

# **Divided Opposition as Boon to African Incumbents**

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## **Abstract—**

While alternation of leaders at election periods does not necessarily translate into genuine democracy for any country, it has nonetheless become one of the main criteria for measuring the success or otherwise of representative government. From Huntington<sup>1</sup> to Maltz, the consensus is that transfer of power between one national leader and another based on the votes of the citizenry remains the most defining element of competitive democracy. Yet the narrative of elections in Africa is that of a process which presents little or no risk of defeat to the incumbent--even when such an individual has performed woefully in office and may be very unpopular with the electorate. With a cycle of elections that merely serves as vehicles not for change but rather for legitimizing the status quo, there is now a compelling argument that the surest way to ensure that votes are counted and that they count is through open-seat elections. This is premised on the expectation that without the incumbent power holder on the ballot, there will be a level playing field on which all contenders could compete. While this remains an ideal around which advocates of regime alternation easily mobilize as a necessary condition for change, it is my contention that defeating the ruling party/incumbent in Africa would require the creation of strategic coalitions of political parties in which personal ambitions are sacrificed for group goals. The aim of this paper therefore is to reinforce the thesis that while elections are indeed more transparent when the incumbent leader is not on the ballot--either by reason of death or expiration of tenure-- it will take the formation of a broad coalition of opposition political parties to expect victory against a sitting African president seeking re-election.

## Introduction

<sup>3</sup> On April 16, 2011, Nigeria held its much-anticipated presidential election. It was won by the incumbent, Dr. Goodluck Ebele Jonathan<sup>4</sup>, whose party has been in power since the country returned to democracy in 1999. Although the local media and international election observers have commended the election as relatively transparent and the result fair, leading opposition candidate, Mr. Muhammadu Buhari, insists that the process was rigged, citing as evidence results from the South-East and South-south zones of the country where recorded voters' turnout in the presidential elections doubled the national average.

<sup>5</sup>The fall-out of the election has indeed brought to fore the challenge highlighted by Freedom House about "dominant-party states in which multi party systems exist on paper but genuine electoral competition is suppressed"<sup>6</sup>. This was the view reinforced by Paul Collier in the Wall Street Journal where he argued that it would take more than voting to bring about change in a continent where supporting institutions are lacking and where elections "have proved to be more decorative than functional, a veneer beneath which autocratic rule of the pre-1991 era continues."

<sup>7</sup>It is, however, not in his pessimism about democracy in Africa that Collier's thesis is useful, it is the manner in which he dissected the power of incumbency at election periods where office holders exercise what he aptly describes as "key crooked tactics" such as voter bribery, voter intimidation and ballot fraud: "In each of them the incumbent has an advantage. Bribery needs money, but as long as the national budget is leaky the president has more of it than the opponents. With sufficient money, voters can be bribed individually, or the local big man can be bribed to deliver votes wholesale; often entire villages vote for the same candidate. Voter intimidation needs forces of violence, but the president likely has the police and the army. Ballot fraud needs the subservience of election officials, who may well be presidential placemen..."

<sup>8</sup>Before going further, it is appropriate to make a distinction between the use and misuse of incumbency in the governing process which is not the focus of this paper and the implication of what happens when an incumbent is seeking re-election. The idea is to show very clearly that attempts to conduct transparent elections are imperiled when an incumbent office holder seeks to stay in power beyond the mandate of the people which is often the case in the continent<sup>9</sup>. Nothing explains this better than the number of attempts to circumvent the principle of term-limits in countries where it is already enshrined in the constitution. It stands to reason that leaders who see nothing wrong in changing the rules-or at least making attempts to do so-in promotion of personal ambition, would have no qualms about tampering with the electoral process if that is the only way that could guarantee their continued stay in power.

This is, however, not entirely an African malaise notwithstanding the prevalence of such abuse within the continent where "presidency for life" is a legacy bequeathed by post-



independence leaders<sup>10</sup><sup>11</sup>. Yet Aristotle argues that “a man should not hold the same office twice”, and that “the tenure of all offices, or of as many as possible, should be brief”.<sup>th</sup> Modern attempts at term-limits are, however, traceable to Latin America where framers of the constitution recognized very early that it could not be left to the benevolence of office holders. Because of the inherent abuse associated with long stay in office, 18<sup>12</sup> century Venezuelan military and political leader, Simon Bolivar had argued that nothing was more perilous than to permit one citizen to retain power for an extended period. The Latin American hero ended up subverting this same ideal and suffered the consequences.

<sup>13</sup>It is within this context that one can situate the drama currently evolving in Guatemala between President Alvaro Colom, due to leave office in September and his wife, Ms Sandra Torres who is plotting to succeed him. While Article 186 of Guatemala’s constitution forbids relatives of the president from seeking elective office, the First Lady announced on March 11, 2011 that she and her husband had completed a “divorce” by mutual consent. "I am getting a divorce from my husband, but I am getting married to the people. I am not going to be the first or the last woman who decides to get a divorce, but I am the only woman to get a divorce for her country," says the president’s wife in justifying what critics in Guatemala see as a clever ploy by the first family to circumvent the law.

<sup>14</sup>From Evo Morales in Bolivia to Hugo Chavez in Venezuela, the principle of term-limit is now under serious assault from incumbent power holders who would go any length to subvert the democratic process in the bid to cling on to power. Maltx highlighted this challenge in his thesis on 26 countries that contravened the principle of presidential term limits between 1992 and 2006 against the backdrop that 87 countries had it enshrined in their constitution.

## **Sit-tight Syndrome in Africa**

<sup>15</sup>~~The African case is, however, more tragic~~ going by the manner in which sitting leaders manipulate the process to perpetuate themselves in office.<sup>16</sup> In July 2008, the Senegalese legislature approved a constitutional amendment which increased the length of the presidential term from five to seven years, as it was before the 2001 constitution came into force . Even though this extension ordinarily should not apply to President Abdullahi Wade's 2007–2012 term, Justice Minister, Madicke Niang, has already hinted that nothing precluded the president from seeking what would be an extra-constitutional third term in 2012.<sup>17</sup>With a caveat that borders more on the divine than the legality of any such aspiration, Wade himself has confirmed the speculation by saying he indeed could run for a third term in 2012 "if God gives me a long life."

