

**The Role of African Regional Organisations in the
Management of Electoral Conflicts. A Case of SADC
and ECOWAS**

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ABSTRACT

Elections have become a common phenomenon in the modern politics of the post-colonial Africa and are being used as tools for peaceful transition of power and the consolidation of democracy. This has however proven to be a difficult process including many actors and as such regional organisations in Africa have become important players in the management of elections. This thesis analyses the role played by the South African Development Community (SADC) and the Economic Community of West African States (ECOWAS) in the management of electoral conflicts within their respective regions. The Democratic Peace theory is used as a conceptual framework of analysis particularly with regards to issues of democracy, conflicts and peace. Electoral malpractices are among the challenges to the democratization process in Africa and have resulted in the lack of trust towards the electoral systems.

The study identifies and analyses the mechanism's adopted to address electoral related conflicts these include the Protocol on Democracy and Good Governance and the Principles and Guidelines Governing Democratic Elections. Using Cote d'Ivoire, Gambia, Lesotho and Zimbabwe as cases studies, the study findings indicate considerable progress in the management of electoral conflicts by ECOWAS and SADC. The interventions by ECOWAS have resulted in the belief that the application *jus en bello* has shifted in Africa whilst the SADC interventions indicate a softer and diplomatic approach.

Keywords: Conflict management, regional organisations, elections, democracy

ÖZ

Seçimler sonrası sömürge Afrika modern siyaset ortak bir fenomen haline gelmiştir ve araçları olarak güç huzurlu geçiş ve bu ancak birçok aktör de dahil olmak üzere zor bir süreç olduğu ispatlanmıştır demokrasi sağlanabilmesi için kullanılmakta olan ve bu nedenle Afrika'da bölgesel örgütlere seçimleri yönetiminde önemli oyuncular haline gelmiştir. Bu tez Güney Afrika Kalkınma Topluluğu (SADC) ve ekonomik topluluk, Batı Afrika Birleşik Devletleri (ECOWAS) onların kendi bölgeleri içinde seçim çatışmaların Yönetimi'nde oynadığı rolü inceliyor. Demokratik barış teorisi analiz özellikle açısından demokrasi, çatışmalar ve barış konularında kavramsal bir çerçeve olarak kullanılır. Seçim dogmayı zorluklar için Afrika demokratikleşme sürecinde arasındadır ve seçim sistemleri doğru güven eksikliği sonuçlandı.

Çalışma tanımlar ve mekanizması'nın kabul edilen adres seçim analizleri ile ilgili çatışmalar bu protokolü demokrasi ve iyi yönetim ve ilkeler ve kurallar yöneten demokratik seçimler içerir. Fildişi Sahilleri, Gambiya, Lesotho ve Zimbabve olarak vaka çalışmaları, kullanarak çalışma bulgular ECOWAS ve SADC seçim çatışmalarla yönetiminde önemli ilerleme göstermektedir. Müdahaleler ECOWAS tarafından SADC müdahaleler daha yumuşak ve diplomatik bir yaklaşım gösterir iken uygulama jus tr bello Afrika'da kaymıştır inancı içinde sonuçlandı.

Anahtar kelimeler: çatışma yönetimi, bölgesel örgütlere, seçimler, demokrasi

DEDICATION

To my father Retired Deputy Commissioner General Rhodes Mhambi Ndlala Moyo,
mother Commissioner Jesika Moyo, brother Sergeant Nomandla Mhambi Moyo and
sister Thulisile Mhambi Moyo

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LIST OF ABBREVIATIONS

AU	African Union
AUPSS	African Union Peace and Security Structure
AUPW	African Union Panel of the Wise
BAC	Basotho African Congress
BCP	Basotho Congress party
BCP	Botswana Congress Party
BDF	Botswana Defence Force
DRC	Democratic Republic of Congo
ECOMOG	ECOWAS Cease-Fire Monitoring Group
ECOWAS	ECONOMIC Community of West African States
EISA	Electoral Institute for Sustainable Democracy in Africa
EU	European Union
GPA	Global Political Agreement
IEC	Independent Electoral Commission
LCD	Lesotho Congress for Democracy
LDF	Lesotho Defence Force
LLP	Lesotho Labour Party
MDC	Movement for Democratic Change
NGO	Non-Governmental Organisations
OAU	Organisation of African States
OPDS	Organ on Politics, Defence and Security

SADC	Southern African Development Community
SADCC	Southern African Development Coordinating Conference
SANDF	South African national Defence Force
SIPO	Strategic Indicative Plan for the Organ on Politics, Defence and Security
UN	United Nations
UNDP	United Nations Development Programme
U.S.A	United States of America
ZANU-PF	Zimbabwean African National Union Patriotic Front
ZAPU	Zimbabwean African Peoples Union
ZEC	Zimbabwe Electoral Commission

Chapter 1

INTRODUCTION

Elections have become a common phenomenon in the modern politics of the post-colonial Africa and are being used as tools for peaceful transition of power and the consolidation of democracy. Good electoral systems have become the most emphasized aspects of democratic governance, reflecting the role they play in the building of stable societies. However, electoral conflicts continue to take place in Africa. The development of multiparty systems coupled by electoral malpractices and weak electoral institutions are among other factors contributing to the undesired effect of electoral conflicts. Instead of achieving the desired peaceful transfer of power, elections in Africa have often resulted in resentment which fuels violent confrontations.

Electoral conflict can be defined as any act and threat to blackmail, abuse, intimidate or cause physical harm to a participant of the electoral process with the intention to influence the electoral process. Considering such problems, regional organisations in Africa, including Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) have been become increasingly involved in the prevention and to management of electoral conflicts. These two organisations have developed and adopted many instruments and mechanisms to address cases of electoral conflicts within their respective regions.

1.1 Statement of the Problem

Electoral conflicts continue to rise in Africa from the West African states such as Cote d'Ivoire and Gambia to the southern states of Zimbabwe and Lesotho. The continued adoption of conflict resolution mechanisms by regional organisations reflects that there is a long-standing problem with regards to conflicts in Africa. Moreover, whilst elections as an aspect of democracy are meant to bring about peaceful transition of power, empirical evidence has shown that the link between elections, democracy and peace is not always complimentary (Mansfield & Snyder, 2005). The major causes of electoral conflicts have been the accusations of electoral rigging, electoral malpractice and disrespect for the rule of law (African Union Panel of the Wise, 2010). The role of political parties is noted as well. Their attitudes and character of competition they are involved in influences the development of electoral conflict. In many African states, political parties are viewed as agents of both preventing violence and starting it (Rapoport & Weinberg, 2000, pp.28).

An important initiative to address the problem of electoral conflict in Africa was that of the African Union (AU). In 2001 the Union adopted a document - the Constitutive Act - which detailed a common conflict management strategy for the AU. This Act was subsequently adopted by African regional organisations. The AU strategy advocates for the denouncing of any threat to peace and security within the regions, including electoral conflicts. However, the number of electoral conflicts have not declined since the adoption of the Constitutive Act and both ECOWAS and SADC continue to experience conflicts within their respective regions.

Since 2003 the African Union has continuously been faced with an increase in conflicts particularly in, the Central African Republic, Guinea, Guinea-Bissau, Togo, Mauritania, Madagascar, Niger, Zimbabwe, Lesotho and recently Gambia. There have been more than 50 low and high intensity conflicts in Africa in Africa, most of them related to electoral matters (Collier,2003). Factors that influence electoral violence are classified by Omotola as physical factors, psychological factors and structural factors (Omotola, 2008). SADC and ECOWAS have developed conflict resolution mechanism to deal with them and to address the problem of electoral violence in their regions. The question however is how capable are those regional organisations in dealing with electoral conflicts?

Therefore, this thesis will explore the capabilities of two of African regional organisations – SADC and ECOWAS, in achieving their expected goals. The choice of SADC and ECOWAS was primarily made due to their distinct characteristics to other regional organisations in Africa. SADC and ECOWAS were both initially trade blocs; however, they have shifted their focus towards the establishment of democratic principles faster than other regional organisations in Africa. Arguably this agenda to secure democratic principles has been influenced by the need to establish regional security and protect civilian governments from the increase in conflicts within the continent particularly within the SADC and ECOWAS regions.

Furthermore, these two organisations have become examples for other regional organisations in Africa through their emphasis on electoral norms and conditions for their members. Despite these similarities, these two organisations however have adopted different strategies in the management of electoral conflicts. The ECOWAS approach has largely involved the use of force whilst the SADC approach has been

mostly diplomatic. The case studies used presented the largest tests on the regional organisations commitment to constitutionalism and democratic principles which seems to have begun to be challenge the concept of sovereignty within these regions. These organisation cases present better examples for the analysis of the role regional organisations play in the management of electoral conflicts.

However criticisms over their approach's failure to conform to the principles of the African Union and the United Nations Charter limit their freedom to act and require some sort of approval of the AU and the UN which brings their effectiveness into question. This is further complicated by the fact that the African Union Peace and Security Structure (AUPSS) seems to be vague and lacking consensus on how to address electoral conflicts. Consequently, African regional organisations act in a relative vacuum and constantly risk violating international law by intervening in those conflicts even though the African Union (2002) considers them as building blocks of the African Peace and Security Architecture and delegates to them the function of peace making in their respective regions. The question remains whether African regional organisations, including SADC and ECOWAS, have adequate resources to meet the expectations of the African Union and effectively perform functions they are expected to perform.

1.2 Research Questions and Objectives

The primary aim of this thesis is to analyze the role of African regional organisations – SADC and ECOWAS - in managing electoral conflicts. Therefore, its main research question is: why do member states use African regional organisations to manage their electoral problems and conflicts? It is meant to be a comparative research which identifies and contrasts their capabilities to manage electoral conflicts, strategies and

patterns of behavior. The thesis will also consider whether they have effectively used their capabilities in a few carefully selected, representative cases and met the expectations of the African Union to prevent and manage electoral conflicts in their respective regions of operation. Do they really reduce the potential for electoral conflict?

Additionally, the thesis will seek to address the following subsidiary questions:

- i. What are the causes and consequences of electoral conflicts in Africa?
- ii. What are the mechanisms suitable for dealing with electoral conflict and what are the preconditions of their efficacy? What are the constraints?
- iii. How autonomous African regional organisations are in dealing with electoral conflict? What is the distribution of power between African regional organisations and the African Union? How has the role of regional organisations evolved?
- iv. Do African regional organisations add efficiency and structure to the process of democratization in Africa?

1.3 Research Methodology

The proliferation of norms and values concerning democratic governance, shared among African states, has created an expectation that African regional organisations could play a constructive role in ensuring stability in Africa and bring a ‘democratic peace’ to the continent repeatedly shaken by violent conflicts. This thesis will take a qualitative approach based on the assumption that regional organisations can play a pivotal role in addressing electoral conflicts and that member states do use international organisations, including ECOWAS and SADC, to manage their electoral problems and conflicts. The democratic peace theory will help to establish the role of

regional organisations on electoral conflict, by focusing on the relationship of democratic elections and peace. On the other hand, a rational-institutionalist approach will help to clarify confusion concerning the role of international organizations in enabling member states to effectively achieve their goals and expectation. In this case, goals and expectations of effective management of electoral conflict.

The tools used to address the main and the subsidiary research questions explained in the previous section, include content analysis, contextual analysis and, perhaps to a larger extent, comparative analysis. A number of short case studies is also used to illustrate what African regional organisations can and what they cannot achieve. The thesis will use both primary and secondary sources. Its normative part will focus on content analysis and interpretation of the constitutive acts of both SADC and ECOWAS and their official documents. It will refer to the documents adopted by the African Union and other organisations as well. As far as necessary, this thesis will include references to various national laws, in the first-place constitutions, of the SADC and ECOWAS member states. As far as secondary sources are concerned, a comprehensive literature review in chapter two will help to establish the subject areas to be explored and will allow a close examination of the subjects relevant to the questions of this research.

The case studies selected for this research are of Cote d' Ivoire and Gambia in the ECOWAS region and Zimbabwe and Lesotho in the SADC region. The data on these case studies was obtained through content analysis of primary and secondary sources. The content analyzed includes policy papers, academic papers, books, achieved records of conferences and summits, journals and internet media on the electoral

conflicts in Africa. these sources will be analyzed to determine the whether regional organisations can bridge the capabilities- expectation gap. The scope of the study was limited to ECOWAS and SADC; however, the research acknowledges that African regional organisation have a relationship with the AU and UN. The study gives an account of the relationship between these organisations and how they address electoral conflict in Africa.

1.4 Chapters Structure

Chapter one focuses on the introductory aspects to the study, statement of the problem and relevance of the study, research questions, methodology and structure. Chapter two provides a literature review, the literature review will consider conceptualizing electoral legitimacy, post-election conflict, regional intervention concept and the democratic peace theory as a conceptual framework in African conflict management. Chapter three explores the causes and consequences of electoral conflict in Africa, some of the causes include types of electoral management conflicts like balloting, results and campaign conflicts.

The fourth chapter will examine the existing legal frameworks and conflict management mechanisms within SADC and ECOWAS particularly those linked with elections and the efficacy of their use, these include for SADC the Protocol on Politics, Defense and Security Cooperation and the Strategic Indicative Plan for the Organ on Politics, Defense and Security Cooperation (SIPO). For ECOWAS, the Mechanism for Conflict Prevention, Management, Resolution, Peace Keeping and Security Mechanism, the Protocol on Democracy and Good Governance in ECOWAS.

The fifth chapter focuses on the responses of SADC and ECOWAS using four case studies, two from each region. In ECOWAS, the Cote d'Ivoire 2010 Electoral Conflict is used because it represents the first cases in which ECOWAS was involved in the removal of an incumbent and the Gambia 2017 electoral conflict in which ECOWAS used military intervention before getting approval from the UN Security Council (UNSC). For SADC, the Lesotho (1998) crisis which presents the first attempts by SADC to use force and Zimbabwe will be the second case study for SADC region with focus on the 2008 electoral conflict, which SADC applied its principle of quiet diplomacy the most. Chapter six will provide conclusions derive from the study and points out how effective regional organisations are in dealing with electoral conflict.

Chapter 2

LITERATURE REVIEW

The spread of democratic principles and values in Africa has contributed to the use of elections as tools to facilitate peaceful transfer of power. This peaceful transfer of power in Africa faces many complex problems which include disrespect of law and authoritarian systems of governance. Regional organisation like SADC and ECOWAS have attempted to address such problems by implementing various mechanism to facilitate peaceful transition of power and democratic elections. The possibility of an electoral disputing having spillover effects to member states of regional organisations members has prompted this involvement by regional organisations.

This chapter explores discussions on factors that influence the policy and mechanisms by regional organisations to facilitate the peaceful transition of power, the maintenance of democratic values and the peace and security. The concept of Legitimate Elections, Regional Intervention and the Capabilities and Expectations gap of these regional organisations dominate the larger part of the discussions in this chapter. In order to understand the influence of regional organisations on member states the Democratic Peace Theory will be explored, this will highlight the connection between membership in a regional organisation and the peaceful transition of power through elections.

2.1 The Problem of Democratic Deficit

The spread of democratic principles and values in Africa has been faced with various challenges. For authors like Randal, the existence authoritarian regimes and weak political institutions largely drive electoral conflicts in Africa (Randal & Svasand,

2002). The duration of most interventions when conflicts occur in Africa is affected by the lack of positive and lasting peaceful conflict management. For instance, the relationship between the UN Stabilization Mission in DRC (MONUSCO) and the DRC government was too antagonistic (Nyuykonge, 2012, pp. 111-35). However the relationship of MONUSCO with the rebel movements was steady and calm, this created situations that made it difficult to address the recovery from the conflicts and created a platform for more conflicts.

