



# Why Bother with Elections?

## *Reflections on East Africa's unfolding electoral season*

BY PATRICK GATHARA

The long, drawn-out elections in the US in November 2020, which were followed closely around the world, brought to the fore some of the biggest risks associated with elections in general, not simply those specific to the US. These included the deep political polarization of the US population and an incumbent president unwilling to readily admit defeat. Coming at a time when the Horn and eastern Africa is in the midst of its own election season, these phenomena are also present in the dynamics of this region. Five countries—Somalia, Somaliland, Uganda, Djibouti and Ethiopia—are set to go to the polls in the next six months, while Tanzania already held its election, which turned out to be worse than expected with widespread allegations of voter fraud, plus violence and intimidation targeted at opposition candidates.

In the midst of the political uncertainty of the upcoming period, it begs the question: Are elections actually worth it? While, across the world, elections are often held up as a key marker of democratic participation and government legitimacy, many ordinary people are losing faith in them as a way of selecting their leaders. In a 2017 article, [‘Why bother to vote?’](#), Dr Seema Shah wrote that governing elites have so gerrymandered the rules over elections that power has effectively been transferred from voters to candidates. This means that electoral processes have become ‘gradually distanced from the people, and ... created electoral contests that hinge on little more than big money and elite strategy.’<sup>1</sup>

In one of the global studies Dr Shah cites, less than half of respondents think elections are an essential characteristic of democracy. Indeed, Flemish historian and writer David Van Reybrouck asserts that ‘the person who casts his or her vote, casts it away,’ and sees elections as positively dangerous—an aristocratic device meant to stop rather than enhance democracy.

An Afrobarometer survey from 2016 found that while two-thirds of Africans rate their most recent election as either ‘completely free and fair’ or ‘free and fair, but with minor problems’, more than four in 10 said that at least ‘sometimes’ voters were threatened with violence at the polls, and opposition parties and candidates were prevented from running. Many in East Africa, the study shows, are similarly ambivalent about the utility of elections in either enabling voters to remove underperforming leaders from office or in reflecting their views.

Given this context, it is perhaps not surprising that election turnout in some countries in the region has been falling. In Tanzania, for example, more than half of registered voters stayed away in the latest election, compared with only one-third five years ago and less than one-fifth two decades ago. Yet, despite these apparently diminishing returns, electoral contests can still cause serious disruption, violence and death.

In addressing the question of whether elections are worth it, this note begins with the question of why the region persists with holding elections, which will be discussed in light of contributions from four panelists, including the author, that was organized by the Rift Valley institute in late 2020. The paper will then offer some thoughts on how elections are held along four themes: constitutions and the rules of the electoral game; civic engagement; securitization and violence; and the role of the media.

### **Are elections worth it?**

Problematic as they may be, elections continue to be a crucial component of representative democracy. They offer citizens symbolic occasions to renew and legitimize their system of government; to hold public officials to account; to debate differing visions of the future; and review options for the deployment of their collective

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resources. However, a major problem is that in much of the world—the Horn and eastern Africa is no exception—elections have become the only opportunity for citizens to do any of this.

‘Do we seek too much from elections?’ asks Muriithi Mutiga, the Project Director for the Horn of Africa at the International Crisis Group. He argues that when faced with conflict in the region there has been an ‘extreme focus’ on holding elections at the expense of genuine and comprehensive national dialogues that address fundamental issues and questions about nationhood and values that lie at the heart of the conflicts. ‘Elections don’t resolve conflicts’, he says, pointing out that they tend to reflect rather than mend societal divisions.

In this context, Dr Awino Okech who teaches at School of Oriental and African Studies at the University of London, sees the rush to elections as part of a duplicitous strategy to substitute elite bargains for true societal dialogue. Since the latter can take forms such as street protests which elites struggle to control, they seek to impose forms that they can more easily manipulate. These are then presented as responding to concerns over possible violent escalations when they are really a cover for the search for power. Dr Okech notes, ‘This is where the tension between the elite pact and the people arises. Because immediately people step into that position, whether you are talking about the military, or other actors, or parliament, stepping in to stop the escalation of the dialogue from the streets, the sort of gap widens so the power then returns to the elite and leaves out the majority of the people who are actually demanding this change’.

