



# Preventive Diplomacy and the AU Panel of the Wise in Africa's Electoral-related Conflicts

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## EXECUTIVE SUMMARY

In recent years a spate of electoral-related conflicts in Africa has made the quest for 'peace' predominate electoral processes, especially in situations that hold substantial threats to peace and stability. The post-Cold War democratisation process in most African countries has induced election-related risks and informed the resolve of the AU to uphold democracy without jeopardising peace and stability. To this end, through the deployment of the AU Panel of the Wise (PoW) in electoral processes, the AU has increasingly engaged in preventive diplomacy in elections likely to cause instability and violence. This policy briefing reviews some lessons learned from the involvement of the PoW as a key pillar of the African Peace and Security Architecture (APSA) in preventing election-related conflicts on the continent.

## THE PRIMACY OF PEACE

The 'peacefulness' of an election has inadvertently become the most articulated feature of any conceivable minimum benchmark of elections in Africa. Yet 'peace' is neither an overriding determinant nor does it exclusively define a credible electoral process; rather it is one of several critical parameters such as fairness, integrity and transparency. Even so, African international and citizen observers as well as the general public have tended to weigh in on this particular aspect; understandably, given that over the past two decades experience on the continent has shown that elections, although a much-lauded hallmark of democracy, in fact can constitute a regionalised threat to peace and stability.

Where deadly electoral violence has occurred, the social, economic and political consequences have transcended state boundaries. This was true of Lesotho (1998), Nigeria (1999, 2003, 2007, 2011), Kenya (2007), Zimbabwe

## RECOMMENDATIONS

- Depending on the level of commitment of the political class to peace and democratic principles and values, 'early actions' of preventive diplomacy can produce varying outcomes in crisis-prone political and electoral processes. Securing commitment to peace and investing in long-term democratic governance while redefining the timing for 'early action' in preventive diplomacy is therefore critical for sustainable interventions.
- Post-electoral reforms should be encouraged and closely monitored, including those in political contexts in which the legitimacy of electoral outcomes has been inadvertently deferred in the interests of securing momentary peace.
- The AU and RECs should institutionalise and professionalise long-term election observation in order to develop preventive diplomacy synergies with PoW and other sub-regional structures.

(2008), Côte d'Ivoire (2010) and the Democratic Republic of the Congo (DRC, 2011). As a result, the 'peace factor' is accorded more significance than other factors that constitute the credibility of an electoral process, including in instances where the legitimacy of the outcome is under threat. This calculus has inadvertently formed an important part of the delicate balancing act of negotiating compliance with international and regional norms and standards that govern the conduct of democratic elections in Africa. The result presents a predicament for both the AU and regional economic communities (RECs), respectively the continental and sub-regional bulwarks of democratic governance while being at the same time the guarantors of peace, security and stability.

Since the early 1990s, when multi-party democracy came to be regarded as the norm, the number of elections in Africa has risen steeply. More than on any other continent, at least 19 elections and a referendum are expected to be held in 2015 alone. Countries holding elections in 2015 include Burkina Faso, Burundi, Egypt, Côte d'Ivoire, Guinea, Lesotho, Nigeria and Sudan, all of which attract considerable attention due to their countries' troubled political history.<sup>2</sup> Unsurprisingly, the unease attending most of these elections coloured the agenda of the 24<sup>th</sup> AU Summit in January 2015, even though the official theme of the summit was women's empowerment and development towards Africa's Agenda 2063.<sup>3</sup>

The challenges posed by election-related disputes and political violence underscore the importance of building institutions that can balance competition with order, participation with stability and contestation with consensus.<sup>4</sup> The collective realisation that multi-party democracy is central to sustainable peace and stability in Africa has led to increased involvement from the AU and RECs in preventive diplomacy in electoral processes.

## THE ROLE OF PREVENTIVE DIPLOMACY

The term 'preventive diplomacy' refers to actions or institutions used to keep political disputes between or within nations from escalating into armed conflict.<sup>5</sup> In the context of an election, these efforts are utilised when the politics and institutions of an

electoral process appear unable to manage tensions without causing violence. Preventive diplomacy, as one element of APSA, is an essential component of the comprehensive agenda of promoting peace, security and stability in Africa.