The role of regional organisations in electoral related conflicts faces challenges related to the “big men” of Africa in the conflict zones, these normally have control of political structures and the army (Utas, 2012, pp.140). These are influential individuals representing a form of strong informal governance in which the formal systems of conflict management and peace building progress is hindered. These individuals exercise governmental control that limits the promotion of democratic principles and weakens the political systems. The rigging of elections, intimidation and violence are a common phenomenon in the African continent. He further argues that elections are easy to manipulate under the shadow of democracy itself (Adejumobi, 2000. pp 64). An election should be politically impartial and people administered to be considered free and fair and consequently guaranteeing its credibility (Smith, 2007). This means that there is a need to involve the citizens on the country to limit the possibility of conflicts. For African elections to be free and fair, autonomy of election regulation bodies is important and yet it lacks in most African countries where government control is evident (Fombad, 2003, pp 11-24).

2.2 The Concept of Legitimate Elections

Electoral legitimacy is essential in the management of electoral conflicts and maintenance of peace in Africa. Gillies (2011) highlights that legitimate electoral process faces challenges of violent protests, intimidation of both voters and opposition members, and harassment. These challenges threaten the possibility of a legitimate electoral process taking place in African countries, the attacks, he also notes, have extended to arson activities on headquarter buildings of opposition political parties. This section identifies the preconditions that legitimise elections and the examples outlined by various authors in the African context.

For an election to be considered legitimate it needs to be free and fair. A free and fair election requires an equal transparent environment and freedom to carry out electoral campaign without fear (Burchard ,2014). For Sytler (1994) for an election to be considered legitimate it must satisfy the freedom of association, freedom of movement and freedom of speech (Adjeumobi,2000, pp.59-64).These freedoms allow for the electorate to effectively participate in the elections and to have their will represented in the outcome of the elections. Free elections allow for the participation of individuals in any political party without any restrictions particularly with regards to the selection of political parties they wish to join (Smith ,2010).

The legitimacy of elections is threatened by electoral violence. Electoral violence involves any action that can threaten physical harm to voters, this includes intimidation and coercion to influence the electoral process and forcefully shift the electorate's voting option (Sisk, 2008). Violent elections are characterised by the killing and inuring of people during the election process (Sisk, 2008) and 25 % of elections in

Africa are affected by violence (Bekoe, 2010). Electoral violence threatens the legitimacy of an election since it deprives people the opportunity to vote freely. There is a problem of the military and paramilitary units of governments being partisan in Africa and in the process conducting the violence on the citizens (Teshome, 2008). Autobi points out that it has become an African culture to have liberation movements insisting on their right to rule as liberators in Africa. Autobi points out that the use of state apparatus to intimidate and influence the vote towards the incumbent highlighted the lack of a free environment for elections in Zimbabwe (Autobi, 2011). The 2008 Zimbabwe elections for attracted international condemnation and were regarded as lacking legitimacy forcing the incumbents to negotiate a power sharing agreement (Sachikonye, 2011). This scenario highlights how the lack of free environment affects the legitimacy of an election in Africa.

Electoral legitimacy is not limited to the hosting of free election but the elections must also be considered fair. A fair election is an election in which the election monitoring agencies are impartial and independent from external influence. An election that is managed by a free management board provides higher chances of producing credible and accepted results (Harrop & Miller, 1987). For a fair election process, there is need for professionalism which ensures that the vote counting process is free from tempering and fabrication of results. The combination of the free and fair elections ensures the legitimacy of elections in Africa. (Smith, 2010). There is need for electoral management bodies to get their role and duties from the constitution in order to ensure that they facilitate a fair electoral process (Lopez , 2000).

Legitimacy in elections can be guaranteed by making sure that ruling electoral management agencies are independent from external forces control. In Africa electoral

bodies have not yet achieved this status of being independent, African electoral bodies lack autonomy and are vulnerable to manipulation from the incumbent leaders. These electoral management bodies in Africa are instruments available for authoritarian regimes to use as a tool to acquire legitimacy (Fombad, 2003, pp.11-24). The majority of African countries have laws that limit their capabilities to have legitimate free and fair elections.

The power to appoint the Chief of the electoral management board in Zimbabwe is given to the president. The president should consult with the Judicial Service Commission and is tasked with informing the parliament about his appointments (Reynolds, 2010, pp.75-83). The law in Zimbabwe however does not provide clear on how the senate can act in the event the president doesn't follow these procedures and Badza rightfully argues that this provides a chance for the appointment of partisan electoral management officials (Badza, 2008). It then only follows that the legitimacy of the elections is questionable. The authors that deal with this topic seem to agree that for elections to be regarded as legitimate there is need for them to be free and fair. The role of regional organisations in ensuring that a legitimate election is conducted requires the member states to conform to some regionally set standards that include norms to legitimise the elections.

2.3 The question of Regional Intervention in Africa

Many authors were of the view that the African Union's (AU) predecessor, the Organisation of African Unity (OAU) failed to effectively deal with most African conflicts especially internal and electoral conflicts. The OAU's mandate was to facilitate decolonisation and consolidating African independence, intra-state conflicts were unseen and thus it established a non-interventionist policy (Francis, 2005). The

birth of the AU saw African regional organisations increasingly adopting the concept of regional intervention. This interventionist policy in Africa emerged after the formation of the AU Peace and Security Council (PSC). PSC supervises the process of peace making, peace building and peace keeping within the continent in a style similar to that of the UN Security Council (Murithi, 2007).

The establishment of the AU marked the shift from a policy of none intervention in Africa. African leaders saw the need for a new security approach and speeches by influential leaders like Mandela of South Africa and Gaddafi of Libya facilitated the new security approach by regional organisations (Diedre, 2008). Williams (2008) notes that the new approach of the AU involved the attacking of African problems using African solutions (Bellamy, Alex & Williams, 2011, pp.830), In this regard the AU required the support of regional organisation within the continent like ECOWAS and SADC. The new security approach to conflicts through intervention in Africa saw the reduction of fatalities in the organisations interventions showing that it was recording some successes (Taiwo, 2011). Whilst such successes are evident the problems have arisen in getting clear definitions of intervention itself.

Various debates on the meaning of the term intervention exist among different scholars. The term 'intervention' can be viewed as referring to any action undertaken to shift the direction of a conflict (Diehl & Druckman, 2010, pp.134). For Williams (2011) Article 4h of the African Union Charter the word "intervene" was used to imply the possibility of an authorised use of military force without any members consent for humanitarian purposes during conflict (Bellamy et al, 2011). Intervention is a process which is meant to facilitate peacebuilding and legitimacy, the process is carried out the international community in war torn and conflicting countries to reduce the escalation

of war and violence (Lurweg & Soderbaum, 2011, pp.7-9). These different views of intervention reflect how the problem of intervention in Africa is complicated.

Some scholars argue that the composition of the PSC which is meant to undertake intervention procedures is the problem for Africa. The peace and security organ allows weak states which fail to meet their financial obligations to be members (Khosla, 2004) this therefore limits their capabilities in the interventions in Africa. Authoritarian regimes like that of Libya, Egypt and Zimbabwe have been elected into the committee of the PSC which in turn contradicted with the values of the Organ to secure democratic governance (Aknor, 2007).

Debates on the status of regional organisations as conflict management organisations in Africa. Regional organisations like ECOWAS and SADC are subsidiary bodies of the AU and the AU derives its security mandate from the Chapter 8 of the UN Charter (Gawthra, 2010). According to the Chapter 6, 7 and 8 of the UN Charter gives regional organisations rights to intervene including the use of force in conflict resolution though upon approval from the UNSC. The UN Charter Articles were adopted in the AU peace and security framework; however the AU is yet to invoke the article 4h which addresses the intervention within an African state (Adebajo, 2008). There seems to exist different conflicting interests between member states of the security structure and this has created a dysfunctional relationship between the AU and regional organisations in executing interventions. (Ndlovhu, 2010)

Some writers have argued that there is a link between regional intervention and the principle of responsibility to protect. Responsibility to protect (R2P) involves the protection of citizens within a countries own territory and that of the international

community. R2P was accepted by the UN after a 2001 report by the International Commission on Intervention and State Sovereignty triggered debate on the principle (Freire, Lopes & Nascimento, 2016, pp.225) . The R2P focuses mainly on crimes against humanity and therefore did not give any new responsibilities for member states of regional organisations who already signed the UN Charter (Bellamy, 2010). The question of Regional Integration in Africa remains a controversial issue particularly with military interventions, however that has not stopped the AU, ECOWAS and SADC in partaking in these interventions within their respective regions.

2.4 The Problem of Capabilities of African Regional Organisations

Many authors believe that the efficiency of regional organisations in the management of electoral management conflicts in Africa is dependent upon the capabilities they have. The success of regional organisations largely relies on the organisational capacity, operational experience and the resource capacity, these factors have a bearing on the level of cooperation between regional organisations and other bodies like the AU and the UN. According to Kassim & Menon (2003) regional organisations capacities are limited by the fact that they are not placed under the subsidiary bodies under the African Peace and Security Architecture (Ndlovhu, 2010, pp.63). The capabilities of an organisational include the ability to make and implement decisions concerning the set mandates on peace and security (Ndlovhu, 2010). The capacity of regional organisations requires the member states to be willing to make intervene in the electoral management conflicts within a member state.

Some scholars argue that there is need for political will in dealing with electoral conflicts in Africa. Organisations have a purpose that they are created for (Laursen, 2008) and lack of political will to address political conflicts in regional organisations

affects their capabilities. African regional organisations are weakened largely by the presence of members states that keep the Secretariat weak and block it from executing its duties (Adebajo, 2010). The majority of African states seem to fear the possibility of an intrusion into sensitive issues within their territories by regional organisations, this therefore reduces their political will to support the organisations in advancing the democratic changes (Lindberg, 2005, pp.43-48).

The capabilities of the regional organisations in dealing with electoral conflict also requires some form of resource capacity. Resource capacity is the ability to undertake sustained and effective peace and security action with enabling resources. There is need for sufficient financial resources to facilitate the expenses and the human resources in terms of personnel numbers and expertise (Lund & Roig, 1999, pp.392). However, divisions among member states has resulted in the selective commitment of resources based different national interests. The DRC intervention highlighted this action by member states of African regional organisations, Zimbabwe and South Africa the sub-regional power had differing opinions on the DRC crisis (Williams & Paul, 2009). Zimbabwe advocated military solutions and South Africa favoured diplomacy. This scenario affected the distribution of resources to end the conflict and ultimately turned it into a proxy war between the two sub-regional powers.

The capabilities of regional organisations are viewed by some authors as giving a larger comparative advantage than the UN in managing different types of conflict. This is largely because of the existence of similar cultural backgrounds within member states of regional organisations creates a stronger sense of unity (Ngoma, 2005, pp.141-3). Ngoma (2005) further points out that the geographical proximity of member states within the same region give them an advantage. The capabilities of regional

organisations have been exhibited in the Gambia were the ECOWAS intervention in the 2016 election marked a turning point in electoral conflict management (Nwabughio, 2016). The effectiveness of ECOWAS in addressing the 2016 Gambian Crisis made history in the management of electoral conflicts due to the support of the AU, UN and the inauguration of a president on an embassy in a member state (Nderry, 2017). Such a case consequently confirmed the argument by Ngoma (2013) that regional organisation can address conflict based on the comparative advantage against the UN and AU.

Authors like Lindberg (2009) argue that regional organisation need to strengthen their efforts when dealing with electoral management conflicts. He further notes that there is need for more African countries to ratify the AU Charter on Democracy, Election and Governance (Lindberg, 2005, pp.45-50). A comprehensive Early warning system is necessary to strengthen the capabilities of regional organisations (Hoglund, 2009), such a mechanism would make the identification of conflict prone areas easy and increase response rate to areas commonly experiencing electoral conflicts. The involvement of regional organisations in elections of member states has been a sensitive issue in Africa, therefore there is a need for regional organisations to have mechanisms that are explicitly dedicated to electoral management (Omotola, 2008). Various writers seem to agree that there is a gap in the capabilities and expectations of regional organisations, these affect the operations of regional organisations in managing electoral conflicts.

2.5 Democratic Peace Theory

The role of ECOWAS and SADC in the management of related conflicts will be examined using the democratic peace theory, this theory offers a useful conceptual

framework of analysis with regards to democracy, conflicts and peace. According to Moaz & Russett (1993) the democratic peace theory has two foundations which are the normative and structural arguments. The normative argument suggests that the norms of cooperation and compromise between democratic countries prevent them from fighting with each other. The normative approach further argues that democratic countries externalise the norms they developed and the behaviours that characterise their domestic institutions and processes (Moaz & Russett, 1993, pp. 625-26). The structural argument suggests that there are complicated processes within the political system in democracies and that they constrain the leaders of democratic countries from engaging in violent conflict with each other. There are strong institutions that sustain the democratic norms to ensure that there is less violent confrontation occurring.

The restraint of democratic political leaders, transparency in communication and shared norms are necessary for the existence of democratic peace. However, democracies remain prone to conflict but less likely to conflict with each other because democratic leaders are socialised into accepting norms of nonviolent conflict resolution (Umoh 2012 p10-12). Whilst Russett (2005) notes that the more a country is democratic, the more likely it is to have peaceful relations with other countries. Umoh (2012) argues that this terminology by Russett suggests that there are different levels of democracy and that some countries are more democratic than others. This, he argues, creates confusion on what level of democracy a state must reach to satisfy the democratic peace (Umoh, 2012, p17- 19).

Zakaria (2013) views democracy as involving procedures which include freely contested elections. These, Umoh (2012) argues have been responsible for the lack of peace within African countries rendering the continent un peaceful. The role of

regional organisations in the management of electoral conflicts therefore can be argued to be the spreading of democratic values, these facilitate the maintenance of peace and security within their respective regions.

Chapter 3

CAUSES AND CONSEQUENCES OF ELECTORAL CONFLICTS

The use of elections as tools to promote democracy and peaceful transfer of power has become a common phenomenon in Africa. However despite being effective in the building of a stable democracy, elections have also been used by autocratic governments justify their stay in power. This chapter will identify the causes and consequences of electoral conflicts, these include the institutional root causes, the independence of electoral management bodies and their ability to prevent election irregularities that lead to conflicts. Most electoral conflicts in Africa are a result of structural weakness among them weak economies and social diversity. Identity based conflicts in electoral issues emerge from this diversity, these are used by opposing political parties to get votes which in turn leads to the ethnicization of African politics. The lack of stable conflict management mechanisms leads to the loss of confidence in the election management bodies, however in some cases the electoral conflicts have led to the inclusion of the minority as will be shown in the chapter.

3.1 CAUSES OF ELECTORAL CONFLICTS

This section will examine the causes of electoral conflicts. These include malpractices within the electoral systems in Africa, weak institutions, ethnicity, the colonial legacy and the role of media in the election process in Africa.

3.1.1 Malpractices within the African Election Systems

The existence of election malpractices in Africa has become among the most underlying causes of electoral conflicts. There are four approaches identified in defining electoral malpractices that is the legal approach, perceptual approach, normative approach and the best practice approach (Birch, 2008.p9). The perceptual approach involves the identification of what is considered electoral norms of a respective culture and the normative approach involves using internationally recognized norms. The legal approach involves violations of electoral law and the best practice approach is not limited to any culture and uses international norms regarded as those of best practice (Birch, 2008, pp. 5-6).

Electoral malpractices are divided into three stages that is from pre-election, election day and post-election election day practices. Most electoral malpractices are in the form of accusations of election rigging, election results fabrication and falsifications as well as manipulation of electoral voters' roll (Nhema, 2005, pp. 4). There has been cases and incidences were names of persons of ineligible age on the voter's roll, the existence of even deceased individuals on voters has frequented the legitimacy questions, particularly in Cote d' Ivoire and Zimbabwe. In the attempt to highlight the election malpractices as a source and cause of electoral legitimacy conflicts, these malpractices will be noted in the three stages they occur in.

