



Electoral Commission of Namibia
NAMIBIA 2009 ELECTORAL SYMPOSIUM



17 - 18 March 2009

Striving for free, fair and credible elections in 2009

An Overview of SADC Electoral Instruments: Experiences and Lessons¹

By

Takawira Musavengana²

Paper presented at the Namibia 2009 Electoral Symposium
Nampower Convention Center, Windhoek
17th to 18th March 2009

The fact that elections are conducted in most post-colonial African countries on a regular basis is of no real consequence if electoral competition is undermined by an uneven playing field i.e.: the incumbent has access to and uses state resources as his own cheque book, state media is biased towards the ruling party, the electoral process is in the hands of the dominant party because of the composition of the electoral commissioners and the way they are nominated, limited resources for citizen education programmes about why it is important to participate in elections and how to keep the political parties accountable; no real possibility for power alternation, and limited participation by an ever-increasing sceptical and disaffected citizenry. [Electoral Reform in Africa - Exploring Regional Responses Roundtable, 17 - 19 January 2005, Goree Institute, Goree Island, Dakar]

Introduction

To the extent that elections remain the only reasonable means through which citizens choose the manner in which they want to be governed and by whom, elections are the high point in the political life of any country. Elections are about choice - hopefully free choice. Elections, be they at the local authority level or at the national level are aimed at availing stakeholders, or voters regular opportunities of selecting leaders to represent their interests in government. It is important to note and acknowledge that elections do not equal democracy. It is one thing to have an election but quite another to achieve a state of democracy. In fact, it is possible to have technically successful elections but not achieve democracy, if it is agreed that democracy entails the full participation of citizens not just as voters but also in the government and governance of their country. A state of democracy can be measured in terms of the extent to which citizens, whatever their gender or political persuasion are able to access and influence public policy making.

Scholars agree on a myriad of purposes that elections serve, chief among which are the following:

- Establishment of governments and attendant institutions, including parliaments,
- legitimising governments and the political (governance) system,
- Transferring national trust to elected (and appointed) persons and political parties,
- Providing for the fair contestation of political power,
- Ensuring orderly succession of governments and leadership,
- Providing for the systematic recruitment and selection of leaders,
- Providing for formal representation of the nation in its diversity, and
- Providing a formal avenue for conflict management and mitigation.

In other words, regular multi-party elections, and especially those that are credible (as opposed to ritualistic) are the bedrock of representative democracy. In order to truly represent the wishes of the people and create governments that are *for the people, of the people and by the people*, multi-party elections must necessarily meet certain preconditions.

Against this background, it is significant to note that a number of global, regional (Africa) and regional (SADC) instruments that make the case for the participation of citizens in the politics (and political lives) of their societies have been developed over the years. These include the Universal Declaration for Human Rights adopted on 10 December 1948, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted on 16 December 1966, the International Convention on the Elimination of All Forms of Racial Discrimination adopted on 21 December 1965 and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted on 18 December 1979, and the Constitutive Act of the African Union adopted in July, 2002 and the *SADC Treaty* of August, 2002.

At the last count, the Southern African Development Community (SADC) sub-region held the distinction of having the highest number of the continent's election related instruments. That they are

this many in number (or more than one), is probably a sign of the seriousness of the problem (of credibility of elections) or commitment to credible elections or, perhaps the lack of harmony among the institutions that took developed these complementary yet separate instruments. The period between 2000 and 2005 witnessed a stampede among a number of actors to develop benchmarks to guide the organization and management of elections in SADC. Included in this count are the SADC Parliamentary Forum (SADC PF) Norms and Standards for Elections in the SADC Region (2001), the Electoral Institute of Southern Africa (EISA)/Electoral Commissions Forum (ECF) Principles for Election Management, Monitoring and Observation (PEMMO) (2003), and SADC Principles and Guidelines for Democratic Elections (2004). To this list, one could also add the document defining Principles and Guidelines on the Independence of EMBs,³ which was adopted by the Annual General Council of the ECF at its meeting in Zanzibar in September, 2008. The development and adoption of these instruments, variously by parliamentarians, civil society and electoral commissions, and by SADC heads of state and government, points to a sub-region that is alive and conscious of the importance and centrality of credible elections as midwives for democratic governance and participatory democracy.

