ROLE OF AFRICAN UNION ON ELECTORAL CONFLICT: CASE STUDIES
KENYA 2007, ZIMBABWE 2008 AND BURUNDI 2015

BY

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B1541355

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INTERNATIONAL RELATIONS

SUPERVISED: T.K. KATSINDE

2016
DECLARATION FORM

I declare that the Role of African Union on Electoral Conflict: Case Studies of Kenya 2007, Zimbabwe 2008 and Burundi 2015 is my original work and that all sources used or quoted have been indicated and acknowledged by means of complete references.

Date: 30 October 2016

B1541355
DEDICATION

To my dear late mothers Miriam Maunge and Sipelile Mukahiwa, I wish you were here to see all my endeavours and my dear father for believing in me.

And

To my husband Billy and my beloved sons Clint and Flint. You continue to inspire me.
ACKNOWLEDGEMENTS

I would like to express my sincere gratitude to my supervisor and the entire staff of Peace and Governance department who guided me throughout this study. I lack words to express my appreciation for expertise and commitment.

I thank my family and friends, especially my husband for being a pillar of strength, my sisters Bridget, Lawrenca, Nyasha, Tambudzai and Clotilda for being there for me, my academic friends Gracious, Revai, Obert and Tatenda for their encouragement and support. Your encouragement helped to persevere.

I would also like to express my sincere gratitude to the participants without them this study would not be possible.

Lastly I would like to thank my employer, my boss Mr D. Chidakuza and the entire staff for their assistance and encouragement.

GOD BLESS YOU ALL
LIST OF ABBREVIATIONS AND ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AU</td>
<td>African Union</td>
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<td>ASF</td>
<td>Africa Standby Force</td>
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<td>ASPA</td>
<td>African Union Peace Architecture</td>
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<td>CEWS</td>
<td>Continental Early Warning Systems</td>
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<td>CSO</td>
<td>Civil Society Organisations</td>
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<td>Democratic and Electoral Assistance Fund</td>
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<td>Democratic and Electoral Assistance Unit</td>
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<td>EAC</td>
<td>Eastern African Community</td>
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<td>ECK</td>
<td>Electoral Commission of Kenya</td>
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<td>EMB</td>
<td>Electoral Management Body</td>
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<td>EU</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>GNU</td>
<td>Government of National Unity</td>
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<td>GPA</td>
<td>Global Political Agreement</td>
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<td>MDC</td>
<td>Movement for Democratic Change</td>
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<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>ODM</td>
<td>Orange Democratic Party</td>
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<td>SADC</td>
<td>Southern Africa Development Community</td>
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<td>PCRD</td>
<td>Post Conflict Reconstruction and Development</td>
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<td>PSC</td>
<td>Peace and Security Council</td>
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<td>POW</td>
<td>Panel of the Wise</td>
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<td>Full Name</td>
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<tr>
<td>REC</td>
<td>Regional Economic Community</td>
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<td>United Nations</td>
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<td>ZANU-PF</td>
<td>Zimbabwe African Nation Union – Patriotic Front</td>
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<td>ZEC</td>
<td>Zimbabwe Electoral Commission</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

Declaration....................................................................................................................... i
Dedication......................................................................................................................... ii
Acknowledgements.......................................................................................................... iii
List of Abbreviations and Acronyms................................................................................ iv
Table of Contents............................................................................................................... vi
Abstract............................................................................................................................. x

CHAPTER ONE .................................................................................................................. 1
  1.1 Background to the study ......................................................................................... 1
  1.2 Statement of the Problem ....................................................................................... 4
  1.3 Aim/Purpose of the Study ....................................................................................... 4
  1.4 Research Objectives ............................................................................................... 5
  1.5 Research Questions ............................................................................................... 5
  1.6 Significance of the Study ....................................................................................... 5
  1.7 Assumptions ........................................................................................................... 6
  1.8 Delimitations of the Study ..................................................................................... 6
  1.9 Limitations of the research .................................................................................... 7
  1.10 Ethical Considerations ......................................................................................... 7
  1.11 Definition of key terms ....................................................................................... 8
  1.12 Proposed Chapter Outline ................................................................................... 8
  1.13 Proposed timeframe ............................................................................................. 9

CHAPTER TWO .................................................................................................................. 11
LITERATURE REVIEW AND THEORITICAL FRAMEWORK ........................................ 11
  2.1 Introduction ........................................................................................................... 11
  2.2. Theoretical framework ......................................................................................... 11
    2.2.1. Theory of liberal democracy ...................................................................... 11
    2.2.2. Intergovernmentalism theory .................................................................... 13
  2.3. Review of Related literature .............................................................................. 15
  2.4 AU as a conflict management and resolution board .............................................. 15
  2.5.2 AU’s Electoral Conflict Management ............................................................... 20
  2.10 Chapter Summary ................................................................................................ 35
CHAPTER THREE
RESEARCH METHODOLOGY
3.0 Introduction
3.1 Research Design
   3.1.1 Research Paradigm
3.2 Target Population
3.3 Sample
3.4 Sampling techniques
3.5 Data Collection
   3.5.1 Interviews
   3.5.2 Document Analysis
3.6 Validity and reliability
   3.6.1 Pilot testing
3.7 Data presentation and analysis
3.8 Ethical consideration
3.9 Summary
CHAPTER FOUR
DATA PRESENTATION, ANALYSIS AND INTERPRETATION
4.1. Introduction
4.2 Background of respondents
4.3 The AU’s electoral conflict preventive mechanisms
   4.3.1 Continental Early Warning Systems (CEWS)
   4.3.2 Preventive diplomacy
   4.3.3 Election Observation Missions and Monitoring
4.4 Mediation
   4.4.1 Panel of the Wise (POW)
   4.4.2 The Regional Economic Communities (RECs)
   4.4.3 Panel of Eminent Personalities
4.5 Post Conflict Reconstruction and Development (PCRD)
   4.5.1 Consolidation of Peace and Prevent Relapse of violence
4.6 Summary
CHAPTER 5
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS
5.1. Introduction
5.2 Summary ................................................................................................................................................. 69

5.2.1 Summary of the whole research .......................................................................................................... 69

5.2.2 Summary of findings ............................................................................................................................... 70

5.3 Conclusions .................................................................................................................................................. 71

5.4 Recommendations ...................................................................................................................................... 72

5.5 Areas for Further Research/Study ............................................................................................................. 73

REFERENCES ....................................................................................................................................................... 74

APPENDIX ‘A’ ....................................................................................................................................................... 82

APPENDIX ‘B’ ....................................................................................................................................................... 84

APPENDIX ‘C’ ....................................................................................................................................................... 86
ABSTRACT

The aim of the study was to evaluate the role of AU on electoral conflict with reference to three cases of Kenya 2007, Zimbabwe 2008 and Burundi 2015. Theories of liberal democracy and intergovermentanism were used to reinforce and provide clarity to the study. The study was conducted in a qualitative research design and data was gathered using interviews and document study. The target population were election administrators and election experts from EISA, UNDP, IFES and Shalestone Election and Governance Consultancy. Purposive sampling technique was used because of its effectiveness to identify the appropriate persons with knowledge on the subject. The findings of the study reveal that there was inconsistency by AU in the use of the preventive mechanism as evidenced by Kenya and Zimbabwe where no preventive action was taken despite symptoms of conflict being visible but same was invoked in Burundi. The other finding was that the AU in most cases assigns the RECs to resolve electoral conflict but ignores allegations of bias by disputants’ as in the cases understudy. Furthermore the AU did not implement the PCRD policy in both Kenya and Zimbabwe though it did so in Burundi in the past conflict. In conclusion the electoral conflict mechanisms of the African Union are not yet effective as evidenced by the inconsistency in their application as what was done in Kenya was not done in Zimbabwe or Burundi. The AU tends to procrastinate in resolving electoral conflicts as evidenced by the case of Burundi which has taken over a year to resolve since the conflict erupted. It is therefore recommended that the African Union should effectively apply its electoral conflict mechanisms consistently in all member states that are holding elections in order to curb violence in its embryonic stages. The recommended area for further research is on the evaluation of the African Union mediation strategies in Burundi 2015 electoral crisis and to observe which one among others could be effective for brokering a peace deal.
CHAPTER ONE

INTRODUCTION

1.1 Background to the study

The African Union (AU), a 54-member Pan-African organisation created in 2002 as a successor organisation to the Organisation of African Unity (OAU), has developed norms intended to promote political participation, improve electoral standards and facilitate the consolidation of democracy in member states (AU; 2013). It recognises the importance of participation in public affairs as an essential element of democracy and this is evident from its enactment of the following instruments; the 2002 Constitutive Act, the African Charter on Human and People’s Rights, African Charter on Democracy, Elections and Governance, the AU Declaration on the Principles Governing Democratic Elections in Africa, and the AU’s Guidelines for Electoral Observation and Monitoring Missions.

Elections are recognised as a move towards democratisation of Africa. However they have posed a challenge to its peace and security as witnessed by the election-related violence in such countries as Kenya (Modi and Shekhawat, 2009: Adeagbo, 2011), Zimbabwe (Kibble, 2008), Ivory Coast (Cook, 2011), Nigeria (Onwudiwe and Berwind-Dart: 2010), the Democratic Republic of Congo (Chelsom-Pill; 2011) and Burundi (BBC: 2015). Further on elections as a source of conflict, Oguonu and Ezeibe, (2014: 328) stated that “the quality of democracy arguably declined between 2005 and 2012, with political rights and civil liberties improving in 15 countries but deteriorating in 18 other states after some African leaders resort to violence and curtailed rights during election periods in a bid to hold on to power. Oguonu and Ezeibe (2014) further stated that in 2011, state security forces in the DRC and Uganda used excessive force against opposition party supporters and at least 42 people were killed in the DRC in the days before and soon after national polls in 2011. Substantial electoral violence accompanied national polls in Kenya in 2007-2008, Zimbabwe in 2008, Côte d’Ivoire in 2010-2011 and Burundi 2015. Oguonu and Ezeibe (2014) further observe that between 19 and 25 percent of elections in Africa are marred by electoral conflicts.
This study focuses on the role of AU on electoral conflict using three diverse cases of Kenya 2007-2008, Zimbabwe 2008 and Burundi 2015 electoral conflict. The postelection violence of 2007-2008 was also the worst incident of election-related conflict in Kenya’s history, it engulfed all but two provinces and was felt in both urban and rural parts of the country (Malik: 2014). By the time the clashes that started in late December 2007 finally came to an end in February 2008, over 1 000 Kenyans had perished and countless others had been displaced from their homes (Anderson and Lochery 2008). Owuor (2011) stated that soon after the announcement of results in 2007 general elections, Kenya degenerated into violence of unprecedented proportion that claimed 1300 deaths, with over 600,000 displaced and destruction of property of unknown value. In Zimbabwe, prior to 2008 run-off election ICRP (2008) states that “the security services and ZANU-PF militia unleashed a campaign of intimidation, torture and murder against opposition activists, journalists, polling agents, public servants, civic leaders and ordinary citizens suspected of voting for the opposition party, Movement for Democratic Change (MDC). Furthermore ICRP, noted that “the violence came to a climax when, after losing the March 2008 presidential election, President Mugabe carried out widespread state-sponsored violence and terror in which human rights violations, including torture, beatings, mutilations, and rape were perpetrated against leaders and supporters of the opposition. According to the Zimbabwe Human Rights Watch (2009), the months leading up to the run-off were marked by widespread abuses, including killings, torture, beatings, looting and burning of property. Zimbabwe Human Rights Watch (2009), also stated that around 165 people were killed, 5 000 tortured or beaten and 10 000 displaced by the violence which eventually forced Tsvangirai to withdraw from the poll. In the case of Burundi, according to Simon (2015) violence was triggered by the announcement that President Nkurunziza was running for the third term. The announcement sparked protests across the country, forcing government to shut down the country's internet and telephone networks and closed all of the country's universities. Government officials publicly referred to the protesters as terrorists (Franks, 2015). Brownell (2015) further notes that 3 500 people were arrested, 220 000 fled the country and the death toll was estimated to be around 200.

