8	13.7	8.8	13.3	9.7
Nigeria	30	37.5	13.3	23.3	12	28	8	8.8	30	25	37.5	21.6
Rwanda	3.3	8.8	3.3	15	7	17	10	11.9	6	-10	2.5	7.4
São Tomé and Príncipe	-3.3	-3.8	0	-4.3	2.4	-1	4	3.1	-6.4	-7	-6.3	-1.4
Senegal	-2.2	6.7	-2.2	15.6	2.7	4.7	0	2.9	9.3	14.2	1.7	4.7
Seychelles	0	0	0	0	0	6	0	-8.8	-12	-15	-5	-3.7
Sierra Leone	-4	8	0	5.3	0	5.6	4	4.5	-0.8	-7	-2	1.6
South Africa	-6.7	0	0	6.7	-4	6	0	1.3	0	12.5	-5	1
Sudan	6.7	27.5	3.3	20	14	16	4	10	10	12.5	22.5	13.1
Swaziland	6.7	25	10	0	18	22	6	7.5	16	10	15	12.7
Tanzania	-20	2.5	-3.3	0	-5.6	4	2	-0.3	-6	-30	-5	-4.7
Togo	18.3	20.8	16.1	15	16.7	22	11.7	15.8	12.3	-3.8	17.9	14.9
Uganda	15.6	20.8	10	20	10	14.7	2	2.5	2.7	-10.8	18.3	8.5
Zambia	2.7	28	2.7	18.7	4	8	0	9.5	16	3	26	10.5
Zimbabwe	0	8.6	5.7	2.5	0.6	9.9	9.9	9.3	24.8	25.2	19.5	11
AVERAGE	3.2	8.5	1.7	9	3.6	10	4.3	4	7	0	8.9	5.5

Note: The results reflect the difference of average component scores between 2000-2009 and 2010-2016. All component indices are normalized on a 100-point scale for cross-country and component comparisons. All tables and figures rely on the PEI data combined with the author's original dataset (see the Data and Coding section in chapter 4).

Table A.3: Differences in Election Quality Components by Regional Context, 2000-2009 v. 2010-2016

Regional Org	Electoral Law	Procedures	Boundaries	Voter Registration	Party Registration	Media	Finance	Voting	Count	Results	EMB Performance	Overall
EAC	-0.2	5.7	-1.7	6.6	-0.1	8.3	0.4	1.0	-0.7	-13.6	4.2	1.0
ECCAS	7.9	9.4	2.2	7.6	7.2	7.1	4.4	7.0	7.0	-0.5	10.0	6.4
ECOWAS	6.8	11.2	3.6	12.7	6.9	12.2	7.4	6.3	9.4	5.0	11.5	8.4
SADC	2.2	8.6	2.7	6.7	-0.2	8.3	3.2	4.0	8.9	-0.01	9.4	4.9
Other	-10.4	-1.0	-3.8	3.0	-1.6	8.2	0.1	-4.0	-0.3	-4.9	1.2	-1.1
AVERAGE	3.2	8.5	1.7	9.0	3.6	10.0	4.3	4.0	7.0	-0.04	8.9	5.5

Note: The results reflect the difference of average component scores between 2000-2009 and 2010-2016. All component indices are normalized on a 100-point scale for cross-region and component comparisons. All tables and figures rely on the PEI data combined with the author's original dataset (see the Data and Coding section in chapter 4).

Figure A.8: Pro-interventionists v. Pro-sovereigntist, 29-Country Average

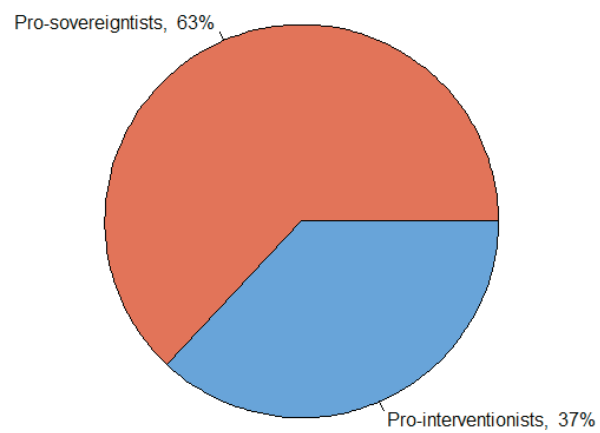


Table A.4: Dependent Variable: Pro-Interventionists and Pro-Sovereignists Viewpoint Across 32 sub-Saharan African Countries

