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TITLE: Electoral Systems and Electoral Violence in the SADC Region.
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Introduction

I am writing this paper at the occasion of the Kenyan electoral violence which claimed more than 500 lives and thousands of people displaced. Elections and politics is supposed to be a civilising activity, when countries carry out democratic elections in which there is an agreeable electoral system and an accommodative political culture elections need not shed a drop of blood. It is a sad indictment on the African continent that such a catastrophe had to happen at election time when one thought that all the arrangements and institutional requirements of a democratic election were put in place. The question that we need to think about is do African nations have the capacity to deal with electoral violence? And what systems can we put in place to ensure that electoral violence is nipped in the bud. This paper argues that the electoral mechanisms that include the electoral system and election administration can condition incentives and disincentives for violence. Therefore the new threats to human security such as electoral violence could be minimised by the use of re engineering electoral systems or reforms. The choice of an electoral system is one of the most important institutional decisions for any new democracy especially the ones that are emerging from conflict. Therefore this paper calls for the careful, conscious and deliberate design of electoral systems as part of the peace building process, room should be left for the possibility of reforming the electoral systems in order to deal with the consequences that were unforeseen when new systems are introduced.

Elections have become major sources of conflict in Africa with serious implication for human security. Therefore, efforts to ensure political inclusion and participation need to include instituting electoral systems that are suitable to the political and social dynamics of the different countries. Whether an electoral system was adopted in times of war or peace by any country has implications for social harmony, peace and stability. Furthermore, an electoral system has an effect on the potential of a political system to ensure effective government, fair representation of political parties, women and minorities. Research has clearly shown the important role that electoral systems have in-terms of conflict management. It has become clear that different electoral systems can aggravate or moderate tension and conflict in a society. The design and structure of an electoral system may become a key variable in creating conditions conducive for electoral violence. For example if an electoral system is not considered fair and the political framework does not allow the opposition to feel that they have the chance to win next time around, losers may feel compelled to work outside the system using non democratic or violent tactics.

However the prospects for a stable and peaceful political system are not determined by an electoral system alone. But the results a system produces, can contribute to stability in a number of important respects. Theoretically Proportional Representation (PR) systems are believed to bring about qualitatively democratic free and fair elections than the First Past the Post Majoritarian system. The elections in PR systems are much more peaceful and violent free than in majoritarian systems where the contest is 'a do or die' affair as the 'winner takes all'. Generally PR systems in the SADC Region have significantly produced elections of higher levels of fairness and political stability than have Majoritarian systems. Pure PR systems are associated with free and fair elections and outstanding performance and fairness has been proved to be lowest in majority systems (Lindberg,2005:56). This paper will examine how the design of electoral systems in the SADC Region might have impacted on electoral violence or minimised electoral violence in their political system during each country's two consecutive elections. This will be done by evaluating the democratic quality of elections, using three essential indicators that is firstly the levels of voter participation by using voter turnout figures, secondly, the free and fairness of elections using observer mission and domestic observer mission reports and thirdly whether the process was free of violence or not. Observer and domestic mission reports and media reports of election related violence will be used to determine the levels of peacefulness.

Elections and Post Conflict Management

"Founding elections" are supposed to mark the institutional break with a violent or authoritarian past and signal the inauguration of a new democratic era (Schedler, 2002). The first transitions in most SADC countries took place at independence of which the First Past the Post Electoral System was adopted. However the quality of elections in most countries has not lacked controversies of either vote rigging or accusations of manipulating the electoral rules to suit the incumbents. Schedler (2002) has argued that democratisation by elections has been rather ambivalent as incumbents would usually try and curb electoral and at the same time try to implement electoral reforms accusations of electoral fraud have not been uncommon. Electoral fraud involves the introduction of bias into the administration of elections. Vote rigging may involve deleting names from the voter's roll, expelling voters from the polling station, and inflating the vote totals of certain parties and candidates. This is a major cause of violence in so many countries.

Political repression which manifests itself in brute force which involves pervasive state violence and continual state harassment of the opposition has been common in second time elections. This breeds an atmosphere of fear. Exclusion could be used in follow up elections as incumbents can use either violence or institutional design in order to exclude certain sections of society either regional or religious parties or independent candidates. The electoral system could give

the incumbents a decisive edge when votes are translated into seats. They can design biased rules of representation to prevent an eventual loss of votes from translating onto a loss of power (Schedler 2002: 107). These manipulations could be used together with the abuse of public media as well as public resources.

It is often argued that Good Quality elections form one of the major preconditions for democratization and its consolidation (Elklit, 2007). Elklit outlined four institutional factors that we should be concerned about that will ensure that a country holds credible elections and the citizens, civil society, and political liberties are not trampled upon, these are: (a) An agreed upon electoral system; (b) a competitive party system; (c) A none contested constitutional system; (d) and a credible election management system. Of these four this paper argues that the electoral system is crucial, followed by the election management system in terms of mitigating violence. If the electoral systems and the electoral administrative system are not properly and unanimously agreed upon, the potential for violence is greater.