These events prove that elections have become the source of conflict in many African countries in spite of the existence of AU instruments that promote sustainable democratic governance and peace. The 2000 Constitutive Act of the African Union (AU) in Article 3(f) and (g) thereof provides for the promotion of peace, security and stability on the continent and (g) promote democratic principles and institutions, popular participation and good
governance. Further Article 4 (m) provides for the “respect for democratic principles, human rights, rule of law and good governance, while 4(p) provides for the condemnation and rejection of unconstitutional change of governments.

The AU has a standing African Peace and Security Architecture (ASPA) in which the Peace and Security Council (PSC) is a key organ in prevention, management and resolution of conflicts (AU, 2015). Conflict prevention and preventive diplomacy is usually used where there is potential to conflict or when same is in its embryonic stage and measures are taken to contain its intensification. Conflict management applies when conflict has already escalated or beginning to escalate, but measures are put in place to reduce the intensity of violence associated with such conflict. Conflict resolution applies in situation where a conflict situation is transformed into peacebuilding through, for instance, post conflict reconstruction and development programs (AU, 2010). As a measure to instil peace and democracy on the continent, the AU has established five pronged frameworks and approaches to deal with election related conflict namely: (a) early warning and preventive diplomacy, (b) election observation and monitoring, (c) post-election mediation, (d) technical and governance assistance, and (e) post conflict reconstruction and development (PCRD) (AU, 2010).

There are various instruments promulgated by the AU with a purpose to promote electoral democracy and manage conflict that arises therefrom. The AU Declaration Governing Democratic Elections in Africa is an instrument in which African leaders undertook to promote, protect democracy and human rights in their respective countries and regions. It also stressed the imperative of ensuring good governance through popular participation based on the respect for human rights and dignity, free and fair elections, as well as on the aspect of the principles of freedom of the press, speech, association and conscience (AU: 2013). In addition, the African Charter on Democracy, Elections and Governance is a legally binding commitment which serves as a point of reference for all AU efforts aimed at enhancing the overall state of democracy, elections and governance throughout the continent (Matlosa: 2008). The Guidelines for the AU Electoral Observation and Monitoring Missions is also a way of improving the integrity of the electoral processes and are designed to play a key role in diminishing conflicts before, during and after elections. However, despite the existence of these instruments, frameworks and approaches to deal with electoral conflict, Africa continues to witness disputed elections, infringement of political rights, ethnicity and political violence among other issues within its territory.
1.2 Statement of the Problem

The AU on several occasions has been accused of being absent or leaving matters to do with electoral crises to governments, regional blocs and international organisations from outside the continent, rather than taking a leading role in resolving electoral conflicts. The AU seems to lack a clear strategy for dealing with erosion of democracy as witnessed by the recurrence of electoral conflict in its member states. Kimenyi (2015) observes that the AU is not prepared to play the crucial role in helping its member states and their electorate in dealing adequately with any election conflict. In some instances, the AU’s five pronged framework and approach in dealing with electoral conflict is hardly adhered to. The approach used by the AU in tackling electoral conflict in Kenya, Zimbabwe and Burundi seems to validate the observation by Kimenyi (2015). In Kenya the AU used an approach of the Panel of African Eminent Personalities to initiate a peace deal in the country while in Zimbabwe it resorted to the use of Regional Economic Community (REC) which is the Southern Africa Development Community (SADC) to resolve the crisis. On the other hand, it seems the AU is yet to come up with a clear strategy on dealing with conflict that arose from Burundi’s 2015 election crisis. Moreover, the AU has been blamed for its slow reaction to resolving electoral conflicts as observed by Kimenyi (2015) who notes that AU’s progress on conflict resolution has generally been incredibly slow, non-existent and deteriorating. Due to the AU’s slow reaction in resolving electoral conflict, people were displaced and killed in Kenya 2007, Zimbabwe 2008 and Burundi 2015. The above is supported by Owuor (2011) who stated that 600 000 people were displaced and 1 000 killed in the Kenya 2007 electoral conflict. In Zimbabwe 10 000 were displaced and 165 were killed according to the Zimbabwe Human Right Watch (2009). Furthermore in Burundi, Brownell (2015) noted that 220 000 were displaced and around 200 were killed due to electoral conflict. This research therefore intends to explore the AU’s mechanisms on the electoral conflict prevention, management and resolution.

1.3 Aim/Purpose of the Study

To evaluate the operations of AU’s mechanisms and approaches to electoral conflict prevention, management and resolution in countries such as Kenya, Zimbabwe and Burundi.
1.4 Research Objectives

Broader Objective

To evaluate the AU’s electoral conflict prevention, management and resolution mechanisms.

Sub objectives

(a) To analyse the effectiveness of the AU preventive mechanisms.
(b) To assess how the AU has fared in managing to transform electoral conflict into peacebuilding.
(c) To analyse the success of AU’s resolutions on electoral conflict on the continent.

1.5 Research Questions

(i) How has the AU’s preventive mechanisms mitigated against electoral conflict on the continent?
(ii) How effective have been AU’s mediation strategies in managing electoral conflict?
(iii) Has the AU’s post conflict reconstruction and development (PCRD) been effective as a mechanism to prevent the recurring of electoral conflict in Africa?

1.6 Significance of the Study

This study is of significance to international and local institutions whose objective is promoting peace and democracy in the world. It attempts to provide alternatives to conflict resolution mechanisms for containing peace where electoral conflict is likely to occur. It also seeks to contribute to the body of knowledge regarding the role of intergovernmental organisations such as the AU and to recommend on how its approaches to electoral conflict prevention, management and resolutions could be enhanced to promote electoral democracy on the continent. It attempts to give insight to political scientists, researchers, strategic thinkers, politicians and electoral management practitioners on the pitfalls that lead to stagnation and complacency in the development of electoral conflict resolution mechanisms.
It also targets benefitting academics in the field of international relations by providing in-depth information on the reasons underlying the recurrence of electoral conflicts on the continent and why this is likely to pose serious challenges for the AU in dealing with electoral conflict on the continent. For employees in the election field, the research provides knowledge on AU’s approach to electoral conflict prevention, management and resolutions. This study thus provide information to member states that promoting the governing of democratic elections can be effectively employed to deal with electoral conflict especially in Africa, a continent which still striving to democratise.

1.7 Assumptions

The research is based on the assumption that the AU’s electoral conflict preventive, management and resolution approach is just on paper but not practised. The researcher also assumed that the AU instruments on electoral democracy are not effective in addressing electoral conflict on the continent and they lack depth in content on election resolution mechanisms. Further, the AU is incapacitated in terms of both human and financial resources to deal with electoral conflict on the continent.

1.8 Delimitations of the Study

In terms of guidelines, the study is geographically and time confined to three (3) states, Kenya 2007-2008, Zimbabwe 2008 and Burundi 2015 in the African continent. The thrust of the study is on role of AU in electoral conflict with a particular focus on the effectiveness of the AU’s approaches on preventive, management and resolution such as early warning and preventive diplomacy, election observation and monitoring, post-election mediation and post-conflict reconstruction and development (PCRD). As such, government, election experts from Africa and abroad, civil society organisations with particular focus on elections, election management bodies, embassies and lastly the country’s AU desk officers in the Ministry of Foreign Affairs are the units to provide data on the role of AU on electoral conflict. This research study uses the qualitative research method. The results and findings obtained are perceived as representative and generalizable too, to other African nations not directly studied. Both males and females constitute the respondents in this particular study. The study of electoral conflict is broad. Conceptually, this research is confined to the study of electoral conflict with particular emphasis on the effectiveness of the AU preventive, management and resolution of election mechanisms. Discourse on electoral conflict and governance as
presented in the literature review is used as sources of information to explore, describe and explicate electoral conflict in African nations. The time frame in which the study is confined is Kenya 2007, Zimbabwe 2008 and Burundi 2015 electoral conflicts.

1.9 Limitations of the research

The major limitation faced in undertaking this study, was the inability by the researcher to travel to Ethiopia where the AU headquarters are located to have face to face interviews with the respondents. However, interviews were conducted using the internet. The inability to travel to Kenya and Burundi hindered the researcher from obtaining first-hand account from the politicians, civil society and the general public on what had transpired after the contested elections. Furthermore, as observed by Leedy and Ormrod (2005) case studies have generally been viewed as giving a more nuanced context and details of the subject under study. Their major weakness is that one cannot be sure that the findings are generalizable to other situations. The major limitations were overcome by the use of the desk research and analysing the material that is already available on the internet.

1.10 Ethical Considerations

In this particular study, ethics as moral principles influencing day to day conduct of individuals are of paramount significance. Christensen and Johnson (2009) state that ethics are principles and guidelines that help people uphold the things that are of value to them. In this instance, research ethics can therefore guide the researcher in conducting ethical studies. In undertaking this study, the researcher adheres to procedures such as; the researcher requested consent from the participants before to conduct research. In addition, where possible, the interviews were concluded after hours to avoid interfering with the normal business of the organisations. Participants were informed that personal information would not be released to anyone. The purpose of the study was explained to the participants and same were assured of the fact that the gathered data would only be used for the purposes of the study. Participants were also assured that their identities would not be exposed to anyone and that their participation would always be anonymous. The participants were informed that participation is voluntary and that they can withdraw anytime they deem necessary. The researcher informed the participants that a tape recorder would be used to record the interviews but only with their permission. Lastly a schedule with dates and times was set by
the researcher and the participant after consent was obtained from them. It was therefore envisaged that these steps would provide mechanisms which would ensure that ethical standards were not violated in any way.

1.11 Definition of key terms

Terms that are used throughout the study and form its basis are clarified and are to be understood in the manner they are defined herein:

Democracy: Dahl (1971:8) defines democracy as regimes that have been substantially popularized and liberalized as well as highly inclusive and extensively open to public contestation. Thus high inclusivity and encouragement of public contestation are key components. In as much, democracy is also about rule by the people and how these people select their leaders and the consequent relation that ensues between them and the selected leadership, as put by Schumpeter (1962:262).

Article: According to UNICEF (2010) an Article is defined as an international legal instrument generally including a Preamble (stating the reasons for and underlying understandings of the drafters and adopters of the instrument) and a series of ‘articles’, which lay out the obligations of those States choosing to be bound by it and procedural matters involving the treaty. The term ‘provision’ is often used as an alternative when referring to the content of particular articles.

Intervention: Coardy (2002) defines intervention as an intentional act of one state or group of states or an international agency aimed at exercising overriding authority on what are normally the “internal” policies or practices of another state or group of states.

Mediation: Mediation is defined by Dodo and Sadomba (2010) as the process by which a third party helps parties to a dispute to reach an agreement by “reconciling the opposing claims and appeasing the feelings of resentment which might have arisen”.

1.12 Proposed Chapter Outline

The study is principally divided into five (5) major chapters:
Chapter One

This chapter provides the background and statement of the problem a context necessary for understanding the subject of this research and presents the research objectives, questions, limitations, delimitations, significance of this study, ethical considerations, definition of key terms and proposed time frame of finishing the study.