Country	Pro-sovereignists	Pro-interventionists
Madagascar	81%	19%
São Tomé and Príncipe	80%	20%
Namibia	77%	23%
Côte d'Ivoire	75%	25%
Gabon	70%	30%
Cameroon	70%	30%
South Africa	69%	31%
Zambia	67%	33%
Mauritius	65%	35%
Cape Verde	64%	36%
Botswana	64%	36%
Africa Average (29 countries)	63%	37%
Guinea	63%	37%
Liberia	63%	37%
Uganda	63%	37%
Kenya	63%	37%
Senegal	63%	37%
Africa Average (32 countries)	62%	38%
Sudan	62%	38%
Lesotho	61%	39%
Mali	61%	39%
Tanzania	61%	39%
Mozambique	60%	40%
Benin	60%	40%
Ghana	56%	44%
Nigeria	55%	45%
Swaziland	54%	46%
Niger	54%	46%
Malawi	54%	46%
Burundi	53%	47%
Sierra Leone	52%	48%
Zimbabwe	52%	48%
Togo	50%	50%
Burkina Faso	32%	68%

Note: N=45,183 in 32 African countries covered by Afrobarometer Round 6 not including missings, "don't know," and "agree with neither." The 29 country sample used for the analysis has N=41,712.

Table A.5: Explaining Citizens Opinions on Regional Intervention: Between and Within Effects

	(1)	(2)	(3)
Support for Democracy (MC)	0.039*** (0.014)		0.041*** (0.014)
Opposition Trust (MC)	0.046*** (0.010)	0.058*** (0.010)	0.051*** (0.010)
Election Quality (MC)	-0.071*** (0.011)		-0.071*** (0.011)
Freedom Index (MC)	-0.158*** (0.017)		-0.157*** (0.017)
Support for Rule of Law (MC)	-0.148*** (0.012)		-0.149*** (0.012)
Regional Org Support (MC)	0.044*** (0.010)		0.045*** (0.010)
Support for Democracy (mean)		0.432*** (0.079)	0.499*** (0.083)
Election Quality (mean)		-0.082** (0.037)	-0.119*** (0.039)
Freedom Index (mean)		-0.201*** (0.042)	-0.182*** (0.044)
Support for Rule of Law (mean)		-0.728*** (0.109)	-0.741*** (0.114)
Regional Org Support (mean)		-0.354*** (0.036)	-0.347*** (0.037)
Sophistication	0.077*** (0.010)	0.064*** (0.009)	0.077*** (0.010)
Gender	-0.007 (0.022)	-0.023 (0.021)	-0.007 (0.022)
Urban	0.033 (0.022)	0.019 (0.021)	0.038* (0.022)
ECOWAS	0.266*** (0.074)	0.558*** (0.078)	0.645*** (0.087)
EAC	0.215*** (0.077)	0.635*** (0.086)	0.748*** (0.094)
ECCAS	-0.440*** (0.092)	-0.166* (0.091)	-0.074 (0.101)
SADC	0.100 (0.075)	0.425*** (0.080)	0.531*** (0.088)
Constant	-0.860*** (0.083)	0.230 (0.179)	-0.039 (0.191)
Observations	38,109	41,663	38,109
Log Likelihood	-24,997.670	-27,434.630	-24,915.260
Akaike Inf. Crit.	50,023.350	54,897.260	49,868.520

Note: MC is group mean centered; Mean is the country mean

*p<0.1; **p<0.05; ***p<0.01

Table A.6: Explaining Citizens Opinions on Regional Intervention: Ordered Logit Models

	(1)	(2)
Support for Democracy	0.031*** (0.012)	0.031*** (0.012)
Opposition Trust (partisanship)	0.035*** (0.009)	0.035*** (0.009)
Election Quality	-0.051*** (0.009)	-0.050*** (0.009)
Freedom Index	-0.148*** (0.013)	-0.148*** (0.013)
Support for Rule of Law	-0.119*** (0.011)	-0.119*** (0.011)
Regional Org Support	-0.001 (0.008)	-0.0005 (0.008)
Sophistication	0.030*** (0.009)	0.029*** (0.009)
Education		0.001 (0.005)
Employment		-0.004 (0.008)
Gender	0.008 (0.019)	0.009 (0.019)
Urban	0.013 (0.019)	0.015 (0.020)
ECOWAS	0.210*** (0.060)	0.212*** (0.062)
EAC	0.206*** (0.063)	0.210*** (0.064)
ECCAS	-0.169** (0.072)	-0.171** (0.073)
SADC	0.068 (0.060)	0.069 (0.061)
Observations	38,793	38,591

*p<0.1; **p<0.05; ***p<0.01

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