One of the critical APSA institutions undertaking preventive diplomacy is the PoW, established by the AU under Article 11 of the protocol relating to the establishment of the AU Peace and Security Council (PSC). The PoW is made up of members nominated by the AU Commission (AUC) chairperson following wide consultations; they are appointed for a three-year term through a decision of the AU Assembly. The body also includes past panel members, who are referred to as 'Friends of the Panel'. The PoW supports the activities of the AUC chairperson and the PSC in conflict prevention. It also works closely with similar regional structures such as the Council of the Wise of ECOWAS; the Committee of Elders of the Common Market for Eastern and Southern Africa; the ad hoc mediators of SADC; and the AUC's Continental Early Warning System.

First established in 2007, the PoW consists of five members (each representing one of the five geographic regions of Africa) who are highly respected African persons, each of whom has made outstanding contributions to the cause of peace, security and development. The personal and professional attributes of PoW members allow the institution to carve a distinctive niche in conflict prevention in politically complex electoral processes. In addition, its relatively small membership gives the PoW sufficient institutional agility to intervene rapidly at critical moments of crisis-prone electoral processes. It is also one of the few APSA institutions that enjoys a standing annual approval for its programmes and activities, thus avoiding the usual bureaucracy involved in seeking approvals. Furthermore, the Friends of the Panel may be used as envoys in cases where all the members of the PoW are occupied elsewhere and cannot be deployed on peace-making missions.

It is difficult for an outsider fully to grasp the array of preventive diplomacy strategies used in electoral processes by the PoW and similar mechanisms. Research suggests that confidentiality is crucial in most mediation activities, which of necessity prevents researchers observing or fully

understanding the factors that did – or did not – lead to successful conflict prevention.<sup>6</sup> Even so, such information as is readily available can offer some useful insights.

Since its inception the PoW has been involved in several troubled electoral and political processes, including those in Guinea (2010), Egypt and Tunisia (during the post-'Arab Spring' transition), the DRC (2011), Senegal (2012), Sierra Leone and Ghana (2012) and Kenya (2013).

In Tunisia and Egypt the PoW encouraged all the main electoral stakeholders to forge consensus during the early stages of the constitutional and institutional reform processes that preceded the various elections and referenda. Although dissimilar internal dynamics meant that the two countries experienced different post-Arab Spring political trajectories, the willingness of political stakeholders in Tunisia to work together towards democratisation made the PoW's preventive actions more fruitful in that country than in Egypt. Tunisia's peaceful general elections in 2014 contrasted sharply with Egypt's violence-ridden process that was punctuated by the 2013 coup d'état.

Whereas 'early' preventive diplomacy initiatives produced a broadly positive outcome in Tunisia, the 'delayed' intervention in the DRC shortly before its November 2011 presidential and legislative polls illustrates a failure of preventive diplomacy. As early as 2010, election-related tensions were simmering in the DRC. A highly contentious new electoral system had been adopted and a politically-biased electoral management body established, which subsequently carried out a contested voter registration process. Arguably, by the time the PoW engaged with stakeholders in October and November 2011,<sup>7</sup> only a matter of a few weeks before the vote, the DRC electoral process was inexorably heading towards a violent stand-off, as the outcome of the election clearly illustrated. The DRC experience shows that although the success of preventive diplomacy is generally predicated on 'early' actions before conflict escalates into violence, it is critically important to define exactly what constitutes the right moment to intervene.

Timing of interventions notwithstanding, preventive diplomacy can result in the inadvertent deferment of conflicts, as it did in the Guinean and

Kenyan elections respectively in 2010 and 2013. In the case of Guinea, acting under persuasion from the PoW and ECOWAS, Cellou Diallo, the contestant who stood against Alpha Condé in a highly contested presidential run-off in November 2010, resorted to Guinea's Constitutional Court to resolve election disputes. In the event, Guinea narrowly avoided an intensification of conflict that could have escalated into deadly violence. Despite this success, however, the Peul and Malenke ethnic groups to which the two presidential candidates respectively belong were polarised during the election campaigns and conflictual relationships between them have persisted.

In Kenya, although the 2013 elections were peaceful – partly due to the diplomatic efforts of the PoW alongside other actors involved in similar initiatives, such as the AU Panel of Eminent African Personalities led by Kofi Annan – the electoral process still had significant technical inadequacies, including technological failure in transmitting results and a problematic voter register. Such deficiencies carry potential for future conflict. Moreover, the undertones of ethnicity in the tension that characterised the post-electoral environment following the announcement of Uhuru Kenyatta as winner of the presidential elections indicated that structural cleavages in Kenyan society remained intact. Hence, while the 2013 elections themselves were peaceful the embedded electoral-related structural conflicts arguably were only deferred.

