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Elections in Africa – Playing the game or bending the rules?

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Though more elections are taking place on the African continent than ever before, less than one in six major elections results in a full transfer of power. Six of the world's ten longest-serving presidents are in Africa. More elections are being held, but more elections are also being rigged.

Given the potential for reform or continuity associated with elections (for better or worse), and high levels of external support to electoral processes from development partners, it is important to better understand the different dynamics at play and draw lessons from recent experiences.

This paper identifies the means through which different actors and factors sway election outcomes as well as ongoing trends and implications for external partners. It introduces analytical frameworks to help understand the strategies used before, during and after election day, and relates these to recent and ongoing electoral processes in Africa through a number of telling examples.

Being aware of the election-swaying strategies is a first step. Learning from where external support has worked, and why, will be the next one. This will help to participate purposefully in the democratic game rather than just 'getting played'.

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Acronyms

ACDEG	African Charter on Democracy, Elections and Governance
ACEDP	Armed Conflict & Event Data Project
ACHPR	African Court of Human and Peoples Rights
AU	African Union
DRC	Democratic Republic of Congo
ECDPM	European Centre for Development Policy Management
ECOWAS	Economic Community of West African States
EOM	Election observation mission
EU	European Union
FCC	Front commun pour le Congo
REC	Regional economic communitie
SADC	Southern African Development Community
UDPC	Union pour la Démocratie et le Progrès Social
US	United States

Executive summary

Elections: necessary but not sufficient for democracy

Though more elections are taking place on the continent than ever before, less than one in six major elections in Africa results in a full transfer of power. Six of the world's ten longest-serving presidents are in Africa. More elections are being held, but more elections are also being rigged.

Given the potential for reform or continuity associated with elections (for better or worse), and high levels of external support to electoral processes from development partners, it is important to better understand the different dynamics at play and draw lessons from recent experiences.

Understanding election swaying strategies

This paper identifies the means through which different actors and factors bias election outcomes, ongoing trends, and implications for external partners. It introduces analytical frameworks to help understand election processes, and relates these to recent and ongoing electoral processes in Africa through a number of telling examples.

As summarised in the typology below, strategies to sway elections can be analysed sequentially: between elections; during elections; and after elections. They include changing the formal rules of the game, for example by removing a presidential term limit or redrawing electoral districts through a legal process; 'informal' strategies which go beyond the realms of the legal process, such as behind-the-stage power-sharing schemes; and straightforwardly illegal rigging tactics such as ballot-box stuffing.

The leeway for rigging elections is narrowing with increasing scrutiny of constitutional fiddling, while information is more available to citizens and donors than in the past. Citizens are better able to mobilise and take to the street when rigging is uncovered. But other pathways for skewing elections are opening, with fake news on social media, sophisticated voter exclusion or hacking election results.

That these strategies are used is not new. But to date, little has been written or discussed on how they can be more explicitly taken into account by policymakers and development partners.

HOW TO SWAY AN ELECTION

ecdpm

Around a dozen national elections take place in Africa every year, but more than three out of four result in re-election of the incumbent, and less than one in six elections results in a full peaceful transfers of power to opposition. What are the decisive steps leading to these outcomes, especially steps outside the official process? This toolbox shows how to influence (re-)election processes ahead of time, during the election and afterwards.

THE TOOLS OF THE TRADE

1 BETWEEN ELECTIONS



Change the constitution: *remove barriers like presidential term or age limit...*



Exclude candidates: *prevent serious challengers from running*



Exclude voters: *e.g. by reducing the participation or electoral weight of opposition*



Weaken the watchdogs: *undermine, remove or co-opt counter-powers*



Cultivate a constituency: *gain support e.g. through clientelism or identity politics*



Change the electoral calendar: *reschedule the election to a more propitious moment*

2 AROUND ELECTION DAY



Buy votes: *reward voters or constituencies*



Intimidate voters: *foster tensions e.g. to keep voters at home*



Manipulate voters: *last minute, confusing moves*



Falsify the results: *stuffing ballot boxes or rigging the transmission process*



Take over information: *control decisive communication channels*



Claim victory: *announce own results and declare yourself winner preemptively*

3 AFTER RE-ELECTION



Go to court: *locals challenge the result based on national law and commitments*



Rally the neighbours: *reaction of regional actors based on international commitments*



Mobilise the international community: *such as the UN, development partners, powerful countries...*



Mobilise the street: *locals demonstrate to gather the opposition and/or demand change*



Make a deal: *formal or behind-the-stage power-sharing schemes*



Admit defeat: *when no recourse is available, or worth the risk*

Implications for external partners

The typology presented aims to help policymakers and donors navigate election ‘game-playing’ in the countries where they work. To stay in the game and ‘play rather than getting played’, they need to understand all the factors and actors, formal and informal processes that can be used to sway elections, long before and beyond election day. Three key implications are:

Adapt ambitions: a number of factors play against great ambitions for democratisation. Geo-political factors still play important roles, not always in favour of ‘better’ outcomes, as well as ‘authoritarian learning’: regimes learn from one another and invent swaying methods faster than they can be addressed. Thus it is important to balance expectations, to be able to recognise partial successes and learn from failures. Greater awareness and discussion of the rigging strategies among external partners themselves is a first step to help promote collective action and programmes designed on the basis of a more realistic perspective on electoral outcomes.

Work with the grain: all populations seek representation, but this can take different forms. Ultimately, the citizens of a country are custodians of their political system, while development partners may in turn help support populations who mobilise to improve the democratic record of their country. The way election results have been challenged *ex-post* is testament to this potential for mobilisation even in repressive countries. Effective ‘watchdogs’ contributing to the integrity of elections differ between countries, so engagement approaches should be differentiated, informed by context analysis and target not only formal electoral processes but other key channels of engagement.

Adapt the channels of engagement: both regional organisations and civil society express a form of ‘local’ demand for democracy and governance that can be leveraged to combat or adapt to election rigging strategies discussed here.

- Both the African Union (AU) and regional economic communities have a growing track record of dealing with unconstitutional changes in government. The AU Constitutive Act and regulations, as well as different regional agreements offer handles for dealing with election rigging and protests, and commitments such as the African charter on democracy, elections and governance offer a benchmark with which to assess country dynamics. The division of labour between regional actors remains case-specific, but there are precedents of regional action in defence of electoral integrity such as ECOWAS’ intervention in the Gambia in 2017.
- Civic movements are also expanding their role in election processes, though their space to operate is often increasingly constrained, which restricts their funding and ability to operate. Donor support to these organisations may remain a productive channel for promoting democracy in a context of election rigging, although funding is not the solution to all problems.

Being aware of the election-swaying strategies is a first step. Learning from where external support has worked, and why, will be the next in helping to participate purposefully in the democratic game rather than just ‘getting played’.

1. Introduction: elections in a ‘democratic recession’

Observers of politics and promoters of democracy in African countries face a puzzle. Though “more elections are taking place on the continent than ever before” (Gumede, 2017; African elections calendar, 2019), Africa is facing a (third) wave of democratic recession (Lührmann & Lindberg, 2019). But in contrast to the military coups of the past, since the mid-1990s it is the erosion of democratic institutions in many countries that is leading to autocratisation. This concentration of power in the hands of rulers undermines fundamental rights such as press freedom, democratic principles such as the separation of powers, and legal constraints such as presidential term limits (*ibid.*).

Elections are the most observable aspect of democratic institutions. Virtually every African country now holds elections on a regular basis, and a number of documents – most notably the African Union’s African Charter on Democracy, Elections and Governance – nominally commit countries in the continent to electoral democracy. Though they enjoy support from African citizens, especially when they “bring about leadership alternation [i.e.] change not only of the top ruler but also of the ruling party” (Bratton et al., 2019), less than one in six major elections in Africa results in a full transfer of power to the opposition. That is far below the world average of about one in three (Hausken et al., 2014; Hyde et al., 2012). Elections are increasingly stage-managed processes to re-elect the incumbents, hence the notorious longevity in power of African leaders: six of the world’s ten longest-serving presidents are in Africa (while less than three countries in ten are African) (Appiah-Mensah, 2019).¹

A number of things explain the resilience of African strongmen, but essentially, incumbents and oppositions compete on unequal terms: “more elections are being held, but more elections are also being rigged” (Cheeseman & Klaas, 2018). What’s more, those who occupy the executive for a long time become particularly likely to rig elections, having had “more time to engage in corruption and commit human rights abuses”; while “African leaders have been more than twice as likely to be killed, exiled or jailed after leaving office than those in any other part of the world” (*ibid.*). Hence longevity in power is both a cause and a consequence of election rigging.

Though election day is the most *visible* part of an election process, much takes place between, during and after elections to skew outcomes. The Varieties of Democracies (V-Dem) 2019 report “Democracy Facing Global Challenge” presents data on elections taking place globally and finds that swaying elections – including restricting media freedom – has been increasingly prevalent over the past decade. It cites “government manipulation of media, civil society, rule of law, and elections” as number one challenge (V-Dem, 2019). The challenge with elections is not only breaches to the rules of the game, but also the nature of the rules and whether incumbents get to shape them unchecked.

Given the potential for reform or continuity brought by elections (for better or worse), and high levels of external support from donors, it is important to better understand the different dynamics at play and draw lessons from recent experiences (Dodsworth & Cheeseman, 2018). This paper sets out to identify the means through which different actors and factors bias election outcomes, and to draw some implications for external partners. It builds on existing research to provide a taxonomy of rigging strategies and relates these to recent and ongoing election processes in Africa. The goal is to provide a framework of methods used to sway electoral processes to help policymakers and partners to alter or adapt their approaches to election in

¹ Despite the recent ouster of presidents dos Santos (Angola, 38 years in power), Mugabe (Zimbabwe, 37 years) and al-Bashir (Sudan, 29 years), African “dinosaurs” are still aplenty. The longest-serving of these as of 2019 are Obiang (Equatorial Guinea, 39 years in power), Biya (Cameroon, 36 years), Sassou Nguesso (Congo, 34 years with an interruption), Museveni (Uganda, 33 years), Déby (Chad, 28 years) and Afwerki (Eritrea, 27 years). A great many more have exceeded two terms in power (Felter et al., 2019).

complex contexts.² The purpose here is to assess what takes place rather than what should, so that readers may be better equipped to navigate electoral processes and biasing manoeuvres when they arise.

Section 2 looks briefly into the current realities of donor engagement with electoral processes in African countries. Section 3 examines key moments of electoral processes and the type of rigging manoeuvres that can take place, drawing implications along the way. Section 4 presents conclusions and implications for different actors.

2. Context: democracy support to African countries

Organising elections is expensive, all the more so in countries with poor infrastructure – the elections in the Democratic Republic of Congo (DRC) cost in the region of \$1.8bn, roughly equivalent to \$20 per person; those in Zimbabwe cost around \$17 per person (Nakitimbo, 2018; NILS, 2015)³. These costs create such a budgetary strain that external assistance is frequently called for. Even when money is not the limiting factor, the expertise of peer countries and international organisations can be important for organising elections.

Electoral assistance can consist of support to the legislature to put in place the legal framework for the elections; to the agency organising the elections e.g. by providing voting material, equipment, political parties and voters registration infrastructure; as well as to civil society in areas such as civic education and training of local observers, journalists and the media.⁴ International election observation is usually considered as a part of democracy promotion that is distinct from electoral assistance.

In the past five years, the EU reported allocating €400 million to electoral assistance around the world and more than €600 million “to the development of pluralist and inclusive democracies” (ec.europa.eu, Support to Elections).⁵ Though beyond electoral assistance, the United States allocates between \$2 and \$3 billion a year to (broader) good governance and democratisation programmes, having spent in 2017 \$221 million on political competition and allocating \$170 million to the National Endowment for Democracy (Lawson & Epstein, 2019).

