

## **Two Steps Forward One Step Back Democracy and Governance in West Africa**

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There are many factors to elections and good governance, each playing a role in the development of democracy in West Africa. For successful elections, there needs to be a strong legal framework, and independent and efficient national election commission, and transparent, unpartisan elections training. Even then, internationally recognized elections do not ensure good governance and perennial ethnic tensions, endemic poverty, and a lack of cohesion in regional bodies such as ECOWAS can continue to undermine efforts towards achieving true democracy. Change will require a strong civil society and an investment in governance that goes much farther than holding elections.

### **The Legal Framework of an Election**

It is crucial that the legal framework is in place before an election. When the legal framework is not properly set up and election laws are not in line with the constitution it creates confusion. Elections projects tend to focus on elections and civil education, but the first step should be to look at the legal framework. The conflict in Cote d'Ivoire erupted because of legal issues. The elections planning process did not pay attention to the responsibilities of the elections monitors and police. The electoral laws in Cote d'Ivoire are not clear. The law calls for two constitutional councils. One is set up to run the elections and the other is tasked with resolving election disputes and proclaiming the results. This division exists to that the president can decide on who will announce the winner of the election. Because Laurent Gbagbo was in control of those declaring the elections results, the results were announced in his favor, even when he lost the election.

### **National Electoral Commission (NEC): Neutrality, Transparency, and Suspicion**

The strength of the NEC in any country is an important factor in free and fair elections. Electoral Commissions should be independent from the government, but in West Africa they are more commonly quasi-governmental bodies and can therefore be controlled by the government. The legal framework for electoral commissions - who appoints them and who can dismiss them –can make a big difference in

its independence. In Sierra Leone, the Electoral Commission is nominated by the Parliament and must be approved by the President. This is supposed to happen in consultation with civil society and opposition parties. However, the consultations are not thorough and the opposition sometimes feels that the Commission could be set up in a way that is unfavorable to them. If consultations are not held in transparent ways and if the opposition does not have ownership of the process, there can be a lot of room for suspicion.

The NEC needs to be organized and have the staff capacity to carry out its functions in an efficient way. If the NEC is weak it will be accused of partisanship and fraud. Every role of the NEC down to the way that it produces and distributes ballots is open to possible suspicion. If elections results are going to be trusted, preparations should go beyond political party strengthening to include NEC strengthening.

The perceived neutrality of Elections Commission can aid in political transitions. In Nigeria, the parliamentary election results were generally considered credible if not perfect and there was a sense that for the first time votes actually counted. The Elections Commission in Ghana is considered to be one of the most independent in West Africa. The elections in 2008 were generally accepted in part because of the independence of the Elections Commission.

The way in which electoral is communicated can be another important factor. A central information hub needs to be able to put out accurate information. Otherwise there is a risk of different interpretations and conflicting elections results will be broadcast. The NEC should be responsible for putting out information. It is then the responsibility of other news sources to broadcast this information and possibly back check it to ensure that the NEC is releasing accurate information.

### **Transparent Training**

The donor community provides a lot of technical assistance around elections from training local observers to tallying votes with computerized systems. However, if those providing assistance are not careful and inclusive, technical assistance can be counterproductive. There are places where civil society and opposition parties have received so much training in elections and monitoring that the government became suspicious that the donor community was pushing for regime change. Those assisting with elections need to be careful to ensure that training is transparent and that the local observers include political party agents and that everyone is satisfied. They should also be very cautious of computerized tallying which can be perceived as a means of rigging an election.

### **Democracy and a Lack of Good Governance**

West Africa is in constant evolution. The region seems to take two steps forward and then one step back. Sierra Leone and Liberia have made tremendous strides. We have seen major shifts from single party regimes to multiparty systems. Throughout much of West Africa, democratic ideals have become stronger. In spite of these qualities, there are still many concerns about democracy and governance.

Most of the governments in West Africa claim to be democratic. They hold regular elections and are not viewed by the international community as dictatorships. Therefore, while governments may be inept and corrupt, there are outlets for people to show their feelings through elections and open debate making revolutions similar to those in Egypt and Tunisia unlikely in West Africa in spite of the similar problems of youth bulge and economic distress. However, in 2010 only 4 West African countries, Cape Verde, Ghana, Mali, and Benin, were listed as democratically free by Freedom House's annual report.