3.1.1.2 Pre-Election Malpractice

The pre-election malpractices include the tailoring of regulations and laws governing elections. In this stage of malpractice, the de-enfranchisement of certain groups so that they fail to qualify to contest in the elections takes place. In this stage the possibility of election materials being stolen, vandalised and compromised is high, this gives an

advantage to those in control of electoral process such that the election is won before polling day (Calingaert, 2006, pp. 139-45). Crisis Coalition Zimbabwe, in a 2008 election report, noted that such malpractices were alleged to be evident in the Zimbabwean Presidential and General Elections, the Movement for Democratic Change accused the Zimbabwe African National Union Patriotic Front of manipulating the electoral process before election process commenced (Crisis in Zimbabwe, 2008).

The 2008 Zimbabwe presidential elections resulted in a second run off after the Zimbabwe Electoral Commission declared there was no outright winner. The system in Zimbabwe required a winning candidate to have 51% of the total vote to be declared the outright winner. The ZANU PF party was accused of rigging the elections, multiple reports indicated that members of the political party were perpetuating terror and intimidation during the campaigning period (Sachikonye, 2011). At one rally, the presidential candidate of ZANU PF was quoted as stating that the ruling party had fought for the country through guns and would not let an “X “on a paper lead to them losing the elections (Masunungure, 2008, pp.81). These utterances were largely interpreted as insinuating a war would break out if ZANU PF lost the elections.

In Cote d'Ivoire, such pre-election malpractice took place in form of unequal access and allocation of resources. The incumbent President Qattara's government set aside approximately \$US170 000 for every eligible candidate's campaign fund. Reports from the African Confidential in 2015 indicated that his election budget was 10 times more than all opposition parties combined amounted to \$168US million. (African Confidential, 2015) The idea behind elections is based on the need to persuade people to vote for one candidate against the other on equal campaigning grounds. The

successes of any campaign require resources including financial and human personnel to conduct the process. The main source of conflict at this stage is the lack of the resources and their unequal access to media and air time allocations for the candidates present their campaign plans.

Campaign conflicts, according to the UNDP Elections and Conflict Prevention Guide, include intimidation efforts with the objective of influencing voter and candidate's perception and limit the participation in the democratic rights to an election process. The history of West African electoral conflicts takes the form of abductions, murders, threats to violence, torture and hooliganism as form of electoral conflicts (Hartmann, 2013). The Nordic Africa Institute observed that such trends in Africa were common however in Lesotho elections were rather peaceful even though there was evidence of the campaign conflicts (NAI, 2013)

3.1.1.3 Election Day Malpractices

Election day malpractices take place on the day of the election. These malpractices include the late delivery of electoral material to polling stations, fabrication of results during the counting process and delays in processing the voters. The conflicts that occur on election day as a result of these malpractices can be referred to as ballot conflicts (Fischer, 2002). Accusations of election rigging have been evident in most elections in the ECOWAS and SADC region. Ironically, they have become so common that the political parties involved have resorted to counter accusations which have further complicated the electoral process. Zimbabwe's legislative and Presidential Elections of 2008 and the Cote d'Ivoire 2008 elections witnessed these types of allegations and counter accusations. The failure to address these allegations present a risk of a civil war in the post-election stage.

3.1.1.4 Post Elections Malpractice

The post-election period malpractices emerge after the voting phase and mainly take form of late announcement of election results which increases speculation that there is interference with the counted votes. The delay in announcing election results is highly likely in cases where the incumbent candidates are projected to lose, such manipulations are carried out by electoral bodies by individuals of high influence and power within the government and election managing bodies (Matyszak, 2010). The role of election management boards is essential in that they are responsible for the distribution of election material, management of election registers for all levels of elections in a state holds (Sabastiano, 2006). The incumbent political leaders however have larger incentives over government and these electoral management bodies and therefore use it to get desired results. Regional organisations in Africa have often intervened at this stage of the electoral process, in Cote d' Ivoire, Gambia, Lesotho and Zimbabwe the mediation teams only became available at this stage of the conflicts. (Birch, 2011)

3.1.2 Weak Institutions

The management of elections requires the managing authority to be completely autonomous to achieve its constitutional mandate. There is need for the election management commissions to achieve a clean record of accountability, neutrality and to have the capacity to be financially independent whilst maintaining the core principles of governance and guidelines. The absence of these important features in electoral bodies contribute to electoral conflicts in Africa. In some African countries, progress has been made as a result of adoption of new electoral regulations that limit interference with the operation of election agencies. However, lack of political will to fund and enact this type of legislations has resulted in a flawed electoral system which fuels conflict and inevitably violence.

There is need for the elections management agencies to acquire exclusive mandate from the constitution to cement their position in the prevention of conflict. The administration and implementation of the laws regarding the electoral process, he notes, should be done with full accountability to the parliament and the public (Makumbe, 2009). In the African contexts, elections held by election boards regarded as independent and which have a reputable history have proven to have more peaceful elections and acceptability rates as is in the cases of South Africa and Ghana. The judiciary in African countries has also fallen within the category of weak institutions that have been abused by the ruling regimes to gain political mileage. These weak judiciaries have often led to the abuse of power by the Executive which may extend its powers to control the courts (Rupiya, 2005). The judiciary should be an independent arm of government that contributes to a system of checks and balances however the weakness of the judiciary has been a reason for electoral conflicts in Africa.

3.1.3 Ethnicity, Identity and Colonial Legacy

The existence of multiple ethnic groups in Africa has been among other factors that generate conflict during the electoral process. Ethnic differences have contributed to the civil wars, coup d'états and election motivated conflicts, there exists also a colonial background in relation to these types conflict causing factors. With regards to elections, Brandt and Turner (2003) note that it cannot be denied that the colonial legacy has an impact on ethnic divisions and the outcome of elections. Solidarity between ethnic groups after the colonial period has been difficult to achieve, the solidarity between citizens in defining cohesive nation states has been met with resistance (Ayres, 1997, pp. 432-34)

The colonial boundaries have become the national boundaries in the post-colonial period and did not address the separation of different ethnic groups into different countries. These colonial boundaries have resulted in African countries having a diversified culture, values and heritage. This ethnic outbidding, leads to manipulation by the political leaders especially when it comes to collective action (Devotta, 2005, pp. 143). The power of ethnic groups being addressed by any political candidate can fuel resentment which results in division of votes and conflict conflicts. The manipulation of identity factors including race and religion can be further manipulated to create tensions, a case in point can be in the cases where religious diversity between Moslems and Christians has resulted in intra state instability.

Perhaps the most influencing element of this problem of ethnicity, identity and colonial legacy comes when the political structure and power guarantees personal gains through state resource distribution. The impacts of such a situation transforms the election into an identity based contest with which the opposing groups seek deprive the other group access. The idea is that such divisions ensure that the basic assumption in every group is that the winner of the election gains full access to the state resources. The ethnicization within the African continent was one of the important factors that led to the rebellions in the colonial period, the colonial struggle, he notes, as having been influenced by ethnicity due to their deprivations to equal state resource access (Chanaiwa, 1993, pp. 258-9)

The winner takes all system continued in African politics after independence. This meant that the minority groups within the nations had minimum chances of equal accession to the realms of power which creates resentment. Ethnic groups therefore vote on ethnic lines with the belief that their descendants once in power may become

protectors of their heritage and values (Bratton, 2008). The problem of ethnic conflict in politics has largely been witnessed across Africa. Nigeria, Sierra Leone, Sudan, Rwanda and DRC have been victim to these were incumbents used the states resources to crush opposition.

3.1.4 The role of Media and Propaganda

The role played by the media during elections has continued to grow and become of importance in the years after 2000. According to the AU Human Rights Charter, every person has the right to information and to express his or her views. Media, therefore, has an obligation to supply this right to the African people. In providing the electorate with information from the candidates, there is need for an un biased media. Contrary to that in Africa media houses have exhibited some bias and have continuously been accused of being biased towards different political parties.

Broadcasting legislation in Africa has constantly been used to support the ideas of one party, particularly those of the incumbent. These national broadcasters push for the propaganda of the incumbent's political agenda and have high levels of censorship. Often opposition parties have established independent broadcast channels and newspaper outlets. Whilst such divisions in the media provide for tension, talk shows have often been accused of fueling hate speech and violence in the guise of telling news as it is as was in Malawi and Rwanda. This use of media as propaganda machinery has a negative effect on people's behaviors and perceptions about opposing candidates. It is these negative views that ultimately turn into resentment and conflict.

The media has an effect on the number of voters that can turn up for the elections. There is huge link between the level of media freedom and the electorate turn out numbers. The gap between knowledge and intellectual capacity can be addressed by

the media when broadcasting about elections (Vergne, 2011, pp .8.) There is a link between the people who watch commercial news and political knowledge and participate, those who watch more news seem more knowledgeable and involved in politics than those who do not. The key issue however goes back to who controls the media. Most media houses in Africa are controlled by the state and this affects their autonomy in conducting their duties (Prat & Stronmberg, 2005). In 2017 AFP Newspaper agency reported that Gambia had closed two private radio stations ultimately limiting Gambians to information from state owned media.

The shutting down of the privately-owned broadcasters is not limited to Gambia alone, in February 2017 MISA Lesotho reported that the Lesotho government also cut off two radio stations for allegedly defamatory coverage of the Prime Minister. Furthermore, African governments have a tendency of political appointments to the positions of media house executives to increase their stronghold on the media. Reporters Without Boarders (2017) notes that most African countries have strong media restrictions, these restrictions contribute to the electoral conflicts as political parties fight to acquire equal media access. Zimbabwe for instance passed the Access to Information and Protection of Privacy act in 2002 which limited the content published by news agencies. In Cote d' Ivoire members of the National Press Council were replaced with Gbagbo Supporters, Reporters without Borders in 2011 reported that Cote d' Ivoire's Communication minister had described the censorship as a self-defense measure. Consequently, radio stations were shut down fueling demonstrations towards the election period and posing a threat to a full blown civil war.

3.2 CONSEQUENCES OF ELECTORAL CONFLICTS

The effects of electoral conflicts extend towards the attainment of democracy in Africa. The existence of conflicts poses a massive threat towards violent implications. Violence as an outcome of electoral conflicts may distort the voter turn and in the process alternating the true expression of the will of the people. Whilst voter turnout may be distorted, the conflicts also lead to broken social relations between the different ethnic groups due to the dimensions the conflict and campaign strategies instil within the voters. Ultimately this threatens the development of a peaceful environment. The Rwanda genocide is an exclusive example of how ethnic tensions can escalate to levels of a protracted conflict. Similarly, in Angola's 1992 electoral conflict, the National Union for the Total Liberation of Angola initiated a decade long war. This section of the chapter will therefore highlight the consequences of the electoral conflicts in Africa.

3.2.1 Disrespect for the Rule of Law

Electoral conflicts influence the citizen's behaviour towards the rule of law. Omotola (2010) notes that there are dire implications of electoral conflict in terms of security. For her, these security issues transcend to regional borders through increased displacements both internal and external. The argument here is that as the conflict intensifies some families will attempt to seek refugee status especially the vulnerable groups thus posing a regional security issue as the identification of refugees is a long a process. The collapse of the public order because election conflict instigates the militarisation of the state which in turn may cause a coup from the army as they seize control of the nation. In the aftermath of the Lesotho and Zimbabwe election the military and police were deployed to maintain order as tensions rose. Nigeria

experienced a collapse in public order which saw various accusations of harassment being laid upon them.

3.2.2 Effects on the Economy

Economic losses during electoral conflicts exist in the long term of the protracted conflict. The levels of destruction in property and disruption of the normal government operation can facilitate economic losses. It is however important to note that it is difficult to quantify these losses, especially if the conflicts are not protracted. Areas of the economy that fall under threat include agriculture, commerce and the banking sectors, these are the areas that require investment to be boosted. Investor confidence is boosted in an area where there is security to protect their investments, the continued existence of an environment of conflict results in a low investor confidence thus affecting the economy. The economic impacts of electoral conflicts lead to capital flight as investors leave. The Kenyan 2007/8 election, for instance resulted in massive capital flight from Kenya because of the violence (IIG, 2009, pp. 2).

3.2.3 The Question of Presidential Legitimacy

The most pressing consequence of electoral management conflict is that of presidential legitimacy. Governments across Africa face serious challenges over their constitutionality and legitimacy not only from within but internationally. In Zimbabwe, the 2008 election resulted in a negotiated power deal, a move which was viewed by many to seek legitimacy by the ZANU PF government. Similarly, in Kenya the incumbent and opposition engaged in a similar power sharing deal to facilitate the easing of conflict. Challenges to legitimacy result in disruption of public order particularly through protests. Violent protests, outbreaks, property destruction, arson and looting are some of the widely legitimacy challenging strategies. In other cases, appeals for litigations in constitutional courts are measures used, however the result of

such protests has often led to the same outcome that is imposition of curfews and militarisation as the state and government seek to establish public order and consolidate the illegal power.

The implications of challenged legitimacy are negative with regards to the country's foreign policy. Within the international relations sphere exists a need to maintain the image of a good international actor that upholds the norms and values of democratic governance. Image crisis resulting from illegitimacy issues were witnessed in Kenya and Zimbabwe after violence erupted during election the election period. Prior to the 2008 elections, Zimbabwe was placed on economic sanctions by the USA, Britain and European Union after violence in the 2000-2002 referendum period.

3.2.4 Distrust in the Electoral System

The existence of electoral conflicts in Africa has cultivated a degree of distrust in the whole electoral system. The mindset of the electorate and the opposition candidates has shifted to the belief that the elections are rigged even though they may be in accordance with the electoral laws. There is need for elections to meet certain minimum conditions to qualify as free and fair. These are the basic freedoms of assembly and association, movement and speech as well as the absence of intimidation. Absence of these basic freedoms results in the loss of trust and confidence in the electoral system. The loss of confidence in the electoral system in Zimbabwe has resulted in the decrease of the number of voters during elections (Sachikonye, 2011). According to the African election database other African countries like Tanzania have witnessed similar trends with a 72% voter turnout in 2015 and a decrease in 2010 to 42.8% (African Election Database 2015).

3.3 Conclusion

The chapter has highlighted the key factors that cause electoral management conflicts in Africa. The chapter points out that electoral conflicts in Africa are similar and can be classified into three broad categories. The nature of African politics is noted as that which pushes for cultural impunity, patrimonial politicking and use of violence as an illegal but “legitimate” tool. Access to weapons and control of the military and the uniformed forces is mainly kept by the incumbent powers resulting in a biased law enforcement unit. The second category in the causal factors is the nature of elections, the African elections provide a competitive field with political mobilisation that often leads to high stakes for the competing candidates.

The result of such an electoral nature results in the misinterpretation and abuse of political rights, militant mobilisation is inevitable in most African states. The third and perhaps the most influencing factor is the Electoral Institutions, these operate on a system that fails to provide a clear-cut difference between the looser and the winning party. Electoral institution seems to highlight the lack of regulations and very minimum checks and little power over their own operations, this seems to push for electoral conflicts due to the recognition by the voters and opposing movements that there is abuse by dominant political actors. The outcome in this category as already explained in the chapters is the development or announcements of unexpected results which raise accusations of electoral fraud.

The consequences and effects of electoral management are largely political. Political violence creates a sense of insecurity in all spheres of national importance. Political decay, socio-economic decline and threats to human development are the most

inevitable results of electoral conflicts. What is evident from these causal factors and their effects is that the process of democratisation in many African countries is at risk and, in turn, threatens the peace, security and stability of the continent. This chapter focused on the causes and consequences of electoral management conflicts and the following chapter will focus on the frameworks adopted by SADC and ECOWAS to address the problems and consequences outlined in this chapter.

Chapter 4

SADC AND ECOWAS CONFLICT MANAGEMENT

FRAMEWORKS

The chapter will seek to identify and analyse the measures that have been put in place by regional organisations to address electoral conflicts. The previous chapters have revealed the causal factors and the consequences of the electoral management conflict and the fact that electoral conflicts have a massive effect towards deterring democratic governance which, in turn, affects regional security. The administration of elections, as noted in previous chapters, requires a variety of actors to ensure a smooth and conflict free process. The thesis argues that regional organisations play an important role in the management of electoral conflicts, both in ensuring a peaceful electoral process and in managing conflict in the event it occurs.