Chapter Two

It is a survey and discussion of the significant literature and theoretical framework relevant to the study. It reviews the most relevant literature about the topic, focusing on the electoral instruments adopted by the AU and the second step focuses on electoral crises of Kenya 2007-2008, Zimbabwe 2008 and Burundi 2015.

Chapter Three

This chapter presents the methodology used to collect the data required to answer the research questions and explains the methodology used to analyse the data collected and formulate the conclusions.

Chapter Four

This chapter presents the findings and analyses of the effectiveness of the electoral instruments particularly the extent of their contribution for the accomplishment of the desired effect of promoting and consolidating peace and democracy on the African continent.

Chapter Five

The chapter summaries, concludes and give recommendations drawn from the research.

1.13 Proposed timeframe

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CHAPTER TWO

LITERATURE REVIEW AND THEORITICAL FRAMEWORK

2.1 Introduction

This chapter presents the theoretical understanding as well as the literature available in relation to the area under study. This research was influenced by two theories, which are liberal democracy and intergovernmentalism. The AU is charged with the responsibility of coordinating continent-wide development efforts and serving as the voice of Africans in matters of global governance, tackling the most pressing issues on the continent including accelerating “the political and socio-economic integration of the continent;” helping “promote and defend African common positions on issues of interest to the continent and its peoples;” promoting “democratic principles and institutions, popular participation and governance;” and promoting “peace, security, and stability on the continent” (AU, 2000).

2.2. Theoretical framework

In reviewing literature for this particular study, two theories were used. In particular, reference shall be made to theory of liberal democracy and intergovernmentalism to reinforce and provide clarity of the fundamental principles. The motivation to triangulate on theoretical frameworks comes from the fact that the key assumptions of these theories have a significant contribution to the problem under study. It must be overemphasized though that the selection of these named theories does not render those left out ‘useless’. By and large it can be concluded that the analysis of the causes, prevention, management and resolutions of electoral conflict can be best understood in the context of a comprehensive, visionary and theoretical framework speculations.

2.2.1. Liberal Democracy Theory

The theory of liberal democracy is propounded by Immanuel Kant and John Locke who believed in individual rights prior to the existence of any state, community or society. The two theorists’ talk of the desire for a limited constitutional government to protect an
individual’s right from others and from its own expansion as well as the universal applicability of these beliefs. The AU therefore values the tenets of liberal democracy as an organisation and has promoted them through the crafting of various instruments which member states are expected to adhere to and cascade into their national laws. According to Heywood (2003), most political systems in western countries are built upon a set of liberal democratic principles which subscribe to the ideals of limited and constitutional governance grounded in the belief that government should be representative based upon regular and competitive elections. Heywood (2003) further notes that western political systems have been influenced by liberal ideas and values to an extent that they are now commonly classified as liberal democracies. The systems of liberal democracies, added by Heywood (2003) are constitutional in the sense that they seek to limit government power, protect civil liberties and are representative in the sense that political office is acquired through competitive elections. The virtues of the liberal democracy theory reveals that obligations for democratic elections and human rights instruments in general draw their inspiration from this theory making them a western concept.

The AU has promulgated a number of instruments that are in conformity with liberal democracy since its formation starting with the 2000 Constitutive Act which commits member states to abide to democratic governance. The act proclaims that the AU shall “promote democratic principles and institutions” (Article 3(g)). There are other AU documents that propound this liberal perspective which emphasize on democracy, guarantees the protection of human rights, the right to development, as well as peace and security. The commitment of the AU to democracy, peace, and security is also evident in the 2007 African Charter on Democracy, Elections, and Governance. The AU member states have institutionalized the practice of holding regular elections as part of their commitment to promote democratic governance, peace, and security (AU: 2010). In the case of Zimbabwe it has been holding regular elections with an interval of either five or six years since its attainment of independence from the colonial rule in 1980. It has been guided by constitutionalism and multi-party system which are some of the established tenets of liberal democracy. On the other hand, Kenya was a one party state since its independence from 1965 to 1990 (Leonard and Owuor, 2009). It subsequently introduced multi-party politics, constitutionalism and holding of periodic elections since 1992 indicating a shift to democratisation thereby acceding to the liberal democracy concept. Burundi attained its independence from colonial rule in 1961 and had been experiencing some political instability
until the signing of Arusha peace accord in 2000. Since then it has introduced a multi-party system and came up with its Constitution in 2005 therefore becoming compliant with the tenets of liberal democracy (Ntaganda, 2015).

Under liberal democracy’s perspective, the AU has promoted the constitutional approach to democracy, human welfare, individual freedom, security, equity, social equality, public deliberations and conflict resolutions (Tilly, 2007). It has also in its instruments included provisions aimed at ensuring the supremacy of the constitutional approach and discouraging unconstitutional changes of government. It also requires member states to enact legislation to ensure political participation of citizens and encourages fair competition among political parties. As a result if competition among political parties if not managed well it leads to electoral conflicts as witnessed in cases of Kenya, Zimbabwe and Burundi.

Liberal democracy to some extent is difficult to practice. According to the Economist (2012) in contrast to its predecessor the OAU, while the AU was established to promote democracy, most countries are still struggling to establish liberal democracy due to various factors such as colonial background and massification of culture under liberal democracy among other things. Africa is a continent of divergent cultures and it has more tribes compared to other continents. The colonial boundaries created during the colonial period grouped different tribes with already existing feuds under one leadership leading to exacerbated electoral conflict to this day as evident in the case of 2007 Kenya elections. Mwai Kibaki had the backing of the Kikuyu while Raila Odinga was backed by the Luo tribe.

The implication of the theory therefore is that, electoral conflict is a threat to the fundamentals of liberal democracy hence the need to fight the prevalence of electoral conflict.

2.2.2. Intergovernmentalism theory

The theory was proposed by Stanley Hoffman and Andrew Moravcsik and its tenets treat states and the nation governments as the primary factors for integration (Moga, 2009). Intergovernmentalism theory emphasizes on the convergence of national interests and the will of governments to work together as essential to the analysis of regional integration as in the AU arrangement where 54 member countries including Kenya, Zimbabwe and Burundi
have converged to form AU. The AU proclaims in its Constitutive Act that people of Africa should work together in response to the multifaceted challenges that confront the continent and people in light of the social, economic and political changes that are taking place in the world. The formation of the AU was based on the promotion of peace, security, stability, human rights, democracy, good governance and sustainable development.

Intergovernmentalism is defined by Nugent (2006:23) as the “arrangements whereby nation states, in a situation and conditions they can control, cooperate with one another on matters of common interest”. In relation to this definition African countries have come together freely and formed the AU in which the participating states decide the extent and nature of cooperation which means that national sovereignty is not directly undermined. This reflected in the Article 3 of Constitutive Act which states that:

“to achieve greater unity and solidarity among African countries and the peoples of Africa defend sovereignty, territorial integrity and independence of member states, accelerate the political and socio-economic integration of the continent, promote and defend African common positions on issues of interest to the continent, promote democratic principles and institutions, popular participation and good governance and promote and protect human and people’s rights”.

On intergovernmentalism, the key actors are states and their governments which choose whether to be bound by a treaty or not because they enter into agreements willingly. Intergovernmentalism is currently a commonly used model in international organizations where various governments come together and pool their resources for common purpose. In terms of intergovernmentalism, member governments possess authority in international organizations and decisions are made by general agreement. When crisis arise, AU as an intergovernmental organisation that is a guarantor of peace in the continent is expected to act immediately in order to resolve conflicts and maintain peace. As propounded by Murithi (2009) that the Peace and Security Council (PSC) initiates peace operations by analysing a potential or existing crisis situation which if necessary is followed by the deployment of the fact finding mission to the trouble spots. Thus the PSC makes decision or recommendation authorising and legitimising the AU’s intervention in internal crisis situations including electoral conflict.

The implication of the theory therefore is to provide the basis for the collaboration that exists between and among nations in order to address the electoral conflict that may arise in the
event of some crisis. The AU is thus empowered to intervene in member states including Kenya, Zimbabwe and Burundi during the electoral conflicts. Additionally the idea of having some common interest is therefore imperative and would corroborate with Durkeheim’s claims of essential similarities (Haralambos and Holborn, 2006). In light of the provisions of the intergovernmentalism theory it follows that a combined effort is attained when addressing electoral conflict, hence achievement of the set targets by AU.

2.3. Review of Related literature

2.4 AU as a conflict management and resolution board

2.4.1 The Composition of the AU

The AU is the successor organisation of the OAU and was established on the 26th of May 2001 in Addis Ababa, Ethiopia. It was launched on the 9th of July 2002 in Durban South Africa and it consist of all African 54 countries, with the exception of Morocco which refused to formally join the AU because it opposes the membership of the Saharan Arab Democratic Republic (AU, 2014). The AU consists of the Assembly, the Executive Council, the Peace and Security Council and the Commission among other organs. The Assembly is the supreme decision making organ and it comprises of Heads of States and Governments from all member states (AU, 2014). The Executive Council works in support of the AU Assembly and is responsible to the Assembly and all member states participate in the Executive Council, usually at Foreign Minister level (AU, 2014). The Peace and Security Council (PSC) is the standing organ of the AU for the prevention, management and resolution of conflicts (AU, 2010). The Commission is the African Union’s Secretariat which is responsible for the AU’s executive functions and day-to-day management.

The AU is mandated by the Constitutive Act Article 3 (f) which provides for the promotion of peace, security and stability on the continent as one of the key objectives of the organisation. Rodt (2011) asserts that the purpose of the AU at its formation was to accelerate the integration of the continent to enable it to play an increased role in international affairs whilst also addressing social, economic and political problems in Africa. Given the fact that integration is promoted, it follows that electoral conflict is minimized and
this confirms the principles of integration as suggested by the intergovernmentalism theory which maintains the need to strengthen interdependence and coordination.

It follows that the facilitation of peaceful settlements may generate positive impacts in solving electoral conflicts. On the other hand, With regard to peace and security issues Rodt (2011) further states that when the AU succeeded the OAU in 2002, the policy of non-interference was dismissed and adopted a covenant of non-indifference. Like its predecessor, the AU respects the national sovereignty, territorial integrity and independence of its member states. However, unlike the OAU and many other international organisations, the AU has self-imposed a constitutional duty and explicit right to intervene in its member states under certain circumstances. Article 4 (h) of the Constitutive Act of the AU which was adopted in the year 2000 provides a right to the AU to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely; war crimes, genocide and crimes against humanity. In Article 4 (J), the Act also stresses the right of member states to request intervention from the AU in order to restore peace and security. According to Rodt (2011), the Act was amended in 2003 on Article 4 (h) to provide for a further right to intervene in cases where there is a serious threat to legitimate order to restore peace and stability to the member state of the AU upon the recommendation of the Peace and Security Council (PSC).

It is against this background, that AU’s involvement in the preventing, managing and resolving electoral affairs of African states is imperative.

2.4.2 The Organ Responsible for Conflict Management in the AU

According to Murithi (2009) the key organ responsible for the maintenance of peace and security in the AU is the PSC which was established in 2004 through a protocol relating to the Peace and Security Council 2002. The PSC has three primary instruments at its disposal the Panel of the Wise (POW), Continental Early Warning (CEW) and Africa Standby Force (ASF). These three instruments together with special fund for financing missions and activities related to peace and security, the Peace Fund and the Regional Mechanism for conflict prevention, management and resolution round the elements of Africa Peace and Security Architecture (ASPA) responsible of the maintenance of peace and stability on the continent on behalf of the AU (Escorrega, 2011).

