

Election Watch X

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DEMOCRATIC BEST PRACTICE

2014 is a busy year for democrats. Globally, 40 national elections will take place this year. In April alone almost a billion people cast their votes in a series of elections across the world that included mega-democracies like India and Indonesia. 2014 will also see voters in the 28 member states of the EU casting ballots for the European Parliament and mid-term elections taking place in the US. In sub-Saharan Africa national elections are due in Botswana, Guinea-Bissau, Malawi, Mozambique, Namibia, and South Africa. It has been estimated the countries that are voting this year contain 42 percent of the world's population.

Waves of hope

In the latter part of the 20th century American political scientist Samuel Huntington described democratisation as a series of waves. A first wave of democratic development in Western Europe and North America rolled forth from the 18th century onwards; a second wave began after World War II in Europe and continued with the start of decolonisation; and then there was a third wave, beginning in the mid-1970s, that saw democratic systems replace authoritarian regimes across the world including in Africa, Asia and Latin America. The third wave intensified with the end of the Cold War and many political commentators believe that it continues today.

Judging simply by the proportion of the world's population involved in elections this year, it may seem that global democracy is now in robust health. But for every surge forwards there has been a 'reverse wave' with totalitarian regimes and dictatorships sweeping away liberal constitutions and trampling on human rights at various times.

Following the major democratic advances in the 1990s and 2000s – there is a growing sense that the impetus of the last couple of decades is faltering. Although not many countries have returned to outright authoritarianism there are increasing reports of flawed elections and democracies in crisis. The hopes raised by the Arab Spring have, by and large, stalled. From Libya through to Egypt, it has become clear that the removal of dictators alone is not enough to engender a sustainable democratic system.

Democracy in retreat

In the last few years democracy appears to have gone into retreat – hobbled by civil unrest, apathy, authoritarianism, rigged elections, separatist movements, and the emergence of China offering a non-democratic model of development. Success stories are becoming harder to spot.

Clearly, there can be no room for complacency. For every peaceful transition of power there is an ageing despot clinging on to power or increasing turmoil in once stable countries.

Democracy concerns much more than elections – citizen participation in decision-making is not simply about turning up on polling day. But credible, free and fair elections remain the cornerstone of any successful democracy.

The regular holding of elections is in itself not a meaningful indicator of freedom. Instead it is the quality of those elec-



tions that matter. Too often, when elections are put under scrutiny it becomes clear that playing fields are not level, that intimidation and violence are used as political weapons, and that rigging – both crude and sophisticated – takes place. And concerns about such practices are not only on the rise in the developing world. So-called mature democracies have also seen claims of manipulation, vote buying and intimidation.

Electoral fraud is not simply about the voting and counting processes and often starts much earlier. Rigging can commence as early as the delimitation process when constituency boundaries are shifted to gain political advantage for one party or candidate. Attempts to 'steal' elections often commence in earnest with the voter registration process. Registration can be engineered to make sure areas with strong opposition support are under-represented. The artificial inflation of voters rolls, including the presence of 'ghost voters' on the final list, makes it possible to obscure the addition of fraudulent votes either through ballot stuffing or the alteration of tallies at the

results centre.

For election fraud to be widespread a certain environment has to be created – one that often features a combination or all of the following factors:

- Violence and intimidation
- Heavily skewed media bias, often by the state media
- Vote buying including gifts, benefits and outright bribes for specific sets of voters
- The diversion of state resources towards campaigning by the ruling party/incumbent candidate
- Highly imbalanced state and private funding of parties
- Incompetent and partisan electoral management bodies
- Inadequate, costly and time-consuming mechanisms for resolving electoral disputes.

Electoral integrity

A concern for the quality of electoral management inevitably means that electoral systems should be scrutinised for weaknesses and loopholes that could allow manipulation and fraud to take place. The need to set standards has been recognised in numerous conventions and charters, among them the African Charter on Democracy, Elections and Governance and the SADC Principles and Guidelines Governing Democratic Elections. It is important that national election laws and practices are in keeping with these standards. Election observers – both domestic and international – have a crucial role to play. Sadly, in recent times there are examples of regional observer missions passing over glaring faults in election processes due to a misplaced sense of loyalty to the incumbent ruling party and government. Strong, independent institutions and the rule of law are other pre-requisites for elections that are free of fraud.