The chapter will therefore explore the frameworks and instruments established by SADC and ECOWAS to address the issue of electoral conflicts. These regional organisations have experienced most of these electoral conflicts, the relationship of SADC and ECOWAS with other organisations like the AU and the UN has been filled with clashes in policy. These two organisations seem to challenge the position of the UN Security Council in conflict management and constantly clash with AU in addressing conflict in their respect regions. Whilst Africa has over five regional organisations, ECOWAS and SADC have remained the most relevant and successful yet they have different approaches to dealing with electoral conflicts.

4.1 ECOWAS FRAMEWORKS

The Treaty that established ECOWAS was signed in 1975 in Nigeria and was revised in 1993. The main aims of the organisation upon establishment were based on the promotion of regional integration and economic development within the members of the organisation. ECOWAS objectives have largely been constrained by political factors such as competition to be the regional hegemon and the instability around its jurisdiction (Yabi, 2010). The Treaty establishing ECOWAS has evolved after the 1993 revision to incorporate democratic principles and standards for governance within the region. The instruments and protocols set up by the organisation have incorporated the issues of electoral management. These instruments include the ECOWAS Treaty, the Mechanism for Conflict Prevention and Management Protocol, and the PDGG supplementary protocol to the Mechanism for Conflict Prevention. The focus of this section of the chapter will be placed on an analysis of these protocols and instruments which directly address elections and facilitate the role of regional organisations in election issues and determination how they operate.

4.1.1 ECOWAS Treaty

The functions of the ECOWAS are enshrined in Article 4 of the Treaty which outlines the promotion and consolidation of democratic systems of governance within member states as its fundamental principles. Democracy, democratic systems of government and elections have a close link in modern politics. Article 58 of the ECOWAS Treaty addresses issues with regards to peace, security and stability and with cooperation on election observation teams from the organisation. However, this article fails to establish a legal obligation binding the member states to allow election observation teams. Instead, ECOWAS teams can observe elections upon invitation of the member state thus limiting its effectiveness in the consolidation of democracy. The Treaty

stipulates that assistance in the observation of elections is based upon the request of the member states making the involvement of the organisation purely based upon the discretion of the member holding the elections upon which if it does not invite the organisation, it cannot interfere. A conclusion that can be drawn from this part of Article 58 is that due to the lack of legal basis to intervene, the role of ECOWAS is limited.

The concept of election observation throughout Africa has been constrained and the capacity of election observer teams to ensure free and fair elections limited, the strategies employed during the deployment of the observers play a role in this. The monitoring of election process is constrained by the fact that most observer missions are deployed an only few days prior to the day of elections thus limiting the phases in which they take part in the election. These practices limit the capability of the organisations to monitor the pre-election phases and the post-election phases since the observers normally leave soon after the election day (Teshome, 2008) therefore highlighting lack interest in the post-election scenes by these organisations.

4.1.2 The Mechanism for Conflict Prevention Protocol

The adoption of the Mechanism for Conflict Prevention Protocol in 1999 in Togo fostered the creation of a collective peace and security framework. The Protocol is rooted in the ECOWAS Treaty, particularly Article 58. The Preamble of the Protocol adopts the democratic principles of the UN Charter and the AU Charter and thus strengthens the effectiveness of the Protocol. These principles acknowledge the need to strengthen democratic system of governance and institutions, these principles therefore fall in line with the management of conflict related to the violations of democratic governance and election and related conflicts. Article 42 (1) empowers

ECOWAS to oversee and facilitate the development of democratic institutions that facilitate the organisations involvement in the preparation and the supervising of elections within its member states. The problem that arises with this Protocol however is largely based on the fact that it does not explicitly state how the organisation can accomplish these goals. A supplementary protocol - The Protocol on Democracy and Good Governance was therefore established to address this issue and to give effect to this mechanism to facilitate the process of legitimate elections.

4.1.3 The Protocol on Democracy and Good Governance

The Protocol on Democracy and Good Governance (PDGG) which was adopted as a supplementary protocol focusing on conflict prevention was signed in 2001 in Senegal but it came into force in August 2008 after obtaining 9 ratifications in line with Article 49 of the ECOWAS Treaty which sets the minimum required ratifications at 9 states. This Protocol too, refers to Article 58 of the ECOWAS Treaty which focuses on the need for a strengthened regional effort in addressing both intra and interstate conflict. The Protocol stands as an indicator of the ECOWAS ability to facilitate institutionalised standards that promote stability within the region, the Protocol also sets a benchmark in the regional politics through the establishment standards of good governance (Magbagbeola, 2009).

These standards are listed in Article 1 of the Protocol which establishes 12 regionally shared constitutional principles including accession of power through transparent and free elections, participation, denouncing of unconstitutional acquisition of power and the observation of democratic principles of governance. Article 2 of the protocol places limitations to constitutional changes with regards to electoral laws, these it states cannot be changed six months prior to an election.

The Protocol places a lot of focus on democratic governance and electoral management related issues. Article 3 outlines the requirements for an independent, non-partisan and impartial electoral monitoring agency, this need for a transparent election process and results declaration is further supported in article 6 and 7. The most challenging part of the Protocol is included in Article 9 and 10 which compel the defeated candidates to acknowledge defeat whilst protecting them and their supporters from intimidation and violence by the incumbents. As already stated, the Protocol provides for the involvement of ECOWAS in election monitoring at the request of the member states, however the article fails to be explicit on important issues. The protocol simply highlights that assistance during elections may take any form and does not specify on the kind of assistance that can be given in Article 12 (2).

The Executive Secretary of ECOWAS is given authority under Article 13 (1) & (2) of the Protocol to send observers before elections and monitoring teams. The role of the observers who are sent before elections is to play a role as a fact-finding mission that gathers and reports information on the election environment, preparedness levels and satisfaction levels of the candidates involved in the election. The duration of the observer's mission in the member state of deployment is according to Article 16(1) supposed to last until the declaration of results of the elections. Unconstitutional changes in government are outlawed through this protocol and in the vent of such, it establishes contingency measures in terms of sanctions and membership suspension as stipulated in Article 45.

Whilst the language and terminology outlined in the Protocol on Conflict Prevention was not explicit, the PDGG uses clear and explicit language that limits the prospect of manipulation of its provisions for easy violations. Evidence from the Ivory Coast 2011

invocation of this Article highlights how its implementation is much easier compared to the previous protocols. However, it can be argued that the power of the protocol in addressing electoral legitimacy based on results is limited though it plays a pivotal role in the promotion of democratic governance in the region. It is noted that the provisions on the assistance and involvement of the organisation in conduct of election is stated in a non-mandatory or non-binding language (Cowell, 2011), this is with reference to Article 12 (1) which states that involvement will be based upon a state's request.

The conduct of free and fair elections is clearly protected under Article 13 of the Protocol that provides for a fact-finding observer mission. This observer mission however has limited capacity since it does not participate throughout the whole election process. The powers of ECOWAS are therefore based upon state consent thus they are limited in ensuring democratic transitions which avoid electoral legitimacy conflicts. This highlights the need for more binding instruments to curb state exploitation of the loopholes within the regional organisations frameworks that provide for a conflict free electoral process. These loopholes continue to exist due to the lack of a supranational organ to address the question of electoral legitimacy which facilitates the subverting of the Protocol by domestic law provisions. Article 7 of the Protocol establishes the need for adequate measures to facilitate identification of conduct and results proclamation.

The requirements of the Protocol are based on the party disputing the results abiding by domestic law to address the conflict, however domestic law can be used as a defence as witnessed in Ivory Coast when Article 94 of the Ivory Coast Constitution was used (Cowell, 2011). Article 94 gives power to the Constitutional Council to settle election results conflicts and as such it managed to reverse the results announced by the

Independent Electoral Board annulling the victory of Qattara and declaring Gbagbo The incumbent therefore was under Ivorian Law complying with the law being backed by the decisive state of the Constitutional Council decision (Mchomvu, 2015, pp. 20)

The crisis of Ivory Coast highlighted the institutional weakness in the Protocol and Cowell (2011) viewed it as the most relevant test to the Protocol since its establishment. The refusal to cede power by Gbagbo was legalised by the absence of stronger supranational bodies to act as an alternative and supporting board to the domestic procedures. However, it should be noted that the role of ECOWAS has been strengthened to deal with situations like the Cote d' Ivoire case and eventually ECOWAS played a role that led to his removal from power.

4.2 SADC FRAMEWORKS

The Southern African Development Community (SADC) came into effect in 1992 replacing its predecessor the Southern African Development Co-ordinating Conference (SADCC) established in 1980. The primary objective of SADC canters on development, regional economic integration and, like ECOWAS, democratic principles of governance. SADC, to that effect, established many instruments and instruments to facilitate the process of democratisation and elections. These include the SADC Treaty. Protocol on Politics, Defence and Security Co-operation (PPDSC), the SADC Parliamentary Forum, Norms and Standards for Election (SPF) and SADC Principles and Guidelines Governing Democratic Elections (SPGGDE). These instruments facilitate the capabilities and procedures of SADC in dealing with electoral conflicts and conflicts in general. This section of the chapter examines these existing frameworks and their effects in detail and focuses on SADC's role in managing electoral conflict and ensuring the credibility of the process.

4.2.1 The SADC Treaty

The SADC Treaty establishes the main objectives and principles of the organisation in Article 4. The main principles of the organisation include peace and security, respect for human rights, solidarity and respect for the rule of law and democracy. However, the SADC Treaty, like the Treaty of ECOWAS, fails to outline how the implementation of these objectives can be carried out. Instead it designates the member states in Article 6 (1) as the responsible authorities to ensure that these objectives are realised. The Treaty places a provision for the imposition of sanctions under Article 33(1) in the event of non-compliance with the treaty's provisions by a member state.

The SADC Treaty also facilitates the adoption of protocols which deal with conflict management within the member states and between member states. Article 9 (1) of the Treaty establishes the Organ on Politics, Defence and Security Co-operation, (OPDSC). In Article 10 (5) the functions of the OPDSC are outlined, however the article does not clearly define them. Such an absence of specific provisions highlights a weakness towards electoral management conflicts. Despite the listing of the principles of democracy consolidation in the treaty, the treaty's lack of objective implementation strategy creates a room for manipulation like the ECOWAS.

4.2.2 The Protocol on Politics Defence and Security Co-operation

The adoption of the Protocol on Politics Defence and Security Co-operation was provided for by Article 9 of the SADC Treaty which defines the functions of OPDSC. The protocol advocates human rights and the development of democratic institutions and general practices as set out in Article 2 (2). However, it must be noted that the process of achieving these goals set out in Article 2 (2) is not clearly provided for in

the protocol. The Protocol focuses on the structure of The Organ in the prevention and management of conflict but however doesn't address the origins of the conflicts in this case that of electoral mismanagement. The protocol also acknowledges and outlines the UN Security Council's role in the management of conflicts and maintenance of world peace. The Organ is outlined as an institutional structure establishing regional defence pact to deal with both inter and intra state conflicts. The protocol therefore is inadequate on its own to facilitate the prevention and management of electoral conflicts in the region, though it develops and maintains the role of the organisation with regards to regional security which can be threatened by electoral conflicts.

4.2.3 The Principles and Guidelines Governing Democratic Elections

The Principles and Guidelines Governing Democratic Elections (SPGGDE) outlines the principles that govern democratic elections within the Southern African region. Adopted in 2004, sections 2,4 and 7 of Article 2 set the guidelines for democratic principles for elections conduct, electoral process observation and outlines the responsibilities of the organisations member states. Article 2 further calls on member states to guarantee equal access for candidates to media, voter education and like ECOWAS for the candidates to respect the outcome of the results. The Instrument remains essential and comprehensive in ensuring a legitimate electoral process.

The provisions on elections conduct, however, seem to be flawed in a variety of ways. The guidelines, to begin with, constitute a form of soft law which is non-binding and remain a set of recommendations. Since they are non-binding they are subject to domestic law which weakens the guidelines effectiveness. The weaknesses of the guidelines have contributed to the reluctance shown by Zimbabwe in adopting other principles of free and fair elections (Bell, 2011). The SADC Parliamentary Forum to

this regard in 2005 called for a SADC instrument that is binding particularly with regards to electoral management. Still in line with the flaws, the settlement of conflicts within the guidelines is left in the hands of municipal law with which the ruling regime normally controls. Furthermore, the SPGGDE like the PDGG in ECOWAS does not give obligation to the member states to invite the electoral observer missions.

The member states maintain the right to allow or deny observer missions whenever they deem. Consequently, the denial by any member state to allow SADC observer mission is legal and falls under the confines of law. The effect of such decisions is that it creates an environment that is difficult for the organisation to access the progress of the electoral process in member states. Member states within the SADC region have however complied with the provisions of the guidelines and invited the SADC observer mission though the limitations within the framework works to their disadvantage.

Lastly, the details regarding the composition of the observer missions is not fully detailed. It only provides for the Chairperson of OPDSC is supposed to lead and according to section 6 (1) of the guidelines there should be equal representation which is gender sensitive from various actors including opposition parties. The electoral missions in this regard can be credited for the diversity and gender purity as is the case of the 2008 Zimbabwe election as proclaimed by the 2008 SADC electoral observation mission report.

4.2.4 The SADC Parliamentary Forum, Norms and Standards for Elections (SPF)

The Instrument establishing SADC Parliamentary Forum, Norms and Standards for Elections (SPF) consists of 17 sections which identify problems and provide recommendations for solutions. Adopted in 2001, the instrument is far more detailed

than the SPGGDE and in Section 11 clearly identifies vote counting as one of the casual and challenging area of electoral conflicts. The Instrument proceeds to identify the problems associated with missing ballot boxes; in this regard, the instrument notes that transportation of the ballot boxes between polling stations provides a chance for manipulation through sneaking in other ballot boxes. The counting of votes, the Instrument recommends should be done at the location of the election and in the view of all contestants or representatives.

As far as the confirmation of results is concerned, the Instrument recommends that it should be signed by all involved parties. Section 12 of the SPF Norms identifies that the acceptance of results is a constant problem within the region with legitimacy being questioned frequently. This problem legitimacy should be addressed by the creation of a culture of conceding defeat with the aid results approved by observers. The general overview of the SPF norms provides for solutions to establishment of transparent and legitimate electoral processes for the region which could reduce the number of electoral related conflicts. The limitations of the SPF instrument however emerge from the fact that they also do not have a legal base and therefore exist as a non-binding instrument. The limitations have been evident for 16 years since the of the SPF norms in 2001, electoral conflicts have continuously been experienced despite its establishment.

4.2.5 Principles for Election Management, Monitoring and Observation

SADC through its Electoral Commission Forum, working with the Electoral Institute for Sustainable Democracy (EISA), adopted the Principles for Election Management, Monitoring and Observation (PEMMO) as a complementary instrument dealing with electoral management. Adopted in South Africa in 2003, the Instrument enabled EISA

to be involved in the election observation missions within SADC five member states, including in South Africa in 2004 and DRC in 2006. Under this Instrument, the operations of EISA are co-ordinated by electoral commissions established by member states and consist of members of different actors which include political parties, parliamentarians, electoral bodies and civil society. Despite such co-ordinated effort towards ensuring credible electoral management, the role of the instrument and the EISA the SADC partner in ensuring the instruments success is limited by the fact that observers are invited by the nation hosting the elections. EISA was not invited by the Zimbabwe government in the March 2005 elections despite the organisation overseeing the PEMMO instrument.