The PSC was established as a collective security and ‘early warning’ arrangement with the ability to facilitate timely and efficient responses to conflict and crisis situations (AU, 2014).
The PSC’s core functions are to conduct early warning and preventive diplomacy, facilitate peace-making, establish peace support operations and, in certain circumstances, recommend intervention in Member States to promote peace, security and stability (Murithi, 2009). The PSC also works in support of peace-building and post-conflict reconstruction as well as humanitarian action and disaster management (IDEA, 2012). The PSC’s authority derives from article 20 of the Constitutive Act together with article 2 of the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the AU.

The PSC works together with the department of Political Affairs in the AU Commission which is responsible for promoting democratic principles, rule of law, respect of human rights, implementing instruments on governance, elections, democracy and humanitarian affairs, coordinating AU election observation and monitoring missions and providing technical support to electoral bodies (AU, 2014). The PSC is responsible for implementing the AU framework on the electoral conflict prevention, management and resolution on the continent. Therefore with reference to three case countries understudy on electoral conflict it is envisaged on how the PSC has used its instruments in preventing, managing and resolving electoral conflict.

2.5 AU’s mechanism for electoral conflict management

To instill peace and democracy on the continent, the AU has established five pronged frameworks and approaches to deal with election related conflict (AU, 2010). These approaches are used at different levels in the electoral conflict cycle; in the preventive stages the continental early warning systems (CEWS), preventive diplomacy; election observation and monitoring mission are used. When the conflict has already escalated the conflict is managed through mediation to find a lasting solution to conflict by involving all parties at dispute. The final stage is the conflict resolution in which PCRD mechanism is implemented to address the root causes of conflict such that they do not recur.
25.1. AU electoral conflict prevention mechanisms

2.5.1.1 Continental Early Warning Systems (CEWS)

The AU’s had established a CEWS for the purpose to anticipate and prevent violent conflict (Wulf and Debiel, 2009: 14). Structurally, the CEWS consists of the Observation and Monitoring Centre, known as “The Situation Room,” housed at the Conflict Management Division at the AU Commission, and the Observation and Monitoring Units of the Regional Mechanisms. According to Article 12 (2b) of the PSC Protocol, the Situation Room is linked directly to the Regional Mechanisms’ and the Observation and Monitoring Units through appropriate means of communication (Oluwadare, 2014). The Observation and Monitoring Units continuously collect and process data at their respective levels and transmit all data to the Situation Room. The AU takes prompt actions in response to a threat of any violent conflict that has the propensity to disturb African peace and security (Report of the Secretary General of the UN 2012, 1-10).

The idea behind it is to boost the AU capacity to prevent conflict by providing the chairperson of the AU commission with information and to enable him/her to use the data gathered to advise the PSC on potential conflicts and threats to African peace and security and, finally, to recommend the best course of action to be used by the Peace and Security Council (Volt and Shanahan, 2005:16). Sub-regional organisations in Africa also have early warning systems, including the ECOWAS Early Warning and Response Network (ECOWARN) and IGAD’s Conflict Early Warning and Response Mechanism (CEWARN). SADC’s Mediation Support Unit (CPR-EMSA) profiles conflicts and potential conflicts (Cristescu, R, Nicolescou and Wandi, 2012: 18). The sub-regional early warning mechanisms are supposed to feed into the AU’s CEWS for actioning. Therefore this research intends to interrogate on what the AU’s CEWS in the cases understudy, did when the warning signs of the impending electoral conflict were visible.

2.5.1.2 Preventive Diplomacy

Another mechanism of the AU electoral conflict prevention is preventive diplomacy. The AU opt to preventive diplomacy in situations that violence is likely to occur by resorting to peaceful solutions that will satisfy all the parties. According to Muggah and White (2013, 1) the purpose of both preventive diplomacy and conflict prevention is to stop armed conflicts
before they escalate. Preventive diplomacy includes activities such as good offices, facilitation, mediation, conciliation, adjudication and arbitration (AU, 2010). According to Stewart (2003; 2008), there is a general consensus that in the international arena that preventive diplomacy refers to any attempt by third parties to prevent the outbreak of violent conflict or its recurrence. Preventive mediation and political dialogue can help prepare the ground for peaceful elections through building the social climate for successful elections, breaking deadlocks and reducing the likelihood of violence and of outcomes that are perceived as illegitimate election (Gillies, 2011). The study intends to evaluate how far had the AU applied its preventive diplomacy mechanism to prevent electoral conflict in Kenya 2007, Zimbabwe 2008 and Burundi 2015.

2.5.1.3 Election Observation and Monitoring

The African Union Guidelines for Electoral Observation and Monitoring Missions provide the role of the AU in election observation and monitoring, thus strengthening democratisation and governance processes on the continent (AU, 2013). The observation and monitoring of elections had been started by the predecessor OAU in 1989 and was adopted by the AU for the purpose ensuring the credibility of elections transparency and integrity of the electoral process and with a legitimate outcome. The AU recruits from member states representatives from various organisations varying from the EMBs, CSOs, government departments, parliamentarians and its Secretariat as its observer mission group.

The AU deploys the pre-assessment team soon after receiving an invitation from the host nation holding elections to make on spot evaluation on whether the environment is conducive for a country to hold elections (AU, 2010). The AU election observer mission is composed of two teams the long and short term observer missions. In many cases, short term observer missions are deployed for a minimum of ten days before an election date and are therefore unable to observe procedures related to voter registration or to monitor the media and how political parties finance their campaigns (IDEA, 2012). Long-term observation allows for the effective observation of all the stages of elections, that is, the pre-voting, voting and post-voting stages, demarcation of electoral boundaries, political party registration, candidate nomination, party funding, political campaigns, the role of the security forces, the use of state resources, and the media environment (IDEA, 2012). Long term observation also allows comprehensive reporting and stocktaking on how the electoral process is conducted, leading
to broader learning because they are able to interact with all stakeholders involved in the elections.

The election observation and monitoring mechanism is used to lessen electoral related violence in a country as it can have a dialogue with all parties involved and offer advice in relation to the AU instruments that promote the holding of peaceful and credible elections (AU, 2010). Therefore the study intends to explore whether the AU team of election observer mission has been sent to monitor election in the countries understudy.

2.5.2  **AU’s Electoral Conflict Management**

2.5.2.1  **Mediation**

The AU manages electoral conflict through mediation mechanism. Mediation is a method of mitigating the concerns through the presence and support of an intermediary peacemaker who is not party to the conflict, who enjoys trust of the disputants and whose goal is to help them forge agreement they find acceptancy (Nathan, 2005). As a way of resolving electoral crisis mediation and dialogue plays a significant role in restoring trust and confidence in democratic structures after violent elections, in strengthening local dialogue capacities and can address existing shortcomings in the electoral process design by providing a forum in which all stakeholders are able to discuss and agree on recommendations for future election planning (AU, 2013). Due to the prevalence of violence in electoral process as evidenced by the cases understudy, the research would interrogate whether the AU is exercising its mandate to intervene through mediation in electoral conflict.

2.5.3  **AU’s Post Electoral Conflict Initiatives**

2.5.3.1

The AU during its Head of State and Government Summit held in Banjul, Gambia, in July 2006, adopted the Policy on Post-Conflict Reconstruction and Development (PCRD) (AU, 2008). The policy on PCRD is intended to serve “as a guide for the development of comprehensive policies and strategies that elaborate measures that seek to consolidate peace, promote sustainable development, and pave the way for growth and regeneration in countries and regions emerging from conflict to avoid relapse into violence and address the root causes of conflict (AU, 2006). The overall goal of the policy is “to improve timeliness, effectiveness
and coordination of activities in post-conflict countries and to lay the foundation for social justice and sustainable peace” (AU, 2006). This policy is conceived as a tool for (a) the consolidation of peace and the prevention of violence; (b) dealing with the root causes of conflicts; (c) encouraging and fast-tracking the planning and implementation of reconstruction activities; and (d) enhancing complementarities and coordination between and among diverse actors in PCRD processes (AU, 2010).

In this regard, policies area viewed as fundamental frameworks that may have a bearing on the AU mission. As such this study would aims to establish the adequacy of existing policy frameworks in view of the need to improve electoral conflict resolution initiatives.

2.6 The AU and acid test of the electoral conflict in Africa

Elections signify a democratic system where all human rights should be observed and the protection of the civil rights and liberties in which elements of democracy are emphasized on participation and competition. However, various examples show that elections do not particularly provide as a major blueprint for the existence of democracy as witnessed by eruption of violence in the electoral process in Kenya, and Zimbabwe (Bratton, 1999). According to Lidberg, (2006) elections may coexist with systematic abuse of human rights and the disenfranchisement of some of the electorate; nonetheless, holding formal competitive elections is a key necessary condition for a political system to be a representative democracy. Electoral conflict undermines the basic standards for democratic elections as violence can be against candidates, activities, journalists, voters, election officials, observers and as a result it influences voters’ choices and suppresses the vote (NDI, 2015). That violence can be used to intimidate individuals and communities to vote against their will for a candidate and also assassinations of candidates can change the electoral outcomes.

Electoral violence can be distinguished from other types of political violence by its goal which is to influence the conduct of voters, contestants, officials or other actors to affect the electoral outcome (NDI, 2014). Moghalu (2008) argues that elections have become major sources of conflict and there is no mechanism in the AU to deal with issues of post-election violence. He also asserts that the imperative is to ensure political inclusion and participation, to re-evaluate whether electoral systems are suitable to the political and social dynamics of the countries in which they operate to establish mechanisms within the AU framework to
address the legitimate concerns of aggrieved parties in the election processes. Therefore each case study would analyse the electoral conflict mechanism of the AU.

2.6.1 The Case of Kenya 2007-2008

In Kenya’s elections of December 27, 2007, Mwai Kibaki’s re-election prospects were not on solid ground as he faced strong competition from Raila Odinga of the Orange Democratic Movement (ODM). According to Gyekye-Jandoh (2014) Kibaki’s 46.4% of the vote and Odinga’s 44.1% were the focus of the disputed elections. It was charged by Odinga that about 300,000 votes were falsely attributed to Kibaki in most remote constituencies and that the Western Coast, Upper Eastern and North Eastern provinces saw vote rigging that was responsible for Kibaki’s victory (Debrah, 2008). Odinga refused to concede defeat and called for a recount or a re-run of the elections. The Electoral Commission of Kenya (ECK) failed to establish the credibility of the tallying process and failed to convince all the parties and candidates, raising serious questions about the effectiveness of the election process (Debrah, 2008: 5). There was also lack of faith in the justice system for redress, as a result about 800-1,500 lives were lost and about 180,000 people displaced (Brownsell, 2008). The ECK Chairman proved not to be professional enough and was held responsible for electoral conflict in Kenya after publicly announcing that he was under pressure to declare Kibaki the winner. Debra (2008) interestingly argued that the ECK Chairman’s admission on January 2, 2008 that he was pressured to declare Kibaki the winner depicted a lack of independence and impartiality of the ECK, which is very important for the integrity of an electoral process.

The electoral conflict mechanisms of AU were put to test in the Kenyan 2007-2008 electoral conflict. According to (Babaud and Ndung’u, 2012) CEWS failed to capture the early warning signals of the impending violence in Kenya. Though the Kenyan government overlooked the early warning signals as historical the country is ethnically polarised and political climate has always been charged during presidential elections. The AU noted in its 2010 report that their early warning was strengthened in January 2008 by linking with the regional early warning mechanism as it was not fully operational in the period proceeding to Kenya 2007 elections. It seems as the Kenyan conflict has made the AU to action by strengthening the CEWS mechanism as it was caught unprepared to deal with the crisis.