Furthermore the success of second time and even subsequent elections depends on how far the electoral system and administration has been institutionalised and the confidence the political parties and other stakeholders have in the electoral system and the election administration. If these two are not properly institutionalised, it will be difficult to build a sustainable democratic state that can function without direct international involvement. Furthermore "Free and fair" elections depends on the functionality and the operationalisation of the electoral system and the electoral administration. A Free and Fair election are an important step towards the institutionalisation of Democratic norms and rules. In general a free election is one in which contestation is open and competitive and free from significant electoral violence (Reilly, 2000). Competitiveness and the existence of viable political parties are issues that are easily impacted upon by the political history of a country and the electoral system. "Fair" refers to features such as a level playing field, equal rights to participation and acceptance of outcomes by all parties (Reilly, 2000). Fairness depends very much on the electoral system in as far as it determines the level playing field in terms of allowing equal participation and administration in terms of how it treats all actors fairly and in a transparent manner. Electoral competition in flawed electoral systems where parties believe that there is no level playing field; either because the electoral system is biased towards one party; or it's a winner takes all situation; or that the EMB is regarded as a partisan body or unprofessional; or that the police force is partisan; can foster ethnic tensions, increasing polarisation and lead to explosive violence. If minorities feel excluded and there is the possibility of either the manipulation of the electoral process either through voter registration or the demarcation of boundaries, elections cease to serve the democratic process. Increasing recognition of these dangers should lead civil society, and political parties to keep electoral system reforms on the agenda.

Elections serve as an important function in the process of democratisation and conflict management especially in countries that have emerged from armed conflict. In post conflict societies competitive elections have become one of the instruments used not only to promote democracy but also to attempt to consolidate a fragile peace. There have been relative success of elections as peace building mechanisms. In the cases such as Mozambique,1994, the DRC, 2006, South Africa 1994, Namibia, 1989 elections become the mechanism for starting a new political dispensation and as a means of stimulating democratic politics. However it remains to be seen how the democratic political system in the DRC stabilises and democracy is consolidated.

It has been highlighted that the extent to which elections add value to the constructive management of conflicts depends critically on three things that is:

- (1)The nature of the electoral system
- (2) An accommodative political culture
- (3) The unequivocal commitment of the belligerent parties to peace reconciliation and stability (Matlosa 2006, 189)

Electoral system design is as much important as the reform of legal codes and constitutional reforms to the legitimatisation of the post conflict regime. An accommodative political culture is something that evolves with the maturation of institutions as well. A trust in political institutions is a building block towards stable and non violent political systems.

The Impact of Electoral Systems

An electoral system translates votes cast in a general election into seats won by parties and candidates (Reynolds and Reilly, 2005:5). The electoral formula used can either be plurality/ majority, proportional, or a mixed system. The ballot structure, district magnitude are important issues in the choice of an electoral system. An electoral system is designed to do the following main jobs (1) translates votes cast into legislative seats (2) Act as the conduit through which the people can hold their elected representatives accountable (3) defines incentives for those competing for power. Various electoral systems have different impacts on whether a country can have effective government, electoral accountability, and parliamentary check on government, fair representation, and democratic political parties. Furthermore electoral systems impact on the degree of choice for voters, identifying local representatives, encouragement to participate and the equality of the vote.

Norris (1997) argues that the First Past the Post System (FPTP) manufacture a majority and exaggerates the share of seats for the leading party in order to produce an effective parliamentary majority, whilst it penalises smaller parties. According to Norris Proportional systems emphasise governability and inclusion

of minorities (Norris 1997: 303) FPTP is said to produce a strong and responsive government as the majority in parliament is able to implement policies. However FPTP is argued to systematically under present certain social groups, in terms of class, race and gender. The PR system is argued to enhance the representation of different social groups and lead to coalition governments (Norris 1997:304)

Significance of Electoral Systems Reforms on Consolidating Democracy

Competitive elections in a healthy political environment are the hallmark of modern representative democracy. However the crafting of good institutions and effective electoral systems that are in sequence with the country context are crucial to the achievement of democratic elections and the achievement of a stable political environment. The impact of the electoral system on democratic prospects should be seriously considered by all countries considering reforms. An electoral system is viewed as one of the most influential of all political institutions and of crucial importance to broader issues of governance. For most established democracies it is more about inclusiveness and accountability, and for post conflict societies more about inclusiveness, representation and political stability.

Electoral Violence

Electoral violence is part and parcel of political conflict or political violence. The objective of electoral violence is to influence the electoral process and its outcome. A working definition of political violence is that given by Nieburg (1969) defined as

Acts of disruption, destruction, injury, whose purpose, choice of targets of victims surrounding circumstances, implementation, and/ or effects have political significance that tend to modify the behavior of others in a bargaining situation that has consequences for the social system (Nieburg, 1969:13 as quoted in Zimmerman, 1983:8)

Electoral violence is a long standing phenomenon in the SADC region and may involve harassment, assault, intimidation of candidates, election workers and voters, rioting, destruction of property, looting. Violence and insecurity may affect the election results of elections in various ways. Threats and intimidation may be used to interfere with the registration of voters. Furthermore voter turnout may be influenced if large sections of the population refrain from casting their votes due to fear of violence. Assaults threats and political assassinations during the election campaign may force political contenders to leave the electoral process or boycott the elections (Hoglund,2006:2). Electoral violence does have a negative impact of polarising the electorate and even lead to more outbursts of political violence.