One of the most immediate challenges to West African electoral processes is that political transitions are often not accompanied by the institutionalization of constitutional rule. Political power is still informed by the elite and does not reflect the people's will. Democracy has been demarcated by elections held to an international standard, but elections are not meaningful when they are not accompanied by good governance.

### **Ethnicity and Good Governance**

After long civil wars, voters in West Africa have not yet learned to vote for candidates that support their viewpoints or will implement the changes they want. Even though citizens have recognized the importance of voting, they still largely cast votes along ethnic lines. Donors interested in improving elections should start working to change mind sets, encouraging voters to focus on the issues rather than voting for someone from their area. There is a disconnect between the need to vote and the need to vote for those who will work hard on care about the issues affecting their constituents.

West African Countries such as Cote d'Ivoire have a long history of multi-ethnic tension and these identity based divisions are intensified by the elections. While conflict in Cote d'Ivoire seems to have ended, huge challenges remain. There are those who consider Alassane Ouattara to be a foreigner because of xenophobic political attacks used during the elections. His administration will need to work towards creating a unified identity not based on citizenship but based on bringing rights to all people in Cote d'Ivoire. Ouattara will need to prosecute all human rights offenders, including those that supported him, which will be politically difficult. This is a post-conflict situation and presents opportunities for reflection, dialogue and healing on both sides. There is a particularly ripe moment to host a dialogue on identity driven politics. However, how and if these conversations and processes will happen are still unclear.

### **Poverty**

Recent and not so recent civil wars have left many West African countries at the bottom of the development index. There is endemic poverty and a very high percentage of the population is young people. More than 60% of the populations of West Africa is under 20 years old. Because of the setbacks caused by civil wars many young Africans have not yet had an opportunity to experience true democracy and to engage in stable democratic politics. As Liberia and Sierra Leone prepare for elections they are blessed with relative stability, in spite of their economic challenges. The elections will test this stability as young people look to these upcoming elections for signs of change in their governments.

## **ECOWAS**

It is encouraging that ECOWAS has condemned recent setbacks in electoral processes. It rejected military rule in Guinea and accepted the international results in Core d'Ivoire. ECOWAS has a protocol on democracy and good governance that instructs member states to hold regular elections in line with national guidelines. However, not all member states have signed onto the protocol and there has been a general lack of coordination on this issue. Furthermore, ECOWAS has not been able to control member states around elections and even after ECOWAS put out a statement that it was aligned with Outtara, some members states did not follow suit. ECOWAS's structure makes it very dependent on heads of state. It is very difficult for members of civil society to become engaged in ECOWAS and join its civil society council. If ECOWAS chooses to take a stand on elections, it can send observers and be a positive force in electoral processes. However, for ECOWAS to develop the teeth to be able to do this, its structure will need to be reevaluated to strengthen its civil society arm.

### **The Role of Civil Society**

The vitality of civil society is a strong indicator of government. Most believe that democracy is better than autocratic regimes. Since the return of multi-party elections in the 1990s, the activities of domestic observers have helped to bring peaceful transitions in Sierra Leone, Liberia, and Nigeria. There are opportunities for observers to come together across the region. The Ghana Center for Democracy and Development (CNDD-GHANA) organizes observer networks. These efforts could ensure stability and eventually allow election monitors to develop their own rules of conduct, standardizing elections monitoring across the region. However, creating a regional network is not something that happens a few months before an election but needs to be an ongoing process. There is a great opportunity for observers to learn from each other and share local knowledge, but it will require a deeper investment than is the norm today.

Coalitions between civil society and the media can have a real impact on transparency in elections. When civil society and the media come together and form coalitions with solidarity they can protect each other. There are two such networks in Sierra Leone and their successful involvement in the past few elections cycles have given them legitimacy. These groups need education and assistance organizing to improve their ability to observe elections. Projects to help civil society groups like these usually operate on very short time lines, starting about six months before the election, but they should start as soon as the last election cycle is over. There should be constant training.

Observations are often short sighted and focused on the voting registration and the voting itself. There needs to be longer term involvement in supporting political processes. From the beginning of the nomination process all the way through the formation of the government post elections, there needs to be oversight. It is critical that all oversight is supported by the civil society. Without civil society participation elections assistance risks appearing partisan.