She further notes that the constant and relatively short cycle of elections creates a ‘hamster wheel effect’, making it difficult for societies to take pause to imagine different political formations and have honest discussions about alternative forms of governance. In such a scenario, it is easy for elites to argue that the problem is democracy itself, when it is really the particular form that they impose. ‘Democracy in the way it has been sold to us is not African. But that does not mean that collective forms of organizing never existed in our societies. How do we forge them for this current moment we find ourselves in without retreating to modalities that continue to oppress and exclude particular groups?’

It thus seems clear that elections are held primarily to legitimize elite contestations for power and to prioritize their concerns above those of the people. This explains the low expectations voters have of the efficacy of elections in improving either representation or governance. In fact, across the world, parliaments almost never reflect the ethnic, gender and other characteristics of the societies that elected them.

On whether technology can help alter this, author and political analyst Nanjala Nyabola urges caution against being ‘overly deterministic and overly optimistic about the horizons that technology offers with regards to democracy in this region’. Social media, she notes, has improved political participation of traditionally marginalized groups by giving them power to define and present themselves in public ‘in ways that the traditional sphere wouldn’t have otherwise contemplated’.

Citing the opposition in Tanzania which ‘has gone to tremendous lengths towards mobilizing social media to raise awareness of oppression against journalists and activists and to push back against restrictions’, she suggests that social media platforms challenge the idea that an election or democracy ‘can be reduced to that moment of the vote’.

Yet is clear from examples such as the last two elections in Kenya that technology is no panacea either in automatically translating online participation into electoral issues or in ensuring that the vote is protected.

## The rules of the game

‘A lot of democracy is not about your legal rights. It’s about the norms and procedures and respect you give to the process’, says American journalist Fareed Zakaria when bemoaning the turn US democracy has taken and President Trump’s attempts to overturn the results of the November 2020 election. Those words bear a potent lesson for the East African region in which many countries have focused on the mechanics of legality in the form of enacting constitutions and electoral laws; and establishing institutions to oversee elections. As the problems afflicting the US demonstrate, these are undoubtedly important. However, they are not a substitute for the lack of spirited intention to actually hold a free and fair election that actually affords people a say in how they are governed.

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In his famous 1997 essay, *The Rise of Illiberal Democracy*, Zakaria notes that ‘from the time of Herodotus democracy has meant, first and foremost, the rule of the people’ and that scholars and social scientists are united in the view of democracy ‘as a process of selecting governments’.<sup>2</sup> This is of course the primary purpose of elections. However, a focus on this can also obscure what is an even more important facet of democracy: namely that it is okay to lose.

More than any other, it is this aspect of elections that distinguishes countries as democracies. As the East African region can attest, autocracies can be as prolific as democracies in holding elections. The main difference is that in autocracies, incumbents almost never lose. In fact, they engineer the rules of the game to ensure they do not. Kenya, for example, has held regular elections for over 60 years. As historian Daniel Branch has noted, ‘on every occasion since 1957, the conduct of the election has thrown the credibility of the electoral process into doubt, even on those occasions when the result met with popular acclaim’. As he goes on to note:

Throughout this history, the subversion of the democratic process has been justified in remarkably similar terms. Most obviously, it has been repeatedly claimed from the colonial period onwards that the ethnic composition of the country and fears of insecurity made open, transparent elections unsuitable for Kenya. Similarly consistent is the fact that the manipulation of elections through fixing the rules and influencing voters and judicial rulings on the process have served the obvious interests of incumbent governments. With the benefit of 60 years of observations, we can hardly claim that this approach to elections by successive governments has resulted in a more harmonious, peaceful society.<sup>3</sup>

It was partly to address this history that Kenya enacted a series of laws and political compromises, including a new constitution in 2010, a ‘gentleman’s agreement’ on the appointment of electoral commissioners thirteen years earlier, as well as a series of back-and-forth amendments to electoral laws. In fact, much of the political unrest witnessed in the country is tied either to disputes over election rules in the years before elections or disputes over the outcome.

In Tanzania, too, there are controversies over the appointment of NEC commissioners, as well as returning officers, the excessive powers of the incumbent president, and rules limiting challenges to the declared outcome in presidential results and limiting popular participation by citizens in political processes.<sup>4</sup>

There is no denying that good electoral rules can enhance confidence in the elections and make it easier for losing candidates to accept defeat. However, these cannot be a substitute for a society-wide commitment not just to free and fair elections but to popular participation in governance in the period between elections. Competitive elections, even free and fair ones, that are viewed as fights to death not just between politicians but also between the communities they claim to represent, exponentially increase the perception of risk posed by loss, making it less palatable to candidates.