Elections in many African states are characterised by controversies and disputes which in most cases translate into electoral violence. Electoral violence tends to cluster during election time and it is the timing and motive that distinguishes electoral violence from other types of violence. (Hoglund, 2006) The objective of electoral violence is to influence the electoral process, some actors might find elections to be an illegitimate electoral process, others might object to the electoral system under which the elections are being held. Usually in Africa if elections do not yield the expected results and rigging is suspected as in the recent Kenyan elections in December 2007, groups and parties might use violence to try and alter the election outcome or to disagree with the results.

Electoral violence might occur at different stages of the electoral process, either in the pre-election phase from political party registration through the registration of voters and nomination of candidates. In countries that use the constituency system especially in Zimbabwe controversies begin with the delimitation of boundaries as mistrust is raised when some constituencies are totally revamped or urban constituents are added to the rural constituencies. An act which is believed to dilute the opposition vote which is usually in the urban areas. Voter registration is usually a source of conflict and possible violence as electors are not given enough time to view the voters roll. The polling phase is usually very peaceful in some countries such as Lesotho and violence only erupts when votes are counted and results are analysed. The post election phase can be very dangerous as losers cannot accept the results especially when the election has not been deemed to be free and fair due to levels of political violence and intimidation. It is important to note that Election administration is an important factor and any suspected impartiality by the electoral management body can lead to high levels of violence when the results are announced. When election results are disputed this may lead to a major national political and economic crisis and high levels of violence as in Angola in 1992. These levels of violence have serious consequences for human security and the democraticness of the whole political system.

The Roots of Electoral Conflict

Electoral violence in Southern Africa has varied in form and intensity. Some countries such as South Africa have displayed high levels of electoral conflict during the first transitional elections in 1994 and the following second elections and third elections in 1999 and 2004 respectively have been relatively peaceful as democracy has been consolidated. On the other hand Zimbabwe's elections have always been violent with the intensity of violence rising to its highest levels in the year 2000 when the ZANU Pf government for the first time faced real imminent defeat at the polls by the Movement for Democratic Change (MDC) an opposition backed by the workers movement which had been formed just nine months before the parliamentary elections.

A number of authors (Mbugua, 2006, Høglund, 2006) have outlined challenges to the conduct of free and fair democratic elections in Africa. These are as follows

(1) Elections by their very nature are full of uncertainties, and confrontational and tend to generate violent conflict and can lead parties to violent and extreme behaviour. (Mbugua, 2006:24). In conflict societies the stakes involved in losing or winning elections are fundamental to the well being of entire communities. For instance in ethnically divided societies where communal or ethnic identities have become politicised, winning an election can be a matter of survival in the eyes of the parties competing for power (Høglund, 2006:10). Furthermore if competitors become convinced that they will be ruined by an opposition victory, violence might be the option to overturn the electoral process. Violence usually erupts in situations where there is a strong possibility of changing existing power relations. The incumbents can use whatever means to protect their incumbency. Furthermore in conditions of political instability “ parties have the outside option of initiating political violence as an alternative to accepting electoral defeat” (Høglund,2006:10). Violence becomes an attractive option rather than to follow the proper rules of the game.

(2) The process of democratisation breeds violence as ideally democratisation opens up new channels and new political entrepreneurs for groups with political demands and can create uncertainties. The opening up of political competition through the democratic process creates new opportunities to organise violence. The conduct of democratic elections requires a tolerant political culture which is usually non-existent in most of these traditionally one party state systems or dominant party systems in Southern Africa. If groups that were dominant run the risk of losing power the incumbents may panic and use threats, intimidation, violence and disappearances, even murder and overt and covert forms of intimidation to influence the electoral outcome.

(3) The structure of the post colonial state. In Africa elections are associated with tensions and the eruption of social antagonisms over the control and ownership of the state. Whilst the 1990s ushered in a democratic political climate of multiparty elections, the one party state intolerant political culture remained intact. A high level of intolerance of the opposition which is often regarded as antirevolutionary and reactionary is quite common in Southern Africa. The opposition is demonised and depoliticised. The harassment of political opponents has been quite common in Zimbabwe coupled with the bias of electoral management bodies, lack of transparency and restrictions of basic freedoms of movement, speech and association. Whilst most states have held first, second, or third elections they are still plagued by protests and outbursts of violence.

A common feature of most of the countries in Southern Africa is that there are weak and politicised institutions surrounding elections. The electoral administration and the EMBs, police and judicial systems could be so politicised that proponents of violence could get away with it without being brought to book.