The AU did not manage to observe the 2007 elections because the Kenya authorities have sent the invitation late to AU to make all the preparations on time (Dundas, 2014). In view of fact that the AU has to wait for a formal invitation in order for it to observe the elections, it
does not augur well as some heads of states might do it deliberately not invite AU for the to manipulate the process for them to retain power. One may suggest that in operating along such principles, AU has a duty to protect and maintain peace as well ensuring security confidence too on the continent. The fact that AU did not observe the elections in Kenya it contradicts the view made by (Beaulieu, 2011) that in order for AU to improve its mechanism, the information available during the pre-election period, election monitors could have an impact on defusing post-election disputes. The gap is on that should AU wait for invitations from member states for it to observe the elections even if the lives of people are stake through electoral conflict.

Though the AU did not observe elections in Kenya when electoral conflict erupted it intervened through the use of the Panel of Eminent Personalities. The former Ghanaian President John Kufuor who was also the Chairperson of the AU, in the case of the Kenya 2008 post-elections crisis, had been offered to facilitate a dialogue between Kibaki and Odinga, the leader of the opposition, however, Odinga insisted that he would only agree to a mediation facilitated by international mediators (Brownsell, 2008). The impasse was eventually brokered by a team of international mediators headed by the former Secretary General of the United Nations (UN), Kofi Annan, a non-member of the Panel (Sky News, 2008). The AU chairperson left the mediation to a Panel of Eminent African Personalities, led by former UN Secretary-General Kofi Annan and including former Tanzanian President Benjamin Mkapa and human rights leader and former first lady of Mozambique and South Africa Graca Machel (Sky News, 2008). The team arrived on 22 January 2008 and immediately restored hope in the possibility of a negotiated settlement (ICG, 2008). Fortunately, in Kenya, the AU’s Chairman, President Kufuor, and former UN Secretary-General Kofi Annan were able to collaborate with others and with the two sides (Odinga’s and Kibaki’s) to clinch a peace deal through constitutional amendment and compromise that created an office of a prime minister to be occupied by Odinga and a coalition government (Gyeke-Jandoh, 2014). Thus, on February 28, 2008, Kibaki and Odinga signed a power-sharing agreement called the National Accord and Reconciliation Act. The Cabinet headed by Odinga was named on April 13, 2008 and sworn in on April 17, 2008 (Al Jazeera, April 17, 2008).

According to Ikejiaku (2011) he observed that the AU as a body it did not participate or involve itself in the conflict resolution and mediation processes of the 2007-8 electoral crisis. Harneit-Sievers and Peters (2008) were also in agreement with sentiments of Ikejiaku (2011).
that the AU as a body played no pivotal role in resolution and crisis mediation in Kenya. They argue that while neither the East African Community (EAC) nor the AU as institutions took a clear position on the conflict, individual former heads of state and other prominent Africans came to Nairobi, Kenya to offer their help in bringing the opponents together. However the above authors contradicts with the AU in its (2010) report that “the most exemplary and successful AU’s experience in mediating postelection conflict was witnessed during the postelection political crisis in Kenya 2008”. Though the Panel of Eminent Personalities was most instrumental on merging a peace deal between Kibaki and Odinga, the AU had a played a supporting role and as it has perceived it suitable to engage the Panel because both disputants parties had faith in it. As stated (Ury, Fisher and Patton, 1991) it is important for disputants’ to have consent on the mediator. As a result the a peace settlement would be speedily achieved as in the case of Kenya the conflict had only took two months to the Government of National Unity (GNU). The interrogation is on that is the formation of GNU able to facilitate lasting peace and resolve the causes of electoral conflict in Africa.

The PCRD with reference to political governance, the policy encourages principles such as consensus building, participation and constitutionalism among others. However, the AU’s role after the signing of the GNU was not more pronounced as stated by (IDEA, 2014) that the Panel of Eminent Personalities was involved in the Kenya’s Constitution making but however there were no tangible evidence that it was in the process together with AU. Of question is that, does the AU initiate its PCRD policy after peace have restored after electoral conflict or it just end with the signing of a GPA.

2.6.2 The Case of Zimbabwe 2008

Zimbabwe held its first harmonised elections on March 2008 in which no winner was announced as the country was using the Single-Member- Majority system for the presidential, where a candidate should get a greater number of votes than those cast for all his/her competitors combined, that is, 50% plus 1 vote (Constitution of Zimbabwe No. 19). Four aspiring candidates had contested in the elections and garnered the votes as follows: Morgan R. Tsvangirayi (MDC-T) 47.87%, Robert G. Mugabe (ZANU-PF) 43.24, Independent candidate Simba Makoni 8.31% and Independent candidate Langton Towungana 0.58% according to the Zimbabwe Electoral Commission (ZEC) (2008) election report (http://www.zec.org.zw).
The period following the first round of elections was marked by serious political violence, including farm invasions and arrests and intimidation of teachers who were electoral officials during the first round and who were accused of supporting the MDC (Gyekye-Jandoh, 2014). Some 66 supporters of the MDC were killed, 3000 MDC supporters injured, and more than 25,000 displaced (Gyekye-Jandoh, 2014). Western governments and some organizations labelled as regime change agenda blamed ZANU-PF for the violence. The June 6, 2008 arrest of Morgan Tsvangirai by police ahead of the June 27, 2008 run-off elections in Zimbabwe, and the police ban on several future rallies, citing fears of MDC members’ safety (Gyekye-Jandoh, 2014) raise serious questions about state sovereignty and the extent to which democratic rules can be flouted and civil liberties trampled upon without any external intervention by continental organizations such as the AU. In light of these circumstances, it follows that the disgruntlements that arise may perpetuate some electoral conflict within a given nation. The arrest of an opposition leader, intimidation of citizens and violation of human rights all these symptoms could have warranted the early intervention of AU by sending its Human Rights Observer Mission to investigate and push the re-run elections to a later date once peace and stability have been established first.

In the Zimbabwean scenario the CEWS started being operational in January 2008 however; it failed to notice the signals of electoral conflict towards the re-run even though the AU has observed the first round of elections (Dundas, 2014). CEWS was not effective as witnessed by the withdrawing of opposition leader before the run-off elections citing violence as the reason for withdrawal (Human Rights Watch, 2008). The AU was criticised that it did make tangible effort to prevent the electoral conflict though it did observe both the first election and witnessed the tensions that arose due to the last announcement of the election results by the Zimbabwe Electoral Commission (Amnesty International, 2008). The gap is on why AU enacts mechanism to prevent electoral conflict if it is unable to implement them. If it has been able to use its preventive mechanism in the period proceeding to announcement and re-run of elections the conflict would have not been experienced in Zimbabwe.

In view of the above the AU preventive diplomacy proved to have failed in the Zimbabwe towards the run-off elections as it did not directly intervene before the elections but SADC did intervene (Human Rights Watch, 2008). The SADC has been influential in the preventive diplomacy of the Zimbabwe electoral crisis as witnessed by its meeting after receiving reports of attacks by the police to opposition leaders and CSOs on “SAVE Zimbabwe Campaign” before the 2008 harmonised elections (Mhandara and Pooe, 2013).
The events that finally brought the intervention of the AU through SADC, occurred at the Zimbabwe show grounds in Harare on 11 March 2007, when the civil society and opposition leaders were attacked by police when they intended to attend a scheduled prayer meeting under the banner of the ‘Save Zimbabwe Campaign’ (Mhandara and Pooe, 2013). A special summit to deliberate on the governance crisis was subsequently held in Tanzania on 27 March 2007. The summit expressed displeasure at the turn of events in Zimbabwe and took a decision to mandate South Africa to facilitate dialogue among the key political players to find a solution to the governance question (Mhandara and Pooe, 2013). The communique released at the end of the meeting mandated former President Thabo Mbeki to continue facilitating dialogue among Zimbabwe’s main political parties ZANU-PF, the MDC and MDC-T and to report to SADC’s Organ on Politics, Defence and Security (OPDS) Troika (Mhandara and Pooe, 2013). Thabo Mbeki was a good choice for Zimbabwe due to his believes in that African problems should be solved by African people because the political situation in Zimbabwe had been blamed on external interference and the MDC was a puppet of the west (Eppel and Raftopoulos, 2008).

Mlambo and Raftopoulos (2010:8) note that Mbeki made known, after receiving the SADC mandate, that South Africa’s and his role was essential to speedily’… begin the process leading to the normalisation of the situation in Zimbabwe and the resumption of its development and reconstruction process to achieve a better life for all Zimbabweans on sustained and sustainable basis. Though along the way the MDC-T’s key strategies was to frustrate the mediation process, primarily due to the party’s discomfort with what it perceived as Mbeki’s closeness to ZANU-PF (Eppel and Raftopoulos, 2008). The MDC-T wanted to push the mediation process from SADC to the AU, and ultimately the UN. In turn the ability of the UN Security Council to address the crisis was largely nullified by China, Russia, and South Africa refusing to determine that the situation was a threat to international peace and security. Nonetheless, UN Secretary-General Ban Ki-moon on numerous occasions expressed concern and appointed UN Assistant Secretary General for Political Affairs Haile Menkerios as a special envoy for Zimbabwe (Human Rights Watch: 2009). To bring balance to the situation the mediation should not have been left to a country or an individual but the AU ought to have their representative rather than the REC to do it alone.

The AU only became more fully involved in the resolution of the Zimbabwe conflict after the former South African President Thabo Mbeki’s agreement in June 2008 to expand the mediation process to include the AU, the UN, and other SADC officials (Banya, 2008). This
was followed by the AU Resolution Summit on Zimbabwe at a meeting in its 11th Ordinary Session on June 30 to July 1, 2008 in Sharm El Sheikh, Egypt, where it mandated the SADC and its organ on Politics, Defence and Security Cooperation, as well as the facilitators of the intra-Zimbabwe dialogue, Thabo Mbeki, and Jean Ping, Chairperson of the African Union Commission to work together in restoration of peace in Zimbabwe (Pambazuka, 2008).

In September 2008 Mbeki’s mediation led to the MDC and ZANU-PF signing a power sharing agreement which meant to bring an end to the political crisis. The Global Party Agreement (GPA) and the inclusive government thus marked a triumph for Mbeki’s much-criticised ‘quite diplomacy’ and more significantly, SADC and the AU’s peaceful conflict management and resolution approach (Mhandara and Pooe, 2013). The strategy of using the neighbouring countries to be mediators are more influential because the conflict in general affects the region as political refugees seeks asylum in neighbouring countries. On the economic aspects as South Africa was most hit on the Zimbabwean conflict because a huge number had seek refuge in their country it had to provide food and shelter. It had also saved the AU’s resources on logistics than having many mediators coming from afar. (IDEA, 2012)

If the AU had intervened earlier to bring peace in Zimbabwe a large number of people would not have gone to neighbouring countries and abroad seeking for political asylum as evidenced by the period between the run-off and the signing of the Global Political Agreement (GPA) amongst the conflicting political parties. Given that neighbouring countries are used in mediation roles, it follows that this study aims to establish the level of comfortability of nations to mediate electoral conflict in a sister nation, in a non-bias mode.