The number of actors – either international organisations, individual states or NGOs – engaging with electoral processes has grown exponentially. Consequently, “when new political transitions look promising (...) a scramble occurs as organisations trip over one another in search of ways to bring democracy aid to bear” (Carothers, 2019). Overall, the goal for these efforts is to strengthen democratic institutions and processes, consolidate democratic checks and sometimes encourage regime change in favour of actors more committed to democracy (Carothers & Gramont, 2013).

Researchers have shown that foreign aid in general helps incumbents win elections by directing it towards their constituencies (to reinforce their voter base) or towards ‘swing’ areas likely to vote in favour of the

² E.g. by avoiding supporting ‘facades’ and focusing on key functions of electoral democracy. Although this paper attempts to provide some suggestions relating to specific aspects of rigging, there is little by way of guidance. For an overview at a general level, see International IDEA & Kofi Annan Foundation (2012) and for a few guiding principles, see Menocal & Domingo (2018).

³ Estimates of cost per person based on these figures and populations estimates of 90m for DRC and 16.5m for Zimbabwe.

⁴ For an overview of the type of activities this can entail, see for instance the work of the Netherlands Institute for Multiparty Democracy at <https://nimd.org/>.

⁵ Several figures are available but it is not always clear what precisely they cover. The EU’s 2018 Annual Report on Human Rights in the World states that the EU provided €115 million (\$127 million) in 2018 for democracy projects. This is significant but relatively small in the context of EU development cooperation, with its annual budget €8.7 billion (Godfrey & Youngs, 2019).

incumbent Jablonski (2014). More specifically, donor democracy support efforts can play against democracy, for example when they result in “legitimising skillful semi-authoritarians intent on using elections to validate their rule” (Carothers & Gramont, 2013).⁶

Election support takes place under a number of ‘rules of the game’. These include the principles of ‘joint ownership’ and ‘mutual accountability’ of donors and recipients. That means that governments jointly sign agreements and validate the choices made, granting them some leverage over one another. It is possible to hinder or stop projects that are not in line with the partner country’s agenda. Based on this mutual accountability, experienced authoritarians become expert at navigating the institutional environment in which donors operate, including the ‘pressure to disburse’⁷, the limits of institutional memory,⁸ as well as the lack of flexibility and the risk-aversion due to advanced accountability mechanisms towards their own taxpayers.

Research suggests that recipients often ‘*play the game better*’, and “manage donor perceptions” strategically (Fraser & Whitfield, 2008). Examples include Uganda’s self-portrayal as a fragile state (Fisher 2014) and an ally of the West in ‘the war on terror’ in Somalia, to avoid being questioned on its democratic recession (Fisher, 2018). Another example is Ethiopia’s former prime minister Meles Zenawi who provided arguments for postponing democratic advances as bound to follow human development progress.⁹ In this spirit, Goudreault (2019) found that in Rwanda “donors needed success stories as much as the recipients needed the aid”, so donors had limited incentives to raise concerns over governance which may tarnish this picture.

Though traditional donors like the EU bring substantial financial resources, ‘new actors’ such as China or Middle Eastern countries offer alternative finance for development purposes, with less strings attached or concern for governance and democracy issues (Ide, 2018; Mehari, 2019). African leaders are well-aware that they can refuse electoral support that might undermine their hold on power, and accept only that which they can use to their benefit. Thus, by choosing who they engage with on which issue, incumbents are often one step ahead of their democracy-supporting partners.

Staff of donor administrations are often aware and uneasy with the implications of democratic shortcomings of the countries where they work. To address their concerns, Brown notes that in Kenya, Rwanda and Malawi they frequently resort to a number of tactics. They focus on election day instead of the whole electoral process, thus avoiding the bigger picture; they set expectations low (what can you expect?); and they concentrate on the long term (democracy takes time). He attributes these tactics to staff turnover, to institutional inertia preventing vigorous (concerted) action, to career incentives discouraging criticism, and to the need to feel useful (Brown, 2013).

Only with increased awareness of the electoral dynamics at play, can domestic and international actors attempt to alter how elections are held, or at least adapt their behaviour to avoid perpetuating abuse of electoral processes and development assistance as discussed above (Menocal & Domingo, 2018; Dodsworth & Cheeseman, 2018).

⁶ For instance, the visual communication of international election monitoring can lead citizens to assimilate donors with the incumbent regime (Ronceray, 2017).

⁷ Since development cooperation is under close scrutiny and its success is partly assessed in terms of funding third parties (i.e. getting money to leave on time).

⁸ Since country contexts are complex and take a while to apprehend, staff turnover can undermine the collective memory of foreign missions and programmes.

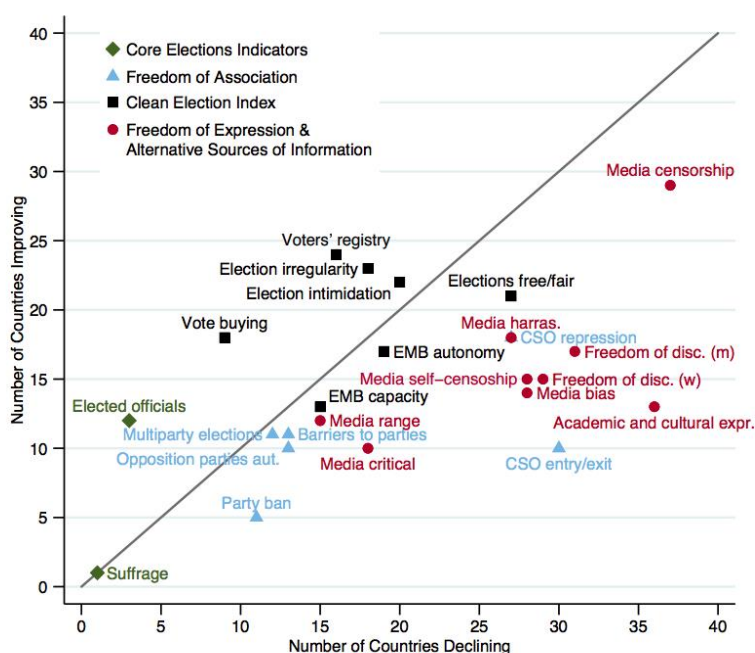
⁹ The term developmental State/autocracy is often used in reference to China nowadays, but another case in point in the last two decades has been Ethiopia. See for instance Clapham (2018) on Ethiopia, and Fritz & Rocha Menocal (2007) for a broader perspective.

3. Strategies for swaying elections

This chapter is organised around the manoeuvres used between, during, and after elections. The purpose of most of these is to rig an electoral process to ensure re-election, although the post-election section also covers attempts by disappointed challengers to overturn election results. Strategies include changes to the ‘formal’ rules of the game, operating through legal institutions; and ‘informal’ ones which go beyond the realms of the legal process. Most of these reduce the odds of a really competitive election leading to representative politics.¹⁰

Some have attempted to measure the prevalence over time of some decisive features of democratic politics, which gives an idea of the magnitude of the problems. Though elections are improving worldwide with a decline in vote-buying (see section 3.2), which worsened in only 10 countries while improving in 18 as per Figure 1 below, a wider range of rigging moves have emerged, such as closing the space for civil society organisations to operate (worsening in 30 countries, and improving in only 10, see section 3.1). Three times more rigging moves have worsened (on the lower right) than have improved (on the upper left), signalling an overall increase in autocratisation.

Figure 1: Quantifying the democratic recession



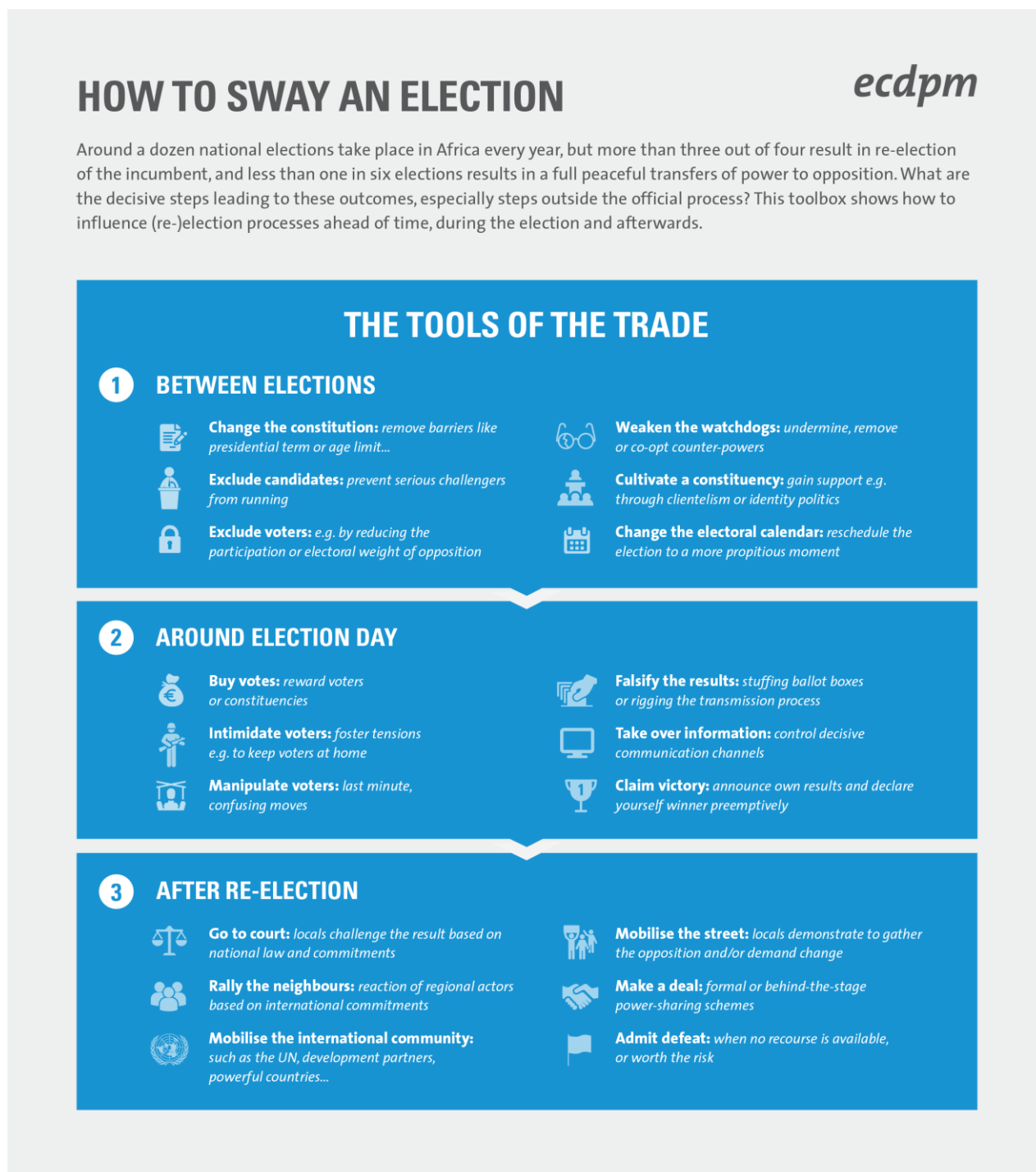
Source: V-Dem Annual report 2019

With this in mind, this section summarises and discusses strategies used to sway elections. It covers these sequentially, in terms of those taking place between, during and after elections. The analysis draws and builds on the election rigging taxonomy presented by Cheeseman & Klaas (2018), and illustrates the

¹⁰ The examples presented throughout this chapter are backed by evidence and a relative consensus in the literature on the manoeuvres that took place. But the secrecy surrounding them means that some details and motives may never be ascertained. It also means that there is no way to exhaustively list the occurrences of a specific move in recent history. The line between ‘rigging’ and more legitimate changes to election processes can be quite thin, while politicians do not act alone. Third parties and interest groups often steer these moves making it difficult to know who acted on their own behalf. Thus, the choice of examples here is merely illustrative, depending on the availability of well-sourced information and only to some extent on representativeness.

categories with recent African examples while drawing implications for donors. Figure 2 below summarises the typology developed and discussed in this section.