On its part, the AU has adopted the Declaration on the Principles Governing Democratic Elections in Africa, Guidelines for African Union Electoral Observation and Monitoring Missions, and more recently, the African Charter on Democracy, Elections and Governance of 2007 (Charter). Among other important commitments, the Charter seeks to “entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies”⁴. The Charter also endorses the 2000 Lome Declaration for an OAU (later AU) Response to Unconstitutional Changes in Government⁵ (Response). This Response makes elections the only acceptable and legitimate source of authority to govern. It is significant to note that the prohibition of unconstitutional takeover of government is the only commitment in the Constitutive Act the breach of which a sanction is prescribed.

This radical departure from the old OAU’s principle of non-interference in the domestic affairs of member states can be viewed as an acknowledgement of the limitation to the general principle of domestic jurisdiction and non-interference in affairs of sovereign states, in relation to unconstitutional takeover of government. In addition to the more obvious unconstitutional takeover of government through military *coup d’état* against a democratically elected government, the Response includes in this definition, the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections. Regarding the recurring democratic deficit of gender inequality, the Charter makes it mandatory for AU member states to “take all possible measures to encourage the full and active participation of women in th electoral process and ensure gender parity in representation at all levels, including legislatures.”⁶

Finally, auspiciously and because it has the force of treaty law, unlike anything before it, the Charter requires member states to “initiate appropriate measures including legislative, executive and administrative to bring State parties national laws and regulations in conformity (with the Charter)”⁷.

In relation to the role of the media, which is central to the full enjoyment of stakeholders’ rights to information, and access access to the media without undue prejudice, the Southern African Broadcasting Association (SABA) and the Media Institute of Southern Africa (MISA) developed Principles and Guidelines for Broadcast Coverage of Elections⁸. The SABA/MISA Guidelines for Broadcast Coverage of Elections provide for an implementation framework. As the UNESCO Director General observed on the 2006 World Press Day “only in societies where the free flow of information and ideas is permitted and guaranteed is democracy able to flourish. Freedom of expression and press freedom are central to building strong democracies, promoting civic participation, the rule of law and encouraging human development and security”.

These include the need to develop editorial codes and policies or review existing codes using the guidelines as minimum standards, and publication of the guidelines and any other internal codes with a view to enabling the public (and civil society organisations) to monitor the public broadcaster and hold it to account. The guidelines also enjoin public broadcasters of SADC member states to provide “an environment free of violence and intimidation”, and that “stakeholders must respect the rights of broadcasters to cover the elections”. The other identified requirement relates to the critical issue of increased state funding for coverage of the election period. With varying levels of depth and scope, the central role of professional and impartial media to support and advance electoral democracy forms a central pillar of all the regional and sub-regional instruments on elections.

Taken together, all these instruments enjoin governments to ensure that citizens’ right to participate in the conduct of public affairs either directly or through freely chosen representatives is guaranteed. They uphold citizens’ right to vote and be voted for through genuine periodic elections conducted on the principle of universal and equal suffrage.⁹

Based on the foregoing, therefore, one finds immediate and overwhelming resonance in the argument that there can be no democracy without elections (to which one might add, without multi-party elections). In a democracy, elections are both important and inevitable. In this context, over the past decade, all SADC countries have organised at least one national election on the basis of which governments and attendant institutions of democracy have been created and are sustained. Related to that, in SADC most countries now have ‘independent’ EMBs, with varying legal powers, authority and actual (as opposed to perceived) independence. In some countries one still finds EMBs that are government or quasi-government controlled or party controlled in the nature of the appointment of commissioners, their accountability and appointment of staff, among other issues.

This is the background against which this short paper attempts an overview of the SADC electoral instruments by examining some of the experiences and lessons learned.

SADC Principles and Guidelines vis-a-vis Electoral Norms and Standards: A Concise Comparison¹⁰

A careful analysis of these instruments shows that except in their their depth and breadth, these instruments deal with exactly the same issues and make almost the same recommendations. Further, all of them are non-binding in nature, an issue that we shall return to later in this paper. For the purpose of our analysis, we will deal with the SADC Principles and Guidelines and the Norms and Standards for Elections – both of which were developed by SADC institutions, the former by the Executive and the latter by the Legislature.

Read together with the PEMMO, these documents represent by far the most comprehensive recipe for democratic elections in southern Africa. The norms and standards, which were the first such document in Africa present in 17 articles, a problem-solution matrix of how to arrive at free and fair elections.