The role of AU in the post electoral conflict period as it was expected to implement the PCRD initiatives to address causes and avoid the recurrence of another electoral conflict was not noticeable. The Zimbabwe Human Rights Watch (2010) stated that although the AU has guaranteed the GPA there was no real progress on the ground of implementing of the political reform that were part of the GPA and ending the human rights abuses after a year of both parties have been in office. The above illustrates that the AU did guarantee the GPA but did not follow up on its implementation of what was agreed by both parties. Such kind of scenarios in the end would result in the recurrence of electoral conflict because the underlying issues would not be addressed as they reach to another election period. The research would investigate whether it is true that the AU did not implement its PRCD policy in Zimbabwe after 2008 electoral conflict.
2.6.3 The Case of Burundi 2015

Burundi since its independence in 1961 from Belgium had been experiencing political instability, military interference and ethnic violence until the signing of the Arusha Accord which attempted to resolve recurring ethnic tension and political violence. The Burundi Peace and Reconciliation Accord signed in Arusha, Tanzania, in August 2000 (Arusha accord), marked a major turning point in the country’s political history and it also marked the new era in Burundi’s electoral management processes (Ntaganda, 2015). The Arusha Accord called for ethnic balance in the government and power sharing transitional period. In 2003 Domitien Ndayizeye of a Hutu succeeded Pierre Buyoya as President and he reached a peace agreement with the largest Hutu-led rebel group, the Forces for Defense of Democracy (FDD) (Arieff, 2015). In 2005 a new constitution was adopted and the former FDD leader Pierre Nkurunziza was elected as President through parliament and not the majority vote. Nkurunziza’s re-election in 2010 was marred by an opposition boycott and by significant political violence that continued into 2012 (Human Rights Watch, 2012). In this regard, one may observe that all the efforts towards signing of various accords were meant to ensure the existence of peace and eradication of electoral conflict.

In 2015 the violence escalated after the announcement by President Nkurunziza is desire to run for the third term with a justification that his first term was not selected by the majority suffrage. As a result of the protests the government shut down the country's internet and telephone network, closed all of the country's universities and government officials publicly referred to the protesters as terrorists (BBC, 2015). According to Simon (2015), 3,500 people were arrested, 220,000 fled the country and the death toll was estimated to be around 200. The matter was resolved in the Courts on whether Nkurunziza should stand for another term. The Constitutional Court was under pressure from the President and they ruled in his favour, but not before its vice president, Sylvere Nimpagaritse, fled the country after receiving death threats (Amnesty International: 2016). Nkurunziza’s bid for a third term unleashed protests that led to a coup attempt on May 13 2015 while the President was away in Tanzania for talks over the political crisis (Amnesty International, 2016). However, divisions among the disciplined forces allowed him to return to the country and resume power. Noting from the historical background of Burundi, the AU was supposed to nature the country as it was still fragile in terms of electoral democracy much of assistance and training was need to all stakeholders such as the EMBs, Civil Society Organisations (CSOs), media and the political parties until 2015 elections were completed.
The role of AU on electoral conflict has been put to test as President Nkurunziza went ahead with legislative elections in June 2015 followed by presidential elections in July 2015 amid recommendation from the AU to suspend it to a later date (AU, 2015). International observers, including the AU, boycotted the election and declared it to have failed to meet the minimum threshold for free and fair elections (Arieff, 2015). In response to the emerging challenges around the Burundi 2015 elections process, the EAC and the AU was encouraged firstly to facilitate a dialogue between Burundians which could lead to political consensus on a way forward, and secondly to make a number of recommendations which if implemented would have opened the way to holding credible and inclusive elections (EU, 2015). The Burundi authorities did not implement the recommendation made by EAC and AU and had gone ahead with holding elections. The AU decided on 28 June 2015 to take the exceptional step of not observing the elections (a decision consistent with the AU Peace and Security Committee communiqué of 13 June 2015), noting that the necessary conditions for the organisation of free, fair, transparent and credible elections, in compliance with the relevant provisions of the African Charter on Democracy, Elections and Governance, were not in place (EU, 2015). The EAC Observation Mission observed the presidential election and concluded in its preliminary statement of 23 July that ‘the electoral process fell short of the principles and standards for holding free, fair, peaceful, transparent and credible elections as stipulated in various international, continental as well as EAC Principles of Election Observation and Evaluation’ (EAC, 2015). The United Nations Electoral Observation Mission in Burundi (MENUB) also observed the electoral process from January 2015, pursuant to Security Council Resolution 2137 of 2014, and came to similar conclusions in its preliminary statement of 21 July, MENUB stated that ‘freedoms of expression, assembly and association, essential conditions or the effective exercise of the right to vote, remained severely impaired media freedom remained severely restricted the overall environment was not conducive to an inclusive, free and credible electoral process’ (EU, 2015). The holding of elections in Burundi did not manage to bring peace because of the outcry that the process was not credible, free and fair (EU, 2015).

Though Claes (2016) states that “the use of observation and monitoring missions is the most promising tool available to prevent electoral violence as the missions would withdraw from an election in the anticipation of widespread fraud, repression and violence in order not to legitimize an illegitimate election” as the scenario in Burundi 2015 elections where AU has withdrawn its mission to observe the elections. However, the withdrawal of the AU observer
mission did not manage to influence the outcome that it intended Nkurunziza went ahead with elections. Of query is why the AU give recommendations and member states does not abide to them as in case of Burundi that it has recommended for the postponement of an election to settle the conflicting issues but Nkurunziza chooses to do it his way.

The AU has been commended that it has improved its image on the early warning in the eyes of the critics due to its decision of sending 5 000 troops and police to save lives and restore peace (Rossini, 2016). The CEWS is a very important aspect of AU’s conflict prevention measures if it is utilised to the full capacity the continent will be more at peace and more capital resources will be saved for other developmental purposes rather than stopping conflicts.

In managing the electoral conflict in Burundi the AU has sought a leadership role of the EAC in resolving the current crisis in Burundi and launched a dialogue effort under Ugandan President Yoweri Museveni at a high level with support of the AU (AFP, 2015). At the same time, the UN has sought to support tactical-level dialogue among political parties, in line with the mandate of its mission in Burundi. The AU has sent Human Rights Observers however, despite these efforts, as well as increasing pressure from the United States, European, and some African governments, there has been little political process even as media report new killings each week and fears of a conflict escalation persist (Rossini, 2016). The AU Chairperson had also designated the Benin’s President Thomas Boni Yayi to supplement the efforts to mediate between the government and opposition, however his aeroplane was refused the landing rights in Bujumbura (Louw-Voudran, 2016) The AU’s efforts to supplement Yoweri Museveni were fruitless though it is still pursuing to date with the EAC and Museveni though nothing tangible has come out of the negotiations because at times the government will refuse to be on the same negotiation table with the opposition. The Burundian government is making the AU’s effort on bringing peace to Burundi hard by sometimes postponing the meeting dates as there supposed to meet in Tanzania in January for another round of mediation though it has now met in May 2016 in Tanzania (Aljazeera, 2016). With the continued death and displacement in Burundi the AU is encouraged to take a turf stance on the government of Burundi to make the mediation yield positive results that would bring peace to Burundi. The AU-facilitated third-party mediation is important in managing conflicts and in deescalating political violence (IDEA, 2012) however, in Burundi its effort is not yielding positive results. Therefore, mediation is considered unable to solve
deep-rooted grievances and disagreements between disputants with irreconcilable interests (Vayrynen, 1999 and Fisher, 2001). The issue of mediation arguably may well have been informed by the issue of consent of disputing parties, which is crucial to a mediation process (Ury, Fisher and Patton, 1991). The above statement is evidenced by the situation currently in Burundi because in the first place the disputants are not agreeing on the cause conflict as the government is saying it is the terrorists’ activities while the opposition and CSOs are blaming the violence on third term re-election of Nkurunziza. Consequently, mediation is criticized by conflict resolution literature for being limited in the sources of conflict it is able to address and, also, for producing elite pacts with institutions that are too rigid to allow for change on those social and political circumstances that caused the conflict in the first place (Lederach, 1997 and Kaldor, 2000).

The AU mediation can be said to be ineffective because as of to date there is instability in Burundi citizens are still seeking refuge in the neighbouring countries, arbitrary detention of media practitioners and activist is being experienced and even the death toll is raising. Against this background, there is need for exploring the experiences of nations in light of the mediation strategy and further interrogate the constraints that are associated when using this strategy particularly on presiding over electoral conflict of a civil nature.

The AU undertook a PCRD in Burundi prior to its formal adoption in 2006 (Murithi, 2014). The Burundi PCRD operation was the AU’s first wholly initiated, planned and executed but its members. The AU appointed a Special Representative Mamadou Bah to oversee the peace operations in Burundi (Murithi, 2014). According to (AU, 2010) the PRCD operations in Burundi involved the protecting of the returning politicians to take part in transitional government, opening and secure demobilisation centres, facilitating reintegration of the former militias back into society. It was also involved in creating conditions that would allow internal displaced persons and refugees to return to their homes. The AU operation was subsequently replaced by UN after 2006 which provided assistance to 2015 to prepare for the parliamentary and prepare for parliamentary and presidential elections (Murithi, 2014). Therefore this study would interrogate what were the gaps that were left by AU which have caused the recurrence of a conflict in Burundi in 2015.
2.7 The Success of the AU in electoral conflict in Africa

The major success of the AU as an intergovernmental board in electoral conflict resolutions as observed by Mwanasali (2008) that the AU is the first continental organisation to give itself such a clear mandate to intervene in the internal affairs of its members states. The AU has been able to intervene in member states during electoral conflict especially by mediating and offering support to the mediators as observed in all three cases understudy. The above view is also supported by Tavares (2010) that the AU makes a legal provision for it to intervene especially where sovereignty is not being exercised “responsibly” with its member states. In situations of electoral conflict human rights are violated mostly by the ruling government using the security sector to intimidate citizens to influence the electoral outcome in their favour. The study would investigate at what stages the AU has intervened in the electoral conflict cases understudy.

According to Odiambo (2011) the AU’s mediation and peace-making efforts demonstrate that an area where the AU has a major comparative advantage over external actors is its ability to garner the trust of parties to a violent conflict, particularly of governments which generally object to outside interference. The AU has been able to use this trust to convince the disputant parties, to agree on negotiations and to secure compromise as a result the GNU were formed in both Kenya and Zimbabwe as a solution to the electoral conflicts. Although the solutions were made to Kenya and Zimbabwe of a GNU this study would investigate the steps that the AU took up to the signing of GPA.

The AU has also played a pivotal role in conflict resolution. Although giving more power to regional blocs such as the SADC and EAC on issues of conflict resolution, the organisation should be applauded for taking the lead and constantly monitoring situations where these regional blocs are resolving conflicts. In the Zimbabwe crisis after the 2008 presidential run-off elections, the AU played a crucial role in a bid to restore sanity in the Southern African country. According to Cawthra (2010) SADC did not give itself any mediation role, but it was only when the matter of Zimbabwe was referred to the AU at its Sharm el-Sheik (Egypt) Summit in June 2008, that the AU directed that SADC be put in charge of mediating a solution to the crisis. SADCs mandate thus came directly from the AU and in turn, at its 2008 Dar-es-Salaam conference, SADC appointed then South African president Thabo Mbeki as chief mediator. In Kenya the AU used its good offices where the Chairperson John Kufour and visited Kenya in person in an effort to restore peace (Odiambo, 2011). On the other
hand, in Burundi the AU has sent its special representative though up to now it has not yielded positive results. The study would examine on the effects of the mediation conducted by RECs to the AU. The enactment of instruments which supports electoral democracy is another milestone that has been achieved by AU. During elections in member countries, the AU sends observers to monitor which is a giant step towards ensuring democracy and offer technical assistance whenever it is needed during elections time. Therefore the study would investigate if the AU has sent an observer mission in the cases understudy. Even though AU has its success in electoral conflict it also has share of failures.

2.8 The Failures of the AU in electoral conflict

The failures of AU has been attributed to competition and disputes among African leaders that hampered cooperative approaches to the AU’s conflict management (Odiambo, 2011). The AU’s intervention in Kenya illustrates the continuing of African states reluctant to accept the principle of intervention to member states’ international affairs. Also the refusal by Nkurunziza to accept AU’s resolution to send 5 000 peacekeeping mission in an effort to restore peace in that country reflects that the African governments are deeply embedded in their sovereignty and are sensitive to external interference (Louw-Voudran, 2016). Therefore the AU has failed to stand by its resolution to deploy a peacekeeping force by them even though the option seems unlikely after the Burundian government declared that it would not support such deployment.