The instruments cover a wider range of aspects which include electoral systems and management commissions, constitutional and legal frameworks and conflict management. The pre-election section of the instrument focuses on the challenges and best electoral practices, the registration of voters and political parties, candidate nominations, media access, the roles of the security forces, voter education and the funding of political parties (EISA, 2003). The Instrument's last section deals with issues on election observation and monitoring. The instrument is inclusive and robust and therefore unlike most of the SADC's instruments and protocols ensures the involvement of civil society in the electoral process. The Instrument's main goals are to create a standards electoral management system in the SADC region, to provide technical guarantees against electoral frauds by increasing electoral audits and promotion of a democratic culture. The instruments other sections emphasise on the SADC principles as already discussed in the other sections of this chapter.

4.3 Conclusion

The establishment of instruments and frameworks by regional organisations, as presented in this chapter can be seen an attempt towards good governance and democracy. However, despite the attempt to ensure legitimacy, the role of the mechanisms is quite limited in achieving their intended objectives. The weaknesses in these protocols, both for SADC and ECOWAS, lays in the fact that they are not binding and are based on the member states consent. In both SADC and ECOWAS, the member state can choose not to allow observer teams during elections and the organisations are powerless to intervene as evidenced in the case of the Gambia, discussed in the next chapter. This flaw on the part of the protocols adopted by regional organisations raises the need to establish far reaching mechanisms that make it mandatory for member states to create election safe environments. In two decades of their existence, both SADC and ECOWAS have continued to adopt and improve the mechanisms that address electoral issues.

Furthermore, there is a problem of state sovereignty associated with the arrangements of regional organisations. Whilst protocols established by SADC and ECOWAS may appear on paper to be strong and meaningful, issues on the question of sovereignty limit their capabilities. This reduces their effectiveness in dealing with conflicts since they should wait for the UN Security Council approval to conduct an intervention. Such weaknesses were noted in the case of Lesotho where the SADC intervention was viewed negatively and consequently termed an invasion. The issue of sovereignty also affects the regional organisations relevancy and capacity to conduct conflict resolution mechanisms, according to the UN Charter the use of force requires the authorisation

of the UNSC which limits the reaction rate of regional organisations to electoral conflicts within their respective regions.

The protocols adopted by SADC and ECOWAS, despite their weaknesses, have been utilised in some countries within the respective regions. In the 2017 Gambian crisis for example, the ECOWAS initiated an intervention before the UN Security Council approved a military action and similarly in the Lesotho crisis for SADC. The use of conflict management and resolution frameworks have effectively managed to reduce the risk of an escalated conflict. It has been achieved through complete removal of ruling governments or a negotiated inclusive government between both parties. The following chapter will therefore examine the application of these frameworks by the SADC and ECOWAS, this will be done using two case studies for each region with Cote d'Ivoire and Gambia for ECOWAS and Lesotho and Zimbabwe for the SADC region.

Chapter 5

THE RESPONSES TO ELECTORAL CONFLICTS BY ECOWAS AND SADC

The previous chapter outlined the mechanisms adopted by ECOWAS and SADC in conflict management. The organizations have responded to electoral conflicts within their member states, however their reactions and means used varied in most if not all cases. This chapter therefore will examine the two organisations responses to the electoral conflicts using two cases studies for each organisations. For ECOWAS, the cases of Cote d'Ivoire and the Gambia electoral crises will be analysed. These two cases have been selected because they represent a change in ECOWAS approach in addressing electoral conflicts: from threats of the use of force in Cote d'Ivoire to actual use of force in the Gambia. Zimbabwe and Lesotho electoral conflicts will be examined for SADC. These two cases represent SADC's attempt to pursue a military intervention in Lesotho and the strategy of quiet diplomacy in Zimbabwe. The cases provide an opportunity to trace the evolution of the policies of the two regional organisations concerning electoral conflicts. Each section begins by giving a brief background of each of the electoral conflict cases before proceeding to the reactions of the two regional organisations.

5.1 ECOWAS AND ELECTORAL CONFLICTS

This section of the chapter will explore the role played by ECOWAS in addressing electoral conflicts within its region. The section will explore the ECOWAS engagement in Cote d' Ivoire in 2010 and the Gambia in 2016-17.

5.1.1 ECOWAS in Cote d' Ivoire (2010)

5.1.1.1 Background of Conflict

The Cote d'Ivoire conflict was a result of the Independent Electoral Commission's (IEC) proclamation of the results of the 2010 elections. The Commission declared the opposition leader Alassane Quattara the winner of the elections ousting the incumbent Laurent Gbagbo. Laurent Gbagbo, however, challenged the outcome of the elections and it led to the eruption of violence instigated by his supporters. The Ivorian conflict emerged after the first round of elections failed to produce a winner with the required 50% majority. In the second round, Alassane Quattara obtained a 54% lead in the polls. Laurent Gbagbo refused to acknowledge defeat arguing that there was violence and intimidation in the northern part of the country, Quattara's stronghold, and his supporters were accused of intimidating voters. The Constitutional Council after being petitioned by the incumbent Laurent Gbagbo on these alleged electoral malpractices declared some of Alassane Quattara's votes invalid in seven northern regions. Arnim (2010) recalls that the Constitutional Council proceeded to declare Laurent Gbagbo the winner with a 51% margin against 48% of the opposition.

More problems emerged when it became clear that the IEC was largely dominated by Alassane Quattara's supporters whilst the Constitutional Council was controlled by Laurent Gbagbo's supporters (Zounmenou & Soure, 2011). The tensions in the country reached high levels when the most countries recognised Alassane Quattara as the

legitimate winner of the elections. The recognition of Alassane Quattara was almost unanimous with the then president of the United States of America (USA) Barack Obama, the United Nations, the African Union and ECOWAS all legitimising his win (Vines, 2011, pp. 25). To defuse the rising tensions the African Union appointed Raila Odinga, the Kenyan Prime Minister as the mediator. His job was to persuade Laurent Gbagbo to relinquish power and enable a peaceful transition with which he failed to achieve in 2011.

The USA joined the calls for Laurent Gbagbo to step down with Obama offering him support upon conceding, Laurent Gbagbo instead insisted the legitimacy of his rule and did not succumb to the pressures of the opposition movements and the international community. The turn of events and tensions consequently resulted in a political deadlock, this deadlock led the country into a situation where both candidates were sworn into power and appointed separate cabinets. Smith (2011) contends that these separate established cabinets further divided the country between the Southern Laurent Gbagbo controlled part which had the army backing and the Northern rebel backed Alassane Quattara party. These divisions resulted in frequent clashes between the two sides, this led to displacements and loss of life and therefore prompted a stronger intervention by ECOWAS.

5.1.1.2. ECOWAS Response

The response of ECOWAS to the crisis of Cote d'Ivoire was initiated by convening of an Extraordinary Summit of the Authority of Heads of State and Government in 2010 to review the situation in the country. According to the 2010 Summit Communique, ECOWAS condemned the suppression of the will of the people and affirmed its commitment to the PDGG principles. ECOWAS recognised Alassane Quattara as the

legitimate leader announced by the IEC and called for the respect of the electoral outcome and peaceful transition of power. After the continued defiance of Laurent Gbagbo to the ECOWAS calls, a second extraordinary summit was called on 24 December 2010 which resulted in the imposition of sanctions and suspension of the country from ECOWAS under article 45 of the Protocol on Democracy and Good Governance (PDGG) of ECOWAS (ECOWAS Final Communiqué, 2010).

ECOWAS tried to defuse Cote d'Ivoire conflict and force the incumbent out of office through engaging in mediation. According to the ECOWAS Final Communiqué (2010) the purpose of this delegation was to persuade Laurent Gbagbo to leave office with an offer for asylum before the organisation resorted to military intervention. The Centre for International Peace Operation (2012) noted however that within days of the Communiqué's publishing, most ECOWAS countries distanced themselves from the intention of using of force arguing that it could threaten the lives of their citizens in Cote d'Ivoire and that the use of force could set a dangerous general trend of military involvement in the region where such conflicts are very common and frequent.

The ECOWAS Commission convened a meeting of Chiefs of Defence to draw an action plan for military intervention if the incumbent had denied its calls to step down. As practiced in other conflicts, the regional organisation at the 39th ordinary summit in 2011 placed the situation in Cote d'Ivoire under review. The review considered the deteriorating human rights situation in as a threat to regional security and that there was need for stringent measures to be taken to avoid its spread. ECOWAS passed a resolution that pushed for a UN Security Council approval to engage in military intervention, the resolution further gave a directive to the President of the ECOWAS Commission to facilitate the recognition of Alassane Ouattara's government. This

recognition came in form of legal and diplomatic recognition that allowed Alassane Quattara to exercise the authority as the head of state by admitting him in all ECOWAS proceedings and meetings.

It must be also noted that the UNSC adopted resolution 1975 (2011) which delegitimised Gbagbo's government and imposed sanctions on both Gbagbo and his wife. Quattara's government was officially recognised by the UN at this point. Resolution 1975 (2011) further pressed measures that limited Laurent Gbagbo's financial capabilities, the West African Regional Central Bank (WARCB) blocked Laurent Gbagbo's governments access to banks with the World Bank following suit. The conflict in the Cote d'Ivoire continued for months despite ECOWAS warnings and sanctions on Laurent Gbagbo. Violent clashes between the two rival groups created a humanitarian situation for the regions intervention. ECOWAS strong stance against Laurent Gbagbo's regime through the use of force yielded results in April 2011 when he was caught and arrested by a French special force team that got involved to partner the organisation.

5.1.2 ECOWAS in Gambia (2017)

5.1.2.1 Background of the Conflict

The Gambia as a state has a history of unconstitutional changes of government ever since its establishment. The incumbent President Yahya Jammeh during his tenure established a strong control over the government with support of the military to maintain his rule and avoid another change of government through a coup. Jammeh, having seized power through a coup in 1994, had managed to maintain his grip on power after the 1996 election. His continued dominance lasted through the 2001, 2006 and 2011 elections in which he was re-elected into office. The elections were

reportedly not held up to international standards but were meant to be a tool to guarantee Jammeh's grip on power as legitimate. Controversially, in a 2011 BBC interview, Jammeh declared that he would rule for a billion years if Allah allowed (Perfect ,2010). Such utterances indicated a leader who was not willing to give up power under any circumstances whatsoever. Jammeh was accused of systematic human rights abuses and violations on journalists, activists, opposition movements with disappearances creating a common atmosphere of intimidation (Amnesty International Annual Report, 2017)

According to Hartmann (2017) Jammeh had suppressed the slightest possibility of independence in the political system. He had arrested Darboe, the opposition leader and 19 of his activists for being participants in a demonstration demanding political reforms. The strong authoritarian regime of Jammeh established its rule within the state institutions that Hartman (2017) noted it did not show any signs of weakness towards the 2016 election. Consequently, when the Gambian electorate went to cast their votes on 1 December 2016 they were not prepared for the events that were to follow.

Whilst the Jammeh regime had rejected the registration of International Observer Missions, it only allowed a small African Union Mission and it also closed all internet and SMS services during the election day. The general belief among the international community was that Jammeh would win the election based on his iron fist on the state apparatus and government institutions. Hartman (2017) observe that the 2nd of December 2016 election results came as a shock to the Gambian citizens and the international community as whole. The Gambian Electoral Commission announced and declared Adama Barrow, the opposition leader, the winner of the elections with a

43.3 % lead on votes against Jammeh's 39.6% with the third unpopular candidate getting 17%.

The 2016 Gambia election was full of so many surprises for the electorate and the world in that the Electoral Commission believed to be aligned to him had allowed for his defeat. Furthermore, Jammeh's reaction to the election resulted in the "new hope" for African democratic governance. Jammeh conceded defeat before the official results of the election were announced, he even announced that he was not going to dispute the outcome of the results and in turn congratulated the opposition for winning the election (Hartmann, 2017). However, this stance was not maintained by Jammeh for long. On December 9 2016, Jammeh declared in another speech that there was vote manipulation for the opposition as evidenced in the change of numbers and statistics in the vote allocation.

Jammeh in attempt to show his existing authority deployed his troops on the streets of the capital Banjul on the 10th of December. Hartmann (2017) observe that such deployment was so extensive that the offices of the Electoral Commission were occupied by the army on the 13th of December. Furthermore, the staff at the Electoral Commission was restricted from entering its premises showing Jammeh's increasing unwillingness to hand over power at the end of his presidential term on the 18th of January 2017. This reverse on Jammeh's governments initial position drew attention from the international society and ECOWAS. The ECOWAS had initially congratulated Jammeh's move to acknowledge defeat but after he revoked it, the ECOWAS issued a stern warning against Gambia that it would not accept the regional security threat Gambia was about to place itself in.

5.1.2.2 ECOWAS Response

ECOWAS, from the onset of the elections kept a close eye on the situation in Gambia. Hartman (2013) noted that the ECOWAS Commission's Election Assistance Unit established in 2005 had played an observer role in many ECOWAS states, however in all its operations it had required the states consent and invitation as an observer. According to the ECOWAS communique (2016), Jammeh, despite being a member of ECOWAS, refused to give permission to the ECOWAS Observer Team to monitor the 2016 election. This however did not stop ECOWAS from reacting to the emerging crisis in Gambia, Upon the declaration by Jammeh that he no longer accepted the results, a mediation team was set up by the organisation. The mediation team consisted of four presidents from Nigeria, Ghana, Sierra Leone and President Johnson-Sirleaf of the Liberia who was the acting ECOWAS Chairperson. Mohammed Chambas who was the United Nations Representative for West Africa and former ECOWAS Commission president also joined this high-ranking delegation of the heads of states.

The first attempt to negotiate with Jammeh failed as he did not agree with the terms of the organisation. ECOWAS after this failed attempt on mediation realised that there was need for stronger sanctions to force Jammeh to concede defeat and the possibility of military action was discussed at this phase. For Mohammed Ibn Chambas the Executive Secretary of ECOWAS who was a member of the mediation team the option for a military intervention was not going to be ruled out if Jammeh continued to refuse mediation efforts (Farge & McAllister, 2016). In December 2016 ECOWAS had its regular summit where the decision was made to establish further negotiations with Jammeh, this time however ECOWAS was to facilitate the negotiation through Presidents Buhari and Mahama with the combined endorsement of the UN and AU.

According to the summit communique, the ECOWAS heads of state were to attend the inauguration of the President elect Barrow at the beginning of the Gambian Presidential term on the 19th of January 2017. This move to recognise Barrow ultimately exposed Jammeh as an illegitimate leader with little or no international and regional support.

The negotiations between Jammeh and the second ECOWAS mediation team were concluded on the 13th of January which was 5 days before the swearing in ceremony. On the 14th of January President elect Barrow was part of the heads of states attending the France-Africa summit in Bamako with the mediation team. Chambas announced during this period that ECOWAS was seeking UNSC approval for a military intervention and deployment of troops (Vanguard, 2017). On the 14th of January discussion on the establishment of the ECOWAS Military Intervention forces (ECOMIG) were conducted by the ECOWAS chiefs of staff. Consequently, on the 18th of January the ECOMOG forces consisting of Mali, Nigeria, Ghana and Togo contingents surrounded Gambia with Nigeria implementing a naval blockade. As decided at the ordinary ECOWAS summit, ECOWAS delegates and other international diplomats attended the inauguration of Barrow in Senegal at Gambian Embassy.

The United Nations Security Council on the inauguration day of Barrow unanimously adopted Resolution 2337 which supported ECOWAS's mission to ensure democracy and stability in the region. Hartmann (2017) observes that this resolution facilitated the support of the will of the Gambian people by political means first but however did not endorse military action in conformity with Chapter VII of the UN Charter. The ECOMOG contingents despite this invaded the Gambian territory, upon such

imminent threat of military invasion Jammeh negotiated a quick deal with the Mauritanian and Guinea president alongside Chambas that halted the invasions continuation.