It is thus important to see electoral rules not as inert mechanisms to manage democratic competition, but as reflecting and impacting societal discourses and consensus on popular participation in governance. In that sense, those who study elections in the region would be well-served if they focus on the nature of these discourses and consensuses rather than on the wording of the rules themselves.

## Civic space and participation

Across the region, authoritarian governments are attempting to suppress political activity by organized civil society groups and individual citizens. This suppression can take several public forms including violent dispersal of peaceful demonstrations, as has been the case recently in Uganda following the arrest of opposition leader, Bobi Wine. Or it can be in the form of attempts to deny both funding and legitimacy to NGOs working in the governance space. However, more insidiously, it can take the form of exclusion from discussions over reform or cooption into electoral politics.

The rise of the centrality of civil society in much of Africa in the 1980s and 1990s, in both development discourse and the democratization process, has been in response to state weakness. As a result, it came

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to be seen as the cutting edge of the effort to build a viable democratic order. However, there is nothing intrinsically pro-democratic or anti-authoritarian about civil society. As Juma Okuku notes, ‘civil society reflects both divisions in the larger society and the needs and demands of state actors. This may limit civil society organisations’ capacity to cause authoritarian states to become more democratic’.<sup>5</sup> Further, rather than platforms for reform, civil society organizations can come to resemble—and actually be—platforms for gaining power.

Nic Cheeseman notes that the East African region ‘features a number of countries ruled by former rebel armies (Burundi, Eritrea, Ethiopia, Rwanda and Uganda), in which political control is underpinned by coercion and a long-standing suspicion of opposition’.<sup>6</sup> Kenya and Tanzania are notable exceptions but have nonetheless suffered declines in their democratic fortunes. The former is ‘in response to a strong challenge from the opposition’, while the latter was attributable to President John Magufuli’s ‘personal leadership style and refusal to tolerate dissent than any actual increase in support for political rivals’.<sup>7</sup>

In these environments, it is inevitable that organized civil society will find itself in a difficult situation, seen as part of the political opposition and potential rivals for power. This is not helped by the fact that in countries like Kenya, civil society has been just as divided as the society, with organizations and churches taking sides in political contests and conflicts. Many activists have indeed parlayed their civil society roots into more or less successful runs for electoral office.

Given their dependence on foreign funding, civil society organizations are vulnerable to being delegitimized as foreign puppets and also being hobbled by restricted access to such funds. Governments in the region have employed both; many times using the former to justify the latter.

In almost all East African countries, activism has migrated online both as a result of the clampdown on traditional avenues of protest and other political work, but also as a new avenue for political action in its own right. The attractions of online activism are manifold. It lowers the costs and risks of political expression, obviating the need to travel to far off capitals or expose oneself to police bullets and truncheons. Yet, by aggregating voices and shining an international spotlight on issues, online activism can be effective in challenging and delegitimizing oppressive governments at home and incentivizing international action abroad. Social media not only makes it easier to organize offline protests, but as the events in Sudan and Nigeria showed, a strategy for online activism to supplement the protests is an increasingly indispensable element.

Recognizing this, many governments have followed the activists online, setting up social media accounts with which to counter or push narratives, even hiring online vigilantes to create bots and harass critical voices. Governments are also attempting to impose restrictions on access and penalties for unwelcome critical speech. Tanzania, for example, has adopted regulations that criminalize a broad range of social media and online posts, including those that support organizing demonstrations.<sup>8</sup> Further, internet shutdowns and threats of these, have become a common feature of elections especially when disputes over irregularities in their conduct flare up.

In the face of this it is important to keep pushing back against state efforts to interfere with online access and activism and to keep the online space free. This is especially true as governments around the world use the cover of fighting so-called fake news to legitimize such restrictions on legitimate criticism. This, of course, should be in addition to pushing back on offline restrictions and brutality as well as diminutions on press freedom.

For those in organized civil society, it also calls for introspection as to motives—reform or power? Attempting reform through taking power has not always worked out well and playing in the dirty political pool may ultimately irredeemably tarnish civil society in the eyes of the public. Further, looking to mobilize more local funding, perhaps using social media to make appeals and taking advantage of mobile money transfer platforms to accept small donations, both of which have proven effective in local appeals for humanitarian relief, can help inoculate them against government accusations of being hostage to foreign agendas.