<sup>18</sup>In Djibouti, President Omar Guellah demonstrated the highest form of ruthlessness in the violent referendum held to put an end to term-limits in his country and in the presidential election that followed, Guellah secured 144,433 of the validly cast 144,433 votes! The

<sup>19</sup>story of Niger is as tragic. On May 26, 2009, President Mamadou Tandja dissolved the country's parliament after the constitutional court ruled against the referendum held in the country so he could seek a third term in office.<sup>20</sup> The crisis engendered by his sit-tight plots ultimately led to the demise of democracy in Niger as the military took over power in a coup d'état.

<sup>21</sup>Where Tandja failed, others before him had succeeded. For instance, a constitutional amendment in Guinea paved way for Lansana Conteh to serve an extra seven-year term and in the highly manipulated 2004 general elections, he won with 95 percent of the votes. The late President Omar Bongo of Gabon was more practical in his approach: by a sleight of hand, he got the parliament to endorse his plan to run as many times as he wished until death separated him from power.

<sup>22</sup>With this disposition by incumbent African leaders, it is not too difficult to understand why elections within the continent that should ordinarily serve as "the ultimate arbiter of political differences as well as the guarantor of peace, stability and security, have become a major source of conflict and political violence."

<sup>23</sup>It is also understandable that the Freedom House Countries at Crossroads survey continually lists several African countries as places where impediments remain on civic engagements and fundamental freedoms essentially because they "have overstepped an elemental aspect of governance: rotation of power". The political systems in these jurisdictions, according to the 2010 report, are "not open to the rise and fall of competing political parties and groupings and no interchange of government and opposition has occurred in at least the past ten years. Instead, power is retained indefinitely by an individual or through the managed transfer of power within families or party hierarchies."

<sup>24</sup>Interestingly, 42 of the 52 countries in Africa now run multi-party democracy of different variants with the president elected directly by the people for a renewable fixed term. Ironically, it is only Libya (where Muammah Ghadafi has been in power for 42 years now) that doesn't conduct periodic elections of any form aside Somalia which has for long descended into anarchy. It is noteworthy though that products of the multi-party presidential elections include Yoweri Museveni of Uganda, who has been in office since January 26, 1986 and has just been inaugurated for another five-year term; Paul Biya of Cameroon (since November 6, 1982); Robert Mugabe of Zimbabwe (since April 18, 1980); Teodore Nguema Mbasogo of Equatorial Guinea (since August 3, 1979); Yahya Jammeh of Gambia (since July 22, 1994); Blaise Compaore of Burkina Faso (since October 15, 1987); Jose Eduardo dos Santos of Angola (since September 10, 1979); Idriss Deby of Chad (since December 2, 1990); Umar al-Bashir of Sudan (since June 30, 1989) and Abdelaziz Bouteflika of Algeria (since April 27, 1999). It took the "Arab Spring" to oust Hosni Mubarak (after 30 years as Egyptian president) and Tunisian Abidine Ben Ali (after 24 years) from power while Meles Zenawi who assumed office on August 23, 1995 remains Prime Minister of Ethiopia through a quasi-parliamentary system that is akin to a dictatorship.

## The case for Open-seat elections

<sup>25</sup>~~The foregoing environment certainly is not~~ one that can nurture competitive elections but in what can be described as perhaps the most profound explanation of this phenomenon by someone who should know, former Nigerian President, Mr. Olusegun Obasanjo<sup>26</sup>, has said the fear of prosecution for the infractions committed while in office largely accounts for refusal by African leaders to willingly quit office. He therefore proposed a situation in which they would be encouraged to yield power without being made to surrender to any form of accountability for their stewardship. “One of the things that can discourage others from following the footsteps of those who have vacated power is the fear of what will happen to them after they leave office. Unless it is absolutely necessary, I believe that any African leader, whatever mistakes he made while in office, unless it is a heinous crime, when he gets out of office, (he) should be left alone to vegetate and retire to his village, or where ever he wants to retire to,” he said.

<sup>27</sup>As controversial as this proposition may be, it could be worth exploring especially given that so dangerously predictable an enterprise has incumbent election in the continent become that it is now usually preceded by violence, most often undertaken with so much impunity and sometimes followed by war. For months, the acclaimed winner of the December 2010, presidential election in Cote D’Ivoire, Mr. Allasane Ouattara was barricaded inside a hotel and surrounded by troops loyal to the man he defeated while the country descended into violence. Even when there were calls from ECOWAS, the African Union and the United Nations for then incumbent President Laurent Gbagbo to step down, it took the intervention of French military forces to oust him and his wife from the presidential palace.

<sup>28</sup>Proponents of elections without incumbents point to the human and material costs usually associated with such contests within the continent. The recent election in Kenya which ended with a hybrid government, but only after thousands of lives had been lost and almost half a million displaced, is another clear testimony.<sup>29</sup> In Zimbabwe the never-ending tragic drama which began with the 2007 elections between incumbent President Robert Mugabe and opposition leader, Morgan Tsvangirai shows no sign of abating.

Nigeria, the most populous country in Africa, is not immune from such election crisis. In explaining the recent post-presidential election orgy of violence in Northern parts of the country, the Buhari-led Congress for Progressive Change (CPC) described them as a consequence of the win-at-all-cost mentality of the sitting president. “To us in the CPC, it is our belief that the breakdown of law and order that ensued after the declaration of President Goodluck Jonathan as the president-elect on the basis of concocted results was the by-product of the determination to win elections by incumbents by any means which has always characterized such actions by historical antecedence.”

The take-away from the statement, which has been heavily criticized as justifying violence, is that to the Nigerian opposition, the most plausible reason why they lost the

election was the factor of incumbency.<sup>30</sup> While not disputing that there may be merits to this familiar argument (any time the incumbent president wins re-election or candidate of ruling party is elected within the continent, it is always attributed to rigging), it doesn't address the critical issue which we shall come back to later.

It must, however, be noted that a comparison of elections held when the incumbent is not on the ballot with those where power holders seek re-election indeed reveals that there are variations in results. In the former, the chances of opposition victory are brighter, the electoral environment seems friendlier and the outcome much more acceptable. In the latter, most of the elections in Africa have resulted in violence rather than change.