The ECOWAS reaction towards Gambia triggered a series of events. The Army Chief of Gambia, for instance, publicly declared allegiance to the newly inaugurated Barrow. This led to Jammeh conceding the defeat and going into exile. At this point the ECOMIG forces had already entered and secured the Gambian territory. Operation “restore democracy” by ECOMIG had become successful but had raised too many questions on the international relations field. Whilst its success promoted the establishment of a democratic transition, the entrance of ECOMIG forces into the Gambian territory before Resolution 2337 was approved is evidence of how Africa is introducing a new perspective over Jus ad bellum (Helal, 2017). ECOWAS successfully led the restoration of democracy in Gambia and continued to play a role after Barrow returned to Gambia.

The intervention in Gambia by ECOWAS was easier due to disadvantages Gambia had as a state. Gambia is a small country with a very small population and an army estimated to be 1200 personnel, furthermore the country had been on an arms embargo making their weapons outdated. The ECOWAS believed that the inclusion of the Nigerian and Senegalese forces with their advanced weaponry gave it an advantage against the Gambian pro-Jammeh military. Loftin (2007) observes that Jammeh had been regarded as an embarrassment to the ECOWAS league after claiming to cure AIDS and cancer through herbal remedies and his denouncing of homosexuals as people lower than pigs.

5.2 SADC AND ELECTORAL CONFLICTS

This section of the chapter examines the role of SADC in managing electoral conflicts within the region. The section will focus on two cases which are Lesotho in 1998 and Zimbabwe in 2008.

5.2.1 SADC in Zimbabwe (2008)

5.2.1.1 Background of Conflicts

The electoral conflicts in Zimbabwe have largely been due to the ruling Zimbabwe National Union Patriotic Front's (ZANU PF) refusal to acknowledge defeat. The ruling ZANU-PF government was in power since the attainment of independence in 1980 with its leader Robert Mugabe as the president. In 1999 ZANU PF faced its first and strong opposition in the form of the Movement for Democratic Change (MDC) which defeated ZANU PF in the 2000 referendum. This defeat marked the series of electoral conflicts that became recurrent during elections in Zimbabwe. The 2002 presidential elections, for instance, were declared by the South African Electoral observer mission as legitimate though not free and fair. The highest tensions in the electoral system of Zimbabwe occurred in the 2008 election which attracted more international attention. According to a 2008 EISA first round report, the elections involved a flawed electoral process which had been disputed even before the announcement of the election date.

Opposition parties advocated for constitutional amendments before the elections. They sought SADC support to pressure the ruling government to enact the amendments. In an act of arrogance as described by the MDC leader, the president announced the election date as March 29 thus ruling out chances of any constitutional changes. The crisis began on the post-election period of the electoral process, the Zimbabwe Electoral Commission (ZEC) delayed the announcement of results despite all the

parties participating in the elections without their requested amendments. According to the EISA first round report, the Zimbabwe government received widespread criticism internationally, including from the AU and the UN. In attempt to get the results of the elections the MDC filed an urgent High Court application compelling the release of the results by ZEC, however EISA notes that this case was dismissed by the court. Two months after the election on the 2nd of May, ZEC finally announced the results with the MDC leading against ZANU PF but without a 50% majority.

According to Section 110 of the Zimbabwe Electoral Act, a candidate requires a majority of 50% +1 vote to be declared winner of the presidential seat. The Act states that failure to acquire such a margin results in a second round of elections which should be held within a period of 21 days. In Accordance with this act, ZEC declared a run-off between the two candidates with the majority of votes that is Mugabe of ZANU-PF and Tsvangirai of MDC. Once again, the MDC protested these results arguing that the timeline of their release was inconsistent and had allowed for the fabrication of the results, the run-off date was announced as 27 June amid the contestations by the MDC. In a letter published in the Standard newspaper written to ZEC Chairman by Tsvangirai, the MDC on 23 June officially withdrew from the run-off election citing instability threatening the free and fair elections. Cited in the letter, Tsvangirai notes intimidation and threats of war, unequal access to media and violence.

The letter by the MDC leader was dismissed by the ZEC board on the grounds that there lacked legal grounds of withdrawal, this was due to the time left towards election day and insisted that the name of the party would be present on the ballot papers. EISA second round report notes that the election took place and 2 days later the results were announced with the incumbent winning with a 90% lead. The runner up election was

viewed as excessively flawed compared to the first election which had been accepted as generally free (Badza , 2008 pp. 150). The SADC Election Observer Mission (SEOM) preliminary report on the election noted that the credibility of the election was dented with acts of intimidation, displacements and politically motivated violence prevalent during the pre-election period. The International community joined in discrediting these elections with the UN, AU and SADC among the vocal actors.

The SEOM teams report further reiterated that the Principles and Guidelines Governing Democratic Elections were not observed in this election and hence the results were not a true reflection of the will of the electorate in Zimbabwe. The result of this widespread condemnation threatened the legitimacy of the ZANU-PF regime, the case had similar characteristics as that of Laurent Gbagbo in Cote d'Ivoire. Mugabe now faced the possibility of facing a similar fate as that of Laurent Gbagbo and relinquish power in an undignified manner, however SADC had different approach for Zimbabwe than what ECOWAS had applied in Cote d'Ivoire.

5.2.1.2 SADC Response

The crisis in Zimbabwe attracted much international attention and became difficult for SADC to ignore. The rise of the opposition through the birth of MDC raised the level of attention towards Zimbabwe more than in any elections before. Cawthra (2011) argues that SADC had in the previous year's been unwilling to openly criticize Mugabe and the violations of human rights and electoral conduct. SADC's approach had been based on the use of the quiet diplomacy strategy perhaps with the hopes of achieving changes lacking with the ZANU-PF government in power (Noyes, 2013, pp. 37). The congratulatory messages from SADC in the past elections are evidence of

such an approach towards Zimbabwe. In its Extra-Ordinary Communique SADC recognized the 2002 general elections as free and fair despite all the contestations.

SADC had in the pre-2008 election period understood the Zimbabwe problem as an internal land distribution issue of the year 2000. The March 29, 2007 Extra Ordinary SADC summit changed this view of the problems in Zimbabwe. It appointed Thabo Mbeki the former president of South Africa as a mediator between the two fighting political parties. The violent attacks on the MDC leader by the police on the 11th of March 2000 are believed to have influenced the outcomes of this summit (Masunungure,2009). This attack took place amid a civil society groups prayer for Zimbabwe meeting and that attracted international attention.

Mbeki and Mugabe's relationship as liberation war heroes threatened the success of the mediation process. Opposition parties in Zimbabwe were suspicious of this appointment and the MDC did not accept this appointment in good confidence (Gawthra ,2011). Until the AU Ordinary Summit in June 2008, SADC had maintained silence over Zimbabwe even after appointing Mbeki as mediator. The AU Summit concluded that SADC was to spearhead the mediation process in Zimbabwe, SADC in August 2008 convened an Extra Ordinary Summit in this regard. The summit held by The Organ on Politics, Defence and Security Co-operation resolved to align with the AU resolutions which encouraged urgent response to the Zimbabwe crisis and establish an inclusive government.

The series of events leading up to SADC's reaction highlights an outstanding loophole in the role of regional organisations in electoral conflicts. SADC was delegated the task to deal with the Zimbabwe situation by the AU, this can be argued to show that

SADC is not capable to deal with conflicts on its own (Gawthra, 2011). Furthermore when Mbeki was appointed as mediator, he did not criticize the government and the situation in Zimbabwe. SADC abstained from criticizing Mugabe and did not stop him from attending the August 2008 SADC Summit (Badza, 2008). Contrary to the reaction of ECOWAS to Laurent Gbagbo, Mugabe surprisingly enjoyed the rights of a legitimate leader even after the SEOM team criticism of the runoff election failing to conform to SPGGDE principles.

SADC's approach to the Zimbabwean crisis was based on the colonial history of the member states and the mediation team. It can be argued that SADC viewed the Zimbabwean situation as a continuation of the liberation struggle and the Mugabe's regime was viewed as attempting to consolidate its liberation gains (Gawthra, 2011). Hence, SADC endorsed the legitimacy of the run-off elections. However, the official position of SADC on Zimbabwe did not represent the views of all the all the members. The Ministry for Foreign Affairs of Botswana publicly declined to recognize the legitimacy of Mugabe. The publication also outlined that these views were shared by Tanzania and Zambia and replacement of Mbeki by Zuma as SADEC's negotiator represented a shift in SADC's position on Zimbabwe.

In September 2008, SADC's critics were silenced after the organization under Mbeki's mediation managed to achieve an agreement between the arguing parties. The agreement which was termed the Global Political Agreement (GPA) facilitated the involvement of Zimbabwe as a major topic in the preceding SADC and AU summits (Eppel & Raftopoulos, 2011). The SADC summit adopted resolutions to facilitate the formation of this GPA, it called for the end of intimidation and political violence. Zimbabwe was to be provided with assistance in the formulation of guidelines for

legitimate and credible elections, these resolutions were mandated by the OPDSC Troika which was to continue pressuring the Zimbabwe government to cooperate. Whilst progress was made due to this intervention of SADC, Mugabe at the June 2011 Summit called for the nullification of the resolutions passed in March arguing that procedures were flawed.

President Zuma who was now SADC's mediator in the Zimbabwean crisis, criticized Mugabe's attempt to cause instability within the region. The establishment of the GPA stabilized the country and despite the criticism of SADC for adopting the quiet diplomacy, there are indications that SADC's position has been shifting towards a more vocal critic which indicates a positive change. The liberation movement alliance had played an influential role in SADC where the general policy was to agree with Mugabe, however SADC shifted its position when Zuma became the negotiator which turned out to be a good fortune for Zimbabwe.

5.2.2 SADC in Lesotho (1998)

5.2.2.1 Background of Conflict

The crisis in Lesotho elections dates back to the attainment of independence. Since the acquisition of independence in 1965 all the elections were contested and resulted in crises. Lesotho is a unique, small landlocked country that shares all borders with South Africa. Lesotho, unlike other SADC member states has a complicated political system due to the inclusion of the King and monarchy in the affairs of governance. The origins of the state of Lesotho can be traced back to King Moshoeshoe who made the monarchy a pivotal institution. Subsequently the Basotho people expected the King to receive substantive power and status in the post-independence government (Pherudi, 2000). However the post-independence Lesotho adopted the Westminster

parliamentary system which led to hostilities and struggle for power between the monarch and ruling governments. The trend however showed that whoever was elected into power automatically faced a challenge from the Monarch and the military (Sejanamane, 1996). These continuously supported opposition parties particularly the BNP which has limited the power of the ballot in the Lesotho.

Lesotho on the 23rd of May 1998 held elections which were highly disputed and by August faced political instability. Prime Minister Mokhehle broke away from the BCP and formed the Lesotho Congress for Democracy (LCD). These conflicts originated from a power struggle for succession in the BCP between Molapo Qhobela and Phakalitha Mosisili (Southall, 1999). These individuals hoped to replace the older Ntsu Mokhehle. Qhobela who controlled the Executive of the party whilst Mosisil was favored by Mokhehle as successor. Mokhehle was given a vote of no confidence at the party conference in March 1998 though he won reinstatement in court. This became the origins of a fierce rivalry which threatened the effectiveness of the government, Barnard (1999) notes that the LCD composition upon formation automatically turned it into the majority in parliament with 41 out of 61 members.

The BCP became the opposition party and accused the Prime Minister of initiating a parliamentary coup, attempts by the BCP and other opposition parties to appeal the King to push Mokhehle to resign failed. The history of the relationship of the BCP and the Monarch could have contributed to such a reaction, ultimately tensions continued to heighten. On May 23 1998, Lesotho held its elections spearheaded by the Independent Electoral Commission of Lesotho (IEC). Election monitors from various agencies were also present including observers from the AU, SADC, EU, UNDP and Commonwealth among other local organizations.

The LCD overwhelmingly won with 60.5 % of the votes and 79 out of 80 parliamentary seats, the BNP obtained 24.4% and the BCP 10.4%. The LCD's victory came as a surprise since the party was new and negatively received by opposition political parties (Likoti, 2006). The 1998 elections were declared by the IEC as free and fair with the present observer missions in agreement that they reflected the electorate's votes. Mosisili was sworn in as Prime Minister of Lesotho marking the beginning of the LCD rule and the allegations from opposition parties that the election was rigged, fraudulent and they did not recognize the outcome.

The Ace Electoral Network (2010) points out that the FPTP electoral system in Lesotho presented a lack of proportional representation in government placing massive discrepancies between the vote and seat share. This fueled the dissatisfaction with the outcome and the BCP, BNP and MFP forged an alliance to collectively reject the outcome of the election. The LCD was accused of conspiring with IEC and thus formed a 16-member Task Force which was to conduct a physical vote count and verification. Discrepancies were discovered by the Task Force in 31 constituencies that were available for their scrutiny (Bukae, 2012 pp. 300). The possibility of ghost voters within the system became a reality among other irregularities. These discrepancies included the use of uncertified voter's lists, entries entered in ball pen ink marked as voted, in other polling station A4 forms were completed for one polling station with different dates.

Upon these revelations, the opposition alliance laid out demands for the checking of registered voters, total number of printed ballots, unused ballots, samples of polling station documents and the conduct of an audit into the election. The government chose to ignore these allegations prompted a violent response from the opposition parties,

the military and monarch working together. Whilst the King was according to the Lesotho constitution barred from active political involvement, the Opposition Alliance handed a petition to the King calling for the coalition to become the interim government towards more transparent elections.

Lesotho was rendered ungovernable after protests organized by the Opposition Alliance in August 1998. These demanded that the government be dissolved, the LCD was however not willing to dissolve government and give up power. Junior ranked military officers became the source of the violence after they joined the protests and dismissing 28 of their commanding officers. Vale (2003) points out that the LCD argued that they were democratically elected and the Langa Commission into the elections had failed to find fault, this triggered more violence which the government tried to curb through imposition of a failed curfew. SADC was therefore invited to come and address the situation and assist in the prevention of a civil war.

5.2.2.2 SADC Response

SADC's response to the Lesotho crisis came first in its formation of a commission of inquiry. This Commission was headed by South African high Court Judge Pius Langa who's task was to review the process and outcome of the electoral conflict. The Commission was to report back to SADC within a space of 14 days after having examined the allegations levelled by the Opposition Alliance. In September, the Commission's report submitted to SADC highlighted the existence of irregularities, however the Commission report according to Likoti (2006) notes that these irregularities and administration flaws were not sufficient for the results of the election to be nullified.

The report was discussed at the Mauritius September 1998 SADC Summit and a SADC led mediation initiative was to be set to deal with the Lesotho crisis. The Langa report increased the agitation of protestors in Lesotho, it had a contradicting conclusion on the situation in Lesotho and this raised suspicion that it had been doctored to save the LCD from leaving power (Likoti, 2006). The LCD government was recognized as legitimate prompting the opposition to dismiss the findings of the Langa Inquiry and yet Southall (2001) notes that the LCD maintained it negative attitude, even rejecting the possibility of a coalition government.

The second response of SADC was triggered by the forced removal of army commanders and replacements by pro opposition force, this threatened the already unstable democracy with a threat of military rule. The BCP leader Qobela after this seizure of the military issued a warning to SADC that any form of SADC intervention including military would be considered an invasion and the people were going to fight a resist. SADC ignored these warnings and a military intervention was conducted using forces from South Africa. The intervention by SADC had one major flaw, the organization did not consult the local stakeholders among them the Opposition alliance and the NGO's which had been involved in the election process. Consequently, the SADC forces intervention was labeled as more of an invasion by the opposition parties and stakeholders, the failure to seek consent of these key players in the political system threatened the progress of SADC. The operation in Lesotho involved 600 South African and 200 Botswana soldiers.

The mission of the SADC forces was to restore order, disarm dissident soldiers from the Lesotho Defense Forces, protect the democratic process and to facilitate of a peaceful negotiating platform (Neethling, 2000). Despite the criticism associated with

the intervention, SADC argued that it was called to action by the constant threat to regional peace and security and chaos in Lesotho. This however did not reduce the animosity in the Lesotho political system, instead it triggered violent resistance with the people arguing the SADC mission was protecting the LCD than the people (Pherudi & Bernard, 1999). The BCP leader declared Lesotho a sovereign state and regarded the SADC intervention an invasion.