The police might act in a partisan and unprofessional manner leaving the perpetrators of violence going free. In most of the flawed democracies in Africa political intolerance and repression are rife, undemocratic practices by political parties in their internal processes leads to violence and party splits. Protests have arisen because of accusations of corruption, rigging, media bias and the abuses of state resources. For some actors winning or losing is a matter of life and death. A state is such a high price to be lost so all efforts including electoral violence could be employed to get hold of the state apparatus or to remain in control of the state. In flawed democracies, the stakes are too high and if the electoral system is such that the winner takes all then violence could be an alternative to losing power.

(4) The electoral system design

It is important not to see electoral systems in isolation from the overall political system. The effects of an electoral system are heavily contingent upon other structures. Nonetheless, the structure of an electoral system can either exacerbate or deescalate electoral conflict. In particular the electoral administration and electoral system design are central to the understanding of the attractiveness of violence in some societies and among certain actors (Hoglund, 2006:12). The design of an electoral system might be at the centre of fermenting political violence. If an electoral system is regarded as unfair and can heavily advantage other parties at the expense of the others this can be a cause for violence and instability. It has been proven that in systems where a small number of votes can make a big difference on the outcome of the election such as first-past the post arrangements, violence is more likely to occur. In certain instances the winner gets a minimal majority of about 30-40% and most votes are lost. Flaws in the electoral system in cases such as Zimbabwe where 30 seats are nominated by the president and the ruling party is assured of those 30 seats before the election is a serious cause for concern and give rise to apathy as the winner is already assured with a 30 seat lead.

Electoral systems have a direct impact upon politics in societies divided along ethnic, religious, ideological and other lines. The electoral system in this case becomes a powerful tool for ensuring accommodation and harmony. Reilly (2000) states that there is profound disagreement among theorists of which electoral systems are most appropriate for divided societies. There is an argument which states that some form of proportional representation (PR) is essential if democracy is to survive the deep seated divisions and the potential for violence. Lijphart (1997) emphasises the need for systems for elite power sharing in divided societies. PR will allow all small ethnic based parties to form ethnically based parties this will produce multiparty parliaments in which all significant segments of the population can be represented. PR election rules are important in post conflict societies as they facilitate proportional parliamentary representation of all groups (Reilly, 2000). There is also an argument which states that replicating ethnic divisions in the legislature might not even mitigate the destructive effects of ethnicity. What should be encouraged is more

elaborate systems such as the single transferable vote (STV) or the alternative vote (AV) which encourages cooperation and accommodation by rival groups. In these two kind of systems voters can vote for their first choice of candidate, a second and a third choices of the candidates standing. This gives the voter the flexibility even to choose across parties. The overall effect is that politics does not become a zero sum game but a much more positive contest in which there is the possibility of power sharing (Reilly, 2000). These are the systems used in Northern Ireland and Fiji. These systems have brought about peace and stability in societies that were highly conflictual.

Most of all transitional elections have used some form of PR and this has resulted in less violence and stability in the subsequent elections as all parties have felt included in the electoral process. Countries such as Kososvo,(2001) Bosnia, 1996, 1998, 2000, East Timor (2001) Namibia, 1989, South Africa, 1994, Mozambique, 1994 have used some forms of proportionality. The need to use PR has been dictated more by administrative concerns as it is simple as a uniform national ballot can be used, no demarcation of electoral districts and the process of the calculation of results is simple. Whilst PR does have disadvantages of not providing a clear link between the voter and the representative it is the electoral system that provides for maximum inclusion and representativity. However whilst PR is useful for transitional elections it is being argued that democratic consolidation now requires systems that foster a degree of geographic accountability as there is now a greater need to service the constituency needs for developmental purposes. Most calls for reforms in Southern Africa in countries such as Zambia, Malawi, and even South Africa there are calls for mixed systems that provide the best of both PR and FPTP, that is inclusiveness and accountability.

Election Administration

Countries differ on the forms of electoral administration. Some use a government ministry, and some use an independent electoral commission. Furthermore electoral administration systems are instituted just before the election and others are constitutionally prescribed bodies that are in permanent existence. It has been argued that independent and permanent electoral bodies represent a clear best practice in terms of electoral administration (Reilly, 2000) Countries in Southern Africa are urged to create these independent bodies in terms of the agreed SADC principles. A truly independent commission operates without direct ministerial control in its financial and administrative functions and is comprised on non partisan appointees. The choice of electoral administration may influence electoral violence if the EMB is perceived to lack impartiality, independence, efficiency and professionalism. Voter registration, and the demarcation of boundaries especially in FPTP systems are sensitive issues that can cause extreme violence. The best practice is to have a continuous electoral

register and now with new technology there are calls for computerised voter's roll. Mistrust characterise a number of EMBs and stakeholder relationships in the SADC region which should be a cause for serious concern. Lack of EMB impartiality or lack of transparency in the counting and announcement of results may lead contenders to refuse to accept the outcome of the vote. Election outcomes can produce outbreaks of violence as recently witnessed in Kenya in the December 2007 elections which caused more than 500 deaths and serious displacement of peoples. Related to the issue of election administration is the issue of dispute settlement and the mechanisms put together to deal with electoral disputes. The electoral system and Administration could provide the incentives for violence and there is need to put mechanisms such as an electoral court to deal with disputes.