Ultimately, for any of this to work in anywhere near an optimum manner, there has to be a critical mass of committed democrats both in governments and state agencies and amongst the citizenry. Therefore the importance of civic education should not be overlooked.

Tackling the risks of fraud is fundamental to establishing electoral integrity. There is no doubt that democracy is the best governance option. We now have plenty of evidence that shows that democracies are more likely to prosper economically and protect human rights and less likely to have civil and external conflicts and experience endemic corruption. But democracy building also requires hard and committed work by states, citizens and international partners. Removing the risks of fraud from the electoral equation is imperative if elections are to be free, fair and credible.



Why democracy?

- Stability (democracies have lower levels of violence, civil conflict)
- Basic freedoms guaranteed
- Human rights protected
- Contestation of ideas produces better policies and results

INNER PARTY DEMOCRACY

There can be no democracy without democrats. Parties operating in a democracy need to consist of committed democrats. This means that the leadership has to set an example and ensure that grassroots members are educated about the importance of democratic principles.

But this will mean little if political parties themselves are not democratic in the way they operate. Parties that are democratic in nature and structure will be in touch with their memberships and responsive to changing environments. This, in turn, is likely to ensure they remain politically relevant and produce a greater possibility of electoral success. On the other hand, parties that operate in a top-down manner and do not consult members in democratic forums are more likely to become out of touch with grassroots' sentiments and therefore sow the seeds of their own electoral failures.

Democratic political parties do the following:

- Allow members to express their views
- Encourage members to participate in the party
- Encourage and listen to debates about policies
- Promote the membership and participation of women and minorities
- Promotes the membership and participation of young people
- Tolerate differing views
- Have rules and procedures for decision-making that are broadly agreed
- Hold regular party congresses to discuss policies and elect the party leadership
- Select candidates on a democratic basis
- Ensure transparency as regards party financing
- Have mechanisms for holding leaders accountable

In contrast, political parties that do not have internal democracy are characterised by leaderships that remain unchanged over many years. While some might argue that such static leaderships provide stability, eventually such entrenchment starts to undermine the future prospects of the party. This is because younger members become frustrated, believing they will never be able to attain significant positions in the party. In the eyes of the electorate, ageing and unchanging leaderships can also discourage prospective members and voters, especially among younger section of the population. In addition, such static leaderships also deny new ideas and thinking which can leave the party out of touch with policy developments and trends.

A party that is not democratic will also alienate members and supporters since they will be unable to influence the choice of candidates and leaders or have their say on policy formulation. Finally, a party without democratic structures will be characterised by poor internal communications, which will reduce the party's effectiveness.

Choosing candidates

Primary elections can be fraught with controversy because the party leadership's wishes differ from those of district and regional branches. Conflicts between the party leadership and grassroots members over candidate selection can have negative consequences. In the past, an independent candidate has run against a party candidate because of unhappiness about how the official candidate was chosen. This is most likely to happen in Namibia's political system in regional council elections. However, selection of candidates for the party list system (used in local authority and National Assembly elections in Namibia) can also be

problematic. The selection and ordering of such lists is prone to interference by party headquarters. To avoid conflict and loss of credibility in local elections, it is advisable to ensure local party structures select and order the list of candidates. For the National Assembly, a primary or electoral college can be held. The delegates to these gathering should be elected primarily by the party's regional structures. To ensure a democratic and transparent candidate selection process, it is important that the party clearly establishes the following:

- Eligibility criteria for candidates
- Election processes and the procedures for securing nomination as a party's candidate
- The right of grassroots to be involved either directly or through elected delegates
- The type of electoral system to be used

To ensure that a party's internal elections are free and fair, it is important that the party has its own elections commission consisting of respected and possibly retired members of the party who are not involved in the elections themselves and who have not pledged support for particular candidates. To add further credibility an external organisation can be invited to oversee elections. This could be a prominent civil society organisation which promotes democracy and free and fair elections or possibly an auditing firm. In South Africa the Electoral Institute of Southern Africa (Eisa) observes the party list process for the African National Congress (ANC). Many competition organisers now use auditing firms to verify results and ensure no cheating has taken place. There is no reason why political parties cannot do the same. This could avoid damaging divisions developing at primaries and congresses when party factions dispute the fairness of internal elections.