The intervention increased an anti-South Africa sentiment in Lesotho in part due to the estimated loss of life which was placed at 66 deaths and an influx of refugees to South Africa placed at 1300 (Neethling, 2000). The anti-South Africa sentiment led to the destruction of property, government buildings and South African owned retail shops, Matlosa (1999) notes that the estimated damage was worth R3 million whilst the LCM placed the damages at R160 million, furthermore R300 million was the estimated cost of reconstruction costs and 4000 people unemployed. The intervention received too many critics even from South African organizations, the Council of Churches argued that the intervention had characteristics of an invasion because of the nature of the destruction it brought through.

Despite this criticism, the intervention in Lesotho created stability which saw the negotiations on electoral reforms. The Civil- Military Operation Centre (CMOC) was established with the task of incorporating civil society and the military in decision making and policy of Lesotho, the Interim Political Authority which was inclusive of all political parties also came to power as per initial request of the Opposition Alliance. A dialogue was initiated in October resulting in the signing of a Memorandum of Understanding on 2 October. In this Memorandum of Understanding the parties involved in the elections agreed on the previous requests of the Opposition Alliance,

furthermore the parties agreed to have elections within 15 – 18 months. This SADC's Combined Task Force remained in Lesotho to support post-conflict rebuilding, Lieutenant General Mosakeng and other commanders previously removed from power were reinstated. The Task Force also carried out training and rehabilitation of the Lesotho Defense Forces in line with professional standards.

5.3 CONCLUSION

This chapter focused on the reaction of the two organizations, ECOWAS and SADC, to electoral conflicts within their respective regions. ECOWAS, in both cases, has managed to establish peace and security and the recognition of the opposition political leaders as key members in the political system and as incumbent presidents. It exhibited a high level of involvement in the internal affairs of its member states. In both cases ECOWAS' approach to electoral conflicts highlights its willingness to engage in military action at any point in time. The organisation was even willing to override the decisions of the UN in its actions and set itself as the dominant actor in the establishment of peace and security within the region. The invasion of Gambia by ECOWAS forces before the UN Security Council approval highlights the influential role the organisations plays in managing electoral conflicts in its own capacity.

The ECOWAS continues to evolve from the 2010 Cote d' Ivoire conflict to the Gambian 2017 electoral conflict. The Organisation has developed a radical approach towards maintaining peace and security in the region giving little room for prolonged diplomacy. Furthermore, the case studies indicate the importance of Nigeria as a hegemon state within the region. Nigeria played an influential role in providing the venue for the extra ordinary summits to discuss both cases. The Nigerian navy was

responsible for the naval blockade of Gambia and in the Cote d' Ivoire case, Nigeria was responsible for the regional pressure to push for the ouster of Gbagbo.

SADC on the other hand has exhibited a mixture of quiet diplomacy and military intervention which may appear to represent an indecisive approach to managing electoral conflicts in Africa. The intervention in Lesotho led to problems in future military actions within the region. This intervention, which was in the same year as the intervention in Congo, highlighted the unwillingness of SADC to cooperate in addressing cases involving national sovereignty.

As illustrated in this chapter, SADC's intervention in Lesotho was flawed by its branding as an invasion. This can be argued to have created the need to protect the reputation of the organisation among its member states and was the reason why SADC opted for the use of only quiet diplomacy in Zimbabwe. This resulted in the formulation of a new strategy in dealing with electoral crisis in Zimbabwe not as resolute as in Lesotho. Ultimately, SADC managed to address two almost similar cases but achieving different outcomes. ECOWAS on the other hand managed to achieve a regime change in both cases through its threat of use of force and the ultimate use of force in the Gambian case.

Conclusively the fact that both organizations have achieved their intended mission of establishing peace, stability and security within their respective regions cannot go unnoticed. There are problems and questions that have arisen due to the interventions of both these organizations in their regions, these greatly impact the records of their effectiveness and role of regional organizations in electoral related conflicts. This will allow, in the next chapter, formulating conclusions and general comments concerning

the efficacy of both organizations in the management and resolution of electoral conflicts.

Chapter 6

CONCLUSION

The preceding chapters have explored the role played by two African regional organisations – ECOWAS and SADC - in managing and resolution of electoral conflicts in Africa. Both SADC and ECOWAS have developed similar frameworks of addressing electoral conflicts but their implementation varies greatly. Whilst the ECOWAS approach is more direct and exhibits more willingness to use of force in dealing with electoral conflicts, SADC chooses a strategy of persistent diplomatic measures. The chapter draws the conclusions that there is need for the adoption of stronger instruments and development of institutions dealing with electoral conflicts within regional organisations. There is need to address the selective implementation of electoral management instruments, strengthening of observer team and the clarification of the relationship between the regional organisations and other organisation like the AU and UN.

The role of African regional organisations as shown in the thesis has been largely limited due to the weakness of their electoral management frameworks and instruments. The mechanisms implemented by both SADC and ECOWAS lack binding effect and this presents a great weakness in trying to deal with electoral conflicts. The standard mechanism remains the establishment of election observer missions in the event of an election being carried out within their respective regions. However, the observer teams work upon request of the member state and the fact that

the instruments establishing and regulating the conduct of observer missions are not binding, these shortcomings are exploited by the member states to win elections. Most states, within ECOWAS and SADC, used the non-binding nature of the instruments as a pretext to avoid intervention into their, allegedly, sovereign affairs.

The fact that instruments of electoral management can be implemented largely upon state request and consent confuses regional organisations themselves. This was witnessed in SADC's intervention in Lesotho which was later viewed to be more of an invasion rather than an intervention. The opposition parties in Lesotho objected to an intervention which was being called for by the ruling LCD party, however the ruling government under the SADC guidelines could invite the organisation to intervene in cases like those occurring in Lesotho. The opposition political parties which gained control of the government announced that they would consider SADC forces as an invading force. This view became the most dominant and led to the questioning of the legitimacy of the instruments and mechanism applied by SADC. However, the question remains whose call was SADC supposed to respond to, the incumbents under siege or the opposition which gained control of the capital? The application of SADC instruments failed to provide a clear-cut answer to this question and the choice of intervention eventually backfired.

In Gambia problems started with the refusal by the incumbent Jammeh to allow regional observer mission to participate in the election. Furthermore, Jammeh refused to accept the outcome of the elections and was assisted by the parliament which passed a bill to the effect that he should remain in power until an inquiry concerning election results was concluded. In contrast to the case of Lesotho, Jammeh considered the intervention by ECOWAS as an invasion whilst Barrow who was declared winner and

in exile supported the ECOWAS invasion. The question emerges again: whose call was ECOWAS to react to, a president elect in exile or an incumbent authority? ECOWAS acted differently from SADC and carried out an intervention which, at the end of the day was widely accepted. ECOWAS carried out a military intervention which left president-elect Barrow in power even though the legitimacy of its action was clearly debatable.

This Gambian case seems to show that African regional organizations are shifting towards the use of force. Jammeh was threatened with the use of force and the ECOWAS forces had entered the territory of Gambia on the day the use of force was approved by the UN Security Council. Africa seems to be developing a new militaristic approach to dealing with electoral conflicts, violating its own principles of non-use of force. Both SADC and ECOWAS participated in the use of force against their member states. It is therefore important that the existing frameworks are revised and given binding to allow for the regional organized to have more power when addressing electoral conflicts. Furthermore, there is need for SADC and ECOWAS to implement the establishment of a regional standby force with clear set out rules of engagement. The establishment of such a regional standby force will make it easier for the organisations to be able to differentiate between a case of a collective intervention and an invasion by a member state.

The instruments established by SADC and ECOWAS have been weakened by the lack of political will and action to manage electoral conflicts. SADC and ECOWAS are not always willing to implement the instruments they have established. This was particularly visible in SADC's slow response to the Zimbabwean electoral conflict despite calls from its civil society. Both organisations are signatories to the Principles

of Democracy and Good Governance but upon the breach of these guidelines in Zimbabwe the response of SADC was soft and the situation was not taken seriously. SADC failed to publicly condemn the situation in Zimbabwe until it escalated to levels requiring a mediation team. ECOWAS, on the other hand, was rather vocal about Gambia.

The lack of political will within the ECOWAS and SADC member states has slowed down the process of establishing an effective African Union Standby force. The establishment of an AU standby force heavily relied on the regional organizations' capability to establish a standby force for their respective regions. The problem will remain as long as the establishment of the force depends on member states volunteering their forces to a mission rather than establishing a special brigade under the control of the respective regional organisation.

Member states may refuse to send their forces to the brigade if they wish not to and this has contributed to the delay in forming a standing brigade. The lack of political will to provide troops to serve within the regional brigades gives rise to the problem of ad hoc decisions by member states, these make it difficult to search the motive behind interventions as witnessed on the intervention in Lesotho. Generally, most African countries lack the political will to implement instruments addressing electoral conflicts because they fear suffering the same fate.

The lack of political will affects the relationship between regional organisations and the AU which should have a hierarchical relationship. The AU in principle is responsible for coordinating the peace and security mechanisms of the continent including the regional organisations' jurisdictions. This relationship in practice is

however not clearly defined, regional organisations can resist the role of the AU Commission in implementing the security mechanisms. The regional organisations however follow directives from the AU, for instance the establishment of a SADC mediation team in Zimbabwe was a result of AU telling SADC to act on the situation. Whilst the AU has power to intervene in a state through the Constitutive Act using the R2P, regional organisations are not permitted unless sanctioned creating a difficulty in addressing electoral conflicts. The situation becomes complicated when the UNSC sanctions an intervention and AU being against it and yet the implementation would have to be done by regional organisations. It is therefore necessary to establish a clear hierarchy in principle and in practice, this will enforce the role of regional organisations in the management of electoral conflicts.

There is need to strengthen the role of observer teams since their judgements and conclusions play a crucial role in the justification of electoral conflicts. There is need to make the deployment of observer teams mandatory for every member state within the respective regional organisations. These deployments should not only be done days prior to the election but must be months before the election, this ensures that the observers can monitor the whole election process instead of only the election day. In addition to the timely deployment of observer missions, there is need to diversify the composition of the personnel to include law experts and academics to allow for different analytical views on the outcome of the missions.

The lack of an institutional structure within regional organisation for the settlement of electoral conflicts needs to be addressed. There is a need for such a structure to be established within regional organisations with equal representation of all member states and inclusive of a political figure and judges. The research has noted that

domestic institutions that are responsible for managing electoral conflicts have been easily manipulated by member states. In Cote d' Ivoire for instance, President Gbagbo had the support of the Constitutional Council responsible for determining the final decision in the electoral conflict, the same Council was responsible for reversing the decision of the Independent Electoral Commission which had declared Quattara as the winner.

The establishment of an independent institution within SADC and ECOWAS with exclusive responsibility to deal with electoral conflicts could provide better solutions to addressing electoral conflict. The establishment of such an institution should be supplemented by development of early warning systems for electoral conflicts. Early warning systems can facilitate the establishment of election conflict patterns, using election observer mission reports the institution will be able to establish which countries require more attention during the election period. This information could also aid in the selection of members of mediation teams if an electoral conflict has escalated to those levels.

The research highlights that regional organisations mediator teams usually consist of incumbent heads of state and former heads of states which may create tensions among the parties they are mediating. In Zimbabwe for example the opposition MDC wasn't in favour of the appointment of Thabo Mbeki the former South African president, they argued that he was sympathetic with Mugabe who he had been a close ally with during his term of power hence he would be naturally biased towards Mugabe. It is therefore imperative that the inclusion of other members such as apolitical figures, academics and lawyers be involved in the mediating teams to avoid the increase in the allegations of being biased towards one candidate.

There is a need to limit the coercive approach and develop a clear timeline to justify its use by regional organisation in the quest to solve electoral conflicts. ECOWAS' approach in highlights that African regional organizations are shifting towards the use of force, Jammeh was threatened with the use of force and it materialized with the UNSC approving to it on the day the ECOWAS forces had already entered Gambia territory. Africa seems to be developing a new militaristic approach to dealing with electoral management conflicts, violating its own principles of none use of force both SADC and ECOWAS have participated in the use of force against its member states. Whilst this cohesive approach of ECOWAS has recorded its successes, SADC has experienced the opposite in Lesotho. Diplomacy has worked for SADC and this leads to the conclusion that regional organisations should adhere to the founding principles of using military intervention as a means of last resort.

The research also concludes that regional organisations are more ready to take decisive action on states perceived weaker within the regional organization. Whilst both ECOWAS and SADC have similar electoral conflict management mechanisms, there is a trend of selective applicability of the terms within their frameworks. Smaller states within the regional organisations like Gambia in ECOWAS and Lesotho in SADC are most likely to face an intervention which involves the use of force than the states perceived stronger. SADC's intervention or invasion as controversially perceived in Lesotho required only forces from two member states. It only took 700 of South Africa and Botswana troops to conduct an intervention in Lesotho and control the capital, Lesotho has a small defense force and is totally disadvantaged by the fact that its bordered completely by South Africa.

Similarly, 4000 ECOWAS troops were involved in Gambia and took over the capital whilst instituting a Naval blockade on the Gambian sea territory. Lesotho and Gambia in addition to their small populations of 30 000 square kilometers and 10 000 square kilometers respectively also have small populations. For Lesotho, the population is estimated at 2 million whilst for Gambia it is estimated to be 1.8 million people (Encyclopedia of Nations,2017). These details contribute to the choice of action taken by regional organisations in addressing electoral conflicts, the characteristics of these nations make them weaker and therefore easier for SADC and ECOWAS to execute interventions.

Regional organisations still have a crucial role to play in safeguarding the principles enshrined in the various frameworks and instruments on elections. The reactions by ECOWAS highlight the crucial role the organization plays in the promotion of good electoral processes. ECOWAS has been setting a standard for the reactions to deal with predicaments that result from electoral conflicts and the restoration of credible electoral processes in the African continent. Given that the SADC region has less history of illegitimate removals of incumbent from power than ECOWAS, it seems to be still developing the responses and implementation strategies. Overall the process in both regions has flaws, the fact that these organizations managed to achieve the intended objectives with their intervention mission gives a prospect for efficient interventions and electoral management.

REFERENCES

- Acharya, A. (1998). Collective Identity and Conflict Management in Southeast Asia”
in Adler, E. and M. Barnett, eds. *Security Communities in Comparative and
Historical Perspective*.
- Adebajo, A. (2002). *Building Peace in West Africa: Liberia, Sierra Leone, and Guinea
Bissau*. Lynne Rienner Publishers.
- Adejumobi, S. (2000). Elections in Africa: A fading shadow of democracy?
International Political Science Review, 21(1), 59-73.
- Adetula, V. A. (2015). *African conflicts, development and regional organisations in
the post-Cold War international system: the annual Claude Ake memorial
lecture:Uppsala, Sweden 30 January 2014*. Nordiska Afrikainstitutet.
- Adetula, V. A. (2015). *African conflicts, development and regional organisations in
the post-Cold War international system: the annual Claude Ake memorial
lecture:Uppsala, Sweden 30 January 2014*. Nordiska Afrikainstitutet.
- Agbehonou, E. (2016). Contests for State Power: An Examination of the
Consequences of Variations in Electoral Systems in Contemporary Africa.
International Relations, 4(2), 95-112.
- Amnesty International (2016), *Opposition in Gambia. The Danger of Dissent*,
London: Amnesty International.