The division within the members of the AU is another contributing factor to the failures of the AU as supported by (Alistair, 2009) that the AU members and the leaders of their individual African countries appeared to be divided between those who want a strong statement on the condemnation of the state affairs on Zimbabwe and others who are reluctant to publicly censure or criticize the veteran leader Mugabe during the 2008 electoral crisis.

Compared to other international actors the AU holds more legitimacy in condemning the situation and supporting a solution in electoral conflict in its member states (Jamar, 2016) however, this unlikely as at times the events are taken over by the international actors. As the case of Kenya the former Chairperson of AU John Kufour was the one who supposed to be on the fore front in resolving the electoral conflict. Thus this critical review concludes that
the AU’s reluctance to intervene in Kenya is partly due to mistrust between its member states. With the combination of the above factors, it is not difficult to understand why the AU has made little or no progress in Kenya. The futility in their attempt thus foresaw former UN Secretary General, of the international community direct the process, the changing regional geopolitical and economic situations (for example, the delay of goods arriving into the landlocked countries of the region) in east, central and Horn of Africa may influence the outcome of the process Kofi Annan, step in the process of contacting the leadership in Kenya and brokered some power sharing arrangement (Odiambo, 2011).

The AU’s commitment to intervening in crises is hampered by its lack of capacity and self-sustaining resources (AU, 2010). Even though the AU PCRD Policy Framework exists, the organization has not succeeded in mobilizing the necessary resources and building the capacity to undertake peacebuilding effectively (Murithi, 2014). This study would enquire to what extent the AU implemented its PCRD framework after electoral conflict in the cases understudy.

2.9 The Way Forward

According Mwanasali (2008) the AU would be a more effective conflict manager if it had members with similar preferences, and if it had more democratic members. A homogenous organization is better suited for effective conflict management, while democratic organizations support lasting settlements in favour of the status quo. The way forward according to (Ikejiaku and Dauda, 2011) was only if the AU would give its highest priority to the conflict resolution rather than delegating the task to the regional groups such as SADC, EAC and ECOWAS among others. Therefore this study would further probe on what will be the other solutions that the AU could able to exercise to effectively achieve its role on electoral conflict.
2.10 Chapter Summary

This chapter has highlighted on the theoretical framework and relevant literature on AU’s role in electoral conflicts with reference to the case study of Kenya 2007-8, Zimbabwe 2008 and Burundi 2015 electoral conflicts. The theory of liberal democracy has been for its relevance in explaining electoral democracy and theory of intergovernmentalism justifies the formation and existence of AU. The literature had covered in depth the various researches that have been done on the AU’s electoral conflict prevention, management, resolution and its initiatives on the post electoral conflict developments with an aim of extracting research gaps which this study sought to bridge when discussing the role of AU in electoral conflict.
CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter outlines the methodologies used by the researcher to collect relevant data. The purpose of a research according to (Collis and Hussey, 2003) is to review or synthesize existing knowledge, investigate existing situations or problems, provide solutions to problems, explore and analyse more general issues, construct or create new procedures or systems, explain new phenomenon, generate new knowledge or a combination of the above. The chapter has covered the research design, methodology, population sampling and methods, research instruments, data collection procedures and data presentation and analysis procedures. Effort was made to clarify the validity and reliability of the instruments, techniques and procedures utilized, while also highlighting their relevance and applicability to the precise context of the research.

3.1 Research Design

Saunders et al (2007) defines research design as the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure. Further Parahoo (1997, 142) describes a research design as a plan that describes how, when and where data are to be collected and analysed. Further, according to Heppner, Koviglan and Wampold (2009) a research design is a tool that involves developing a plan or structure of investigation and a way of conducting or executing the study that reduces bias and distortion. In other words the above authorities concur on that research designs stipulates the fundamental form that the research observed to come up with solutions to the research questions.

This study focused on the role of AU in electoral conflict in which a case study was appropriate for the study. Yin (1984) defines the case study research method as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple
sources of evidence are used. The assertion coincides with the researcher’s thrust to concentrate on three cases of Kenya, Burundi and Zimbabwe electoral conflict in order to obtain a detailed insight on the role of AU in electoral conflict. The method of enquiry generated rich, mostly qualitative, descriptive information about an individual episode of each country’s situation. The case study method involves an in-depth, longitudinal examination of a case and it provides a systematic way of looking at events, collecting data analysing information and reporting the results (Zainal, 2007).

3.1.1 Research Paradigm

Research methodology refers to the systematic, theoretical analysis of the methods applied to a field of study and it comprises the theoretical analysis of the body of methods and principles associated with the branch of knowledge and it encompasses concepts such as paradigm, theoretical model, phases and quantitative or qualitative techniques (Irny and Rose, 2005). This research is influenced by both ontological and epistemological philosophical assumptions. Ontology is defined by (Maykut, 1994) as the study that describes the nature of reality for example what is real and what is not, what is fundamental, what is derivative as in case of AU on whether their mechanism to deal with electoral conflict is just on paper or a real practise. Labaree and Ross (2008) defines epistemology as the study that explores the nature of knowledge for example on what does knowledge and understanding depend upon and how can we be certain of what we know and this assumption is proved through interviews and documents analysis on what is already existing on the subject. As highlighted by Connell and Nord (1996) they argue that if reality is external and unknown to humans, then how do we accumulate knowledge regarding it?

The study used the qualitative research paradigm to explore the behaviour, perspectives, and experiences and emphasize on the understanding of all these elements. Burns and Grove (2003) describe a qualitative approach as a systematic subjective approach used to describe life experiences and situations to give them meaning. The rationale of using the qualitative approach in this study was to explore and describe the steps already in place made by the AU to prevent, manage and resolve electoral conflict using the case studies of Kenya (2007), Zimbabwe (2008) and Burundi (2015).
3.2 Target Population

Population is defined as the group of interest to the researcher and it is upon this group that the researcher would generalise results of the study (Fraenkel and Wallen, 2009). Further Bless and Higson-Smith (2005) contended that population is the entire set of objects and events or group of people, which is the object of research and about which the researcher wants to determine some characteristics. In reference to the above definitions a population establishes boundary conditions that specify who should or what should be excluded from the research. The population may be all the individuals of a particular type or a more restricted part of the group. As stated by Rossi et al (2011) it is of paramount importance to correctly identify and define the target population for any research as it determines the success of the research project. The population that were considered to be appropriate for this study comprised election administrators and experts in the election field some of whom have worked with the AU in election related programmes. The experts are employed by recognised institutions such as United Nations Development Programme (UNDP), International Foundation on Electoral Systems (IFES) and Electoral Institute for Sustainable Democracy in Africa (EISA) and they have done much research on electoral conflict in Africa.

3.3 Sample

A sample is a subset of the whole population which is actually being investigated by the researcher and whose characteristics will be generalised to the entire population (Wegner: 2010). Haralambos (1995) defines a sample as part of the large population that is selected to represent the target population. The opinions of the above authors reveal that the aim of sampling is to draw a representative sample from the population. In order to achieve the purpose of sampling the main characteristic of a sample must be synonymous with the population under study; the sample must be sufficiently large and must be well chosen so as to be representative of the present population.

The respondents were composed of officials from AU Department of Political Affairs, Zimbabwe Electoral Commission Senior Managers, Head of Regional Desk in the Ministry of Foreign Affairs, and Senior Managers at election related CSOs thus Election Resource Centre (ERC) and Zimbabwe Electoral Support Network (ZESN), Embassy of Kenya and
Election experts from the following organisations Electoral Institute for Sustainable Democracy in Africa (EISA), United Nations Development Programme (UNDP), International Foundation for Electoral Systems (IFES) and Shalestone Election and Governance consultancy. These respondents represent the election and governance administrators’ views.

3.4 Sampling techniques

Burns and Grove (2003:31) refer to sampling as a process of selecting a group of people, events or behaviour with which to conduct a study. Polit et al (2001:234) confirm that in sampling a portion that represents the whole population is selected. Sampling was closely related to generalisability of the findings. In this study the sampling was non-probable and purposive. According to Parahoo (1997:223), in non-probability sampling researchers use their judgment to select the subjects to be included in the study based on their knowledge of the phenomenon.

Purposive sampling was used in this study. Parahoo (1997:232) describes purposive sampling as “a method of sampling where the researcher deliberately chooses who to include in the study based on their ability to provide necessary data”. Schumacher and McMillan (1993) acknowledge that purposive sampling represents a group of different non-probability sampling techniques. Also known as judgmental, selective or subjective sampling, purposive sampling relies on the judgement of the researcher when it comes to selecting the units (for example people, cases/organisations, events, pieces of data) that are to be studied. The rationale for choosing this approach was that the researcher sought knowledge from the participants and their opinions by virtue of their experience. The sample size is as tabulated on the table below:
Table 1

Total Number of Respondents

<table>
<thead>
<tr>
<th>Target Group</th>
<th>Target Response</th>
<th>Actual Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>African Union</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Zimbabwe Election Commission</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>CSOs in Elections</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Ministry of Foreign Affairs – Zimbabwe</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Embassies of Kenya and Burundi</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Election Experts (UNDP, EISA, OSISA, Shalestone Election and Governance Consultancy and IFES)</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>18</strong></td>
<td><strong>13</strong></td>
</tr>
</tbody>
</table>

3.5 Data Collection

The data collection tools are needed to find possible solutions to problems under investigation (Best and Khan: 2010). The choice of instruments used in this study was influenced by the nature of the research question, research design, research objectives, time and costs. Since the research was a case study the researcher deliberately used the interviews and document analysis in order to obtain quality of information on the study. Using various methods will help in validating data by attempting to solicit data in different ways.

3.5.1 Interviews

Mulvey and Kavalan (2010) defined an interview as a focused discussion between two or more people. Janckowicz (2009) argued that an interview is a research technique designed to
gather valid and reliable information through the responses of the interviewee through a planned sequence of questions. In another perspective, an interview is simply a conversation between the interviewer and the interviewee where standard questions are asked and answers recorded (Nachimias and Nachimias: 2010). An interview attempts to capture the other person’s perspective and focuses on detail and meaning of what is being said. Interviews can be structured, semi structured and unstructured. For the purpose of this research interviews were more relevant as compared to a questionnaire as it allows the collection of in-depth information and it does not limit the respondents on answering on what they know on the subject. The researcher employed guided interviews in order to exhaust all the prepared questions and get all the anticipated information. The interviewees were composed of officials from AU Department of Political Affairs, ZEC Senior Managers, Head of Regional Desk in the Ministry of Foreign Affairs, and Senior Managers at election related CSOs thus ERC and ZESN, Embassy of Kenya and Election experts from the following organisations EISA, UNDP, IFES and Shalestone Election and Governance consultancy.

According to Best and Khan (2010) the advantages of using interviews are that the instrument provides instant response and it gives the interviewer a chance to probe further for more information as interviews are held on face to face basis. In order to capture accurate data the interview was recorded and was also a faster and reliable source of collecting data. Respondents’ own words would be recorded and they express their ideas in their own ways. This would add authenticity and reliability to the findings due to the real and live nature of reference. Ambiguity can be clarified and incomplete answers followed up on spot. However interviews have their own disadvantages as highlighted by Saunders et al. (2007) that the instrument may be vulnerable to interviewer bias. For example the facial expression or comment by the interviewer could affect the response to be obtained. The respondents could be shy to give accurate information in the presence of another person. The instrument is time consuming and costly to administer, it involves setting up, interviewing, transcribing, analysing feedback and reporting.