Elections and Electoral Systems in the SADC Region

Southern Africa is home to the different majoritarian systems, proportional representation systems as well as mixed systems. Ruling parties continue to enjoy legislative majorities in most countries whether it is under PR or FPTP. In most countries it is clear that the particular electoral system adopted by each country was heavily influenced by its former colonial ruler. In countries where there were conflicting interests such as Namibia, South Africa, and Mozambique a PR system was introduced during constitutional negotiations as an effective conflict management mechanism. These countries have proved to be stable politically. However some countries (South Africa, Botswana, Zambia, Mauritius) in Southern Africa are in the process of debating, reviewing, and crafting their electoral institutions as part of an ongoing process of deepening democratisation. In the SADC region FPTP (See Table 1) is being called into question and countries such as Zimbabwe, Botswana and Zambia are seriously questioning FPTP. The critique of the single-member plurality (SMP), ranges from issues of wasted votes to concerns about representation of marginalised social/political groups, notably women, minorities and smaller newer political parties. The translation of votes to seats is typically highly disproportional through the winner-takes-all single member plurality system. It leads to a de-facto bi-party system with intense competition although with clear legislative majorities as the case in Zimbabwe and Botswana.

Table 1 Electoral Systems in the SADC Region

Country	Electoral System	Size of legislature	Electoral Reforms
Angola	PR	220	Need reforms
Botswana	FPTP	47	Ongoing debate
DRC	Mixed	500	Reforms (2006)
Lesotho	MMP	120	Reforms (2002)
Malawi	FPTP	192	Ongoing debate since 2005
Mauritius	Block Vote	70	Ongoing debate since 202
Mozambique	PR	250	Reforms (EMB, threshold)
Namibia	PR	104	No debate
Seychelles	Mixed	34	No debate
South Africa	PR	400	Ongoing debate since 2002

Swaziland	FPTP	85	Transition debate since early 1990s
Tanzania	FPTP	274	No debate
Zambia	FPTP	158	Ongoing debate since 2001
Zimbabwe	FPTP	150	Ongoing debate since 2000

Furthermore there are fears that FPTP is responsible for the declining civic participation in Botswana and Zimbabwe, as voters know that their parties will not get into the legislature, hence fewer incentives for participation and low voter turnout. In countries where there are no supportive measures to increase women's representation such as Malawi, Zambia, Botswana, Mauritius and Zimbabwe, FPTP is likely to lead to the under-representation of women. Furthermore FPTP under-represents other nationally based parties. By its typical exclusionary logic it is likely to reduce the number of parties before the actual campaign starts (Lindberg, 2005:47). It is also argued that majoritarian systems give rise to "big man" politics which encourages a zero-sum approach to politics and the opposition often split into small ineffective parties that compete for votes. A good example of this observation is the current political crisis in Lesotho which triggered among others by personality politics that ignited faction-fighting within political parties including the ruling Lesotho Congress for Democracy during the run-up to the snap election of February 2007.

In academic debates, the arguments being put forward are that a system based largely on PR or a Mixed System would remedy distortions. The politically stable countries in the region, South Africa, Mozambique, and Namibia use PR. The basic assumption is that the freer and the more established the democracy in question the more such a democracy endorses and supports the basic democratic values of inclusivity and fairness and therefore also the PR electoral system (Elklit, 2003:121)

Electoral Violence in SADC

All the SADC countries except for Swaziland have embraced multiparty elections. Angola is to hold its first elections since the aborted 1992 elections in September 2008. Botswana and Mauritius remain the stable and peaceful democracies although they seem to be dissatisfied with their electoral systems and there are calls to reform their electoral systems. However there is no reported incidences of electoral violence in these two countries. Southern Africa has electoral democracies in which elections have played a stabilising role. A great deal of attention is focusing on the quality of elections which now involve issues of Electoral systems reforms and reforming EMBs and most aspects of the electoral process. Whilst elections have largely been part of the conflict management process especially in South Africa, Mozambique and Namibia and recently in the DRC elections have also accentuated tensions which has led to violence and even death in some countries such as Zimbabwe, Zanzibar,

Mozambique and the recent post election violence elections in Lesotho (2007).
(See Table 2) below.