- Amon, J. J., Baral, S. D., Beyrer, C., & Kass, N. (2012). Human rights research and ethics review: protecting individuals or protecting the state?. *PLoS medicine*, 9(10), e1001325.
- Badza, S. (2008). Zimbabwe's 2008 elections and their implications for Africa: feature. *African Security Review*, 17(4), 2-16.
- Bekoe, D. A. O. (2012). *Voting in fear: electoral violence in Sub-Saharan Africa*. United States Institute of Peace.
- Bellamy, A. J., & Williams, P. D. (2011). The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect. *International Affairs*, 87(4), 825-850.
- Boone, C. (2011). Politically allocated land rights and the geography of electoral violence: The case of Kenya in the 1990s. *Comparative Political Studies*, 44(10), 1311-1342.
- Brandt, L., & Turner, M. (2003). The Usefulness of Corruptible Elections.
- Bratton, M. (2008). Vote buying and violence in Nigerian election campaigns. *Electoral studies*, 27(4), 621-632.
- Bukae, N. M. (2012). An analysis of the Southern African Development Community (SADC) preventive diplomacy in the Kingdom of Lesotho: a case study.

- Buzan, B., & Waeber, O. (2003). *Regions and powers: the structure of international security* (Vol. 91). Cambridge University Press.
- Cawthra, G. (2010). The Role of SADC in Managing political crisis and conflict. *FES Peace and Security Series. Friedrich Ebert Stiftung, Maputo.*
- Chibi, R. (2016). An analysis of the effectiveness of sub regional bodies in offering remedy to post election violence in sub Saharan Africa: The case of SADC on Zimbabwe 2008-2014.
- Cogley, N. T. (2013). *The Logic of Political Cessation: Social Esteem and Executive Tenure in Africa*. Yale University.
- Cowell, F. (2011). The impact of the ECOWAS Protocol on Good Governance and Democracy. *African Journal of International and Comparative Law*, 19(2), 331-342.
- Daxecker, U. E. (2014). All quiet on election day? International election observation and incentives for pre-election violence in African elections. *Electoral Studies*, 34, 232-243.
- Diehl, P. F., Druckman, D., & Wall, J. (1998). International peacekeeping and conflict resolution: a taxonomic analysis with implications. *Journal of Conflict Resolution*, 42(1), 33-55.
- Dzinesa, G. A., & Zambara, W. (2010). SADC's role in Zimbabwe.

ECOWAS (2016a), ECOWAS, *African Union and UN Statement on the Gambian December 1 Presidential Election*, press statement, Abuja: ECOWAS.

ECOWAS (2016b), ECOWAS, *African Union and UN Statement on the Political Developments in the Gambia*, press statement, Abuja: ECOWAS.

ECOWAS (2016c), ECOWAS' *Goodwill Message to the People of the Gambia on the Eve of the 1st December 2016 Presidential Elections*, press statement, Abuja: ECOWAS.

ECOWAS (2016d), *Final Communiqué: 50th Ordinary Session of the ECOWAS Authority of Heads of State and Government*, Abuja: ECOWAS.

ECOWAS summit reviews situation in Cote d'Ivoire available at <http://www.afriqueavenir.org/en/2011/03/25/ecowas-summit-reviews-situationin-coted%E2%80%99ivoire/> (accessed 29 August 2011)

ECOWAS Supplementary Protocol and defence and security forces relationships to political power available at <http://www.oecd.org/dataoecd/43/16/38961785.pdf> (accessed 15 April 2017)

EISA election observer mission report Zimbabwe (2008) 27 available at <http://www.eisa.org.za.PDF/zimomr08.pdf> (accessed 22 August 2011)

EISA/ECF. (2003). *Principles for Election Management, Monitoring and Observation*, Auckland Park, Eisa publications (mimeo).

EISA: (2008a), Electoral Institute for the Sustainability of Democracy in Africa (EISA), *Zimbabwe: 2008 Presidential election results – first round.* (available at <http://www.eisa.org.za/WEP/zim2008results5htm>)

EISA: (2008b), Electoral Institute for the Sustainability of Democracy in Africa (EISA), *Zimbabwe: 2008 Presidential election results – second round.*(available at <http://www.eisa.org.za/WEP/zim2008results6.htm>).

Electoral Institute for the Sustainability of Democracy in Africa. *African election calendar 2012-2013.*

Extra ordinary session of the authority of heads of state and government on Cote d'Ivoire final Communiqué available at http://www.ecowas.int/publications/en/communiqué_final/session_extra/Communiqué_Final_CI_election.pdf (accessed 29 August 2011)

Fischer, J. (2002). Electoral conflict and violence. *IFES White paper, 1.*

Fombad, C. M. (2003). Election management bodies in Africa: Cameroon's' National Elections Observatory'in perspective. *African Human Rights Law Journal*, 3(1), 25-51.

Franke, B. (2006). In Defense of Regional Peace Operations in Africa. *journal of Humanitarian Assistance*, 185, 136-48.

- Gagnon, J. D. (2013). ECOWAS's Right to Intervene in Côte D'Ivoire to Install Alassane Ouattara as President-Elect. *Notre Dame J. Int'l & Comp. L.*, 3, 51.
- Gillies, D. (Ed.). (2011). *Elections in dangerous places: democracy and the paradoxes of peacebuilding*. McGill-Queen's Press-MQUP.
- Hartmann, C. (2013). Governance Transfer by the Economic Community of West African States (ECOWAS). *SFB-Governance Working Paper (Berlin: Freie Universität Berlin)*.
- Hartmann, C. (2016). Leverage and linkage: how regionalism shapes regime dynamics in Africa. *Zeitschrift für vergleichende Politikwissenschaft*, 10(1), 79-98.
- Hartmann, C. (2017). ECOWAS and the Restoration of Democracy in The Gambia. *Africa Spectrum*, 52(1), 85-99.
- Hettne, B., Inotai, A., & Sunkel, O. (1999). Globalism and the new regionalism. *The New Regionalism*.
- Hove, M., & Harris, G. (2015). Free and fair elections: Mugabe and the challenges facing elections in Zimbabwe. *International Journal of Human Rights and Constitutional Studies*, 3(2), 157-170
- Hultin, N., Jallow, B., Lawrance, B. N., & Sarr, A. (2017). Autocracy, migration, and The Gambia's 'unprecedented' 2016 election. *African Affairs*, 116(463), 321-340.

Hunt, Louise, and Ty McCormick (2017), The Fall of Africa's Loneliest Despot, in:
Foreign Policy, 23 January 2017.

Ikenberry, G. J. (1999). Global Justice.

Independent Electoral Commission (IEC) (2016), *Final Election Results: Presidential Elections 1 December 2016*, Banjul: IEC.

Kassim, H., & Menon, A. (2003). The principal-agent approach and the study of the European Union: promise unfulfilled?. *Journal of European Public Policy*, 10(1), 121-139.

Kerremans, B. (2004). What Went Wrong in Cancun-A Principal-Agent View on the EU's Rationale towards the Doha Development Round. *Eur. Foreign Aff. Rev.*, 9,363.

Lambrechts, K. (Ed.). (1999). *Crisis in Lesotho: The challenge of managing conflict in southern Africa* (No. 2). Foundation for Global Dialogue.

Langer, A. (2010). *Côte d'Ivoire's elusive quest for peace* (No. 11). Bath Papers in International Development and Wellbeing.

Laursen, F. (2008). Theory and Practice of regional integration. *Jean Monnet/Robert Schuman Paper Series*, 8(3), 1-22.

- Likoti, F. J. (2009). The 2007 General Election in Lesotho: The Application and the Challenges of the Electoral System. *African Studies Quarterly*, 10(4).
- Lindberg, S. I., & Morrison, M. K. (2005). Exploring voter alignments in Africa: core and swing voters in Ghana. *The Journal of Modern African Studies*, 43(4), 565-586.
- Linz, J. J., & Stepan, A. C. (1996). Toward consolidated democracies. *Journal of democracy*, 7(2), 14-33.
- Loftin, K. (2017), The Smiling Coast: Fall of a Dictator, in: *The World Weekly*, 2 February 2017
- Lund, M. S., & Roig, E. (1999). Southern Africa: an emerging security community. *Searching for Peace in Africa: An Overview of Conflict Prevention and Management Activities*, Utrecht: European Centre for Conflict Prevention, 3915.
- Magbagbeola, N. (2009). Economic and political integration in West Africa.
- Mangu, A. M. B. (2007). Assessing the effectiveness of the African Peer Review Mechanism and its impact on the promotion of democracy and good political governance. *African Human Rights Law Journal*, 7(2), 354-388

- Masunungure, E. V. (2009, April). Zimbabwe's Power Sharing Agreement. In *a workshop on "The Consequences of Political Inclusion in Africa"* (Washington DC, American University).
- Matlosa, K. (1995). The military after the election: confronting the new democracy. *Southall & Petlane, Democratisation and Demilitarisation in Lesotho*, 118-39.
- Matlosa, K. (1997). Lesotho's Political Turmoil and Prospects for the 1998 National Elections. *Africa Insight*, 27(4), 240-246.
- Matlosa, K. (1997). Vulnerability and Viability of Small States in Southern Africa in a Post-Apartheid Era: Is South Africa still "Big Brother. *Journal of African Studies*, 11(2), 117-131.
- Matlosa, K. (2005). Democratisation at the crossroads: challenges for the SADC principles and guidelines governing democratic elections. *Institute for Security Studies Papers*, 2005(118), 20.
- Matlosa, K., & Shale, V. (2013). The pains of democratisation: the uneasy interface between elections and power-sharing arrangements in Africa. *Africa Review*, 5(1), 1-22.
- Matyszak, D. (2010). *Law, Politics, and Zimbabwe's' unity'Government*. Konrad Adenauer-Stiftung.

- McAuley, J., Duberley, J., & Johnson, P. (2007). *Organization theory: Challenges and perspectives*. Pearson Education.
- Mills, G. (1992). Lesotho: Between Independence and Incorporation. *Southern Africa at the Crossroads*, 63.
- Mission, S. E. O. (2008). Preliminary Statement on the Zimbabwe Presidential Runoff and House of National Assembly By-Elections Held on 27 June 2008. *SADC: Harare, Zimbabwe*.
- Maoz, Z., & Russett, B. (1993). Normative and structural causes of democratic peace, 1946–1986. *American Political Science Review*, 87(3), 624-638.
- Mosieleng, P. B. (2001). The emerging role of SADC and other regional arrangements in the maintenance of international peace and security: a historical-comparative study.
- Mthembu, P. The Rise of Emerging Powers as Sources of Development Cooperation In Africa–The Case of South Africa.
- Ndlovu, J. M. L. (2013). The AU–SADC interface on peace and security: challenges and opportunities. *SOUTHERN AFRiCAN*, 54.
- Neethling, T. (2000). Conditions for successful entry and exit: An assessment of SADC allied operations in Lesotho. *Boundaries of Peace Operations: The African Dimension*.

- Nhema, A. G. (2004). *The quest for peace in Africa: Transformations, democracy and public policy*. Intl Books.
- Nhema, A. G., & Zeleza, T. (Eds.). (2008). *The roots of African conflicts: The causes & costs*. Ohio University Press.
- Omotola, S. (2008). Explaining electoral violence in Africa's 'new' democracies.
- Perfect, D. (2010). The Gambia under Yahya Jammeh: An Assessment. *The Round Table*, 99(406), 53-63.
- Pherudi, M. L. (2000). The mountain kingdom of Lesotho, 1986-1997: a democracy in crisis.
- Randall, V., & Svåsand, L. (2002). Political parties and democratic consolidation in Africa. *Democratization*, 9(3), 30-52.
- Raftopoulos, B. (2008). The crisis in Zimbabwe, 1998-2008. *Becoming Zimbabwe: A history from the pre-colonial period to*, 201-32.
- Reynolds, A. (2009). Elections, electoral systems, and conflict in Africa. *The Brown Journal of World Affairs*, 16(1), 75-83.
- SADC Communiqué "Summit of the Organ Troika on Politics, Defence and Security Cooperation", 31 March 2011, Livingstone, Zambia.

SADC Electoral Observer Mission (SEOM) Preliminary Statement on the Zimbabwe Presidential Run-off and House of National Assembly By-Elections Held on 27 June 2008, 29 June 2008, Harare (available at <http://www.sadcpf.org/SADC%EOM%20prleliminary%statement2029%June%02008pdf>)

SADC profile available at <http://www.sadc.int/index/browse/page/52> (accessed 15 April 2017)

SADC —The SADC Parliamentary Forum Election Observer Mission Report” [http://www.sadcpf.org/documents/SADC_Lesotho.pdf] [Retrieved on 14 may 2010]

Saine, A. (2009). *The paradox of third-wave democratization in Africa: The Gambia under AFPRC-APRC rule, 1994-2008*. Lexington Books.

Sandton SADC Summit communiqué available at <http://www.newzimbabwe.com/news-5333Sandton%20SADC%20summi%20communique/news.aspx> (accessed 4 October 2011)

Sejanamane, M. (1996). Peace and security in southern Africa: The Lesotho crisis and regional intervention. *Peace and Security in Southern Africa*. Harare: SAPES Books.

Smith, B. C. (2007). *Good governance and development*. Palgrave Macmillan.

- Smith, L. (2012). Disturbance or massacre? Consequences of electoral violence in Ethiopia. *Voting in fear: electoral violence in Sub-Saharan Africa*
- Smith, S. W. (2011). Youth in Africa: Rebels without a Cause but not without Effect. *SAIS Review of International Affairs*, 31(2), 97-110.
- Snyder, J. (2000). From voting to violence: Democratization and nationalist conflict.
- Söderbaum, F. (1998). The new regionalism in Southern Africa. *Politeia: Journal for Political Science and Public Administration*, 17(3), 75-94.
- Söderbaum, F., & Tavares, R. (2009). Problematizing Regional Organizations in African Security. *African security*, 2(2-3), 69-81.
- Southall, R. (1998). Is Lesotho South Africa's tenth province?. *Indicator South Africa*, 15(4), 83-89.
- The Capacity of African Regional Organisations in Peace and Security: Paper presented by Emmanuel Fanta (efanta@cris.unu.edu) at the ERD Workshop: *Transforming Political Structures: Security, Institutions, and Regional Integration Mechanisms*, Florence 16-17 April 2009
- Van Nieuwkerk, A. (2001). Regionalism into Globalism? War into Peace? SADC and ECOWAS compared. *African Security Review*, 10(2), 6-18.

- Van Walraven, K. (2010). Heritage and transformation: From the organization of African unity to the African union. *Africa's New Peace and Security Architecture: Promoting Norms, Institutionalizing Solutions*, London: Ashgate Publishing Limited.
- Vanguard (2017), Gambian Crisis Takes Centre Stage at Mali Summit, 14 January, online:www.vanguardngr.com/2017/01/gambian-crisis-takes-centre-stage-maliummit (25 February 2017).
- Vergne, C. (2011). Turnout in developing countries: The effect of mass media on national voter participation.
- Watch, H. R. (2004). Nigeria's 2003 Elections: The Unacknowledged Violence.
- Wheeler, N. J. (2000). *Saving strangers: Humanitarian intervention in international society*. OUP Oxford.
- Williams, P. D. (2009). The Peace and Security Council of the African Union: evaluating an embryonic international institution. *The Journal of Modern African Studies*, 47(4), 603-626.
- Williams, P. D. (2009). The " Responsibility to Protect", Norm Localisation, and African International Society. *Global Responsibility to Protect*, 1(3), 392-416.
- Zounmenou, D., & Souaré, I. K. (2010). What Way Out of the Post-Election Imbroglio in Côte d.

Constitutions, Treaties and Protocols

ECOWAS Protocol on Politics, Democracy and Good Governance

ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management,
Resolution Peacekeeping and Security.

Electoral Institute of Southern Africa/Electoral Commissions' Forum.

SADC Parliamentary Forum Norms, Standard Principles and Guidelines for
Governing Democratic Elections SADC Protocol on Politics Defence and Security
Cooperation.

The Constitution of Ivory Coast

The Constitution of Zimbabwe

The ECOWAS Treaty

The SADC Treaty