<sup>31</sup>Statistics reveals that competitive presidential elections held in sub-Saharan Africa in the last two decades have resulted in 96 percent victory for the incumbent whereas when the incumbent was not on the ballot, candidates of the ruling party won only 60 percent of the time. Applying the same principle to the rest of the world, incumbents have been successful at the polls 93 percent of the time while successor-candidates won only 67 percent of the time.<sup>32</sup> What this means in effect is that there is no much difference between Africa and the rest of the world with respect to "incumbency factor", what is peculiar to the continent is the absence of strong institutions which then makes the electoral process vulnerable to manipulation by some incumbents.

That question should lead us to the affirmation or refutation of the contention that all it takes for the opposition to win presidential election in Africa is for the incumbent office holder not to be on the ballot. To address the issue, we will have to examine the key components of election fraud from the perspective of incumbency as distilled from Collier's thesis: Lack of autonomy on the part of the election management board which may be a mere tool for the incumbent; deployment of public money to corrupt the electoral process and the misuse of the security agencies and media manipulation/harassment in pursuit of same agenda.

## **Composition of Election Management Board**

<sup>33</sup>In examining why it is so easy for incumbent power holders to win elections in which they are participants, the first crucial element to consider is the institutional and administrative autonomy of the agency or commission responsible for superintending elections usually referred to as Election Management Board (EMB). In the aftermath of the flawed 2007 general elections in Nigeria, there was a controversy about whom between the president and the National Judicial Commission (NJC) should nominate members of INEC to the National Assembly for confirmation. While the media and civil society favored the NJC as recommended by the Justice Mohammed Uwais Committee, the government argued that the president should not cede his power to any other body. This issue is being raised by CPC as one of the factors responsible for its failure to win the presidential election.

<sup>34</sup>The process of the EMB selection has always been a contentious issue and a close look at three elections in Kenya underscores the importance of how such appointments can actually undermine the integrity of the entire process. Before the 1997 presidential election which was narrowly won by then incumbent Arap Moi, his government had agreed to involve the opposition parties in the selection of EMB officials as a way to instill greater transparency in the process. Even though it was not codified in any law, Moi stayed true to the agreement which was subsequently credited for the victory of Kibaki in the 2002 election after a run-off with the government candidate.

<sup>35</sup>One would expect that this system that had served the country well would be sustained but on assuming office in 2002, Kibaki unilaterally appointed the EMB members. Even while this may have had no effect on the election outcome, Eklit and Reynolds argue that perceptions about EMB independence are “almost as important as the actual, but discernible, level of independence, for perceptions might also be the basis for actions and counteractions of political actors at all levels.”

<sup>36</sup>In Zimbabwe, where the more you look the less you see, cronyism in the membership of the EMB has always been an issue given that the constitution merely enjoins the president to consult with the Judicial Service Commission (JSC) in appointing members of the Zimbabwe Electoral Commission. The same constitution provides that the president could still make changes in the appointments even after the names have been cleared. All he has to do is to inform the senate “as soon as practicable”. This is too much power to leave in the hands of a politician like Robert Mugabe.

<sup>37</sup>Even with the above scenario, it is difficult to conclude that the choice of the EMB tilts election in favor of incumbents in Africa. If for instance, we take it that the 2002 Kenyan election was free and that of 2007 was not because the multi-party approach to the selection of EMB members was jettisoned then we may run into some faulty assumptions. The global distribution of EMB types indicates quite clearly that it is very difficult to measure the degree of integrity of the electoral process by the EMB status. For instance in 29 countries, government directly run the election; in 40, government runs the process indirectly under a supervisory authority while in 79 the EMB are independent commissions.

<sup>38</sup>Ironically, government runs the election in many of the advanced countries where results are generally transparent whereas in Africa most of the electoral commissions are autonomous bodies. Indeed, there are more safeguards to promote neutrality of the EMB in countries like Burkina Faso, Gambia and Niger than in for instance Ghana where Electoral Commission members are appointed by the president “in consultation with the council of state”. In Togo, the opposition and the ruling party share membership of the electoral body yet only one family (the Eyadema) has been in power since 1967.

Although there are several studies on election management boards, the issue of their real impact on the outcome of elections in Africa has not been closely analyzed. Even at that, there is nothing to suggest that they are in anyway responsible for why incumbents hardly lose elections even when they have overstayed their welcome.



## **The power of money**

<sup>39</sup>The other accusation most often leveled against African incumbents is the disproportionate use of money to prosecute elections. In a continent where there is little accountability, it stands to reason that few would see anything wrong in governments bankrolling the campaigns of incumbent office holders which are most often the case. Incumbency also confers a lot of advantage in raising funds as we have seen over the years in Nigeria where at every election season, corporate bodies have more or less turned themselves into the financial wing of the ruling PDP whose presidential campaign expenses they help to foot. In several African countries, using government funds to pay for adverts and deploying official vehicles and other logistics for campaign rallies etc are some of the abuses which help skew election in favor of the incumbent.

<sup>40</sup>Direct purchase of votes is also common as politicians exploit the poverty of the people for electoral gains. Muhumuza William presented a graphic illustration of this in his account of the 1996 presidential elections in Uganda where the monetization of the process ultimately influenced the outcome: "Voter choices were heavily influenced either by money, material contributions or the promise of material benefits. Admittedly, the use of money and other material inducements to influence the outcome of elections prevails in countries the world over. But its use in the recent Uganda elections reached unprecedented proportions and was less salubrious to the process."

It is, however not incumbents alone that deploy money. Given that most of the leading candidates who contest presidential elections in Africa have also made their career and wealth in government, money may not be a campaign issue. Indeed, following the banking reforms in Nigeria, it was revealed that most of the bad loans which rendered several banks insolvent were taken by political office seekers of all persuasions in anticipation of deploying government funds to off-set these debts once they come to power.

## **Control of Security**

<sup>41</sup>The Uganda opposition leader, Dr Kizza Besigye has spent more time at the police station in the last one decade than at home, all for challenging the dictatorship of Museveni. From rape to murder and treason, there is no criminal charge in the statutes that the former physician of Museveni now his archrival has not been charged with. The state of affair in Uganda today where opposition figure is routinely arrested and brutalized by the police depicts the misuse of the security agencies by incumbent office holders in promotion of political agenda. The same situation obtains in Togo, Burkina Faso etc.