Generally speaking, deep-rooted conflicts cannot be resolved through elections alone nor by a stroke of preventive diplomacy; the solution lies in long-term structural transformation of relationships in the society. The deferment of some of the conflicts noted above took place by default rather than as a manifestation of the PoW's ineffectiveness. In fact, the PoW submits recommendations for action in the short, medium and long term to relevant stakeholders in the country concerned, and to the AUC chairperson and the PSC. The implementation of such recommendations, however, rests entirely outside the PoW's remit.

In the general field of preventive diplomacy, international election observation has an important part to play in electoral processes and can serve as a handmaiden to the PoW. Aside from promoting

transparency and credibility in the electoral process generally, election observation serves to help build public confidence and contribute to a peaceful atmosphere. Increasingly, election observation missions (EOMs) deployed in particular by the AU and RECs have taken on diplomatic activities aimed at mitigating electoral-related conflict. This has been the case mainly in crisis-prone electoral processes in which EOM leadership has played an important – although often unarticulated – role in preventive diplomacy. Moreover, the AU and RECs are now shifting their election observation methodology from short to long term, which allows them to detect conflict drivers before they escalate into violence during elections. The PoW can enhance its own diplomatic actions in preventing electoral-related violence by working closely with EOMs and exploiting this synergy to draw upon the latter's somewhat greater technical expertise in the impartial assessment of elections.

The caveat, however, is that in the same way as has happened with the PoW, election observation can merely defer conflict in contentious electoral processes in which peace tends to override legitimacy. In such cases, although elections may turn out to be peaceful the underlying conflict drivers are inadvertently extended to subsequent electoral cycles rather than being resolved at that moment. This makes the exercise of preventive diplomacy in electoral processes even more challenging for the PoW and its collaborators, as conflicts become frozen and perpetuated.

## CONCLUSION

Electoral-related disputes are complex and occur in all phases – pre-electoral, electoral and post-electoral – of the election cycle. Neither the PoW nor other similar mechanisms deployed by the AU and RECs have the capacity for engaging in preventive diplomacy in each and every crisis-prone electoral process. Nevertheless, the PoW's endeavours have sometimes contributed to attenuating electoral-related conflicts and in that way promoted peaceful

outcomes. In other cases, preventive diplomacy has inadvertently deferred certain conflicts that had been obscured in momentarily peaceful electoral outcomes. Although fundamental solutions to electoral-related conflicts lie in broader governance transformation, the importance of preventive diplomacy cannot be overlooked. Even so, redefinition by the PoW and similar sub-regional mechanisms of exactly what 'early action' means, and how it can mitigate crises in elections at the same time as investing in improvements in long-term governance practices, is critical to future sustainable interventions.

## ENDNOTES

- 1 Robert Gerenge is Head of Special Programmes at the Electoral Institute for Sustainable Democracy in Africa (EISA). Views expressed here are his own and do not represent EISA's position.
- 2 African Elections Calendar, <http://www.content.eisa.org.za/old-page/african-election-calendar-2015>, accessed 9 February 2015.
- 3 Nation Media, 'War, Ebola, elections top African Union Summit', <http://www.nation.co.ke/news/africa/War-Ebola-elections-African-Union-summit/-/1066/2605750/-/dp1vqq/-/index.html> accessed 29 January 2015; see also <http://www.nation.co.ke/news/africa/AU-seeks-7500-troops-to-fight-Boko/-/1066/2608186/-/euyq7x/-/index.html>, accessed 30 January 2015.
- 4 AU Panel of the Wise, *Election-Related Disputes and Political Violence in Africa: Strengthening the Role of the African Union in Preventing, Managing and Resolving Conflict*, Report. Stockholm: International Peace Institute, 2010.
- 5 Lund M, *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*. Washington, DC: US Institute of Peace Press, 1996.
- 6 Muggah R & N White, *Is there a Preventive Action Renaissance? The Policy and Practice of Preventive Diplomacy and Conflict Prevention*. Oslo: Norwegian Peace Building Resource Centre, 2013.
- 7 Communiqué, 11<sup>th</sup> Meeting of the African Union Panel of the Wise, Zanzibar, 6–7 December 2011.

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