Figure 2: An overview of strategies to sway election outcomes



3.1. Between elections

Election day may be the key moment in electoral processes, but strategies to shape their outcomes begin long before election day. While many of the strategies detailed in the next sections are also available to the challengers, incumbents have more power to nudge participants or reset the rules of the game to give them

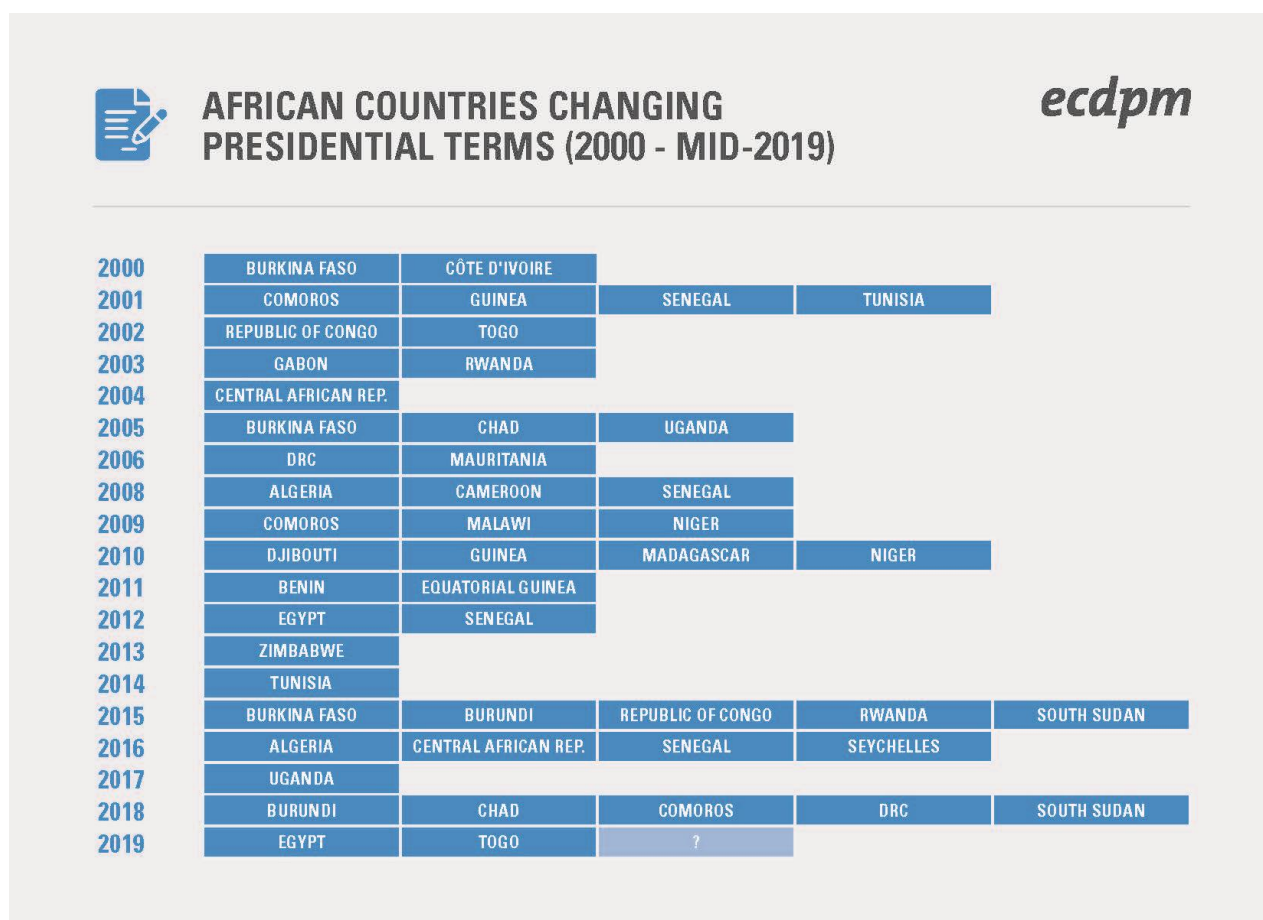
an edge in the coming election. This is especially so in competitive authoritarian states where elections are somewhat contested but checks on power are limited.

Change the constitution

A first strategy for election rigging is to change the ‘rules of the game’. If these can be changed in your favour, there is less need to cheat. But rules such as presidential term and age limits categorically prevent incumbents from staying in power. Changing the constitution and electoral laws has therefore been part of the re-election strategy of many different incumbents, across and beyond Africa, with a diversity of results, reflected in the trend of the so-called ‘third termism’.

Wiebusch & Murray count 47 changes to presidential terms limits (including age limits) and six failed attempts in the years 2000-2018, over 28 African countries – this is summarised and updated in Figure 3. As it shows, most countries appear twice – exceptions include Côte d'Ivoire, Gabon, Mauritania (where failed attempts were made in 2019), Cameroon, Malawi and Equatorial Guinea. Not all of these changes were to remove limits – in fact roughly as many consisted in adding limits as removing constraints. However, the limits added can be accompanied by a reset of the terms in office possible, as in the case of Rwanda (2015) and Togo (2019) presented below, *de facto* resulting in an extension to the presidential time in office. About half the successful changes included a referendum. Adding limitations often had no short- or mid-term implications for the incumbent's reelection, while removing limits overwhelmingly made reelection possible (Wiebusch et al., 2019).

Figure 3: Changes of term and age limit in Africa



Year	Country	Country	Country	Country	Country
2000	BURKINA FASO	CÔTE D'IVOIRE			
2001	COMOROS	GUINEA	SENEGAL	TUNISIA	
2002	REPUBLIC OF CONGO	TOGO			
2003	GABON	RWANDA			
2004	CENTRAL AFRICAN REP.				
2005	BURKINA FASO	CHAD	UGANDA		
2006	DRC	MAURITANIA			
2008	ALGERIA	CAMEROON	SENEGAL		
2009	COMOROS	MALAWI	NIGER		
2010	DJIBOUTI	GUINEA	MADAGASCAR	NIGER	
2011	BENIN	EQUATORIAL GUINEA			
2012	EGYPT	SENEGAL			
2013	ZIMBABWE				
2014	TUNISIA				
2015	BURKINA FASO	BURUNDI	REPUBLIC OF CONGO	RWANDA	SOUTH SUDAN
2016	ALGERIA	CENTRAL AFRICAN REP.	SENEGAL	SEYCHELLES	
2017	UGANDA				
2018	BURUNDI	CHAD	COMOROS	DRC	SOUTH SUDAN
2019	EGYPT	TOGO	?		

Source: ECDPM based on data updated from Wiebusch & Murray, 2019

In 2015 the Rwandan president Kagame won a referendum to extend the number of term limits, previously set in the post-genocide 2003 constitution adopted in the early years of his presidency. This allowed him to run for a third term (and potentially two other terms after that) (Daily Nation, 2015). In Togo, term limits introduced a decade earlier were abolished by president Gnassingbé Eyadéma in 2002, shortly before his death after 37 years in office. His son, current Togolese President Faure Gnassingbé agreed to reintroduce term limits in 2019 under pressure from protests, but not retroactively, which allows him to run for reelection up to two more times (Bailey, 2018).

Beyond the number of terms, age limits often also form a constitutional restriction. In Uganda, the age limit of 75 years for presidential candidates was removed in 2017, allowing the incumbent president Yoweri Museveni to stand for re-election in 2021. Previously in 2005, Uganda's Parliament had voted to remove term limits, amending the Constitution to allow Museveni to run again (The Observer, 2012). Similarly, in 2010, the Madagascar Constitution was altered by lowering the minimum age from 40 to 35 years to allow the incumbent president Andry Rajoelina (then aged 35), who came to power after a coup, to stand for office in the next elections (BBC News, 2010).

Changing the constitution to keep an incumbent in power, however, is not always plain sailing. When former president Mohamed Ould Abdel Aziz of Mauritania came to the end of his second term in 2019, some members of parliament proposed to remove the two-term limit to allow him to stand again. But this was officially declined by the president's cabinet (Political Analysis, 2019). Though this may have been due to internal army pressures, an article in the Mauritanian constitution explicitly precludes modifications, making additional terms impossible (Bouboutt, 2018). Ultimately, elections were held in June 2019, leading to the first peaceful transfer of power since the country's independence, though the opposition rejected the results, calling it "another army coup" given the new president is a former defence minister and ally of the outgoing president Aziz (Africa Times, 2019).

In 2015, President Nkurunziza of Burundi announced his intention to run for a contentious third term. Protestors took to the streets in the capital Bujumbura and across the country. Although violently repressed, the protests lasted for months, culminating in an attempted *coup d'état* in May 2015. Troops loyal to Nkurunziza countered this with a violent backlash, effectively terminating the protests and allowing the incumbent's re-election for a third term in July 2015, in a widely boycotted election. In 2018, a referendum resulted in a new limit of two terms, but this allowed Nkurunziza to run again in 2020 and expanded term lengths from five to seven years (The East African, 2018).

In contrast, Rwanda's 2015 referendum expanded the number of term limits from two to three but decreased their duration from seven to five years. Despite the opposite approaches, the Rwandan and Burundi manoeuvres both successfully allowed the incumbents to extend their stay in power while making apparent concessions. In the first months of 2019, Egypt held a referendum validating an amendment to the constitution, which extended president Abdel Fattah al Sissi's current term by two years and allows him to run for two additional terms of six years (Oztas, 2019). As of 2019, a country showing signs of a potentially imminent change to term limits is Guinea (Sawhani, 2019).

Policymakers and external partners are generally aware when attempts are made to alter the formal rules of the game and of the motives behind them. As such, altering the constitution generally implies a high level of scrutiny, forcing the incumbent to defend the change publicly, and in some cases precipitating resistance. But not all rigging strategies are so public. The following sections present five other ways to improve their odds, starting with the barring of strong challengers from running.

Exclude candidates

Beyond or sometimes in parallel with constitutional amendments, a frequent electoral tactic is to exclude possible rivals from standing for election, either individually as members of a given party.

In mid-2019, the Tunisian parliament passed a law to exclude presidential candidates who received foreign funding, had held discourses against constitutional principles, or been convicted in criminal cases (Kimball 2019). The law was controversially passed just months ahead of elections, excluding a number of opposition figures, even if it drew legitimacy from a 2011 law excluding candidates from the former party of ousted dictator Zine el-Abidine Ben Ali (ibid.). Ultimately president Beji Caïd Essebsi died before signing the law, thus allowing the businessman and media ‘mogul’ Nabil Karoui from running for election, unsuccessfully as it turned out (Aluzri & Haynes, 2019).

