

# **The Swan Song of Electoral Democracy: From Kenyatta to Kabila, the Rise of a New Impunity**

The normalization of electoral pilferage in Africa is baffling. Election management bodies, long the political tools of incumbents, can't stop outdoing each other in their mediocrity. And ready to legitimise these atrocities, are African presidents who compete to be the first to convey congratulatory messages. Not to be outdone, international and regional organizations continue to provide technical support for these sham processes, releasing bland observation reports that rubber-stamp electoral fraud. And the diplomats, who while investigations are launched on sabotage of elections in their own countries, undermine electoral justice in their host countries.

The recent charade in the Democratic Republic of Congo is only the latest in the disturbing trend. Similar processes in Zimbabwe, Cameroon, Rwanda and Kenya, in the past year or so, confirm this. In these four situations, the incumbent retained power, despite detention of political opponents, massive irregularities, blatant theft, intimidation of voters and in some cases, brutal murders by security operatives. With elections scheduled in more than 20 countries this year including Nigeria, Ethiopia, South Africa and Malawi, we should expect this trend to continue unabated.

Turning to the Democratic Republic of Congo: it has the world's most complex and longest running humanitarian crisis. It is estimated that since 1996, violence has claimed over six million lives (without including the period between its independence from Belgium in 1960 to 1995). Historically, the

country has never had a bloodless transfer of power. Former President, Joseph Kabila, who inherited the seat from his assassinated father, Laurent Kabila in 2001, managed to cling to power for 18 years. He could have probably postponed elections again, if the Congolese, led by the Catholic Church, did not keep the pressure on him finally to conduct them.

*The recent charade in the Democratic Republic of Congo is only the latest in a disturbing trend. Similar processes in Zimbabwe, Cameroon, Rwanda and Kenya, in the past year or so, confirm this. With elections scheduled in more than 20 countries this year including Nigeria, Ethiopia, South Africa and Malawi, we should expect this trend to continue unabated.*

With this background, most people would agree that the people of Congo need some semblance of stability (the strict meaning of which usually excludes the violence prosecuted by countries and multinationals pillaging Congo's rich minerals and timber). But must electoral justice and political stability be mutually exclusive? Several colleagues, working in support of the Congolese election management body, CENI, have expressed their shock and disbelief at the swapping of the presidential results and the manipulation of the legislative vote. These are colleagues who are hardened electoral experts – they have seen it all, from Cambodia to Afghanistan and everything in between.

*Most people would agree that the people of Congo need stability (the strict meaning of which usually excludes the violence prosecuted by countries and multinationals pillaging Congo's rich minerals and timber). But must electoral justice and political stability be mutually exclusive?*

In our conversations, I have sought to understand why the Congolese case gets them more perturbed than say, Kenya or Zimbabwe – places in which they recently worked. It is clear that it is because the game played by Kabila deviated from the

usual script. These international organizations, complicit in aiding theft in favour of incumbents or their anointed successors, cannot relate to a situation where an incumbent does this in favour of an opposition candidate.

As one of my colleagues said to me, "The difference is that in Kenya, it was not as blatant, there was no paper trail." I should have been shocked to hear this, that the Kenyans were more adept at creating a farce of an electoral process than the Congolese. What many of these colleagues of mine do not understand is that the end game is the same. In both cases, the will of the people was subverted. For the diplomats and international organizations, their private outrage was that the Congolese were too obvious in their deceit. Perhaps even more outrageous was that Kabila had excluded them from his game plan. They were checkmated with the rest of us. They were not among the usual plotters of the game plan. They were prepared to make a case for how the ruling party had won, because of the power of incumbency, the divisions among the opposition and the sheer constructed tyranny of numbers. They were not prepared for what author and journalist Charles Onyango-Obbo dubbed the 'Kabila Method'. It partly explains why contradictory statements were issued by the African Union, SADC and some European capitals, in support of the legitimate winner of the race, Martin Fayulu, before capitulating and vowing to work with President Felix Tshisekedi.

