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**RESEARCH ARTICLE**

**ACCOUNTABLE POLITICAL LEADERSHIP: THE LINK BETWEEN GOOD GOVERNANCE IN  
ELECTIONEERING AND SUSTAINABLE DEVELOPMENT IN AFRICA**

**\*<sup>1</sup>Wamasebu B. K., <sup>2</sup>Chepngetich E. S. and <sup>3</sup>Nasongo B. M.**

<sup>1</sup>Program Manager, Regional Organization for Conflict Analysis & Resolution, P.O. Box 973-30200, Kitale, Kenya

<sup>2</sup>Moi University, School of Education & Social Sciences, P.O. Box 3900, Eldoret, East Africa, Kenya

<sup>3</sup>Kibabii Diploma Teachers College, P.O. Box 931-50200, Bungoma, Kenya

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**ABSTRACT**

The concept of inadequate political accountability and transparency, coupled with ineptitude leadership and bad governance remain a major challenge in many nation states in Sub-Saharan Africa as elections have proved to be a great litmus test. Election processes have since been widely condemned as not free and fair; falling below international standards in Afghanistan (2009), Togo (2005), Uganda (2006), Nigeria (2007), Kenya (2007), Zimbabwe (2008), Ethiopia (2005, 2010) and Sudan (2010). All these resulted in election irregularities leading to public protests which in turn degenerated into unprecedented violence the military intervention of which often led to civilian injuries, deaths, massive displacements and destruction of property. The paper explores the dangers of Election Irregularities and malpractices and their subsequent effects on socio-political and economic development in sub-Saharan Africa coinciding with weak institutions in Governance structures including weak election laws that hardly effect punishment on election offenders; corruption in the court corridors; delayed justice in delivering competent judgment on election petitions; the unwillingness to end impunity by state security and judicial political mandarins, and the questionable independence of Electoral bodies to execute their core mandates. Furthermore, Contemporary dictators, not leaving anything to chance, have marshalled parliamentary support and made constitutional amendments to change term limits to limitless terms: Uganda (2005), Senegal (2008) and Niger (2009). The paper concludes by underscoring how the 2007 Kenya's post-election violence affected economic growth from 7% to 1.6% due to violent conflict following the bungled presidential elections. The paper gives recommendations and the way forward on good governance on Electioneering processes in Africa.

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**INTRODUCTION**

"I don't know whether Kibaki won the election."

Samuel Kivuitu, Chairman, Electoral Commission of Kenya, January 2<sup>nd</sup> 2008 after the presidential dispute (Roberts, 2009)

**What is Good Governance?**

It is the proper or just exercise of power or authority in political, economic, administrative, or otherwise, to manage the country's resources and affairs. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. Good Governance also means competent management of the country's resources and affairs, that is, strengthening parliaments, protecting the autonomy of the judiciary, improving the performance of the public sector, supporting the development of professional media, encouraging private investment and decentralizing the delivery of services, open, transparent, accountable, equitable and responsive to people's needs.

It also includes extending the rule of law through effective impartial legal systems; high level of transparency and accountability in both public and corporate processes; energetic, vibrant and pluralistic civil society activism; promotion of broad-based economic growth; dynamic private sector propelling poverty reduction and community participation in the country's democratic processes during referenda, periodic elections, open and fair gender representation.

**What are election malpractices?**

Election Malpractice implies any act that tends to interfere with the true results of an election, from the inception to its logical conclusion. It ranges from pre-election activities to the actual post-election happenings. The internal party election and all surrounding circumstances also could be the foundation of rigging or malpractices. Corrupt practices and electoral misdeeds, violence, vote buying, false declarations, partial electoral commissions, weak electoral arrangements, violation of human rights of electorates among others, are all part of the constituent elements of Election malpractices. Leaders who come to power through election malpractices in a

\*Corresponding author: [wamasebu2000@yahoo.com](mailto:wamasebu2000@yahoo.com)

county or organization may not be sensitive to the desires of the people. The high levels of conflicts in most African countries are as a result of electoral malpractices; see the elections in Kenya, Nigeria and Algeria.