<sup>42</sup>At election periods in most African countries, harassment of opposition politicians and repression of private owned media are usually rampant while the ruling party often benefits from unbalanced media coverage. Some radio and television stations even go to the extent of rejecting adverts from opposition candidates on grounds that they are too critical of the government of the day.

It is difficult to fault Collier on how the foregoing factors help several incumbents to subvert the electoral process in the big to prolong their stay in office. Yet my summation remains that failure to form viable opposition coalition provides a better explanation for why incumbents always win in Africa. I therefore contend that it is more productive to go beyond the usual suspect by looking at the behavior of the opposition in most of the elections that have brought the incumbents back to power.

## **Opposition coalition: The unconsidered variable**

<sup>43</sup>At a recent lecture in Washington, Kenyan Prime Minister, Mr. Raila Odinga, warned that Africa could be drifting towards a new era of authoritarianism because closely fought elections with heavily disputed results are becoming the norm. “Incumbents are coercing electoral commissions to skew the polls in their favor and then, when their opponents protest, they resort to force. Many thousands die and are displaced, until the international community steps in to work out some kind of power-sharing arrangement,” he said.

To buttress his position, Odinga catalogued several untoward developments like the situation in Gabon and Togo where “the deaths of long-serving dictators Omar Bongo and Gnassingbe Eyadema created room for elections in which power was smoothly transferred – to their sons”. He added that in some countries, “elections are being won by incumbents after intimidation of opposition supporters. It is telling that, for the past two years, the Mo Ibrahim Foundation, which offers the world’s richest prize to African leaders who help develop their countries and then peacefully leave office, has decided to make no award. No leaders met the standards.”

Odinga was indeed apt in dissecting some of the problems associated with incumbent elections in Africa. He, however, took no responsibility for the inability of the opposition to put aside their differences until after the election has been lost when they usually gang up to shout rigging. He particularly failed to recognize or admit that by being factionalized opposition parties become susceptible to manipulations by government in power hence easier to defeat. Odinga himself is a good demonstration of this fact.

While the Kenyan opposition blames the 2007 presidential election defeat on rigging by the incumbent-a valid point given what transpired-analysis of the results reveals nonetheless that the outcome could still have been different had the coalition which protested the election been in place before the contest. To properly understand this, one would have to review results not only from 2007 but also the two elections preceding it

both of which lend credence to how opposition parties in Africa most often help the incumbent to win by default.

<sup>44</sup>In the 1997, President Daniel Arap Moi of the Kenya African Union (KANU) who had been in power for 19 years prior to the election won with 41 percent of the total votes cast. His main challenger, Mwai Kibaki of the Democratic Party secured 31 percent. There were, however, 13 other presidential contenders among them Raila Odinga of the National Development Party who garnered 11 percent. Each of Kijana Wamalwa of the Ford-Kenya and Charity Ngilu of the Social Democratic Party (SDP) also secured 8 percent of total votes cast.

With a plurality voting system based on First-Past-The-Post which didn't require 50 percent for a winner to emerge, most observers believed that if Kibaki, Odinga and Wamalwa had rallied against Moi, the result would have been different. Of course one can easily argue that such crude arithmetic has little place in politics but the 2002 elections prove most poignantly that uniting against the incumbent power holder or the ruling party remains the surest way to win for the opposition. In the 2002 election, Moi was not on the ballot but he anointed a successor in Uhuru Kenyatta whose main challenger remained the same Kibaki that Moi defeated five years earlier. This time, however, the opposition parties led by Kibaki, Odinga and Wamalwa were able to forge an alliance under the banner of National Rainbow Coalition (NARC) with Kibaki as candidate. He went on to win with an overwhelming majority of 61.3 percent of the votes cast.

By 2007 when Kibaki had become very unpopular, the expectation was that the opposition would unite to present a common candidate in the bid to oust him from power but they all went into the contest separately. Even while there were allegations of ballot rigging, the fact that he contested against several candidates helped Kibaki. In fact, most analysts contend that the August 2007 split in the Orange Democratic Movement (ODM) between Odinga and Musyoka and their inability to present a single candidate for the election cost the opposition the victory. For instance while Kibaki got 47 percent of the votes, Odinga got 44 percent while Muskoya got 9 percent. If Odinga had secured the support of Musyoka before the election, his victory would never have been in doubt and Kibaki would not have been able to steal the election.

While Odinga may have a point with regards to the Gabonese "family affair", the opposition in Gabon should also share in the blame for what happened. Following the death of Bongo, a multiparty presidential election was held in the country in August 2009 between 17 candidates one of which was Ali-Ben Bongo, son of the late president who ran on the platform of the ruling Gabonese Democratic Party. Even with the large field, the two main opposition figures were Pierre Mamboundou, candidate of a coalition of parties and Andre Mba Obame, who ran as an independent.

Before the election, many analysts predicted that the fractionalization of the opposition would only work to the advantage of the ruling party but they could not unite and at the end, Bongo secured 42 percent of the total votes which got him elected as president to

replace his late father. Instructively, Obame garnered 26 percent of the votes while Mamboundou secured 25 percent. So effectively, between Obame and Mamboundou, the two opposition candidates who only united after the election to complain of rigging, they had 51 percent of the votes. Assuming the duo had worked together before the election, it would have been difficult for Bongo to win.

<sup>45</sup> In a major work on the power of coalition in multi-party elections, Marc Morje Howard and Philip G. Rossler contend that when opposition parties join to present a common front the electorate gets a feeling that change is possible and voters are easily mobilized around the opposition coalition candidate as a possible alternative. To put this in context, let us examine the results of the two other most recent presidential elections which descended into violence before some form of political/military solution was found for the crisis after the intervention of the international community. These are the elections in Cote D'Ivoire and Zimbabwe.

<sup>46</sup> The crisis in Cote D'Ivoire seems to have been resolved with the May 6 swearing in of Allassane Ouattara six months after the election but we may have to go back to the 2000 presidential elections to understand the nexus between opposition coalition and electoral victory. At the eve of the polls, then military ruler, Gen. Robert Guei, disqualified Ouattara and other opposition candidates. The only candidate he allowed to contest was Laurent Gbagbo whom he considered of no political consequence. Concluding that the outcome of the election was already pre-determined the United Nations-led election observers team pulled out of the country after condemning the planned election as a mere charade.