Table 2 Violence in the SADC Region

Country	Electoral System	year	Voter Turnout%	Levels of Violence	Electoral Verdict
Angola	PR	1992	91	High levels of Post election violence	Not Free and Fair
Botswana	FPTP	2004	76.20	No Violence Peaceful Elections	Free and fair Peaceful elections
DRC	Mixed	2006	70.20	Incidences of pre and post election violence	Substantially free and fair with room for improving the electoral process
Lesotho	MMP	2007	50.2	Peaceful election day Post election Violence	Free and Fair elections Peaceful elections
Malawi	FPTP	2004	54.3	Violence, intimidation and vote buying. Low voter turnout	Substantially free
Mauritius	FPTP BV	2005	81.52	Isolated incidences of violence	Free and fair elections Peaceful elections
Mozambique	PR	2004	43.6	Violence among political parties Poor turnout	Election results 3 weeks after polling Substantially free and fair
Namibia	PR	2004	84.4	Peaceful poll High voter turnout	Free and fair Peaceful
South Africa	PR	2004	76.73	No violence Peaceful elections	Free and fair
Tanzania	FPTP	2005	72.28	Peaceful polls in the mainland. Violence in Zanzibar btwn CCM and CUF supporters	Free and fair
Zambia	FPTP	2006	70.77	Peaceful polls	Free and fair
Zimbabwe	FPTP	2005	42	Violence prior to elections Peaceful polls Poor turnout	Substantially free and fair with room for improvement

In Countries where there is PR that is Mozambique, Namibia and South Africa there have been relative peace and stability without any disturbing outbursts of violence. (See Table 2). In Mozambique violent conflict ended in 1992 with a

series of peace deals that involved democratisation by elections. There has been election related violence in Mozambique in the 2004 elections amongst political parties during the campaign although there is a code of conduct signed by all participating political parties. Because of this there were less incidences of violence than in the two previous national elections. (EISA Election Observer mission Report to Mozambique, 1-2 December 2004). The electoral system seems to have successfully dealt with the conflicts and the excluded people who were fighting outside the system. However Mozambique still need reforms to the administration of its elections as the announcements of results in the 2004 elections came 3 weeks after the end of polling. This can be a major cause for violence. RENAMO, the opposition party still protested at the results and called for an annulment and a return to the election. The party cited irregularities in the registration process; shortages of voting materials; an appalling state of the voters' roll and the poor software used in the tabulation of results. (EISA Observer Mission Report 2004). All these issues are genuine causes for the rejection of results and can degenerate into post election violence that could be catastrophic to human security. Mozambique needs to put its administrative system of elections in proper order.

Democratisation by elections in South Africa has played great dividends as the country remains a beacon of hope and democracy in the region. South Africa is a good example of how an electoral system can be used for the constructive management of a serious conflict. South African legislature represents women, the different races, and 12 political parties. The system has done well on inclusiveness. However the 1994 elections were the most violent with serious implications for human security. The 1999 elections were relatively peaceful with very low levels of violence. The 2004 elections were the most peaceful with a few isolated clashes that were to be expected in Kwazulu Natal (EISA Election observer mission Report, South Africa 2004). South Africa has put together a credible institutional structure that runs elections and deals with any disputes. The Independent Electoral Commission (IEC) manages all aspects of elections including disputes. There are also party liaison committees which bring together different parties in handling election disputes. There also exist conflict management panels which address conflicts at their early stages in the provinces. There is also an electoral court of which most countries in the region are encouraged to establish so that election disputes and resolution can be dealt with immediately. Because of these structures enduring peace and stability has been achieved in South Africa. Hence, the 2004 elections were overwhelmingly pronounced free and fair by all observer missions present.

Namibia is also a good example of democratisation by elections which instituted PR and is doing exceptionally well in the region. The representation of women in the legislature still stands at 24% and Namibia is being encouraged to raise this figure to the SADC agreed 30%. Since the first elections of 1989, 1994, 1999, and 2004, Namibia has continued to consolidate its democracy. The 2004

elections were free of political violence and were announced to be free and fair. (EISA Election Observer Mission Report, Namibia, 2004.

The DRC held its first democratic elections in July and October 2006 since June 1960. The elections were an important milestone in the peace building mission. The DRC held a constitutional referendum in December 2005. The electoral system that was agreed upon is a mixed system. Although observer missions pronounced the elections as having been conducted in a manner that allowed the people of the DRC to express their democratic choices without major hindrance (EISA Observer Mission to the DRC, October 2006) The elections were not free from violence. Although the polling day was free from violence, there were incidences of violence and intimidation which undermined political freedom both directly and indirectly (EISA observer mission Report 2006.)

These incidences were aimed at obstructing the campaign or intimidating competing candidates. There were a number of incidences of violence cited by the EISA observer mission report which include arbitrary and unjustified unrest; repression of street demonstrations organised by political parties; confiscation of campaign materials; a clash between Kabila's and Bemba's guards resulting in 23 people dead and tense election campaigning and heightened ethnic tensions. When the results of the presidential race were announced on the 15th of November 2006 one of the presidential contenders, Bemba refused to accept the results and immediately filed an electoral fraud petition with the supreme court. Bemba's grievances were that there was about 1 481 291 people who voted outside their constituencies and there were also shame and fictitious polling stations throughout the country. However the Supreme court rejected Bemba's allegations on the lack of sufficient evidence and confirmed Joseph Kabila as the winner of the presidential run off. However the holding of elections did not stop the violence in some parts of the DRC but the violence is not as intense as before the elections. One would look forward to the next elections in the DRC and hope that the levels of violence will subside as democracy is consolidated. It would be important for the DRC to review its Electoral system to see if it continues to serve its needs.