### **Elections**

Globally, elections have proved to be the greatest litmus test for determining the true and correct ultimate Election winners due to the challenges befalling the tenets of governance structures, independence of Electoral bodies and systems, impartiality of the judiciary, transparency and accountability of incumbent government structures, deliberate positioning of security chiefs remain a major headache to producing election results which is a replica of the wishes of the electorate. Indeed, Elections especially in Africa have led to shame, laughing stock, violent demonstrations thereby contesting default elections results (Kenya 2007), Zimbabwe (2008) necessitating sometimes international interventions and/or military/police intervention usually more often leading to humanitarian catastrophe, human displacement, loss of property, human injuries and deaths. The public outcry usually sends a debilitating message implying that election irregularities were at play.

### **Africa Union, NEPAD Underscores the Importance of Good Governance**

The number of countries holding competitive elections in Africa quadrupled between 1990 and 1995. By 1995, some 38 out of 47 countries in sub-Saharan Africa had conducted elections, many of them for the first time. Two regional initiatives, the African Union and the New Partnership for Africa's Development (NEPAD), underscore the importance African states are placing in good governance. Many African countries have signed onto NEPAD, a development framework that stresses accountability as a prerequisite for economic progress. NEPAD states that

...development is impossible in the absence of true democracy, respect for human rights, peace and good governance. The same is deplored by AU.

### **Critical Analysis of Electoral Violence across Africa**

Election management in Africa has mixed feelings. Generally, elections have been marred by unprecedented political violence and claims of poll rigging. Indeed, electoral violence has received international attention following the outbreak of violence in Kenya (2008), Zimbabwe (2008) and Afghanistan (2009). Election violence in Togo (in Lome), Nigeria (Niger Delta), Ghana (Northern part), Gabon (in Libreville) and Kenya (in Rift valley province) in successive elections portrays that there are more critical issues underlying the violence than just Elections (land, marginalization, and ethnicity) (Bekoe 2010). It is worth commenting that despite the spate of electoral violence in Africa there have been improvements in some quarters in electoral management especially in Ghana, Botswana and Namibia, while more controversial Elections have been precipitated in Zambia, Zimbabwe and Nigeria (Bekoe, 2010). Since the advent of multi-party elections in Africa in early 1990s, political competition coupled with violence, has taken centre stage;

African Elections have terribly been flawed with poor electoral governance like excluding political parties from participating in elections (Motsamai, 2010). Motsamai further argues that because of these weak Governance structures, for the last five years preceeding 2010, post-election violence plummeted in many countries in Africa; in Togo (2005), Zanzibar (2005) DRC (2006), Nigeria (2007), Lesotho (2007), Kenya (2007/8), Zimbabwe (2008), and Guinea Bissau (2008).

### **The Power of Political Incumbency in Elections**

Of particular significance is the political violence in Zimbabwe which shook the world political viewers majorly due to political incumbency and the lack of political intolerance of President Robert Mugabe fearing the power of the ballot since, usually, elections are uncertain amidst weak Election and governance structures. Motsamai (2010) argues that lack of the level playing ground in political and electoral competition in democratic elections in Africa has been complicated by the power of the incumbent president, e. g in Kenya (1992, 2007), Uganda (2006), Zimbabwe (2008), Ethiopia (2005, 2010), Zambia (2008) (Simutanyi, 2010). It is important to note that incumbency and state resources enable political elites to manipulate electoral institutions, electoral rules and procedures; to siphon off state resources and deploy them into partisan use in elections, to commission development projects; to extort donations from private business people and rent-seekers; to manipulate media, restrict access by political parties to media, use of police to disband opposition political rallies, buy voters cards (Simutanyi 2010).

### **Political Violence as Weapon of Intimidation and Poll Rigging in Zimbabwe.**

The Zimbabwe 2008 elections portrayed international shame of holding undemocratic elections in Africa. Amnesty International condemned the violence because, as it had reached a crisis level with reports of abductions of MDC supporters, arbitrary arrests, detention without trial, recruitment of militia youths to unleash terror and kill, election observers were also harassed and arrested by police (Amnesty International 2008). In a press release, Zimbabwe Lawyers Human Rights (2008b) reported:

*Since 14 April 2008, at least 150 people have been arrested and are currently detained in custody at Harare Central police station alone. The recent arrests and continuing violations of fundamental rights and freedoms have been exacerbated by state actors who are working hand-in-hand with the ruling ZANU PF party militia to unleash their coercive apparatus on an innocent electorate. This campaign of terror has been widespread across the country and is being perpetrated against any person who is suspected to have cast their vote against the ruling party, as well as their families (Zimbabwe Lawyers Human Rights, 2008b).*

### **How Electoral Commissions and its Weak Governance Precipitate Election Malpractices**

In Kenya, the electoral commission completely failed to be impartial. The Electoral Commission of Kenya (ECK) announced the final presidential tally in the absence of

certified parliamentary results; observers and party agents were denied full access to the tabulation of results at National, party and constituency levels. The subsequent appointment of ECK Commissioners without the opposition parties' involvement undermined the confidence in the electoral body (ECK) (Akech-Owiti 2008).