Even though the election witnessed low turn-out of voters, some opposition leaders rallied behind Gbagbo of the Ivoirian Popular Front who, with early results from the Ivoirian Independent Electoral Commission (IEC), was leading. Evidently unprepared for such an outcome, Gwei disbanded the IEC, claiming ballot fraud and declared himself the winner. This led to street protests and several loss of lives until soldiers joined forces against Gwei who fled the country before Gbagbo could claim his mandate. Unfortunately, history had to repeat itself ten years later for Gbagbo himself to be forced out of power. But the lesson from the experience is that whenever opposition politicians unite behind one candidate which in 2000 was the result of an "unforced error" on the part of Gwei, the chances of ousting the incumbent become bright.

This became even clearer in the equally disputed 2010 elections. In the first round held on November 28, 2010 which was considered free, fair and transparent even by international observers, Gbagbo actually came first with 38 percent of the votes while Ouattara came second with 32 percent. Erstwhile president Konan Bedie came third with 25 percent of the votes but would become a crucial factor in the second round between Gbagbo and Ouattara. By tilting towards the latter, Gbagbo could only secure 46 percent of the votes to Ouattara's 54 percent. The Constitutional Court, however, reviewed this result to award Gbagbo 51 percent and Ouattara 49 to create the crisis.

<sup>47</sup>While Zimbabwe may defy easy categorization, a similar case can be made for the 2007 presidential elections which ended with a “government of national unity” after several people had been killed and thousands displaced. With 47.87 percent of total vote cast, Morgan Tavangirai of the Movement for Democratic Change (MDC) defeated President Robert Mugabe who garnered 43.24 percent of the votes in the first round of voting. The lacuna was that going by the Zimbabwean constitution he needed to secure 50 percent of total votes cast so the election went into second round which he eventually boycotted on grounds of violence and manipulation being perpetrated by Mugabe. There is a school of thought which reasons that if Morgan had collaborated with Simba Makoni who got 8.31 percent of the votes in the first round, there would have been no need for a run-off. Whether or not Mugabe would have yielded power is another issue altogether but there is no doubt that he would have been defeated at the first ballot if the opposition parties had gone into the election as a coalition.

Examples abound of where such opposition coalition has ensured change in the continent. On February 27, 2000, Senegalese went to the polls with the incumbent President Abdou Diouf of the Socialist Party who had been in power for twenty years seeking another term. His main challenger was the veteran Abdoulaye Wade of the Senegalese Democratic Party he had defeated four times before. At the end, Diouf secured 41.51 percent while Wade got 31 percent. Since no candidate met the 50 percent requirement, a run-off was scheduled for March 19 and the six other contenders who between them accounted for about 28 percent of the total votes cast decided to step down for Wade who then went on to win by 58.49 percent of the votes.

<sup>48</sup>The value of opposition coalition indeed goes beyond the sum of the parts as it helps to galvanise a kind of momentum within the populace that change was possible. Issaka K. Souare puts this in perspective with the argument that opposition coalition serves as a form of psychological boost which in turn helps to dent the myth of incumbent invincibility as it stimulates high turnout at election periods. “Opposition coalition building can therefore restore the hope of voters in the process and persuade them to vote. Seeing such popular support for the opposition, the ill-intentioned ruling regime may then be discouraged from rigging.”

There is perhaps no better testimony to the efficacy of opposition coalition in incumbent election than Benin. It began in March 1991 when for the first time, a multi-party presidential election was held. The first round saw the incumbent Mathieu Kerekou receiving 27 percent of total votes cast with the main opposition leader gaining 36 percent of the votes. Albert Tevoedjre got 14 percent, Adrien Hougbedji, 6 percent and Bruno Amoussou, 5 percent. The eight other contenders shared the remaining votes. With no candidate receiving 50 percent of the votes cast, the second round on 24 March resulted in victory for Nicephonre Soglo. What tilted the scale in Soglo’s favor was the endorsement he received from other opposition leaders who joined him in a coalition against the incumbent.

Five years later in March 1996, Kerekou turned the table on Soglo. In the first round, he came second with 34 percent of the votes to Soglo’s 36 percent. In the second round,



opposition candidates rallied around Kerekou against the man who defeated him five years previously but who by then was the incumbent. Kerekou secured the endorsement of Hougbedji who got 20 percent of the votes and Amoussou who secured 8 percent of the votes. With that, the reformed dictator was able to oust the incumbent Soglo with 52 percent of total votes cast.

By the next election, the power of opposition coalition was at play again. The March 5, 2006 presidential election in Benin was the first that Kerekou would not be on the ballot. His long-term rival, Soglo was also barred from contesting. The first round of voting produced an interesting result in which the two leading contenders between them accounted for just 60 percent of total votes cast. While Yayi Boni came first with 36 percent of the votes, Adrien Houngbeji came second with 24 percent. In the run-off, the six other contenders decided to withdraw for Boni who went on to win with almost 75 percent of total votes cast.

Ghana is perhaps the best model of competitive democracy in the continent. In the December 7, 2000 presidential election, opposition candidate, John Kufuor of the New Patriotic Party led with 48 percent of the total votes cast while candidate of the ruling National Democratic Change, John Atta-Mills scored 45 percent. Since no one had the minimum of 50 percent votes required for outright victory, the five other candidates rallied behind Kufuor who went on to win the second round by 57 percent.

The result of the 2008 contest was more divisive for both the country and the ruling New Patriotic Party (NPP) which presented Nana Akufo-Addo to replace President John Kuffuor. He went on to secure 49.13 percent which fell slightly short of the 50 percent he needed. Instructively, if this were Nigeria or Kenya where it is First-past-the-post, AkufoAddo would have been declared the winner without the necessity of a run-off. But in Ghana, it takes 50 percent of the total votes cast to cross the finishing line. In the run-off, Akufo-Ado's main challenger, John Atta-mills of the National Democratic Congress who got 47.92 percent to force the contest into the second round won by a margin of 0.46 percent after the six other contenders rallied behind him.