*I have sought to understand why the Congolese case gets my colleagues more perturbed than say, Kenya or Zimbabwe...It is because the game played by Kabila deviated from the usual script.*

If elections are indeed ritual processes to confirm the incumbents or their chosen successors, then why should we invest our hopes, blood, emotions and resources in them? Would we not be best served by monarchs such as those in Morocco and Saudi Arabia? According to several sources, and data [collected](#)

by ACE African countries rank among the highest in spending on organizing elections. (This does not include campaign financing, for which the United States is off the charts.) Curiously, the higher the amount of money handed over to the 'independent' election management body, the lower the country ranks in the *Democracy-Index* maintained by *The Economist*.

It is estimated that in 2017 Kenya spent \$ 25.4 per registered voter (not including the repeat 26 October 2017 presidential election, petitions and by-elections) and ranks 98 out of 167 states in the *Democracy-Index*. Botswana ranks 28<sup>th</sup> in the *Index* and spends an average of \$2.07 per voter, although this may increase in 2019 if the country proceeds with the use of Electronic Voting Machines (EVMs).

*[International observers] were prepared to make a case for how the ruling party had won, because of the power of incumbency, the divisions among the opposition and the sheer constructed tyranny of numbers. They were not prepared for what author and journalist Charles Onyango-Obbo dubbed the 'Kabila Method'.*

African leaders are getting more emboldened in methods of securing legitimacy, even amidst blatant electoral theft. They know that they can rely on the African Union and other regional organizations such as IGAD and SADC to issue observation reports lauding their illegitimate electoral processes. Prime Ministers, Presidents (sometimes sprinkling onto their official delegations, erstwhile opposition leaders, recent victims of electoral theft now co-opted by the incumbent) will troop to their inauguration ceremonies. They can count on the United Nations to issue statements congratulating the people "for voting peacefully" (as if voters were ever the problem) and taking note of the decisions of the 'constitutionally established institutions', even when their own staff have concrete evidence of the foul play and state capture of these institutions.

These leaders are aware that they can use excessive violence and repression to silence their opponents with impunity. And if this does not work out, they will buy off the opposition with the proverbial thirty pieces of silver and repeat the charade in the next electoral cycle. Or they will promise their victims that, in joining government, the same system that rigged them out could well rig them in, next time. Which begs the question of why we spend billions on elections. Why do we put ourselves through the emotional wringer to end up with leaders we did not choose? Why participate in a charade that ends up keeping the political barons, as former Chief Justice Willy Mutunga calls them, in power?

Electoral disillusionment is not unique to Africa. One could argue that there exists today a global democracy deficit as acute in Europe and North America as it is in Africa. Political scientist Larry Diamond has produced many publications on the subject of 'democratic recession'. Many more researchers have studied in detail whether democracy is in retreat or not. It is however safe to say that what we have recently seen in Latin America, the US, and Europe is a backlash against leftist policies that pushed the middle class to the edge, with leaders, perceived as unrepresentative and out of touch, playing xenophobic dog-whistle politics with immigrants. Many of these countries have ended up electing populist, nationalist and right-wing leaders, who as expected have not provided solutions to their woes but rather introduced divisive and polarizing politics and policies.

*Electoral disillusionment is not unique to Africa. One could argue that there exists today a global democracy deficit as acute in Europe and North America as it is in Africa.*

While one could question the quality of the electoral processes in these countries, these leaders are not in power because election results were swapped blatantly, either electronically, as was in Kenya, or manually as in the DRC. It

is also evident that, as was the case in the mid-term elections in the US, voters are still determined to organize and repudiate values that they deem not representative of their views. The fact that a 70-year tradition of habitually low voter turn-outs was broken – turn-out was a record 60 percent, yielding the most diverse (youth, women, Muslims) US Congress ever – holds hope for electoral democracy elsewhere. Social movements are growing in Slovakia, Romania and even in Poland to push back against these populist tendencies.