The ensuing recommendations, are divided into six sections, namely,

1. Preamble – sets out the *raison d’être* for the norms and standards
2. Elections and individual rights – underlining citizens right to vote and be voted for, secrecy of the ballot and the fundamental freedoms of association and assembly, among others
3. Elections and the government – emphasising the need for governments to commit themselves to plural politics including through relevant constitutional provisions
4. Fostering transparency and integrity in the electoral process – addressing issues of levelling the playing field, freeness and fairness of the electoral process
5. Code of conduct for parliamentary observers – setting out the dos and don’ts of SADC PF election observers

6. Gender checklist for free and fair elections – examining definitions of citizenship, commitment to gender equality in the registration of voters, women’s right to stand for office, express political opinions, campaign, access election-related information

The SADC Principles and Guidelines on the other hand are divided into six major sections, namely:

1. Introduction – sets out the mandate and legal framework for the principles and guidelines
2. Principles for conducting democratic elections – outlining what Member States are expected to do in order to ensure democratic elections
3. Mandate and constitution of the SADC Observer Missions – setting out the legal mandate and composition of SADC Observer Missions
4. Guidelines for the observation of elections – detailing the scope of election observation
5. Code of conduct for election observers - setting out the dos and don’ts of SADC election observers
6. Rights and responsibilities of SADC Election Observers
7. Responsibilities of the Member State holding elections

Significance of Regional Election Instruments

The instruments are a significant positive development in the region’s march towards democratic consolidation. They are a particularly strong political statement in support of the new ethos of political pluralism. It is important to note that prior to the coming into being of these instruments, there existed no composite regional/sub-regional instrument setting out what a free and fair election is or should be. In most cases, countries of southern Africa had to refer to and rely on relevant instruments from other parts of the world. The arrival of (home grown) norms, standards and principles evidently provided sub-regional (SADC) consensus on the basis of which to assess the legitimacy and credibility of electoral systems and processes as envisaged in Article 5 of the SADC Treaty. The said article commits SADC member states to the evolution and promotion of “common political values, systems and other shared values which are transmitted through institutions, which are democratic, legitimate and effective.”¹¹

The participation of parliamentarians alongside civil society organisations in the observation of elections introduced a new dimension in regionalising the issue of national elections, which hitherto had been the privy to the citizens of the respective countries (except for countries in transition such as Namibia in 1989, Zimbabwe in 1980 and South Africa in 1994). Today, it is inconceivable to talk about the quality of electoral systems and processes in one country of the sub-region without comparing such systems and processes to similar phenomena elsewhere in the sub-region and elsewhere. This has enabled observer groups to bring sub-regional experiences to bear at the national level and prompt recent electoral reforms that have been witnessed in Angola, DRC¹², Zambia¹³ and Zimbabwe¹⁴. Some of the proposals in the Namibia Electoral Amendment Bill 2008¹⁵ could also be seen in this context.

Challenges

The first major challenge that has arisen from the above-mentioned sub-regional instruments is their multiplicity. Whereas the instruments certainly complement each other and provide different areas of emphases, the fact that the SADC sub-region has more than one such instrument, provides potential for confusion. Because different observers can use different observation instruments, the chances for different emphases and conclusions renders the art of election observations as “non-scientific” process. The use of different instrument mitigates observers’ capacity to compare the same phenomena and pass judgement on comparable phenomena. Against this background, it is possible for two or three election observer groups, observing exactly the same electoral process at the same time, to arrive at diametrically opposed conclusions. An infamous example of this phenomenon relates to the 2002 presidential elections in Zimbabwe where the SADC PF election observer mission concluded that the elections “could not be said to adequately comply with Norms and Standards for Elections in the SADC Region”¹⁶ The SADC Ministerial Task Force on the other hand, concluded “Despite

reported incidents of pre-election violence and some logistical shortcomings during voting...the elections were substantially free and fair, and were a true reflection of the will of the people of Zimbabwe”¹⁷.

These developments throw into sharp focus the question of the need for regional consensus on what constitutes free, fair and credible elections. There is also an urgent to professionalise election observation activity because as sure as the sun rises from the east one of the above conclusions stands some distance from the truth. Otherwise, how does one explain these two divergent conclusions?