In Sierra Leone, the 2005 presidential election is also a testimony to the power of opposition coalition. Before the election, the ruling Sierra Leone Peoples Party (SLPP) selected the sitting vice president Solomon Barewa as candidate to succeed outgoing President Teejan Kabbah. Party strongman, Charles Margai, who felt slighted, decided to establish a rival Peoples Movement for Democratic Change (PMDC) thus splitting the ruling party. In the first round of voting, Ernest Bai Koroma of the All Peoples Congress (APC) secured 44.34 percent while Barewa got 38.28 percent. Margai secured 14 percent of the votes that might have gone to Barewa had there been no split in the ruling party. In the run-off, he threw his weight behind Koroma who went on to win.

From the foregoing, one can easily deduce the power of opposition coalition in the defeat of a ruling party and this is also the story from Madagascar, another country where presidential elections have resulted in leadership alternations. In the first round of the presidential election held on November 25, 1992, incumbent president Didier Ratsiraka



of AREMA came second with 29 percent but his main challenger who defeated him could only secure 46 percent. It was in the second round that Albert Zafy, leader of the National Union for Development and Democracy got the support of the five opposition candidates which then enabled him to win.

Another instance of opposition coalition occurred in Mali. In the 2002 presidential election, there were twenty four aspirants with Amadou Toumani Touré coming first with 28 percent. Soumaïla Cissé of the Alliance for Democracy in Mali came second with 23 percent of votes while Ibrahim Boubacar Keita (RPM - Rally for Mali) scored 21 percent. Between them, the 21 other contenders garnered about 28 percent of the votes which became crucial in the second round when Toure won with 64 percent to defeat Cisse, the ruling party's candidate. Zambia in 1991 presents a similar scenario. Even though there were six political parties in Zambia, five of them rallied around Frederick Chiluba's Movement for Multiparty Democracy to challenge founding president Kenneth Kaunda of the United National Independence Party who could only secure 24 percent to his opponent's 76 percent in what became a massive routing.

According to Souare, the blame for the absence of regime change in many countries within the continent should be put squarely at the doorstep of the opposition leaders most of whom themselves are 'macro democrats' and 'micro autocrats' who call for democracy at the national level yet do not practice the same within their parties. "The reason for this is that they form parties to seek power for themselves rather than to contribute to the democratic process in the country. If their leadership of the opposition coalition were not assured, they would rather go it alone even if they know that neither they nor another leader would win in a solo act."

## Conclusion

~~At this point, I must~~ state that I do not in any way want to convey the impression that opposition coalition guarantees that an incumbent president will be defeated as there are other factors which account for that. What I have tried to do is provide an explanation as to why it is difficult to dislodge an incumbent if the opposition is fractionalized. This finding is particularly useful for the Nigeria opposition parties who never succeed in forging any serious electoral alliance against the ruling party until after they have been defeated.

What transpired during the April general elections when the opposition presented three main contenders against the incumbent president is a case in point. These candidates were: Buhari of the CPC; Mr. Nuhu Ribadu of the Action Congress of Nigeria (ACN) and Governor Ibrahim Shekarau of the All Nigerian Peoples Party (ANPP).

Prior to the elections, it was not lost on critical observers that for Buhari, the leading opposition presidential candidate, to make any meaningful impact against incumbent president and candidate of the ruling PDP, he would have to forge a coalition with ACN and possibly ANPP. This is against the backdrop that 27 of the current 36 states governors were members of the PDP which had total dominance in the two houses of the National Assembly.

In most countries, alliances and coalition between opposition parties usually take months, sometimes years during which all the issues are addressed and compromises reached but the CPC and the ACN did not enter into any meaningful dialogue until weeks before the general elections. The final outcome of the talks was that a common position would be adopted for the presidential election scheduled to hold a week after the April 9, National Assembly polls. Results of the election indeed made such alliance a necessity for Buhari to stand any serious chance. PDP had won 59 senatorial seats against the 15 won by the ACN and 7 won by ANPP with the CPC winning 6 seats. The remaining 6 seats were shared between the other fringe opposition parties. In the House of Representatives, the ruling party also won 140 seats as against the 127 won by all the other parties combined.

<sup>49</sup>The trend that emerged from the election was that whereas CPC was largely restricted to the North-east and Northwest of the country with little or no presence in the three zones in the South, PDP also had almost exclusive control in the South-east and South-south with strong presence in the four other zones. In the South-west, the ACN was the dominant party. As the CPC and ACN began their negotiations on the eve of the presidential election, there was national excitement. Even though Jonathan, by virtue of the circumstances that brought him to office, enjoys popular nationwide support, there were also many Nigerians who craved the “alternation effects” that has earned Ghana respect in the comity of democratic nations hence rooted for Buhari. But the moment the alliance talk between the CPC and the ACN ended in recriminations and name calling, that momentum was lost. What eventually happened on May 16 in Nigeria has been explained by Souare’s thesis that even in elections where “many do not want to vote for the ruling party”; they also “do not want to ‘waste’ their vote on a fragmented opposition that does not stand any realistic chance of winning.”

<sup>50</sup>Nothing indeed exposes the opportunism of African opposition than the outcome of the December 2001 presidential election in Zambia which was marred by several irregularities with victory for the ruling party candidate, Levy Mwanawasa. Both local and foreign observers documented several electoral malpractices and three opposition candidates petitioned the Supreme Court which agreed that the polls were indeed flawed yet ruled that the result should stand. But whatever the shortcomings of the election it was actually the opposition which snatched defeat from the jaws of an imminent victory by failing to unite behind the most serious contender, Anderson Mazoka who secured 26.76 percent of the votes as against 28.69 percent which gave Mwanawassa his victory and the presidency.



Before the election, there were several meetings between leading opposition figures but all the talks yielded no result as each decided to test his political strength. At the end, all that Mazoka needed was less than two percent more for the opposition to win the presidency yet Christon Tembo who rallied behind him to protest the result got 13 percent of the votes and Tilyenji Kaunda, another later-day supporter, also got 10 percent. Even each of the four other contenders garnered enough votes which could have made the difference. For instance, Godfrey Miyanda got 8 percent of the votes; Benjamin Mwila secured 5 percent, Michael Sata, 3 and Nevers Mumba, 2. Had any of these fringe candidates stepped down for Mazoka, the outcome would have been different yet all the opposition candidates united after the election.