Other cases have seen candidates excluded on the basis of identity. In 1995, the Ivorian National Assembly passed a law so that anyone with a foreign-born parent or not living in the country continuously for the previous five years would be barred from running for elections. This law seemed to take aim at Alassane Ouattara specifically – the current president – whose father was rumoured to have been born in Burkina Faso and who had been working abroad for the International Monetary Fund. In 2000, a new constitution was approved that confirmed the criterion of two Ivorian parents, barring Ouattara from running again, whilst feeding on a debate about *Ivoirité*, an “ethnically-tinged definition of Ivorian identity” (Ross & Aboa, 2018). The exclusion of Ouattara was one of the factors that would help trigger a civil war in the country. A decade later in 2010, Ouattara was allowed to run despite the rule, as part of a specific crisis resolution agreement reached in Pretoria in 2005. He narrowly – and controversially – beat incumbent President Gbagbo, who only relinquished power after a 4 months-long conflict (Akpachia, 2016).

Candidates can also be excluded by the literal application of laws. Cheeseman and Klaas (2018) cite the lead-up to the Magalasy election of 2006, where the electoral law states that a candidate must submit their candidacy in person. When exiled opposition leader Rajaonarivelo attempted to fly into Madagascar, a week ahead of the deadline, the government closed the airport and his flight was denied landing on the grounds of security concerns. A second attempt would then be denied by pressuring the airline due to carry him to Madagascar. Days later, a court officially rejected his candidacy on the grounds that he had failed to submit it in person on time.

At times, blocking measures can be technical, or judiciary. In Senegal in 2019 there were pre-election protests against a new rule requiring a presidential candidate to obtain 0.8% of the electorate from at least 7 regions to appear on the presidential ballot, something seen as an attempt to exclude candidates. The conviction in 2018 (for embezzlement) of the popular Dakar mayor Khalifa Sall, who aimed to challenge incumbent Macky Sall, was also seen by some observers as “an effort to neutralize one of the president’s most powerful opponents” (Freedom House, 2019).

More radically, exclusion strategies include banning political parties altogether. For instance, in Ethiopia, a number of groups such as the *Ginbot 7* movement were blacklisted under anti-terrorist legislation and confined to underground (sometimes armed) activism. The first years in office of president Abiy since 2018 saw an opening which may allow such groups to durably become parties willing and able to run in elections (AllAfrica 2018). Another way of de facto excluding some candidates, during the full election cycle (see next section), is the use of violence to get the opposition to boycott a process.

An additional tactic sometimes used is to introduce token candidates to give an image of pluralism without taking risks. Allegedly, elections in Somalia even saw a candidate running against his own maid (New York Times, 2017).

These different examples point to different tactics: either by drafting new laws or applying existent ones (and making use of informal, *ad hoc* tactics), incumbents can exclude opposition candidates. The challenge for external partners is to distinguish between legitimate and excessively instrumental use of electoral laws, and to find an appropriate response.¹¹ However, as the next section documents, “voters are more likely to be excluded from elections than candidates” (Cheeseman & Klaas, 2018).

Exclude voters

Voter suppression is often more discrete than excluding high-profile candidates. Disenfranchised, marginalised groups are less likely, especially in autocratic countries, to raise the same level of media attention, nor are they as likely to mobilise mass protests or even violent resistance. The main technique is to remove them from electoral registers and place administrative barriers between them and the polling station.

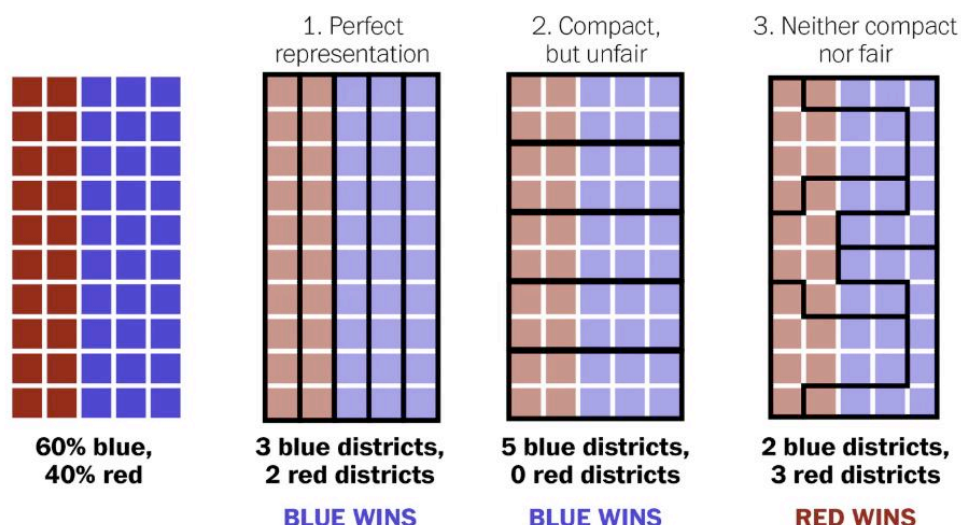
By requiring that voters hold a national ID card, the state can make it either easier or more difficult for certain citizens to meet the requirements to vote. Cheeseman and Klaas (2018) discuss Zimbabwe, where one in three children do not have the birth certificates necessary to obtain a national ID card. The proportion of children without birth certificates is much higher in areas where the opposition Movement for Democratic Change traditionally fares well, leading them to speculate that this may be a long-term plan by the ruling ZANU-PF to reduce future votes for the opposition.

Other ways to exclude voters, in opposition-dominated areas especially, include amending voter registries directly. This is made possible as such amendments are periodically necessary to avoid fraud by supporters voting on behalf of the deceased (a type of ballot stuffing, see section 3.2).

A number of other tactics ensure that votes in opposition constituencies do not carry the same weight, hence *de facto* excluding voters from full participation. This entails shaping the electoral districts to favour incumbents, a technique commonly known as ‘gerrymandering’ – or malapportionment in technical terms. Gerrymandering works only for elections with a majority element, but allows a party in any given precinct to obtain more representation than the proportion of the vote it obtained. The figure below illustrates how gerrymandering works in practice: for a given electorate (on the left), changing the geography of electoral districts as per cases 1, 2 and 3 results in altogether different election outcomes. Hence reshaping district boundaries in the spirit of cases 2, or especially 3, amounts to a biasing technique, again through changing the formal rules of the game.

¹¹ Responses to any one candidate’s exclusion are highly contextual. But at a systemic level, it might be useful to draw a clear line around what can be labelled ‘terrorist’, to avoid opposition parties being excluded from the election under the ground that they fall in that category; and to promote fairly simple electoral rules of the game, since most added requirements (physical presence, country of birth of parents...) may be instrumentalised in favour of the incumbent.

Figure 4: Explaining gerrymandering (malapportionment)



Source: *Washington Post* / Stephen Nass

In Africa, documented cases of gerrymandering include Kenya (Kasara, 2016), Tanzania (Chauvin, 2015) or the case of Malawi, where “in the 2014 elections, the average constituencies in the city of Lilongwe had close to 72,000 registered voters, compared to the national average of approximately 39,000 [meaning that the] vote of a voter residing in the city of Lilongwe was worth about half of that of a voter in the average-sized Malawian constituency” (Wahman et al., 2015).¹²

Timing can also be important. At the last minute before the election, it is possible to disenfranchise additional voters by creating a climate of tension and violence which discourages them from leaving their homes to vote. This can be shaped by the location of polling stations and the amount of travel required to reach them – also something which the incumbent may have a degree of influence over even if formally under the remit of electoral commissions.

Weaken the watchdogs

A number of actors and organisations can deter or lower the impact of the above tactics by raising public awareness of directly blocking them. These watchdogs include: electoral commissions, independent courts, the media, anti-corruption agencies, civil society organisations, and election observation missions among others. A strategy to sway elections can therefore also involve muzzling these watchdogs or otherwise undermining them.

The electoral commission is an essential watchdog but also a structure with typically limited resources outside election periods, where reports of state capture are frequent. In Zimbabwe for instance, the electoral commission has until recently been allegedly under the control of the ZANU-PF regime and hence unable to play a role of critical watchdog, hence donors supporting it may have been “funding a fix” (Africa Confidential 2017).

Some AU member states have also used the regional African Court of Human and Peoples Rights (ACHPR) to challenge the composition of electoral commissions. For instance, in a 2016 ruling, the ACHPR examined

¹² To put African examples in perspective, though, the United States (US) are credited not just for inventing the term ‘gerrymandering’ but also for a long history of voter suppression using all means available. See for instance the Guardian’s series specifically on US voter suppression: <https://www.theguardian.com/us-news/series/us-voter-suppression>

Côte d'Ivoire's electoral body which comprised eight representatives of the ruling party and only four opposition representatives and yet made decisions by simple majority. The court found that it lacked the necessary independence and impartiality, thereby violating citizens' rights to political participation and equal protection (Aggad et al., 2017; ACHPR, 2016).

Similarly, some countries are revising their laws to eliminate judicial supervision over elections. In July 2017, the Egyptian parliament approved a law to make the National Electoral Commission the sole agency in charge of monitoring future general elections and referenda, removing the oversight role of the judiciary. Besides affecting the credibility of elections, such moves remove a possible channel of recourse in case rigging takes place (El-Din, 2017).

TV and radio stations, as well as newspapers can play a role as watchdogs but can be thwarted. In Madagascar, major political figures own several of the private media outlets, for instance, former president Marc Ravalomanana owns the Malagasy Broadcasting System, which operates television and radio stations, and President Rajoelina owns the Viva television and radio networks (Freedom House, 2013). In 2008, Ravalomanana closed down the Viva Television station owned by Rajoelina – the then mayor of Antananarivo – for broadcasting an interview with former president Didier Ratsiraka, considered a political rival of Ravalomanana (Refworld, 2010). This closure of the Viva Television station was one of the triggers for the political instability and crisis of 2009.

Other countries are also introducing restrictions on non-profit organisations that engage with issues of democracy, transparency and elections in particular. Between 2009 and March 2019, a 'Charities and Societies Proclamation' made it illegal in Ethiopia for NGOs receiving more than 10% of foreign funding to engage with such issues (ICNL, 2019). In the absence of domestic sources of funding, most of the civil society ecosystem dealing with democracy issues dwindled or turned their attention to other areas of work, hence increasing the leeway of the ruling coalition to conduct non-competitive elections (Dupuy et al., 2015). Making NGOs illegal also prevents them from playing a role during elections as national observers in polling stations, opening up possibilities for unreported, last-minute vote-rigging (see below).

International election observation missions (EOMs) are an external kind of watchdog: they are invited by governments and assess electoral processes for transparency, providing greater overall legitimacy to electoral results. In other words, they attempt to deter or detect some forms of rigging through their presence on the ground and the reports they release. Since *not* inviting these missions sends the message that rigging will take place, leading incumbents often invite observation missions regardless of whether they intend to rig the elections, but then adapt their manoeuvres to this extra constraint (Ronceray & Aggad, 2018; Ronceray, 2017).

Ways to neutralise EOMs are in abundance: by denying them access to the most problematic places or parts of the voting process, pre-empting their media coverage, undermining their image and nurturing alternative EOMs under influence from autocratic countries are all possibilities. These '*shadow election observation groups*' are deployed to provide an alternative picture of elections than that from traditional observers such as the EU. In the 2013 election in Zimbabwe, they reportedly blurred the lines by endorsing results without reservation, and lowered EOM standards as a result (Debre et al., 2017). The multiplication of EOMs nonetheless increases the overall scrutiny on elections, especially as missions are increasingly sent by regional actors such as ECOWAS and SADC, or by the African Union. However, the ways in which this alters the roles of different observers has received little attention.

External partners aiming to improve the quality of elections need to understand the roles played by watchdog organisations, including the power networks that might influence these structures. Further, donors can help

watchdogs operate by helping to encourage an enabling space for civil society through aid modalities – such as offering flexible funding to prevent local organisations becoming ‘foreign agents’ – or coordinated diplomatic efforts when civic space is shrinking (Bossuyt et al., 2019).