The development of three election instruments in one sub-region, one after the other, suggests a ‘turf war’ between the institutions that developed these instruments. Whereas the first two instruments could not be said to have any binding effect on SADC governments, coming as they did from institutions that have not been viewed as strictly SADC organs¹⁸, the development of the principles and guidelines long after the SADC PF’s norms and standards as well as the EISA/ECF PEMMO, proceeded as if nothing ever existed. In so doing, SADC appeared to trivialise parliamentarians’ and civil society efforts. This is notwithstanding the fact that put together, the parliamentarians’ instrument and PEMMO are qualitatively better than the SADC principles and guidelines. The region could have benefitted from the harmonisation of the existing instruments into a single comprehensive instrument, with the blessing and political commitment at the highest level of SADC – the Summit of heads of state and government.

The second lacuna in the non-binding nature of the instruments, which has been summarised by one analyst as follows: “Ideally the principles (and norms and standards – writer’s own insertion) should have been framed in a clear and inviolable set of norms to be elevated as the electoral standards for the region, with the imperative that national constitutions, laws and processes must be aligned with this yardstick.”¹⁹ It has been observed that as presently worded, even the (SADC) principles and guidelines which were approved by SADC heads of state and government are clearly subordinated to national laws and constitutions, whatever the inadequacies of such constitutions and laws vis-à-vis basic tenets of democracy, (and now the African Charter on Democracy, Elections and Governance). It is possible therefore for an electoral process that complies with bad and unjust laws to pass the test of the principles and guidelines. Through this weakness alone, the principles and guidelines do not set the bar high enough to inspire robust electoral reforms in the sub-region.

Even as heads of state and government approved them, it was never intended that the principles and guidelines would have a universal application among SADC member states. This is evident in Articles 2.1 and 3.1, which grant member states the option to invite or not invite SADC (and therefore fellow member states) to observe elections. These articles commence with the condition, “in the event a member state decides to extend an invitation to SADC to observe its elections,”²⁰ and “in the event a Member State deems it necessary to invite SADC to observe its elections.”²¹ In the circumstances, what chances does non-governmental and non-SADC structures (such as SADC PF) have of being invited to observe elections in SADC member states, if member states that are party to the principles and guidelines have no automatic enjoyment of that privilege. This makes it very difficult, if not impossible for the media and citizens in general to effectively monitor and hold their respective governments’ accountable for compliance with the guidelines and principles, let alone the norms and standards and PEMMO.

In the light of the above, one analyst concludes, “the principles are merely aspirational and are not binding. They do not create international obligations...”²² he further argues that although the document may have been worded ‘forcefully’, “wording a non-binding document forcefully does not render it any more worth than what it is, a merely aspirational document. So its success in implementation is dependant on the political will of those in power.”²³

An analysis of the existing principles and guidelines shows that although the principles and guidelines are an historical milestone in the political development of the region, they are however too general and could have benefitted from harmonisation with already existing instruments. It is worthy noting

that unlike the principles and guidelines, the norms and standards and the PEMMO go into extensive details with regard to the specifics, preferring ingredients and methodology of securing democratic elections, including management of the electoral process.

Also at issue is the tendency to focus on an election as an event of casting and counting of ballots, and passing a conclusion judgment on the entire process. Equally problematic is an analysis that looks at elections from a purely quantitative perspective – a numbers game - restrictively time-bound and not within the context of its causal-effect relationship which the process has on the democratic nature of the society and its politics. Such a perspective presumes that where persons whose names are on the voters roll are, and if they so wish, are able to exercise their right to vote without hindrance, and that such votes are meticulously accounted for, a credible free and fair election is attained. This perspective may make some reference to but does not recognise the contribution of such issues as the political environment within which elections are held, the constitutional and legal framework governing this process, the appointment modalities, accountability, powers, functions, and funding arrangements of the EMBs, access to the media, among other issues. This perspective begins and ends with operational and technical aspects of elections – which are admittedly the high point of elections. That is the time that election observers of all manner, descend into the capitals of countries holding elections and pronounce themselves on the extent to which an election has been conducted in a free and fair manner. Election observation of this nature risks becoming a fault-finding exercise on the part of the EMBs, and one that looks at the EMBs' shortcomings in the administration of an election.

This analysis negates the constitutional and legal environment that an EMB may find itself in, which may either boost its capacity to deliver a credible election or exacerbate the potential for a flawed process. For instance, a cash-strapped EMB may not be able to function efficiently thus disenfranchising sections of the electorate. Likewise, an EMB that has not influence and/or control of media coverage of election and campaign events may be handicapped in promoting a level playing field and be viewed – rightly or wrongly - as seemingly in complicity with those in control of the media. A comprehensive assessment of elections necessarily entails a systematic analysis of most if not all aspects that constitute the electoral cycle, namely the pre-voting period, voting period and post-voting period.