Independent electoral commissions can help African nations provide a level playing field during elections while building a foundation for the sustainability of democracy on the continent; though Africa's democratic record has been with mixed fortunes sometimes interrupted by flawed elections. The willingness of the African Union and sub regional organizations to condemn setbacks on the electoral process has strengthened democracy and governance. This is exemplified by Ghana and South Africa owing to strong electoral governance and watchdog institutions (Fisher 2009). Conversely, Independent Election Commissions have not escaped blame elsewhere. Whereas the primary goal of any election management body is to organize credible, free and fair elections with an outcome that satisfies all stakeholders, the Elections conducted in Nigeria (2007) indeed portrayed that Electoral bodies can mess up the electorate (Ikubaje 2009). The Independent Election Commission of Nigeria confirmed that the election was a success (Iwu, M 2007). Yet in real sense the election had been rigged in favour of the People's Democratic Party (PDP). The electoral body INEC had, according to observers, failed to deliver credible free and fair elections (Bilikisi, 2007). Further, on January ( 21-29, 2010) the USA Secretary of State Hillary Clinton accosted Ugandan Government and reiterated that its Electoral Commission lacked independence. There were threats issued to opposition leaders, alleged intimidation of voters during by-elections, and the denial and disruption of access to media/meetings of opposition candidates and unilateral replacement of retiring commissioner and then re-appointment of six commissioners to new seven-years terms without involving the opposition or civil society organizations and Kenya's Election chief failed to determine the 2007 presidential winner

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In a span of two months, following the post-election violence in 2007 presidential election dispute, unprecedented damage had been caused: 1500 people dead, 3000 women raped and 300,000 people internally displaced. Worse still the chairman of the electoral Commission of Kenya, Mr. Samuel Kivuitu (Roberts, 2009) completely failed to determine the winner precipitating violence which degenerated into military-police intervention (Roberts, 2009). Mr. Kivuitu was the chairman of the Electoral Commission of Kenya that certified the election results. Mr. Kivuitu certified President Kibaki as the legitimate winner. He however later stated that he was not sure whether Kibaki had won. This raised a fundamental question as to whether the 2007 election was free and fair both locally and internationally.

### **Role of Judiciary in elections and election petitions**

#### *The Republic of Ghana Experience*

Judicial independence requires that the Judiciary be administratively and financially autonomous from the

Executive. This is achieved by making constitutional provisions designating all the monies/resources of the Judiciary as constituting a direct charge on the consolidated fund as, the Constitution of Ghana provides in Article 127(4) (5)(6) &(7). Article 127(4), The Administrative expenses of the Judiciary including all salaries, allowances, gratuities and pensions payable to or in respect of, serving in the Judiciary, shall be charged on the consolidated fund. Article 127(5), The salary, allowances, privileges and rights in respect of leave of absence, gratuity, pensions and other conditions of service a justice of a superior court or any or any judicial officer or other person exercising judicial power, shall not be varied to his disadvantage; also (see Articles(5,6 &7). Further, Article 122 of the constitution of Botswana and Article 128(5) of the constitution of Uganda similarly make provisions. In retrospect, the intervention of the Executive will be limited in daily interference of the Judiciary activities if their independence is provided in the statutes as outlined above.

#### *The Kenyan Experience*

##### ***Kenya's 2007/8 post-election violence presidential dispute stirs up the judiciary***

In the wake of the post-election violence in Kenya's disputed presidential elections, the perceived loser (Orange Democratic Party-ODM) refused to file a court case to challenge president Mwai Kibaki (PNU) because the courts lacked independence: they were impartial, were appointed by the president, lacked speed to expedite rulings thereby jeopardizing justice, and some petitions from the 2002 General Election were still pending in court awaiting judgment five years later (Kadida D. N,17 FEB Pg16, 2008).