Cultivate a constituency; divide the others

Disabling the watchdogs can be an effective move, but cultivating good relations with broader coalitions can often achieve similar effects at lower cost and with less risk. Identity politics allows incumbents to mobilise constituencies along the lines of nation, religion, class or, prevalently, or ethnicity. In this approach, the competition for power positions translates into material and symbolic advantages for the groups whose representatives fare well in national elections.

The ethnic instrumentalisation of identity politics is a (sometimes controversial) fact of life in many African countries, as in the Côte d'Ivoire case cited above. In Nigeria's 2015 Presidential Election, an analysis of the spatial structure of votes revealed strong patterns of voting along ethnic lines (Kialee, 2019). Politicians can cultivate constituencies by channelling public services and funding (including official development assistance) to groups they want to reward or cultivate in sight of the next electoral deadline. Studies across Sub-Saharan Africa suggest an ethnic bias in the provision of health and education services: regimes invest more in these areas in regions which are ethnically closer to leaders (Franck et al., 2012). Evidence from Tanzania suggests that tax exemptions to mobilise or reward constituents are becoming a systematic feature of elections there (Therkildsen & Bak, 2019).

Cultivating a constituency can indirectly reinforce all other rigging moves since the incumbent can count on personalised support across society. If an incumbent places a member of his constituency in a key administrative position, it can serve both as a reward for electoral loyalty. This is well documented for Kenya in the 1990s, where appointments in the security sector in election-critical areas were ethnically-motivated, and a study showed that “ethnically aligned officers have the largest incentive to engage in coercion on behalf of the autocrat, so autocrats send them to the most electorally valuable areas.” (Hassan, 2016).

Regardless if it is structured around ethnic, religious, geographic or economic interests, a network can be cultivated most easily by incumbents because their position allows them to channel public action or leverage their influence in a clientelistic pattern (Chaisty et al., 2012). A last-minute version of some of these tactics can be to ‘buy votes’ (see section 3.2), though as we'll see, this can be risky if it does not build on a previously cultivated constituency.

It is also possible to undermine rival constituencies. Such ‘divide and rule’ can take the shape of integrating part of the opposition within a ruling coalition, at least for the time of an electoral process.¹³

Donors may want to encourage party politics on a programmatic basis and discourage ethnic politics. But favouring a constituency is a form of political programme in itself, as shown by Nathan (2019) for parts of Ghana. Strategic engagement may require sensitive analysis: ethnicity is sometimes a pertinent lens, but is often perceived as an obsolete (and neo-colonial) view of African politics.

Reschedule the election

All the pre-election moves described above take time to put into action. Indeed, the timing of elections is often a political move in itself. Postponing elections can therefore allow time to prepare for a more favourable result. But as for many of these ‘moves’, there can be legitimate and legal ways and reasons to reschedule

¹³ It is well documented for the DRC, see below for the most recent elections and Bethke (2012) for a diachronic study of cabinet changes.

elections (natural disasters being maybe the most obvious ‘good’ reason), so a change in the calendar is not reason enough to call foul.

In some cases the constitutional order is breached when rulers never call new elections and fail to step down at the end of their term. This was the case in DRC between 2016 and the end of 2018. Since the election which finally took place in early 2019 was characterised by an alleged deal to allow former president Kabila to retain the reality of power despite losing the election (discussed below), one could speculate that the postponed election was also a way to allow time to secure this deal.¹⁴

Conversely, advancing an election is often a legitimate move. By dissolving the assembly and calling for early elections, this can serve similar instrumental purposes by denying the opposition time for organising or campaigning. It can also allow to build on a favourable trend: thus at times a context of tension can be perceived to benefit the incumbent. This was the case in Togo where the 2018 legislative elections were first postponed by six months and then held at short notice, against the advice of actors such as ECOWAS concerned with risks of violence (Bado, 2019).

Faced with these multiple strategies, and the ever-present doubt around whether changes to electoral structures are legitimate, external actors are faced with difficult choices on how to respond. Further, the six pre-election manoeuvres discussed in this section can be employed simultaneously and mutually reinforce one another. Publicly questioning decisions taken and encouraging transparency around these strategies are all likely to alter the political calculations around such approaches.

3.2. During elections

Though "the most effective autocrats steal elections well before polling day" (Cheeseman & Klaas, 2018), when the electoral deadline draws near and if the odds seem uncertain, incumbents can resort to a number of last-minute moves, discussed in this section. These include vote-buying, voter intimidation or manipulation, but also taking control of information flows, falsifying results or simply claiming victory.

Buy votes

Vote-buying refers to tactics ranging from the distribution of food, money or other gifts to payments or favours to community leaders in exchange for group votes. According to Cheeseman and Klaas (ibid.), substantial electoral bribery took place in over two-thirds of elections in Sub-Saharan Africa between 2012 and 2016. That figure is much higher than in other regions such as Latin America, at 36%, or the Middle East, with 19%. Ahead of the 2019 Nigerian general election, several reports emerged of vote buying, with voters in several governorships reporting having received offers of between 1000 and 5000 Nigerian naira (approximately between 2.5 and 12 euros) in return for voting – depending on the case – for the incumbent or opposition (Ejike, 2018).¹⁵

Vote-buying can target members of parliament or members of other electoral colleges in the case of an indirect election (in a parliamentary political system) or if there is a college of ‘super-voters’. The elders who elect the president in Somalia allegedly received around 20 million dollars’ worth of bribes in lead-up to the 2017 election (Gettleman, 2017). Votes can also be bought ‘in bulk’, depending on the electoral system, by

¹⁴ Others claim that the deal was established at the last minute and that the reason for delaying the election was really just to stay in power as long as possible. See Berwouts et al., 2019

¹⁵ As described above under “cultivate a constituency”, ‘buying votes’ does not work as a simple transaction taking place just on election day, but is embedded in norms and patronage networks. An essential reason is that voters can take a bribe and then still vote for whomever they choose due to the secrecy of the vote in most cases. Some opposition movements even encourage their supporters to take the bribes but still deny their votes to the incumbent (Cheeseman et al., 2018: 76).

paying *candidates* for their support (or indeed their withdrawal). For instance, in DRC, “the last election was allegedly highly corrupt, with Kabila’s Front commun pour le Congo (FFC) candidates buying votes on a large scale for tens of thousands of dollars as *opposition deputies* happily sold theirs” (Clowes, 2019).

It is not always easy to draw a line between politics with a clientelistic tinge and full-blown vote-buying. Arguably, small gifts in cash or consumption goods at rallies can be a way to compensate participants for time they could have spent making a living. In contexts where the cultural norm is for powerful individuals to produce handouts, candidates have little choice but to follow suit (Bayart, 1993). Kramon analyses a political event in Kenya ahead of the 2013 elections where the candidate “personally distributes money to members of the audience” as a “mechanism through which politicians convey *information* to voters” – handouts being simply a way of showing ‘who is in charge’ (Kramon, 2017). Cheeseman and Klaas similarly mention President Museveni giving out large amounts of cash in political events in 2013 and question the limits of what can be considered vote-buying and what is seen as playing the rules of the game, even if they give incumbents an advantage due to the superior resources they wield. They also identify three mutually-reinforcing tactics to ensure that vote-buying in its most basic form (targeting individual voters) works: persuading voters that the ballot is not fully secret; holding whole communities to account for vote results in their precincts; and providing the bribe only in return for some evidence of the vote (pp. 81-83).

If financial and other incentives, or ‘carrots’, do not work, ‘sticks’ might. Vote-buying and voter intimidation are therefore often used in conjunction (Rauschenbach et al., 2019).

Intimidate voters

Contrary to buying votes, intimidating and repressing voters helps to keep opposition voters out of the polling stations. Hafner et al. find that “a government’s decision to use election violence in the pre-election period—much like the decision to use fraud—increases the probability that the incumbent wins the election” (Hafner-Burton et al., 2016).

Incumbent regimes can deploy state machinery to (violently) shut down election-related opposition events. UN reports on Zimbabwe during the 2018 presidential campaign referred to “voter intimidation, threats of violence, harassment and coercion” (BBC News, 2018). Protests there erupted immediately after voting day, demanding the release of local results, based on suspicions of fiddling. The army was deployed to assist the police in managing the protests, and six people were killed and 35 injured. The report of the commission of inquiry established after the post-election violence found that although the army had been deployed legally, they acted with unjustifiable force when it disproportionately fired upon fleeing civilians resulting in injury and death.¹⁶ This violence likely discouraged protesters from further seeking to obtain the full results quickly.

Violence, however, can be used by opposition groups as well as the regime. This was the case in Kenya in 2007-8: both pro-government and opposition forces committed acts of violence, resulting in the death of several hundreds of Kenyans. Earlier on in the electoral process, during the 2019 Nigerian general election, voter intimidation and the threat of violence led the electoral commission to suspend for a time all election activities in two states of the country (Uguru, 2019).

The impact of violence can be long-lasting: in Kenya, over a decade later the possibility of similar violence is frequently raised as a deterrent or a justification for supporting the status quo. In countries emerging from civil war in particular, military leaders and former warlords often have a considerable ability to generate “violence and threat-mongering [as] a means of sustaining power and influence”: indeed, intimidation does not require actual violence but the credible threat of violence (Abraham et al., 2019; Cheeseman et al., 2018).

¹⁶ See the Final report of the Commission of Inquiry into the 1st of August 2018 post-election violence, 2018.

Beyond such examples of pre-electoral violence, fostering a climate of fear can play a number of roles in the service of incumbents. It can lead the opposition to boycott the election and deter some groups – those more likely to support the opposition – from voting and reduce their turnout (see 3.1).

But fostering tensions can also help mobilise other groups and convince them to vote for the incumbent by creating a sense of urgency. In particular incumbents who base their image on stability and continuity stand to gain from conflict if they can portray themselves as a 'rampart against chaos', while possibly fostering it.¹⁷ Especially when around ethnicity, violence tends to remind constituencies of their identities, which is likely to play in favour of those who claim to represent them (see 3.1). The use of proxy groups acting with some degree of autonomy can help create 'an aura of plausible deniability' (Cheeseman & Klaas, 2018) allowing incumbents to keep face while doing so.

In contrast to vote-buying, cases of voter intimidation are usually easier to identify and to challenge, for public and regional actors, and also for external partners, even if they have limited powers to address them.

Manipulate voters

A third strategy to influence voters' behaviour during the actual election is to sow confusion, using deceit and playing with the technicalities of an election process through *ad hoc* moves.

The Congolese electoral commission announced a change in the location of polling stations in December 2018, just two days ahead of election day (RFI, 2018). This created confusion amongst many voters as to where they should now vote, arguably reducing participation. A similar incident was reported in the Zimbabwean 2013 presidential elections (BBC News, 2013), where the location of several polling stations was announced last-minute, preventing some voters from arranging to vote ahead of time. An independent electoral commission might avoid such measures, but if weakened, or co-opted watchdog (see above), an incumbent can steer such measures to his advantage.