Election Instruments and the Democratisation Agenda

The Goree Island's January 2005 Roundtable referred to above provides a shopping list of what are defined as 'determinants that contribute to a credible election'. These include basic social, political and human rights conditions to ensure an environment in which an election can take place. These must be agreed to by all stakeholders participating in the elections and should be reflected in the constitutional and electoral legislative framework opportunities for all major stakeholders to compete equally and therefore accept the outputs of the process the installation of a legitimate representative government. Equally important is the establishment of an EMB that is perceived as independent, impartial and free from pressure from any of the political parties, in particular the ruling party. The roles, functions and limitations of the EMB should be clearly defined.²⁴

Through the existing regional election instruments, the SADC sub-region finds itself clearly on the right path in pursuit of the above as some of the 'determinants that contribute to a credible election'. To its credit, the sub-region has been a pace setter in developing and implementing electoral norms, standards, and principles. Although all these instruments are non-obligatory and non-binding on SADC member states, they however represent growing commitment and consensus among role players and stakeholders on the need to address a compelling need to grow and nurture a single voice on the 'determinants that contribute to a credible election'. Some of the challenges that need to be surmounted include the following:

- Inculcation of a culture of political tolerance and acceptance of divergent views.
- Addressing the low and in some cases, decreasing number of women participating in elections and getting elected to positions of leadership, especially at the parliamentary level. This recurring 'democratic deficit'²⁵ is a political question requiring urgent redress through a

number of mechanisms, including electoral system design and political will, without which all other interventions may not have any significant impact.

- Reform of electoral systems from First Past The Post to Proportional Representation²⁶ or the Mixed Member Proportionate system to ensure that every votes counts.
- Implementation of the Principles and Guidelines on the Independence of EMBs
- Establishment of *ad hoc* election-tribunals with fixed time frames for the disposal of election-related disputes and petitions.
- Enforcement of the *MISA/SABA Guidelines and Principles for Broadcast Coverage* to regulate the broadcast coverage of elections fairly.
- The establishment and enforcement of legally binding electoral codes of conduct for political parties and observers including clear definition of election offences and related sanctions.
- Continuous registration of voters is a critical mechanism to ensure that as many potential voters as possible are provided the opportunity of accessing the ballot.
- Provision of funding for political parties as well as campaign finance and establishment of effectiveness of mechanisms for the accountability of such funds.
- Improvement of voting operations, vote counting and tabulation of election results.

Conclusion

The extent of individual SADC countries' compliance with the provisions of sub-regional election instruments can be measured against the following key factors:

1. The varying levels of democratic consolidation
2. Historical and political background
3. Resource constraints
4. Political will and
5. The non-obligatory nature of the regional election instruments.

Notwithstanding reason (5) above, there is very little doubt that countries/authorities in the SADC region regard pronouncements of their compliance with existing election instruments as a stamp of approval from peers. One could conclude therefore that the lack of the force of treaty law on the part of these instruments is compensated by a commonly shared aspiration to achieve the ideals espoused in these instruments. More so, the path-finding role of the southern Africa on these matters, at least in Africa, should not be lost as a critical political statement in favour of convergence towards a system of common political values envisaged in the SADC Treaty.

The domestication of regional instruments in general and electoral norms, standards and principles in particular, remains a key challenge in the SADC region's road towards rapid electoral systems and processes. One way of addressing this challenge could through the rationalisation of the existing regional electoral instruments into an enforceable SADC Protocol for Democratic Elections read with the African Charter on Democracy, Elections and Governance. This should give greater impetus to governments to seriously consider instituting measures for the domestication of such a protocol in domestic legislation. An enforceable protocol would address once and for all, the challenges associated with the non-obligatory nature of existing instruments.