Organising congresses

Congresses should be the events through which political parties reinvigorate themselves. If organised well, they can be the forums at which internal problems are solved and key policies are decided on. Moreover, they can help mobilise members and supporters around the party's vision and provide a means of broadcasting this positive image via the media. However, all too often congresses become forums for power struggles, personality clashes, party in-fighting and rancorous debate. Even worse, the manner in which delegates are selected to attend congresses and the ways in which internal elections are organised can become the focal points for in-fighting. As a result, instead of unifying and inspiring the party as a whole, congresses can lead to a loss of credibility and even a party's demise.

In Namibia party congresses are mostly held every five years and the chances for the party's rank and file to meet in between are few and far between. The resources required to bring party representatives from across the country together tends to discourage party leaderships from calling these types of events very often. However, it is advisable, for several reasons, for parties to hold at least annual conferences or consultations with their members. If possible, these should be linked to regional consultations. While it is acceptable for a party's leadership positions may come up for election only every five years, it is more important to consult on policy issues and

internal party matters on a more regular basis. One of the problems associated with congresses that only take place every five years is that a 'pressure cooker' effect takes place. Disputes and rancour within party structures can stew for years until they reach boiling point, spilling over on to the floor of the congress. This obviously has embarrassing and negative effects on the party. Such problems can be dealt with through regular meetings and consultations in which party leaders, such as the party's secretary general and members of its national executive committee, meet with party representatives on the ground. While congresses should not be stage-managed to avoid any contentious issues being raised (this can also cause frustration and alienation among members with grievances), minor but still troublesome issues can be addressed and often ironed out through pre-congress dialogue and deliberation.

At the congress itself it is crucial that rules and regulations for debate and elections are agreed by the delegates and fully understood by those party figures chairing the various sessions.

While some party leaders might see regular consultations and conferences with members as unnecessary distractions or even as potential threats to the leadership, they are crucial for ensuring the party remains dynamic and forward-looking. When parties come to allocate their limited resources they must make sure that the top structure does not simply eat up the available funds. Instead, adequate funds should be devoted to regular (rather than crisis) meetings with representatives of the party at the grassroots level.

Selecting party lists

In a PR electoral system a party's ordinary members should be involved in choosing the party list. This will give the list greater legitimacy and lessen the chance of dissension over the names that appear on the list and their order. For national lists, a primary or electoral college should be organised at which representatives from regions and districts have voting rights. For local or regional lists, the wishes of branches as expressed at properly constituted meetings should be respected.

There have been concerns raised in some Southern African countries that party leaderships determine party lists while leaving little room for party members to play a role. This can lead to disillusionment and even withdrawal of members and supporters.

Adapted from Strengthening Political Parties (NID 2008)



ABOUT ELECTION WATCH

Election Watch is a bulletin containing electoral analysis and voter education, that will appear regularly in the run up to the 2014 National Assembly and Presidential Elections. It is produced as a PDF download and as a printed newspaper insert. Election Watch is a project of the Institute for Public Policy Research (IPPR). It is produced with the support of the European Union, Canadian Fund for Local Initiatives (CFLI) and *The Namibian* newspaper. The content of this edition of Election Watch was written and compiled by IPPR Executive Director Graham Hopwood. The content of Election Watch is the sole responsibility of the IPPR.

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A VITAL PERIOD FOR NAMIBIA'S DEMOCRACY

Namibia is entering a two-year-cycle of elections with the National Assembly and Presidential elections due to be held in November 2014 and the Regional and Local Authority elections expected in the latter part of 2015. This period will be a vital one for Namibia's reputation as one of Africa's most successful democracies.

By the end of 2015, Namibia could have considerably enhanced its democratic credentials, having organised four separate ballots successfully in an atmosphere of peace and tolerance. Indeed, Namibia could be a model for many other emerging democracies around the world. We have a chance to showcase our professionalism when it comes to the administration of elections, our fairness when it comes to allowing ruling and opposition parties to compete on a level playing field, and our high levels of tolerance and mutual respect when it comes to enabling various parties to organise their activities without hindrance and to express their views freely.

However, there are some dark clouds on Namibia's electoral horizon for several months now. The reform of the electoral process, in the form of the Electoral Matters Bill, has been seriously delayed. It is important that there is enough

time to review the important changes envisaged for the electoral law and for a broad consensus, involving the various parties and civil society, to be reached.