Manipulation tends to increase in the last phases of electoral processes before voting, when there is less time for clarity to be made. 'Fake news' stories, spread especially through social media, have become common in African election campaigns: during the Nigerian presidential election of 2019, sources claimed that incumbent Muhammadu Buhari was dead and had subsequently been replaced by a clone (Booth, 2019). Wasserman (2017) documented fake news in South Africa and identified influential coordinated attacks by fake Twitter accounts on mainstream media journalists. In the run up to the 2017 Kenyan elections, a number of 'fake news' stories were spread, including that of the defection to the incumbent's party of a prominent politician on the eve of his party's primary (Shiundu, 2017). The comparative shortage of strong media outlets, the dominance of youth and lack of political literacy of citizens and their reliance on social media, make fake news problems similar in nature but more acute in Africa than other parts of the world (Booth, 2019).¹⁸

Up until the last hours before voting, smearing is possible and unlikely to be punished (e.g. through lawsuit for defamation) on time to counteract its effect, if at all. 'Election silence' is a rule which may prevent some

¹⁷ During Mali's 2018 elections, which saw the re-election of president Ibrahim Boubakar Keita, Islamist groups used violence to disrupt the process. This prevented over 800 polling stations from opening around the wetlands region of the Niger river's inner delta. Violence perpetrated largely by traditional herder groups characterised by limited electoral representation (partly due to their semi-nomadic lifestyles) and deteriorating living conditions, can be interpreted as payback against local elites which support the regime and played a role in their marginalisation, together with the fragile ecosystem's deterioration. (Thurston, 2018; Medinilla et al, 2019). However, instability may also have benefitted the incumbent by reinforcing his image of sole recourse.

¹⁸ However, anti-disinformation movements are also multiplying. See for instance AfricaCheck.org.

of these moves by ending campaigns a day or a few days before voting. But this is not common in African countries, and largely undermined by the fast pace of social media (Bijlani, 2018).

Take over information

Even more directly than fake news, incumbents can limit access to information either partially or completely prior to elections. Historically this has meant locking down the media (radio, TV, newspapers), sometimes by physically taking over broadcasting infrastructure and headquarters. But the multiplication of private media and the advent of the internet and social media have shifted the focus of these manoeuvres to blocking websites and social media platforms or in some cases, a complete shutdown of internet and cellular connection in the country.

Internet shutdowns are on the rise worldwide, reportedly from 75 occurrences in 2016 to 108 in 2017 and 177 in 2018. In African countries, regimes usually shut the internet down on the basis of clauses in their contracts with internet service providers granting them this option on grounds of public safety and national security interests – terms which are usually not defined in the contracts and can be interpreted loosely (Access Now Campaign, 2018). In the DRC, internet access was blocked for 20 days following 2018 election day, ostensibly to prevent “rumours” from spreading (Al Jazeera, 2019). More partial, social media-focused blocks have been more frequent and widespread. Recently they affected countries such as Congo-Brazzaville, Uganda, Chad, Burundi or Zimbabwe, as well as more consolidated democracies such as South Africa and Senegal in the run up to elections (BBC News, 2016; Haque, 2018).

Regimes can also use ties with private telecommunication companies and control over state-owned companies to send information messages confirming ‘their’ version of the reason for shutdown, as happened in Zimbabwe in early 2019 (AP 2019). This is all the easier if these potential watchdogs were previously co-opted (see 3.1). Conversely, free reporting and communicating can counteract last minute moves: two weeks before South Africa’s 2019 election, a fact-checking website proved wrong some claims by Cyril Ramaphosa regarding housing construction (Maphanga, 2019) and job creation (Africa Check, 2019) during his time as president and vice-president, thereby offsetting misinformation.

Taking over information can be done as a separate measure or part of the declaration of a state of emergency, which gives the executive extraordinary powers. This occurred in Ethiopia in 2016 and 2018 (Moges-Gerbi, 2018) under Hailemariam Desalegn and in Sudan in the last months of Omar al-Bashir’s rule (BBC News, 2019). It also happened in 2017 in The Gambia, when former president Yahya Jammeh instituted a state of emergency amidst calls for international pressure for him to stand down after he lost the presidential elections in December 2016.

The range of tactics that incumbents can apply to influence the electoral results does not stop on voting day, but extends well into collection and promulgation of results.

Falsify the results

Of the actions that can be taken to alter the course of an election, stuffing ballot boxes is perhaps one of the most notorious. But it is also the most widely denounced by opposition, election observers and the media. There were allegations of ballot box stuffing during the latest South African election (Times Live, 2019), with similar reports following the 2018 presidential election in Mali (Sabourin, 2018).

Despite its name, ballot box stuffing is far from a straightforward process. There are clear obstacles such as domestic and international monitors, as well as the risk that someone will detect inconsistencies by comparing voting results with electoral registers, similar precincts or exit polls. There are several factors that can raise the alarm on whether the election was rigged through ballot box stuffing, such as a suspiciously

high turnout rate (approaching the non-credible level of 100%) or the urns containing more votes than ballot papers issued (BBC News, 2016).

In the case of an individual stuffing ballot boxes with pre-filled ballots, there are typically several intermediaries in the chain of command, and a need for discretion (and hence deniability) at all levels. Overzealous agents can take the command to stuff the ballot box further than leaders would have ordered, leading to too overwhelming results that catch the eye of election observers and the opposition (Cheeseman et al., 2018).

In the 2019 South African elections, the ink applied to voters' thumbs after they voted was, in some polling stations, reportedly easy to wash off. This led to speculation that voters could vote in different polling stations, since the ID scanners were deemed faulty and not connected to the national database (Head 2019). The digitalisation of all or part of election procedures can remove some avenues for rigging but it also creates new ones. Hence Cheeseman, Lynch and Willis (2018) refer to a "digital fallacy" when ITC technology is considered as a solution to all rigging problems.

Claim victory

A variation on results falsification is to simply dismiss any result coming from vote counting and announce results that bear little or no resemblance to the tallied votes.

Again, the DRC election is a case in point: based on the Catholic Church election observers, candidate Fayulu obtained nearly 60% of the votes, with the other two candidates nearing 19% each (Berwouts & Reyntjens, 2019). Nevertheless, the electoral commission appointed opposition candidate Tshisekedi as the winner with 38.6% of the vote, followed by Fayulu's 34.8%. The candidate of the incumbent party, Kabila's FCC (*Front commun pour le Congo*) and the UDPS (*Union pour la Démocratie et le Progrès Social*) incumbent party's candidate, Shadary, with 23.8%.

Adding to the implausibility of the result, the FCC which reached only 23.8% in the presidential election attained an absolute majority in parliament. This was later amplified when the Constitutional Court nullified the election of 20 MPs from Fayulu's alliance. This was a crucial victory for the FCC given that the DRC is a semi-presidential system and the National Assembly can limit the president's powers (Berwouts, 2019).

Other examples abound of announcing victories regardless of results. In the 2018 election in Cameroon, opposition leader Maurice Kamto claimed victory before the results were officially announced in favour of incumbent Paul Biya (Africa News, 2019). Both candidates in Madagascar's 2018 presidential election second round claimed victory (Guercia, 2018). A notorious example is Côte d'Ivoire following the 2010 elections. The standoff between challenger Alassane Ouattara (see 3.1) and incumbent Laurent Gbagbo lasted for months and resulted in a civil war, after which the incumbent was side-lined and controversially charged by the international criminal court (Cook, 2011) – only to be acquitted in early 2019.

There is little external actors can do about falsified results and prematurely claimed victory. Preliminary reports and statements of EOMs can raise attention and pave the way for diplomatic reactions, but they also avoid getting perceived as partisan. But it is possible to alter the incentives for incumbents to admit defeat, to some extent. In this spirit, the Mo Ibrahim Foundation Prize aims to reward democratically elected country leaders who stepped down after their term in office. The model is still controversial e.g. as to what extent the cash and prestige attached to such a prize can incentivise them to abide by the electoral rules of the game (Olukoju, 2018).

For challengers, claiming victory is sometimes the first step in attempting to get an unfavourable election result annulled, e.g. by lodging a complaint with a court of law. Such reactions to amend *ex post* election outcomes are addressed in the next sections.

3.3. After the elections

This section explores the most common overall scenario: the election took place, and saw the incumbent re-elected. What are the options open to local and regional actors, in order to still sway election outcomes? Can they change the results, still aiming for the one-in-six scenario of full transfer of power, or do they now have to find ways to live with these results? When do their strategies converge with those of international actors also willing and able to contribute, whether on the basis of values or interests?

The section starts with formal complaint mechanisms such as national courts, then regional actors; before addressing more discretionary external influences including those of development partners; then informal methods to amend electoral outcomes such as mobilising the street and possible 'deals' to obtain a share of the power; and finally the implications of admitting defeat.

Go to court

Local actors can challenge some aspects of the election in the courts, if they have a legal basis for it as per their constitution, electoral law, or sometimes, international commitments.

In the most striking recent example, in 2017 Kenya's opposition challenged the result of the election won by incumbent Kenyatta. In a landmark decision the Supreme Court overturned the election, initially on the basis that the electronic voting results had been hacked and manipulated in favour of the incumbent, and finally based on the fact that results were promulgated before all the votes had been counted (Burke 2017). Kenyatta won the re-run nonetheless, in an election boycotted by the main challenger, and this time beyond recourse. Yet the Kenyan example set precedence in Africa on the possible role of courts in addressing contested elections. In 2018, there was a surge in the number of opposition leaders resorting to the courts to challenge election results, as seen in Zimbabwe, Cameroon, Mali and DRC, though in all these cases the court dismissed the challenges.

Recent cases continue to highlight the challenge of relying on courts which may be politically bound. In 2019 DRC, while the African Union cited "serious doubts" over the conduct of the election, the Constitutional Court rejected Fayulu's complaint and backed Tshisekedi's victory. In 2019 the Mauritanian elections were also challenged in the constitutional council, to no avail (Diagana, 2019).

In Senegal, key potential rivals were reportedly blocked from running against incumbent Mackie Sall in early 2019 elections. The four remaining major opposition candidates said they rejected the results (and their defeat), but did not plan to contest them because "a court challenge would be futile" (Financial Times, 2019). In Malawi's 2019 election, the narrow margin of victory and the high number of complaints for rigging led to the fact that *de facto* "the result had to be decided in court" (Africa Confidential, 2019).

Patronage appointments to the courts fundamentally challenge the independence of the judiciary from the executive branch (see 3.1). Governments in countries that have an independent body for judicial review may have greater incentives to exert influence over the appointment of judges to ensure court rulings in their favour, for example in highly contested elections. This highlights the need for external partners to follow closely institutional changes in-between elections and to engage if possible to maintain neutrality – and not only capacity – of the judiciary.

Beyond this, regional organisations as well as the AU can carry some weight in responding to election outcomes.

Rally the neighbours

Member States of the AU and regional economic communities are committed to a number of governance principles. Breach of these can trigger reactions ranging from suspension from the decision-making processes of the organisation, to verbal condemnation and up to international lawsuit or even military intervention. This section presents the regional options to influence electoral outcomes *ex post* based on such commitments.

The African Charter on Democracy, Elections and Governance (ACDEG) is Africa's main instrument regarding governance and electoral processes (African Union, 2007).¹⁹ The ACDEG condemns unconstitutional change of government and provides a basis for international prosecution of those who forcefully take over government or refuse to relinquish power after an electoral defeat.²⁰ It also states that member states should hold regular, transparent, free and fair elections. Witt (2019) examines the use of article 25(4), which determines who is eligible to run in elections, in the cases of Madagascar (2013) and Burkina Faso (2015). She finds that “in both cases, the Charter's provisions were effectively used to justify and rationalise decisions over who has the right to access state power – and thus they had an immediate impact” (Witt, 2019).

Part of the explanation for the few *failures* to change constitutions (see section 3.1) rests with international commitments such as the African Charter on Democracy, Elections and Governance (ACDEG) which commit countries not to infringe on the principle of democratic change and not to tamper with their constitutions.²¹ However, Wiebusch and Murray consider that “the current AU legal framework and monitoring arrangements are inadequate for the complicated task of assessing the constitutionality of processes of constitutional amendment.” (op. cit.).