##### **The Kenyan Integrity of the Judiciary in Election Petition (1992, 1997)**

##### ***Kenneth Stanley Njindo Matiba vs Daniel Arap MOI Election petition (1992)***

The case of *Kenneth Stanley Njindo Matiba (Ford Asili party) vs Daniel Arap Moi (KANU)* was decided against a background of massive rigging allegations in the 1992 and the fact that this was the first presidential election petition in Kenya. The case was struck out on the claim that the petition was not signed by Hon. Matiba himself but his advocate. On such a technical error, Kenyans were denied the right to know what actually happened (Akechi Owiti, 2008).

##### ***Daniel Arap Moi Vs Mwai Kibaki Election Petition (1997)***

Similarly the case of *Mwai Kibaki (Democratic Party) vs Daniel Arap Moi (KANU)*, after the contested 1997 elections, was decided on the basis that President Moi was not personally served with the petition (Akechi Owiti, 2008). This portrays how election laws are inadequate in dispensing justice to election petitions.

#### ***Free and Fair Judicial Independence***

In modern times, the main features of democracy are free and fair elections, judicial independence, free press, majority rule and protection of minority rights. Political party activities are also necessary for effective democratic governance. The principle of the rule of law is the basic substance of democracy

and it includes supremacy of the constitution, equality before the law and civil liberties (Dicey 1985).

### **Contemporary Leaders; Good Governance in Elections and Democratic Development**

In Africa, there seems to be a tendency for leaders elected during the third wave of democratization to slide back once into office, and to refuse to step down once their initial term draws to a close. Since 1990, term limits have been relaxed in at least Algeria, Niger, Cameroon, Chad, Gabon, Guinea, Namibia, Togo, Tunisia and Uganda.

### **Agitation for Timidless Terms for President of Niger**

In Niger, Mamadou Tandja removed the term limit; an act that was widely condemned as undermining electoral democracy. Mr. Tandja's move, condemned by the United States and the European Union, was seen as another setback for democracy in the region and the nation, which had taken halting steps toward political openness after a post-colonial history of military coups (Nossiter, 2009).

### **The Role of Election Observation Groups in Democratization Process**

Election monitoring involves observation of an election by one or more independent parties, typically from another country, or a non-governmental organization (NGO), primarily to assess the conduct of an election process on the basis of national legislation and international standards. Election observation increasingly looks at the entire electoral process over a longer period of time, rather than at election-day proceedings only (European Union Election observation Mission, Kenya, 27 December 2007; Commonwealth observation Groups, East Africa community observer Mission, Kenya Human Rights Commission). Generally, the Electoral Commission of Kenya was adequately prepared, had enough resources, well trained election staffers, gender balance proper. However, the announcement of final results without getting all the parliamentary results was inadequate. Party and election observers were denied access to final tally of both National and constituency results thereby discrediting their independence, credibility and impartiality of the elections. The Election fell below the threshold of local and international standards.

### **The Dangers of Electoral Irregularities and Malpractices in Elections**

Electoral fraud continues to bedevil the management of elections, producing large-scale protests and violence of the kind recently seen in Iran, Nigeria, Ethiopia, Kenya, and Zimbabwe. Fraud also threatens citizens' perceptions of government legitimacy making it less likely that people think it will be worth their time to turn out and vote in the future. In Kenya and Zimbabwe, coalition governments have not brought either desired reforms or reconciliation between parties that the international community had advocated in supporting these processes. Power-sharing solutions were suggested as possible avenues to peace after disputed results in Afghanistan and Iran, but the expectation of a coalition government between parties that have fought hard and hold

divergent policy preferences may be unrealistic and unworkable.

### **RECOMMENDATIONS**

- a) Election observation groups need to be firm, transparent, decisive in determining whether or not the elections were free and fair without leaning to either party in the election dilemma.
- b) The Regional and international conflict resolution organs (IGAD, AU, UN) need to enforce resolute/concrete decisions upon which losers in elective politics concede defeat without necessarily causing turmoil.
- c) There is need to mount a transparent, accountable and responsive electoral country-specific systems which withstand the chagrins of political kingpins of the time devoid of political manipulation and hoodwinking.
- d) Electoral violence should be discouraged in democratic elections
- e) There is need for judicial systems to expedite electoral petitions. This will avoid putting the country in abeyance over electoral disputes and malpractices
- f) Lastly, there is need to develop judicial systems which withstand the forces of the imperial presidents.

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