Zimbabwe is experiencing an economic and governance crisis and remains one of Southern Africa's outstanding countries where elections and violence go together. Zimbabwe's governance crisis manifests itself in the form of political and electoral violence, food shortages and general disaffection with the whole electoral process. As the political crisis deepened there are a number of mediation efforts that have taken place including the SADC initiative which includes President Thabo Mbeki as the mediator. The Civics have lobbied for constitutional reforms and the Zimbabwe Election Support Network (ZESN) has put together some reforms to the electoral system, the whole institutional framework of elections and the election management bodies. A number of cosmetic and administrative changes were made before the 2005 elections.

Whilst changes were made to the number of polling stations and the use of translucent ballot boxes and the establishment of the Zimbabwe electoral Commission, these changes did not touch at the heart of the causes of electoral violence in Zimbabwe. The 2000 elections were the most violent and they led to the death of about 31 people. The elections were highly contested and there was a possibility that the Ruling ZANU Pf could lose power. This together with a winner takes all electoral system (FPTP) made the competition intense and highly dangerous. Less women participated as candidates were chosen for their strength in a very violent situation. The 2002 presidential elections were equally violent.

However, the 2005 elections witnessed less violence than the other years but the elections were marked by tensions because of the deep seated polarisation of the populace and a history of political violence and lack of political tolerance. However the different observer missions described the election as peaceful and well managed (SADC Observer mission 2005). The SADC ECF and the AU observer missions expressed that the election reflected the will of the people. However, shortly after the announcements of results the opposition Movement for Democratic Change (MDC) rejected the results on the grounds of fraud and rigging. This led to violence in the streets and arrests by the police of some of the opposition leaders. The opposition filed about 16 court petitions on results. Most of these cases have not even been decided upon by the courts.

Lesotho is another of the countries that also experience violent electoral processes and post election violence. Since 1965 Lesotho has experienced electoral violence. The electoral system of FPTP was regarded as also part of the problem. After the 1998 elections and the violence that engulfed the small country, deliberate steps were taken to reform the electoral system. The system was reformed from pure FPTP to a mixed System (MMP) This system was put to the test in 2002 and was hailed as a success as it led to the inclusion of ten parties in the legislature. However the environment of the 2007 elections was a bit different as it was preceded by politically motivated killings which sparked a lot of uncertainty. However the 2007 elections were important as they were also provided an opportunity to test the MMP electoral model. The formation of a new party three months earlier, the All Basotho Convention (ABC) formed by a former minister of Communications Science and Technology added to the excitement. However all hell broke loose in the allocation of seats among the alliances. The LCD/NIP alliance got 82 seats and the ABC with its alliance got 27 seats in the national assembly. The allocation of seats was not done according to the agreed formulae. The opposition parties argued that if seat allocation would have been allocated by regarding the two informal alliances as formally constituted parties all the minor parties would have secured more seats than they were currently given. Rather the IEC allocated the seats to the parties as separate parties. Further to the disputes over the allocation of seats there were also court challenges to results the ABC also cited a number of electoral offences that included vote buying and abuse of state resources.

The Lesotho case shows how an electoral system can be manipulated and even be a cause for violence and instability. The MMP system was compromised in Lesotho as parties tried to cheat on the System and get the best out of it. The manipulation of the system led to the ruling party gaining an unfair advantage over the allocation of seats against the other smaller parties. Whilst the elections in Lesotho were considered free and fair the allocation of seats led to violence. There was no clear law which governed the party alliances and how the PR seats were to be allocated. The situation was unprecedented and had been overlooked during the design of the electoral system. This calls for further reforms for the MMP to work well in Lesotho without any loopholes that could cause tension and the subsequent post election violence in Lesotho.

Countries such as Malawi, Tanzania, and Zambia do have instances of violence in their elections but the levels of violence did not affect issues of voter choice and did not receive negative verdicts by observer missions. Zambia is a relatively peaceful country although it has issues with its electoral system which is FPTP Which is criticised for marginalising women and youth and a lot of complaints in terms of electoral irregularities. The 2006 elections were held in a free and peaceful environment although with the general dissatisfaction about electoral reforms and irregularities in the administration of the election that were not implemented. (EISA observer Mission Report to Zambia 2006)

Electoral Dispute Settlement in SADC

This is an area which causes a lot of conflicts as dispute settlement is not properly institutionalised in most countries. Some election petitions are not solved timeously and usually petitioners feel that there is no need to go to the courts as most cases are not resolved until even the next election. Election petitions are usually submitted either 48 hours or up to 30 days after the date of the return of results. (See Table 3) Some countries such as Mozambique and Namibia also set a time limit of which the case must be heard and be decided upon. In Mozambique the case must be decided upon in 5days and in Namibia it must be decided upon within 60 days.