The regional economic communities (RECs) also have community laws and regulations in place committing member states to respect certain electoral standards. Given their closer proximity to member states (compared to the AU), RECs can be better placed to intervene in cases where elections fall short of agreed standards, for example if a defeated incumbent refuses to step down. In West Africa, ECOWAS agreed a Protocol on democracy and good governance which declares “zero tolerance for power obtained or maintained by unconstitutional means”, thus providing a basis for intervention after elections (Aggad et al. 2017).

This was used in the Gambia following the 2016 elections where incumbent Jammeh was defeated by challenger Barrow. Despite high level mediation efforts, Jammeh refused to relinquish power, prompting ECOWAS (with AU and UN support) to mobilise troops and threaten the use of force. Under mounting pressure, Jammeh finally stepped down. ECOWAS lent legitimacy to the threat of using force, also making it more credible and acceptable by the international community than simply two neighbour states meddling in the political affairs of a neighbour. Still, REC and AU interventions seem to work for small countries as

¹⁹ Agreed in 2007, it came into force in 2012 after ratification by fifteen States. As of summer 2019, it was signed by 46 and ratified by 33 countries.

²⁰ Subsequently, the AU's Malabo Protocol makes the unconstitutional changes of government an international crime, although to date, no country has ratified the protocol.

²¹ Similar commitments are in discussion in regional fora. The West African organisation ECOWAS considered such a commitment in 2015 but “following opposition from Togo and The Gambia”, the proposal was dropped (The Economist, 2015).

opposed to medium and large member states which tend to be ‘veto players’, influential enough to prevent collective action at the regional level (Byiers et al., 2019).²²

In some cases the AU and RECs can undermine each other’s reactions to election results. Following the December 2018 DRC presidential elections, SADC called for a recount of the votes and the formation of a national unity government, after opposition candidate Fayulu filed an appeal in the Constitutional Court (BBC News, 2019). The AU followed suit with a communiqué which put the results in doubt and called for the suspension of the proclamation of the final results of the elections and agreed to urgently dispatch to the DRC a high-level delegation, to seek a way out of the post-electoral crisis in the country (African Union 2019). But this position was soon undermined by South Africa’s President Ramaphosa, who congratulated Tshisekedi on the Monday after the results were published – the day the AU was intending to send a mission to Kinshasa (Bujakera, 2019). Around the same time, SADC came out in support of the DRC election results, making no mention of its earlier position but instead calling on Congolese politicians to address any electoral grievances in line with the DRC’s Constitution and relevant electoral laws (Times Live, 2019). This underlines the discrepancy between SADC’s ambitious governance agenda (embedded in 2015 Principles and Guidelines Governing Democratic Elections) and more limited realisations, and more broadly it illustrates the limits of RECs in promoting values (Chikohomero, 2019).

These last examples also highlight the importance of historical and geographical allegiances which can shape how the continental and regional bodies react to elections.

Mobilise the international community

Perceptions of what is an acceptable election result differs from actor to actor. But mobilising countries or organisations beyond the neighbourhood – to either criticise or endorse an electoral process – can make a difference, through sheer numbers but especially if they hold some financial or political leverage.

Most traditional development partners in Africa have an interest in elections as part of the promotion of democracy and other values (see section 2). EU relations with African countries are covered by the Cotonou Agreement until its expiry in 2020. Parties to this agreement are committed to strengthening democratic institutions and pluralism in elections. The Agreement’s clause on sanctions in case of breaches of these principles, article 96, has had mixed results and is less and less invoked, with the exception of small countries (Medinilla et al., 2018). Nonetheless, EU reactions to electoral outcomes include blanket sanctions like withdrawing support (for instance following violent crackdown after the 2005 Ethiopian elections) and cutting diplomatic ties; targeted sanctions on individuals or assets; condemnation via a resolution in international fora or directly; as well as mediation efforts (also directly or indirectly). Election observation missions can offer an evidence base for these reactions to the electoral outcomes, although their results can easily be ignored or distorted (Ronceray, 2017). Surther, some of these external actors blur the lines by providing their own version of the story, such as Azerbaijan sending election observation missions to fellow autocracies to mutually congratulate (Debre et al., 2017). This is all the more effective since, as will be examined below for the case of DRC, sowing confusion can deter counter-measures and is more easily achieved than convincing all parties involved that an electoral process was fair.

Promoting, disengaging or undermining democratic values does not preclude external actors from having priorities as to who runs a country. For instance, it is alleged that a Russian firm with close ties to the Kremlin influenced Malagasy politics by taking over the island’s most-widely distributed newspaper and supporting current president Rajoelina – which he denies (Harding & Burke, 2019). Pro-democracy supporters of civil society are sometimes targeted by a similar criticism. Prominently, the Open Society Foundation is often

²² With 10,380 km² and about 2,1 million inhabitants, the Gambia is the smallest non-island African country.

accused of undermining African regimes. For instance, in 2019 it provided training to Zimbabwean activists only to see them jailed upon return to the country, and charged for 'subverting the state' (HRW, 2019).

Donors also have other agendas than development, so they may come to consider elections, and react diplomatically, for reasons such as improving international credibility and often avoiding being marginalised. Once SADC and the AU had endorsed Tshisekedi as winner of the 2019 DRC elections, most countries followed suit: France by taking note of the result, Russia more warmly, while the EU made its desire not to be marginalised even clearer by postponing the EU's statement until after meeting with the AU (Bujakera, 2019). In contrast, the United States imposed sanctions on individuals responsible for the election "to draw a line under the past and build a constructive relationship with the new administration" (Financial Times, 2019).

Thus with their respective legitimacy and leverage, external actors can play a role in shaping electoral outcomes. But the role of domestic actors does not stop at voting and rallying external support: internal post-electoral moves such as demonstrations in the public space can be decisive.

Mobilise the street

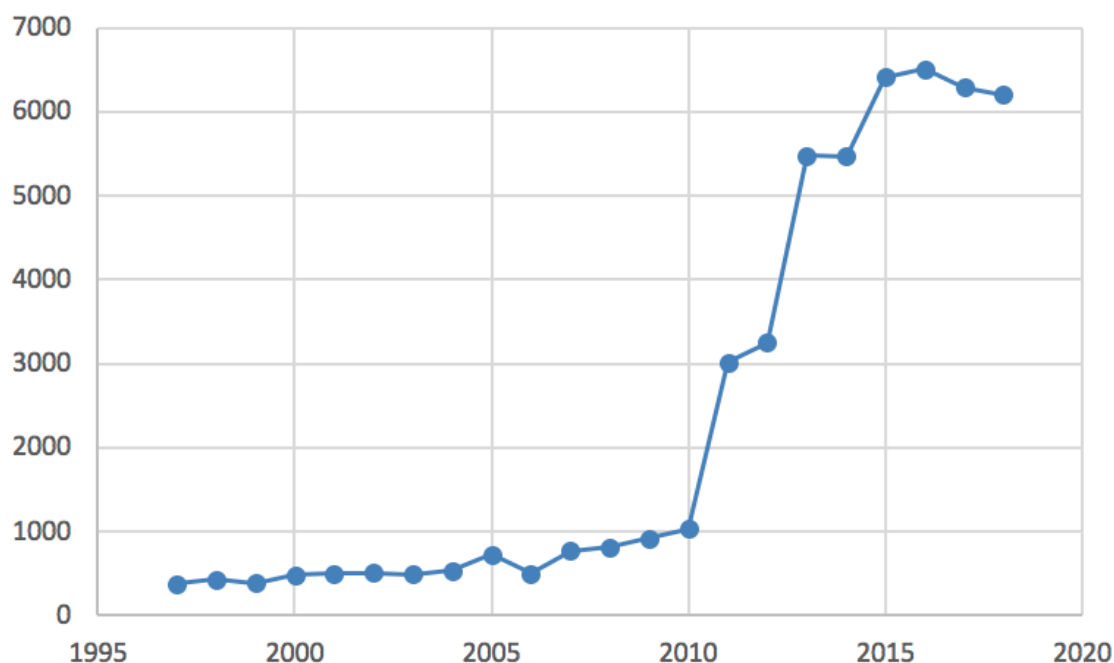
Street protests can lead to regime change alongside elections, as was seen in the removal of presidents Abdoulaye Wade in Senegal in 2012 and Blaise Compaoré in Burkina Faso in 2014 (Arnould et al., 2016), but also in the recent ouster of Sudan's long-standing autocrat Omar Al-Bashir, resulting from a military coup facilitated by months of citizen mobilisation (BBC News, 2019).

Mobilisation of 'the street' is sometimes triggered by frustrating electoral results, although many start around specific events and grievances before turning to regime change once they gain momentum.²³ Sustained protests in Ethiopia may have played an important role in the ruling party's decision to install in 2018 a reformist prime minister (Vaz, 2019).

Mobilisation in the street has increased massively in Africa over the past decade as shown in Figure 5. The spike coincides with both the Arab springs, and seems to have stabilised since 2015, but at unprecedentedly high levels. Part of the explanation for the increased figures might reside in the increased IT penetration and the ease of organising local protests, as well as of getting them noted by authorities and observers, with the internet and social media. These numbers however are a reminder that mobilisation through the street – whether violently in riots or peacefully in protests – are a factor to be reckoned with.

²³ This sequence of events applies to most cases of the so-called 'Arab spring' which led to regime change in Tunisia, Egypt and Libya, albeit to mixed results in the long run.

Figure 5: Riots and protests in Africa (1997 - 2018)



Source: ECDPM based on data by Armed Conflict & Event Data Project (ACLED), 2019

The legality and legitimacy of street protests, and how to react to them internationally, is the subject of much debate, especially where they successfully topple a regime and receive external support. The different treatment of situations in Egypt, Burkina Faso, Zimbabwe and recently in Algeria and Sudan underline this. In 2012, following the removal of Morsi as president of Egypt following civilian protests backed by strong military intervention, the AU suspended Egypt's participation from its activities, until there was a restoration of constitutional order (African Union, 2014). The High-Level Panel on Egypt then recommended that the AU develop guidelines for determining the compatibility of popular uprisings with AU norms on unconstitutional changes of government. To date in 2019, this has however not materialised, so external actors are left to their own devices to analyse decide what to make of post-electoral protests that threaten constitutional order.

In 2014, civilian protests in Burkina Faso led to the resignation of former president Blaise Compaoré amidst concerns of a Constitutional amendment to the term limits to allow him to stand for re-election in the 2015 presidential election (see 3.1 and Wienkoop et al., 2018). When the army took over the government, the AU's Peace and Security Council warned that it would take all appropriate measures, including the suspension of Burkina Faso from participating in its activities and the imposition of targeted sanctions against all those who would be obstructing efforts towards the transition to civilian authority (African Union, 2014). In this case the AU did not classify the civilian protests as an unconstitutional change in government. It reserved this term for the ensuing military coup and called for a return to civilian-led government (Ibid.). Hence the regional bodies backed the civilian protests as an expression of the will of the people.

Whether triggered by the price of basic goods or by the feeling of frustration after a 'stolen' election, street protests offer a display of the potential power of the public. The realisation of this power can lead to regime change, but also be used as a stepping stone for political actors to start a less dramatic renegotiation of the election's outcome: making a power-sharing deal.

Make a deal

Losing oppositions can sometimes claim some power while being technically defeated in the formal electoral game, through a power-sharing agreement, either between the main contenders or beyond (often labelled a national unity government). This section also covers the possibility for incumbents to make a formal or informal deal to keep (some of) the reality of power after losing.