There are of course issues that need further exploration, especially given the ease with which leading opposition figures in Africa most often find accommodation in the government they challenged at the polls. This then leads to salient questions: Who really do most of these opposition politicians work for? Could it be that they were planted by the incumbents to make sure that attempts at coalition don't work and for which they are rewarded? Do these opposition politicians really stand for anything beyond the appetite for power which then compels them to gallivant from one political party to another? To what extent can one really describe politicians who are members of the ruling party until perhaps a few weeks to the election as credible opposition? These and a few other questions will have to be critically examined but not here and certainly not today.

While there may be a few lapses in the conduct of the last presidential election in Nigeria, the outcome could not have been otherwise given the manner in which the opposition approached the contest. There are, however issues which the Independent National Electoral Commission (INEC) should look into for the sake of future elections. Respected constitutional lawyer and Senior Advocate of Nigeria (SAN), Professor Itse Sagay, has for instance questioned results from the South East and South-South geopolitical zones of the country. Against the background that the consensus of the international community and that of most Nigerians is that Jonathan won, the pertinent question remains: how does such allegation help the opposition?

When the result of the November 28, 2010 presidential election in Cote D'Ivoire was released, Gbagbo disputed figures from Denguele, Savanes and Worodougou in the Northern region of the country where the cumulative turn-out of voters averaged above 90 percent. Given that votes from these three areas, stronghold of Quattarra, accounted for 26 percent of the total votes cast in the country, Gbagbo had genuine complaints but if anybody listened to him, he would still be in power today. The lesson is that the fixation of the Nigerian opposition with voters' turn out in the South-east and South-south may not carry much weight. In any case, no presidential election result has ever been upturned by court anywhere in the world.

While not advocating against the legal option already taken by a section of the Nigerian opposition, my contention is that it is more productive for them to begin to plan and organize for future elections. The perennial narrative that they are rigged out by the ruling party is becoming hollow. In a milieu where political parties are not only weak but



lack financial wherewithal while there is no ideology binding members together, forging an electoral alliance is a long and arduous task. Waiting till weeks or days to the election to begin the process for such an alliance is therefore no more than an open invitation to a sure defeat.

## ENDNOTES

<sup>1</sup> Huntington, Samuel P. "The Third Wave: Democratization in the Late Twentieth Century" (Norman: University of Oklahoma Press, 1991)

<sup>2</sup> Maltz, Gideon. "The Case for presidential term limits", *Journal of Democracy*, Volume 18, Number 1, Jan 2007, Page 128-142

<sup>3</sup> Jonathan was until February 6, 2011 the vice president of Nigeria. Following the prolonged absence of President Umaru Musa Yar'Adua from the country on grounds of ill-health, he was elevated to the position of acting president. When Yar'Adua died on May 5, 2010, Jonathan became the president of the country which then enabled him to contest as an incumbent on the platform of the ruling Peoples Democratic Party (PDP) at the April 2011 polls.

<sup>4</sup> Retired Major General, who toppled Nigeria's second democratic experiment in December 1983 before he himself was removed as Head of State in a palace military coup d'etat 18 months later, has contested presidential election thrice (2003,2007 and 2011) and failing on each occasion.

<sup>5</sup> Freedom House, 2006. *Freedom in the World 2006: The Annual Survey of Political Rights and Civil Liberties*.

<sup>6</sup> Collier, Paul. Former World Bank Director of Development Research Group and currently a professor of economics at Oxford University, is the author of "Wars, Guns and Votes: Democracy in Dangerous Places" and "The Bottom Billion."

<sup>7</sup> See "The Trouble with African Elections", *Wall Street Journal*, June 17, 2009 and his book, *Governance in low-income countries, especially the political economy of democracy*

<sup>8</sup> Schedler, Andreas. 2002a. "The Menu of Manipulation," *Journal of Democracy* 13, 2: 36-50

<sup>9</sup> Maltz supra, note 2.

<sup>10</sup> Banfo, Napoleon. "Double-Take: A reexamination of democracy and autocracy in Africa, 1990-2005, Georgia Political Science Association Conference Proceedings, 2005.

<sup>11</sup> *The Politics of Aristotle* 258 (Ernest Barker trans., Oxford University Press 1958)

<sup>12</sup> See “Bolivar and South American Liberation”, available at <http://www.san.beck.org/Bolivar.html>

<sup>13</sup> See “Guatemala's first lady divorces ‘for her country’”, Reuters, March 24, 2011, available at <http://www.reuters.com/article/2011/03/25/us-guatemala-firstlady-idUSTRE72O0G920110325>

<sup>14</sup> Following on what Evo Morales successfully did in Bolivia in January 2009 when by a sleight of hand, he secured enough votes for a new constitution which relaxed term limit thus clearing the way for him to run again, Hugo Chavez has effectively become a constitutional monarch in Venezuela following a referendum which approved a constitutional amendment to scuttle term limits.

<sup>15</sup> Cheeseman, Nic. “African Elections as Vehicles for Change”, *Journal Of Democracy*, Volume 21, Number 4, October 2010, pp139-153.

<sup>16</sup> See “Concern at Senegal Term Extension”, available at <http://news.bbc.co.uk/2/hi/africa/7532882.stm>

<sup>17</sup> See Afrik-News, “Senegal: President to change constitution to seek lifetime in office”, available at <http://www.afrik-news.com/article16188.html>

<sup>18</sup> See "Djibouti's Leader Wins Uncontested Vote". Available at <http://www.nytimes.com/2005/04/09/international/africa/09djibouti.html?pagewanted=print&position=>

<sup>19</sup> Nossiter, Adam. “President claims power in Niger’s disputed referendum”, *New York Times*, Aug 7, 2009.