These kinds of challenges mean that there is an urgent need for many actors – from both the political and civil society realms – to work together to ensure Namibia emerges from this two-year electoral cycle as a nation that is showing the way when it comes to democratic practice and political tolerance.

It is in this context that the IPPR decided to embark on its Election Watch project for 2014-15. As a vehicle for voter education, electoral analysis and monitoring of electoral developments, we would like Election Watch to be an example which others in other countries would want to follow. The inspiration for Election Watch came partly from Africa, where websites and social networking have been used to highlight election flashpoints in countries such as Kenya and Zimbabwe, but perhaps more significantly from the web coverage of the 2008 US presidential elections when websites such as realclearpolitics.com and several others became virtual clearing houses for up-to-the-minute information and analysis on the election campaign.

Election Watch will appear in three different forms – as a

regularly updated website, as an electronic bulletin that can be emailed, and as a printed bulletin. In addition Election Watch can be followed via Facebook and Twitter.

We chose these different formats to ensure that Election Watch reaches the widest possible readership. There are an increasing number of Namibians with internet and email access.

We see Election Watch as an important contribution from civil society's side to raising voter education and awareness in the coming months.

Election Watch will aim to:

- Provide a vehicle for voter education, including important announcements from the ECN
- Act as an early warning mechanism for possible problems in the electoral process
- Provide briefing information for journalists, students, civil society activists and voters in general
- Provide a platform for civil society's and citizens' views of the electoral process
- Point out positive examples and experiences within the democratic process
- Promote Namibian, African and international benchmarks on elections and democracy such as the Namibian Constitution, the Code of Conduct for Political Parties, and the SADC Principles and Guidelines



DEMOCRACY IS...

Over the years academics have tried to define a democracy. Here are a few attempts:

"Democracy is a system in which parties lose elections. There are parties: divisions of interest, values and opinions. There is competition, organised by rules. And there are periodic winners and losers." – **Adam Przeworski**, 1986

"Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives." – **Philippe C. Schmitter and Terry Karl**, 1991

"Democracy is a political system in which different groups are legally entitled to compete for power and in which institutional power holders are elected by the people and are responsible to the people." – **Tatu Vanhanen**, 1997

"We begin by defining formal, participatory and social democracy. By formal democracy we mean a political system that combines four features: regular free and fair elections, universal suffrage, accountability of the state's administrative organs to the elected representatives, and effective guarantees for freedom of expression. . . . [F]ormal democratic countries will differ considerably in social policies that reduce social and economic inequality. We therefore introduce two additional dimensions: high levels of participation without systematic differences across social categories (for example, class, ethnicity, gender) and increasing equality in social and economic outcomes. – **Evelyne Huber, Dietrich Rueschemeyer, and John D. Stephens**, 1997

THE CONSTITUTION AND DEMOCRACY

The Namibian Constitution creates the basis for the country's multi-party democracy. In its Preamble, the Constitution establishes Namibia as a "sovereign, secular, democratic and unitary State". Article 17 of the Constitution's Chapter Three on Fundamental Human Rights and Freedoms states:

All citizens shall have the right to participate in peaceful political activity intended to influence the composition and policies of government. All citizens shall have the right to form and join political parties and, subject to such qualifications prescribed by law as are necessary in a democratic society, to participate in the conduct of public affairs, whether directly or through freely chosen representatives.

The Constitution establishes Namibia as a representative democracy – that is a system of governance in which citizens elect representatives to govern them and make governmental decisions on their behalf. In a representative democracy, political parties can be defined as voluntary organisations that compete in elections in order to win governmental power so that they can implement public policies and direct the State machinery. While this might be the ultimate objective of any political party, they also have a number of other functions:

- To create a collective identity through ideologies, values and political preferences that bring people together to support particular aims and/or changes to the prevailing order
- To formulate public policies and programmes
- To choose candidates to stand for election to parliament and local and regional authorities
- To provide choices for voters during elections
- To provide political and social stability by creating outlets for citizens' concerns
- To sustain the legitimacy of the political system by creating opportunities and platforms for political expression
- To provide links between the citizen and the State

WHAT ARE THEY SAYING ABOUT DEMOCRACY?

“A government of the people, by the people, and for the people shall not perish from the earth.”