After the 2007 Kenyan elections, violence broke out along ethnic and political lines between the then ruling Party of National Unity led by former president Kibaki, and opposition Orange Democratic Movement led by challenger Odinga. Amidst AU-led mediation, the parties found a power-sharing agreement with Kibaki as president and Odinga as prime minister between 2008 and 2013. One positive outcome was that the power sharing halted the violence in the short term. However, it also allowed a president who had won through a disputed election to stay in power.

Some critics argue that power sharing, while appropriate to end existential or security crises, is less appropriate to the resolution of electoral crises, as it may delay or derail a transition to democracy by undermining the principle of transfer of power, and encourage clientelism (Maina, 2011). As an example of power-sharing to solve existential crises rather than standard political processes, in South Africa after the end of apartheid, the minority white population received a special political representation under the 1993 Interim Constitution, as a transitional measure (Bratton et al., 2019).

National unity governments also characterised Tunisian politics for much of the time since the 2011 revolution and subsequent elections. Between 2011 and 2014, the Tunisian 'troika' government was led by the conservative movement *Ennahdha* together with a diverse alliance of liberals. Again in 2015 and until election year 2019, the two largest political families ruled together, this time with *Ennahdha* as a junior partner (despite its higher number of seats in parliament) and Nidaa Tounes as the senior partner, a coalition of liberals and members of the old regime. These coalitions, arithmetically necessary in a parliamentary regime with high party fragmentation, have however created difficulties and arguably forced more extreme political positions as liberals and conservatives find it increasingly hard to reach common ground (Gallien et al., 2019).

On the other hand, ECOWAS in the 2010 Côte d'Ivoire and 2016 Gambia elections rejected the option of power sharing between the winning and losing parties. Based on the experiences of power-sharing agreements in Kenya and Zimbabwe, ECOWAS was wary that adopting similar arrangements would open the door to losing candidates and parties demanding a share of power up to an unmanageable point (Penar, 2017). In the midst of the DRC electoral crisis in 2019, President Lungu, in his capacity as chairperson of the SADC Organ on Politics, Defence and Security, suggested a negotiated deal for national unity government, citing past examples such as South Africa (Lusaka Times, 2019). This option was not pursued; however, another kind of deal was enforced: to let election results stand but ensure power is elsewhere.

The former ruling party retained power by backing a weaker opposition candidate, Shadary, against the main opposition. This implicit deal meant that the outgoing political party retained power in the parliament although they lost the presidency. The suspicion was that incumbent Joseph Kabila's handing over of power to Félix Tshisekedi was part of a plan that would see his party nonetheless maintain power in parliament. As predicted, after senate elections in March 2019, of 100 senators elected (with eight seats still to be filled), 91 were affiliated with Kabila's FCC while President Tshisekedi's *Union pour la Démocratie et le Progrès Social* (UDPS) had just one (Berwouts, 2019).

In sum, explicit power-sharing agreements can offer a way out of crises, but they represent no panacea and actors tempted to broker them must remember their drawbacks; and implicit behind-the-scenes agreements can change the equation radically for internal and external actors.

Admit defeat and move on

In most cases, challengers admit defeat without recourse following an election. For example, following the 2019 Senegal presidential elections, some of the opposition criticised verbally the election results but opted not to challenge the results by going to Court (see above and Africa News, 2019). Similarly, there were no street protests post-election compared to the situation before the elections.

Sometimes accepting a flawed result is the best course of action. The DRC example in the previous section suggests a recent case where this is illustrated. Following the election results, opposition leader Martin Fayulu and the Catholic Church had initially called for a recount of the votes. However, following the Constitutional Court's confirmation of Tshisekedi as president, the opposition had to reluctantly accept the results, not least given the lack of external support to challenge these. No (major) protests were seen after the elections giving a semblance of acquiescence with the results. As Berwouts (2019) put it: "After a long struggle, the people have (kind of but not really) got what they want with President Kabila (kind of but not really) conceding power".

By providing a more mixed picture than many expected, the DRC 2019 deal may have allowed donors as well to maintain ties with the regime under the same terms, i.e. to move on, although it was no secret that the incumbent Kabila had just gotten away with retaining power. Indeed, "in less stable states anything short of widespread state-sponsored violence will sometimes be tolerated if the alternative might destabilise a country" (Cheeseman & Klaas, 2018). It is usually impossible to categorically identify double standards since no two situations are identical, but the fact remains that apparently similar electoral outcomes have triggered different responses (Del Biondo, 2012).²⁴

Maybe more significantly than documented cases of double standards, the fact is that governments and international organisations are in most cases unwilling to take any diplomatic action following clearly flawed elections. The reasons range from strategic interest to fears of increasing instability, "a lack of confidence that the domestic opposition will prevail, and in some cases, uncertainty about whether flaws were the product of electoral malpractice or electoral mismanagement" (International IDEA & Kofi Annan Foundation, 2012). For the international community, just as for citizens of countries holding flawed elections, accepting defeat and moving on remains the rule rather than the exception.

4. Conclusions

4.1. Summary

Virtually every African country now holds elections on a regular basis. The African Union's African Charter on Democracy, Elections and Governance nominally commits countries in the continent to electoral democracy. Though the number of elections in Africa might suggest an advance of democratisation on the continent, according to recent studies, African countries follow a global pattern: "there are more elections

²⁴ Dodsworth investigates whether double standards are applied by election observers in sub-Saharan Africa and concludes that double standards do exist as western election observers are "less likely to allege that significant fraud has occurred in an election in sub-Saharan Africa than an election of the same quality held elsewhere (...) even when controlling factors such as foreign aid, democratic progress, risk of election violence and strategic importance commonly thought to bias the verdicts of observers" (Dodsworth, 2019).

than ever before, and yet the world is becoming less democratic” (Cheeseman and Klaas, 2018: 1). So holding more elections has not translated into democratic gains. In the same way that building schools does not improve educational outcomes (Pritchett, 2013), holding elections is a necessary but not sufficient step to advancing democracy.

As this paper has discussed, this is largely due to adaptations by those who risk losing power in elections that would place them on equal footing with their opponents, whether for personal gain or out of a belief that their countries are ‘not ready’ for multi-party democracy. This paper has outlined and discussed some of the key ways that different actors and factors shape elections before, during and after elections. These can operate through legal, formal channels, such as altering the constitution to extend presidential term and change age limits, or excluding candidates or voters through specific criteria, but also through more ‘informal’ channels that go beyond ‘the rules of the game’ to intimidate or manipulate voter choices, and illegal methods such as ballot-box stuffing.

That these strategies are used is not a new insight. But to date, little has been written or discussed on how they can be more explicitly taken into account by policy makers and development partners. The way the above strategies are deployed shapes the incentives in place for different actors and interest groups to support or block what may seem to be ‘necessary’, ‘logical’ or ‘desirable’ reforms, and are thus fundamental to the success or not of external support to such reform processes.

Keeping pace with authoritarian learning

The leeway for rigging elections is narrowing. For instance, there is more and more scrutiny of constitutional fiddling, and information is more available to citizens and donors than in previous eras of state-controlled media. But other pathways for rigging are opening, as underlined by the spread of fake news on social media, or hacking election results. In this changing context, authoritarian regimes learn from one another and very often manage to stay ahead of the game of ‘cat-and-mouse’ with oppositions and international partners: they invent rigging methods faster than they are uncovered.

To stay in the game and ‘play rather than getting played’, external partners must understand the factors and actors, formal and informal processes which sway elections, before during and after election day. It is hoped that the typology presented in this paper helps donors in the task of getting this overview in the countries where they work. They may identify in the process areas where they need to invest more, or pool information more with like-minded actors in order to better keep pace with ongoing political dynamics.

4.2. Implications

Getting expectations right

All elections are to some extent imperfect, and incomplete information often leaves the way open to accusations of rigging. Unlike some areas of socio-economic development, there are no absolute benchmarks to assess the quality of electoral processes. Though commitments taken by countries, such as signing the African Charter on Democracy and Governance, signal willingness, it is important to consider the spirit of commitments, and their context.

Because a variety of different actors and factors affect election outcomes, deliberately or not, there is little a single actor can achieve on their own, let alone an external one. Authoritarian leaders are now used to sending signals of improved governance while using the above strategies to prevent regime change through elections. They also use to their advantage the different approaches across development partners and with

partners such as China and the Gulf States, and learn from one another. The prospects for an improvement of election integrity for certain countries are at best mixed.

However, even when electoral processes fall short of commitments and authoritarian leaders retain power through methods with limited legitimacy, it is important to consider the potential long run impact of elections. In spite of rigging, elections can raise attention of populations to areas of political life, consolidate political literacy (paving the way for more conclusive democratisation) and introduce an element of representativeness to political leadership. Discussion of the rigging strategies themselves can contribute to mobilising populations and raising their awareness. The section on how election results have been challenged *ex-post* is testament to this, even if geo-politics do not always lead to ‘the right’ outcome. Factoring these considerations into external support may also help design support that sets itself realistic objectives and maximises its impacts.

Working with the grain

All populations seek representation, but this can take different forms. Ultimately, the citizens of a country are custodians of their political system, while development partners may in turn help support populations who mobilise to improve the democratic record of their country. The way election results have been challenged *ex-post* is testament to this potential for mobilisation even in repressive countries. Effective ‘watchdogs’ contributing to the integrity of elections differ between countries, so engagement approaches should be differentiated, informed by context analysis and target not only formal electoral processes but other key channels of engagement.

Choosing the channels of engagement

In terms of addressing post-election accusations of rigging, two groups of actors are gaining ground.

The first is the AU and the Regional Economic Communities (RECs). Both have a growing track record of dealing with unconstitutional changes in government, and the AU Constitutive Act and regulations, as well as different regional agreements offer handles for dealing with election swaying and to address civilian protests. Indeed, the division of labour between the AU and regional organisations is clear-cut. The examples discussed here even illustrate how they can contradict one another, with both arguably driven by the interests of powerful member states. Nonetheless, as the ECOWAS intervention in the Gambia illustrates, regional organisations can still play an instrument role when interests align.

The second group is civic movements. The way in which citizens mobilise in Africa has transformed in the past decade. Bottom-up mobilisation – fuelled by public outrage rather than ideology, and activated by ITC – has successfully halted regimes that were engaging in elections-related manoeuvres like Burkina Faso in 2014 or Sudan in 2019. Regimes are increasingly aware of the power of the streets and informal citizen movements which has led to a ‘defensive’ form of authoritarianism in some countries, which can be successful in the short term, yet as several cases show, often proves unsustainable in the long term. More structured organisations are struggling in contexts of closing space for civil society which restricts their funding and ability to operate.²⁵ Yet a multitude of CSOs, often by working on socio-economic issues to skirt restrictions and with donor support, conduct work improving the quality of electoral processes.²⁶

Both regional organisations and civil society express a form of local ‘demand’ for democracy and governance that can be leveraged to combat the election swaying strategies discussed here, though restraint is required as well as attention to local political economy factors that shape how they work and how they engage.

²⁵ Or rather changing space, since new authoritarians and populists rely on similar organisations and give them the space to operate (Sogge, 2019).

²⁶ This is for instance the case of organisations fighting fake news such as AfricaCheck in East Africa.

Supporting both groups of actors brings its own complexities and risks, as external funding can remove the gist from local initiatives and turn them into mere service providers for donors.

Clarity on these risks and attention to the strategies outlined throughout this paper are paramount to improving how development partner support engages in, or operates in the context of electoral processes. Being aware of these strategies is a first step. Learning from where external support has worked, and why, will be the next in helping to engage constructively in the democratic game rather than just 'getting played'.

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