<sup>20</sup> See “Coup in Niger: Cleaning House with Dirty Water”, available at <http://www.nigeriavillagesquare.com/articles/guest-articles/coup-detat-in-niger-republic-cleaning-a-house-with-dirty-water.html>

<sup>21</sup> See Ginsburg, Tom. “On the evasion of executive term limits”, available at [http://works.bepress.com/tom\\_ginsburg/31/](http://works.bepress.com/tom_ginsburg/31/)

<sup>22</sup> Bratton, Michael. “*The ‘Alternation Effect’ in Africa*” *Journal of Democracy* - Volume 15, Number 4, October 2004, pp. 147-158

<sup>23</sup> Foreword to the Freedom House 2010 survey on countries at the crossroads, titled, “The Vulnerable Middle”, Jake Dizard and Christopher Walker

<sup>24</sup> First used in 2005 following the US invasion of Iraq and the suggestion that it would serve as a catalyst for promoting western, it took on a new meaning when young people in Tunisia and Egypt toppled their governments after weeks of protest which then spread across the Middle East.

<sup>25</sup> Obasanjo, a retired military General, was Nigeria’s Head of State between 1976 and 1979, when he voluntarily handed over power following a successful transition to civil rule program. In 1999, he was elected president and won re-election in 2003 for a second and final term of four years. Midway into the tenure, he began a plot for a third term but his attempts to get the National Assembly to amend the constitution to relax term-limit provision failed in 2006 and he left office in 2007 at the end of his second term.

<sup>26</sup> Remarks by Obasanjo, while feilding questions from questions during the May 2011 World Economic Forum (WEF) in Cape Town, South Africa, available at <http://234next.com/csp/cms/sites/Next/Home/5698173-146/story.csp>

<sup>27</sup> See Gbagbo at bay: Defiant Ivory Coast dictator arrested and handed to elected leader available at <http://www.dailymail.co.uk/news/article-1375722/Ivory-Coast-dictator-Laurent-Gbagbo-arrested-handedAlasane-Ouattara.html>

<sup>28</sup> Dagne, Ted. "Kenya: The December 2007 elections and the challenges ahead", CRS Report for Congress, Feb. 15, 2008

<sup>29</sup> See "Punishing dissent, silencing citizens: The Zimbabwe Elections 2008", by Johannesburg Peace Trust, available at [http://www.solidaritypeacetrust.org/download/report-files/punish\\_and\\_silence.pdf](http://www.solidaritypeacetrust.org/download/report-files/punish_and_silence.pdf)

<sup>30</sup> CPC's Legal Adviser Abubakar Malami, which was condemned by President Jonathan as "vexatious in the extreme" while noting that it amounted to "rubbing salt on the raw wounds of families who lost dear ones, and those who were maimed and lost valuable property to the carnage"

<sup>31</sup> See Maltz, Op. Cit <sup>32</sup> Schedler, Andreas. "The Menu of Manipulation" Journal of Democracy, Volume 13, Number 2, April 2002, pp 36-50, also available at <http://muse.jhu.edu/journals/jod/summary/v013/13.2schedler.html>

<sup>33</sup> The electoral reform committee headed by former Chief Justice of the Federation, Mr. Muhammed Uwais had recommended that the Chairman and members of INEC (Independent National Electoral Commission) should be nominated to the president who would then forward the names to the National Assembly for confirmation.

<sup>34</sup> Abuya, Edwin Odhiambo. "Can African States Conduct Free and Fair Presidential Elections?", available at <http://www.law.northwestern.edu/journals/jjhr/v8/n2/1/abuya.pdf>

<sup>35</sup> Elklit, Jurgen and Andre Reynolds. "A framework for the Systemic study of election quality", *Democratization* 12: 147-162

<sup>36</sup> Mozaffar, Shaheen. "Patterns of electoral governance in Africa's emerging democracies", *International Political Science Review* 2002 23: 85

<sup>37</sup> López-Pintor, Rafael. "Electoral Management Bodies as Institutions of Governance", also available at <http://www.pogar.org/publications/other/undp/elections/electoralmgmtbodies-e.pdf>

<sup>38</sup> Ghana Constitution (Promulgation Law, art. 43 (1) 1992

<sup>39</sup> Jeff Conroy-Krutz, "The Price of a Vote", available at [http://people.tamu.edu/~kdionne/MGAPE/papers/conroy-krutz\\_01](http://people.tamu.edu/~kdionne/MGAPE/papers/conroy-krutz_01)

<sup>40</sup> William, Muhumuza. "Money and Power in Uganda's 1996 Elections", *African Journal of Political Science* (1997), Vol. 2 No. 1, 168-179

<sup>41</sup> See "President Museveni vows to munch the opposition", available at <http://www.independent.co.ug/ugandataalks/2011/02/president-museveni-vows-to-munch-theo-pposition/?Itemid=410>

<sup>42</sup> Ogbondah, Chris, "Press Freedom and Political Development in Africa", available at <http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol8no3/jamr008003002.pdf>

<sup>43</sup> Odinga, A. Raila. "Democracy in Transition: Why the vote is troubled in Africa", address to the Center for Strategic and International Studies, Washington DC, April 16, available at [2011http://csis.org/files/attachments/110414\\_odinga\\_remarks.pdf](http://2011http://csis.org/files/attachments/110414_odinga_remarks.pdf)

<sup>44</sup> All the election figures used in this report were sourced from African election database, available at <http://africanelections.tripod.com/about.html>

<sup>45</sup> Marc Morje Howard and Philip G. Roessler. "Liberalizing electoral outcomes in competitive authoritarian regimes", *American Journal of Political Science*, Vol 50, No 2, April 2006, page 365-381

<sup>46</sup> See "Persistent Challenges to Long-Term Peace in Côte d'Ivoire", available at <http://www.usip.org/files/resources/PB%2060%20Persistent%20Challenges%20to%20Long%20Term%20Peace%20in%20Cote%20d%27Ivoire.pdf> <sup>47</sup> See, "Zimbabwe: Background", available at <http://www.fas.org/sgp/crs/row/RL32723.pdf>

<sup>48</sup> *Souaré, Issaka K.* "African Opposition Parties Have Their Share of the Blame", *ISS AFRICA*, 05 October 2009, available at [http://www.iss.co.za/iss\\_today.php?ID=1113](http://www.iss.co.za/iss_today.php?ID=1113)

<sup>49</sup> Nigeria has 36 states divided into six geo-political zones with 17 states in the three Southern zones and 19 in the other three zones in the North.

<sup>50</sup> Young, Daniel. "Clientism at work in African elections? A study of voting behavior in Kenya and Zambia", *Afrobarometer Working Paper*, No 106, 2009