Abraham Lincoln, US president



“Democracy restores to man a consciousness of his value, teaches him by the removal of authority and oppression to listen to the dictates of reason, gives him confidence to treat all other men as his fellow human beings, and induces him to regard them no longer as enemies against whom to be upon his guard, but as brethren whom it becomes him to assist.”

William Godwin, British philosopher



“The spirit of democracy cannot be imposed from without. It has to come from within.”

Mohandas K Gandhi, Indian statesman



“If mankind minus one were of one opinion, then mankind is no more justified in silencing the one than the one – if he had the power – would be justified in silencing mankind.”

John Stuart Mill, British philosopher



“They came for the communists, and I did not speak up because I wasn’t a communist. They came for the socialists, and I did not speak up because I was not a socialist. They came for the union leaders, and I did not speak up because I wasn’t a union leader. They came for the Jews, and I didn’t speak up because I wasn’t a Jew. Then they came for me, and there was no one left to speak up for me.”

Martin Niemoller, German theologian



“Historical enemies succeeded in negotiating a peaceful transition from apartheid to democracy exactly because we were prepared to accept the inherent capacity for goodness in the other. My wish is that South Africans never give up on the belief in goodness, that they cherish that faith in human beings as a cornerstone of our democracy.”

Nelson Mandela, the late South African President



“The most effective way to restrict democracy is to transfer decision-making from the public arena to unaccountable institutions: kings and princes, priestly castes, military juntas, party dictatorships, or modern corporations.”

Noam Chomsky, US political activist



“No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.”

Sir Winston Churchill, British Prime Minister



“As long as the differences and diversities of mankind exist, democracy must allow for compromise, for accommodation, and for the recognition of differences.”

Eugene McCarthy, US politician



“The best weapon of a dictatorship is secrecy; the best weapon of a democracy is openness.”

Edvard Teller, US physicist



“The wheels of democracy that we ourselves set in motion at independence continue to turn and have become the centrifugal force that powers our existence as a nation.”

Sam Nujoma, former Namibian President



DEMOCRACY’S CONTRIBUTION TO DEVELOPMENT

- The evolution and practice of democracy must be seen alongside processes of national identity construction and of state formation. Building a nation and building a state in the wake of colonialism, internal repression or conflict is a long term, challenging process. When nation- or state-building imperatives collide with democratic institutions or practices, often these take precedence over democracy as such.
- Core attributes of democracy are essential to the notion of good governance and to best practices in development planning and implementation: participation in policy formulation and implementation, electoral competition over visions of development strategies, and accountability for ruling elites through parliamentary, civil society and media oversight. The same attributes of democratic governance are also critical to the management of contemporary economic crises, environmental scarcity and degradation, energy, food security and migration related stresses.
- Democratic governments may be more legitimate in terms of providing public goods such as education, health care, job training, environmental protection and the rule of law that allows for sanctity of contracts and predictability in regulatory environments and overall economic management.

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- Democratic space allows people at the local level to self-organize and to create their own local public goods – such as regulation of local markets or cooperatives for credit – that in turn create the conditions for local level democracy and democratic values and structures from the ‘bottom up’.
- Democracy and direct participation support the principle of democratic national ownership of development planning. In this way, democracy can contribute to compromise-oriented and consensus seeking forms of policy making and implementation and the sustainability of economic reforms over time that involve at the outset all the principal stakeholders on a given issue and that, in turn, reconcile competing interests and priorities through dialogue, compromise and joint implementation

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WHAT IS THE IPPR?

The Institute for Public Policy Research was established in 2001 as a not-for-profit organisation with a mission to deliver, independent, analytical, critical yet constructive research on social, political and economic issues which affect development Namibia. The IPPR was established in the belief that development is best promoted through free and critical debate informed by quality research. The IPPR is independent of government, political parties, business, trade unions and other interest groups and is governed by a board of directors consisting of Monica Koep (chairperson), Bill Lindeke, Graham Hopwood, Ndiitah Nghipondoka-Robiati, Daniel Motinga and Justin Ellis.

Anyone can receive the IPPR’s research free of charge by contacting the organisation at 14 Nachtigal Street, Windhoek; PO Box 6566, Windhoek; tel: (061) 240514; fax (061) 240516; email: info@ippr.org.na. All IPPR research is available at <http://www.ippr.org.na>. Material related to Election Watch is available at <http://www.electionwatch.org.na>