¹*This paper is part of an on going study on the impact of regional (SADC) electoral norms, standards and guidelines to assess the need for the harmonisation of these instruments into a single enforceable regional instrument. It builds on a similar paper presented to the SADC Electoral Commissions Forum Regional Workshop on Guidelines and Principles on the Independence of Election Management Bodies in the SADC Region, 21st – 23rd May, 2007, Antananarivo, Madagascar. In this regard, comments and contributions are welcome.*

²*Takawira Musavengana is a Senior Researcher in Security Sector Governance at the Institute for Security Studies, Tshwane (Pretoria) – tmusavengana@issafrica.org*

³The writer was privileged to participate in initial meetings on the development of the ECF Principles and Guidelines on the Independence of EMBs.

⁴Preamble, African Charter on Democracy, Elections and Governance, 2007.

⁵Decision on Unconstitutional Changes in Government, AHG/Dec. 142 (XXXV), 1999

⁶Article 29(3), African Charter on Democracy, Elections and Governance, 2007.

⁷Article 44(1)(a), African Charter on Democracy, Elections and Governance, 2007.

⁸The SABA/MISA Principles and Guidelines for Broadcast Coverage of Elections were adopted by Chief Executives of public broadcasting services of SADC member states at their annual general meeting held in Arusha, Tanzania in September 2005.

⁹United Nations International Covenant on Civil and Political Rights, Article 25

¹⁰As the session on “An Overview of SADC Electoral Instruments: Experiences and Lessons” has two presenters on the same topic, this paper examines the SADC PF Norms and Standards for Elections in the SADC Region vis-à-vis the SADC Principles and Guidelines. It does not include the PEMMO.

¹¹Article 5, SADC Treaty, 1992

¹²Post conflict countries such as Angola and DRC have enacted entirely new electoral legislation the provisions of which go to great lengths to meet the provisions of norms, standards and principles.

¹³The Zambia 2006 Electoral Reform Technical Committee (ERTC) which resulted in a progressive Electoral Act ahead of the September 2006 elections, acknowledges the influential role of the norms and standards for elections in the electoral reform process.

¹⁴Even with some anti-democratic pieces of legislation such as the Access to Information and Protection of Privacy Act and the Public Order and Security Act, in the run-up to the 2008 elections, Zimbabwe adopted some aspects of the recommendations in electoral norms and standards such as voting in a single day and counting ballots at polling stations as opposed to constituency centres.

¹⁵The Namibia Electoral Amendment Bill (2008) proposes among other provisions that counting of ballots would commence immediately after the closing of polls and that counting would be done at the polling station

¹⁶Report on the SADC Parliamentary Forum Election Observer Mission to Zimbabwe, March, 2002.

¹⁷Statement of the SADC Ministerial task Force on the 2002 Zimbabwe Presidential Elections, March, 2002

¹⁸The SADC PF/SADC relationship has been tenuous. Whereas SADC PF is supposedly the “nucleus of a future regional parliamentary assembly”, it still remains outside SADC. When SADC PF was not invited to observe the 2005 elections in Zimbabwe, the spokesperson of the South Africa’s Foreign Affairs department opined that the SADC PF “(had)... no locus standi in terms of official SADC structures ... (and) .. as far as the (South African) government (was) concerned, Zimbabwe (had) invited the national Parliaments of SADC member states, which (would) allow for report backs to sovereign national parliaments (after) the elections. On the other hand, the SADC Parliamentary Forum would have no fora to report on (sic) its findings to.”

¹⁹From an unpublished paper entitled *Legal Questions in the Harmonisation of Norms, Standards and Approaches to Electoral Observation in Southern Africa* by Tawanda Mutasah

²⁰Article 2.1, SADC Principles and Guidelines for Democratic Elections, August, 2004

²¹Article 3.1, SADC Principles and Guidelines for Democratic Elections, August, 2004

²²*From an unpublished paper entitled SADC Principles and Guidelines Governing Democratic Elections Analysis: A bird's eye view by Arnold Tsunga*

²³ *Ibid.*

²⁴*Report on the "The Electoral Reform in Africa - Exploring Regional Responses" Roundtable held at the Goree Institute, Goree Island, Dakar from the 17th to the 19th of January 2005.*

²⁵*Mauritius Commission on Constitutional and Electoral Reform (2001) under the chairpersonship of South African Constitutional Court Judge, Justice Albie Sachs.*

²⁶*In his seminal research on The political cost of AIDS, Kondwani Chirambo (2007) argues quite cogently cogent for electoral reforms to respond to the impact of high HIV and AIDS-related mortality in sub Saharan Africa, which has significantly increased the cost of elections and democracy through FPTP parliamentary by-elections to replaced deceased parliamentarians.*