There are examples galore in Africa of what happens when people lose hope in electoral democracy– a system – a strict definition is worth restating in these strange times – in which citizens, through universal suffrage, choose and replace their leaders in regular, free, fair, and meaningful elections. This stands true even in cases where there is a façade of democracy created by the autocrats, such as Kenya. From Algeria to Zimbabwe, political changes have taken place, mostly peacefully through social and political movements. Whether in Burkina Faso or The Gambia, citizens have proven their will and capacity to alter their political fate.

Electoral democracy requires patience and hard work, both of which are acutely deficient, especially as we fall victim of the establishment's distractions. For now in Kenya, the 'Ruto Bogeyman' has been created. Instead of spending time nurturing alternative leadership, the public has consented to being used as State House's battering ram against him. It's worth recalling that between 2013 and 2017, we were subjected to the 'Raila Bogeyman' regime campaign. We have long forgotten about demanding a public inquiry into the 2017 electoral fiasco – or the 2013 debacle. Those who managed the 2017 electoral thuggery continue to receive public funding and tour the world in the name of exporting "lessons learned" from their experience of managing two presidential elections in less than a year! We are collectively distracted by the smoke and mirrors 'fight' against graft. We have even signed on to

blaming the judiciary for its handling of poorly prosecuted corruption cases designed to fail. Our social media platforms still have messages appealing for unity against terrorists, without questioning why *Al-Shabaab* successfully targets Kenyan towns and cities, and fails to do so against Addis Ababa whose troops have been in Somalia longer than us. We even get to spend time celebrating or bemoaning (depending on your political stripe) that Cabinet Secretary Fred Matiang'i is now empowered to coordinate the achievement of the government's agenda while all along his official title reads exactly that (CS, *Interior and Coordination of National Government*).

It is tempting to write off electoral democracy in Kenya, especially now. However, there may be still room to begin laying the foundations for overturning the 'faux democracy' of the past 50 years. It might be tempting to focus only on de-registering ourselves from the IEBC's voters roll, which anyway by law needs to be discarded and a new voter registration process to be initiated before the 2022 election.

We owe it to our children to do more than this. To play our role in shaking the current system that has been controlled by the dynasties and elite political 'barons' for the past five decades. It requires organizing around a movement that advocates for a different type of leadership – a Third Liberation, if you will. This is an arduous task, requiring time and dedication. It requires going back to the basics of defining the kind of leadership we deserve as a people to end impunity, theft of public resources, to protect our environment and to guarantee public safety and security for all. This is possible. It has been done before in Kenya, with varying levels of success, and it can be done again.

*We owe it to our children to do more than this. To play our role in shaking the current system that has been controlled by the dynasties and elite political 'barons' for the past five decades. It requires organizing around a movement that advocates for a different type of leadership – a Third*

*Liberation, if you will.*

But even as we chart this path, we must remember to hold the leaders of these movements accountable to the people. Most of today's autocrats in Africa were yesterday's defenders of democracy. Yoweri Museveni of Uganda toppled the Tito Okello military dictatorship 33 years ago; today, he ranks among Africa's longest serving despots. In Guinea, President Alpha Condé, a long-time opposition leader, became the first democratically elected president in 2011 and appears to be preparing to remove term limits in addition to his ongoing repressive tendencies against his opponents. In Cote d'Ivoire, the hope that Alassane Dramane Ouattara embodied has long been replaced by the very same tactics of his predecessor Laurent Gbagbo. Closer home, one of the prominent leaders of the 'second liberation' Rt. Hon. Raila Odinga and the 'Young Turks' have joined forces with the ruling Jubilee Party to undermine the same values and aspirations they allegedly fought to protect.

The journey to real change, to electoral democracy, must advance by the dismantling of the entrenched structures that enable the rise of populism, divisive politics, corruption and impunity. It is a journey that we as a nation have really not yet begun. The jury is still out on how far we shall proceed before we are enjoined in the distractions set up by the political 'barons' and the dynasties. Until then, electoral democracy is a mirage. And ours will remain selection, not election processes. Just with more pomp, more pillaging and unfortunately, more deaths.