Table 3 Dispute settlement in SADC

Country	Dispute settlement body	Time after the announcements of results
Angola	Constitutional Court	48 hrs
Botswana	High Court	30 days
DRC	Courts	No time specified
Lesotho	Electoral tribunal High Court	30 days
Malawi	Electoral Commission High Court	48 hrs

Mauritius	Courts	21 days
Mozambique	Electoral Commission Constitutional Council	3 days
Namibia	High Court	30 days
South Africa	Independent Electoral Commission	48 hrs
Tanzania	High Court	14 days
Zambia	High Court	30 days
Zimbabwe	courts	***

Voter Participation/ Voter Turnout

Voter turnout has been dropping in a wide range of democracies including countries with PR systems such as the Netherlands, Ireland, and Finland, In the Southern African region voter turnout is decreasing in Botswana,, Zimbabwe and Mozambique. Zimbabwe has experienced a steep decrease since 1980. In South Africa turnout is also steadily decreasing. The decline in voter turnout need to be seen in a context of a complex set of shifts in citizen and government relations which may include disaffection with government. Generally there is evidence that turnout is higher in countries that use PR. (see Table 4) There are claims that PR would provide added incentives to electoral participation by eliminating wasted votes and making elections much more interesting and competitive. PR also increases the number of competing political parties and therefore the chance available for the electorate.

Table 4 Voter Turnout in the SADC Region

country	Electoral system	year	Voter turnout%	Year	Voter Turnout%	Year	Voter Turnout%
Angola	PR	1992	91				
Botswana	FPTP	2004	76.20	1999	77.11	1994	76.6
DRC	Mixed	2006	70.20				
Lesotho	MMP	2007	50.2	2002	66.7	1998	60.1
Malawi	FPTP	2004	54.3	1999	93.76	1994	80.54
Mauritius	FPTP BV	2005	81.52	2000	80.87	1995	79
Mozambique	PR	2004	43.6	1999	74	1994	88
Namibia	PR	2004	84.4	1999	62	1994	76
South Africa	PR	2004	76.73	1999	89.3	1994	86.87
Swaziland	FPTP	2003	***	1998	60.4	1993	61.0
Tanzania	FPTP	2005	72.28	2000	72.8	1995	76.5
Zambia	FPTP	2006	70.77	2001	69	1996	58.7

Zimbabwe	FPTP	2005	42	2000	48	1995	46.7
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Adopted from EISA <http://www.eisa.org.za/WEP/comturnout.htm>

The Importance of Electoral System Reforms in new Democracies.

Electoral systems are crucial to the broader issues of governance and therefore Electoral system reforms are important as democracies mature and become institutionalised. The functioning of an electoral system is being linked to issues of the consolidation of democracy such as women's representation, access to legislative representation, for smaller political parties, voter turnout and the power of the executive. Therefore Reforms should be a permanent feature of any democracy. If countries have gone successfully past their founding elections they should move further to fine tune electoral systems to the public desires. Usually this does not happen as incumbents in post conflict societies are now focusing on consolidating their power. Systems of governance should be reviewed to see if they can also move beyond the conflict situation to normalcy. Some systems could have just been used to deal with the conflict but a few years you might find that they will no longer save the same purpose. For example in South Africa there is a strong argument that is building up to reform the electoral system. Some stakeholders and political parties feel that List PR saved South Africa very well for the challenges of transition but Faure and Venter (2007) question whether PR with its weak levels of accountability can meet the challenges of consolidating democracy which involves issues of service delivery and poverty eradication. They argue for a system that brings the representative much closer to the people so that there is candidate accountability to the electorate. They now advocate for a mixed system and the removal of pure List PR.

However Reforms still remain important as they make the system of governance more representative and stable. Some countries such as Mauritius would want to reform their system not because there is a major crisis but because they would want a more inclusive democracy with some kind of mirror representation as women and some minorities are underrepresented. It is also important to reform electoral systems to make elections meaningful, democratic, and offering people a choice. Countries such as Zimbabwe where there is a governance crisis and high levels of public dissatisfaction with the electoral process and mistrust in the governance institutions, need to reform the electoral system as part of an ongoing process of reforming all political and economic institutions. Zimbabwe's politics is a do or die affair and competition is usually intense because of the FPTP system.

Conclusions

Elections can serve democratic purposes as a first step to democratisation but without further reforms to structures and institutions elections can further destabilise and can be a cause for insecurity and human suffering and even unnecessary violent deaths as in Kenya. Furthermore Elections are not the end result of a peace process but they must be used as a mechanism to really put in

place proper structures that enhances political participation and democratic consolidation. The Case of Southern Africa has shown that it is a relatively peaceful region due to elections. However outbursts of violence are witnessed in those countries where electoral systems and sound structures of economic and political governance are not in place. Flawed electoral institutions usually produce flawed electoral results and the benefits of electoralism are lost. When elections are marred by violence as a result of vote rigging, poor electoral administration and general disaffection in the governance institutions, voters lose confidence in the electoral process and the value of elections to democratisation is lost.

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