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## Securitization

Elections have also become major security events. The mobilization of state security forces continues from the campaign periods through the voting and tallying phases, to the announcement of winners and beyond. It is a period characterized by excessive use of force and arbitrary arrests by the police against opposition candidates, civil society activists and ordinary protestors. Elections inevitably heighten political tensions or occur amid persistent political tensions, which are worsened by disputes over electoral processes. Political violence, many times in response to the state's heavy-handed tactics, tends to target government authorities and institutions as well as major businesses.<sup>9</sup>

The ubiquitous presence of armed forces may be reassuring to business owners and government supporters, but it can be intimidating for opposition supporters and can suppress the vote. Further, security forces rarely show impartiality and are more likely to be used to disrupt opposition rallies and protests under the pretext of maintaining law and order. Sarah Jenkins notes that in previous elections in the region, 'the language of security was used to justify the construction of a 'militarized' environment and restrictions upon the freedoms of assembly and expression. Whilst these served to create a highly uneven electoral playing field, they were nevertheless tolerated by key stakeholders in the process'.<sup>10</sup>

It is important to keep in mind that it is not the elections per se that are the source of the security problems but rather the disputes around the competition for power. As is the case with electoral rules above, flooding the streets with police and military without dealing with the underlying lack of societal and elite agreement on the norms governing the competition for, and exercise and transfer of power can only be a temporary cap on the well of violent political emotion, which, sooner or later, is bound to fail.

Thus, to truly see elections as national security threats is to recognize the need to foster nationwide, and even regional, discourse and consensus about how power should be distributed long before elections are held, obviating the need to deploy security agents to enforce the peace.

## Role of media

What role does and should media play in elections? A major obstacle for realizing the freedom and professionalism of the African press with regard to elections has been the dilemma of relying on official sources and the fact that most media in Africa function as a sounding board for political leaders' agendas as opposed to platforms for independent reporting.<sup>11</sup> This includes most state-owned news media which have been subject to censorship and direct political control for years, but also independent media which are subject to both political and economic pressures from the state including denial of advertising.<sup>12</sup>

When it comes to articulating the issues on which the election is run, most media is content to merely repeat claims by politicians without necessarily subjecting them to inquiry or offering background. As they look to maximize readership or viewers, the media in Kenya, for example, tends to prefer dramatizing and personalizing elite political contests to offering serious analysis about what the stakes are for the population. This is exacerbated by the concentration of ownership of media enterprises in the hands of politicians.<sup>13</sup>

For example, in Tanzania, the ruling CCM placed full page ads in the front and back pages of all of Tanzania's newspapers in 2010, stifling coverage of the opposition party's inaugural campaign rally. In Uganda and Kenya, where state advertising is a major source of income for independent media, it has also proven to be their Achilles heel. The pooling of government advertising into one body ensures government can focus this pressure to force compliance with its wishes. Even worse, during the 2017 elections, the media in Kenya was happy to take illegal public funds to run government advertisements for the ruling party.

With the exception of two Kenyan national newspapers, all media in East Africa were state-owned and controlled before liberalization in 1992. With the advent of the internet, the media scene has seen an influx of citizen journalists, bloggers and online newspapers. While many have been of questionable quality, some have carved out a niche as important, independent and knowledgeable reporters and commentators. Along with their more mainstream counterparts, these are facing increasing pressures from the region's authoritarian

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governments, for example, with the introduction of taxes and licensing requirements for online publishing. Others have faced police harassment and arbitrary arrest in an effort to keep them quiet.

Media coverage of elections is also influenced by past accusations of media complicity in fanning communal violence, the most prominent cases being the 1994 Rwanda genocide and the 2007–08 post-election violence in Kenya. In the latter case, the allegations, made largely against vernacular radio, led to an overcorrection by the mainstream English press in subsequent elections, with journalists and media houses afraid to highlight problems with the elections or to report on cases of violence for fear of being accused of inflaming communal tensions and fighting.

In order to ensure better coverage of elections, there is need not just to ensure compliance with media codes of conduct to prevent dissemination of false reports and propaganda that incites violence, but also for training that ensures journalists do not feel compelled to compromise their reporting. There is also need for regulations to limit the ownership of news media by politicians and for rebuilding internal firewalls between news and advertising departments. The latter will be challenging in an environment where it is becoming increasingly difficult for media enterprises to maintain profitability. The independence, both financial and editorial, of state-owned public media should be high on the list of reforms as should legislation to regulate the use of government advertising. Such advertising could be put to good use to provide resources for supporting diversity and independence in the news media. Such a fund would be especially important in the era of COVID-19 as to mitigate losses to media enterprises.

## Notes

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