3.5.2 Document Analysis

This study analysed documents and literature on AU’s intervention in the Kenya 2007, Zimbabwe 2008 and Burundi 2015 electoral conflicts. Document analysis is a systematic procedure for reviewing or evaluating documents both printed and electronic (computer-based and Internet-transmitted) material. Like other analytical methods in qualitative
research, document analysis requires that data be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge (Corbin and Strauss, 2008). As a research method, document analysis is particularly applicable to qualitative case studies intensive studies producing rich description of a single phenomenon, event, organisation, or program (Stake, 1995 and Yin, 1994). Non-technical literature, such as reports and internal correspondence, is a potential source of empirical data for case studies; for example, data on the context within which the participant operates (Mills, Bonner and Francis, 2006). Furthermore, as Merriam (1988) pointed out, “documents of all types can help the researcher uncover meaning, develop understanding, and discover insights relevant to the research problem”.

The document analysis has the advantages that it is an efficient method due to availability of data already existing on the subject and it is less time consuming and therefore more efficient than other research methods. As Merriam (1988) argued, locating public records is limited only by one’s imagination and industriousness. An important maxim to keep in mind is that if a public event happened, some official record of it most likely exists. It is also a cost-effective method than other research methods and is often the method of choice when the collection of new data is not feasible. The data (contained in documents) have already been gathered; what remains is for the content and quality of the documents to be evaluated. However documents analysis has the disadvantages that documentation is sometimes not retrievable, or irretrievability is difficult. As Yin (1994) has noted, access to documents may be deliberately blocked. An incomplete collection of documents suggests ‘biased selectivity’ (Yin, 1994: 80). Documents are produced for some purpose other than research; they are created independent of a research agenda. Consequently, they usually do not provide sufficient detail to answer a research question and it need to combined with another method to ascertain the quality of data to be obtained.

3.6 Validity and reliability

Best and Khan (2011) define validity as the quality of data gathering instrument or procedure that enables it to measure what it is supposed to measure. Further, Tuckman (2005) define validity as an attempt to establish whether the measures used by the research were appropriate for the scientific enquiry under investigation. This means that the instruments
used in conducting a research should be applicable to situation at hand. The authors above came up with the same meaning as they implied that to measure validity instruments used must generate the same readings or results when read by different people. It would help to build confidence in the users of information as they would also believe and accept the findings after the research. In this research the use of document analysis and interviews was suitable for the case study approach since the researcher intends to obtain as much detailed data about the subject (AU). To ensure validity of the instruments the document to be consulted in document analysis would be genuine and has integrity as they have been written well known authors in the election field and some of them have been downloaded on the AU website. On the interview aspect the researcher would carefully select the respondents based on their knowledge on the subject under study to ensure that quality and original data is collected. This would improve credibility with a focus of establishing a match between the responses of interviewees and the data gather through document analysis. Validity is concerned with whether our research is believable and true and whether it is evaluating what it is supposed or purports to evaluate. In this regard, Burns (1999) stresses that “validity is an essential criterion for evaluating the quality and acceptability of research.

Bornheimer et al. (2008) defines reliability as the extent to which an experiment, test or any measuring procedure yields the same result on repeated trials. Also according to Babbie (2012) reliability is a matter of whether a particular technique applied repeatedly to the same object would yield the same result each time. These citations refer to the consistency, stability, accuracy and dependability with which the research instruments measure information. If the researcher used improper research instruments then the results may be rendered incorrect. The researcher collected data through interviews and document analysis as stated by Zohrabi (2013) that “the collection of information using different sources could enhance the reliability of data and results”. LeCompte and Goetz (1982) and Nunan (1999) states that the reliability of the research can be increased when an inquirer pays heed to the choices of informants as in this research the sample of the populations are experts in the field understudy. To determine the reliability of the instrument the researcher compared the data from the documents analysis with the responses from the interview to find the relationship of the data. The results obtained from the interviews yielded almost the same results and also have some similarities with information obtained from the document analysis to prove the reliability of the instruments.
3.6.1 Pilot testing

Tuckman (2000) defined a pilot study as a trial run which uses a group of respondents who are part of the intended test population but not part of the sample. Further Robbins (2010) defined a pilot study as a small scale study run on trial basis which is prepared for the main study. The above authorities agree on the definition of a pilot test and meaning and clearly determine whether the research instruments possess the desired qualities of measurement and discernment before they are used for the actual research study.

The pilot test would also give an estimation of costs and time required to carry out the research (Holborn: 2008). It was also necessary to carry out a pilot test to ensure that all aspects of the research work as intended are covered. In acknowledgment of this view, the researcher conducted a snap pilot study at ZEC before the final research for the purpose of testing that the research instruments would gather the expected data material. The pilot test was indicative that the respondents understood what was required.

3.7 Data presentation and analysis

Data presentation is the process of organising data into logical, sequential and meaningful categories and classifications to make the amenable to study and interpretation (Nigatu: 2009). The data was presented in explanatory way guided by the research questions as stated by Saavedra (1997) that the data is organised and divided into several main components or topics, each of which is titled according to the sub-problems.

According to Calderoni (1993) data analysis is the process of breaking up the whole study into its constituent parts of categories according to the specific questions under the statement of the problem. The data analysis was divided thematically according to the research questions namely the AU’s preventive mechanisms to the electoral conflict, its mediation strategies as part of its electoral conflict management and lastly the AU’s post electoral conflict initiatives that are in place to avoid recurrence. The qualitative data was used to present the themes. They are intellectual processes that play a role in data analysis such as comprehending thus when a researcher is able to prepare a detailed description of the phenomenon under study (Saavedra: 1997). The relevant data was selected from document analysis and interviews and the first process would be the identification and compilation of relevant documents for the topic, second the screening to documents by their relevance and
lastly synthesizing and analysing data from both the selected documents and the responses from the interviews.

3.8 Ethical consideration

There are number of ethical considerations to be taken into cognisance when conducting a research. A researcher ought to bear in mind that there are responsibilities that are owed to participants, colleagues, the organisation being researched and the persons to whom the research findings would be presented. Bricki (2007) identifies consent and confidentiality as two key ethical issues that should be considered in any research. Data provided by participants was treated with confidentiality as well as safeguarding their privacy and identity. In the researcher’s perspective, everyone who participated in the study freely consented to participation without being coerced or unfairly pressurised. The research participants were well informed about what participation entails as stated by Robson (1993) that “take care to ensure that the relevant persons, committees and authorities have been consulted and informed and that the necessary permission and approval has been obtained”. Further verbal consent has been obtained from the participants before interviewing them.

3.9 Summary

The research methodology captured all the data gathering procedures, the merits and demerits including possible problems that may arise. Given the wide range of data collection, varied methods and procedure of sampling and the research instruments used the results of the findings particularly reflected on the reality on the ground and assist in coming up with recommendation that would go a long way in improving the role of AU in dealing with electoral conflict on the continent.
CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1. Introduction

This chapter presents, analyses, interprets and discusses data collected on the study of the role of AU on electoral conflict with particular focus on Kenya 2007, Zimbabwe 2008 and Burundi 2015 cases. The researcher used guided interviews and documentary analysis procedures. The collected data will be analysed in relation to themes formulated from major research questions, related literature as well as assumptions. The data being presented sought to evaluate the AU’s role in preventing and managing electoral conflict in African states. This chapter will evaluate how far the AU electoral conflict preventive mechanisms such as the continental early warning systems, preventive diplomacy and monitoring and observer missions have mitigated against electoral conflict. It seeks to establish the effectiveness of the AU’s mediation strategies in managing electoral conflict and analyse whether the post conflict reconstruction and development have been utilised to avoid the recurrence of electoral conflict. In order to protect the identity of the respondents the researcher used pseudo names.

4.2 Background of respondents

The respondents comprised of thirteen professionals and experts from various organisations which have a background in election and governance matters. Two respondents were from the AU Department of Political Affairs and were political officers in charge of elections issues in that organisation. Three respondents were from the Zimbabwe Electoral Commission (ZEC) all of whom are at senior managerial level and in charge of electoral operations. The three of them were at one time part of the AU election observer missions in Egypt, Tanzania, Kenya and two of them are facilitators of the internationally acclaimed Building Resources in Democracy Governance and Elections (BRIDGE). Further, two other respondents were from Civic Society Organisations in Zimbabwe that have a bias on
elections and these were the Zimbabwe Election Support Network (ZESN) and Election Resource Centre (ERC). There was also one respondent from the Ministry of Foreign Affairs in Zimbabwe responsible for African regional integration desk. The last five respondents were experts in the field of elections and governance from UNDP based in Kenya, EISA based in South Africa, Shalestone Consultancy based in South Africa, the IFES Regional Director for Africa based in United States and one from the Kenyan Embassy responsible for the political affairs desk.

In an attempt to conceal identity of interviewees during presentation of findings and in the spirit of ensuring confidentiality on responses the pseudo names were given to respondents. The respondents from AU were named XX1 and XX2, ZEC XX3, XX4 and XX5 ERC XX6, ZESN XX7, Embassy of Kenya XX8, IFES XX9, EISA XX10, UNDP XX11, Shalestone XX12 and Ministry of Foreign Affairs in Zimbabwe XX13.

4.3 The AU’s electoral conflict preventive mechanisms

The AU 2003 Protocol relating to the establishment of Peace and Security Council (PSC) has a standing decision making organ for prevention, management and resolution of conflict. As a collective security measure, the PSC facilitates for early warning mechanisms timely and efficient responses to conflict and crisis situations in Africa. The AU has put in place various organs and structures whose mandate includes the prevention of electoral conflicts through the continental early warning system, preventive diplomacy and the election observation and monitoring missions. This applies where a conflict is still in its primary stages. In the view of exploring whether the AU has used its electoral preventive mechanisms in place on cases of Kenya 2007, Zimbabwe 2008 and Burundi 2015, electoral conflicts discussions were highlighted in themes below:

4.3.1 Continental Early Warning Systems (CEWS)

The AU Article 12 of the Protocol on African Peace and Security Architecture (APSA) provides for the formation of the CEWS with the aim of facilitating the anticipation and prevention of conflicts in Africa. The CEWS was established in 2006. It also requires the creation of an early warning module based on clearly defined and accepted political, economic, social, military and humanitarian indicators which will be used to analyse developments on the continent and recommend the best course of action (Nathan, 2007). The
Chairperson of the AU Commission is required to use the CEWS information in execution of his/her function relating to peace and security by rendering timeous advice to the PSC on potential conflicts and threats to peace and security (AU, 2010). Respondents’ had various views on whether CEWS was utilised to inform the course of action to prevent electoral conflict in Kenya 2007, Zimbabwe 2008 and Burundi 2015. Respondent XX11 from UNDP noted that:

_The early warning signals of impending violence in Kenya 2007 elections were visible and the internal early warning system in the Kenyan Government had reported on the possibilities of a conflict in the election period._

Another respondent XX9 from IFES had the following views on the early warning aspect in Kenya 2007 electoral conflict:

_When violence erupted in the Kenya 2007 election the AU CEWs were not yet operational._

The view that the CEWS was not operational as noted in the interviews when the Kenyan electoral conflict erupted is confirmed by the (AU, 2010) document on *Election Related Disputes and Political Violence* that since 2006 sustained efforts have been made to operationalise CEWS. The AU CEWS was strengthened in January 2008 by linking it with the regional early warning mechanisms. It is also confirmed by Iyi, (2013) who stated that the CEWS was not fully operational in the period preceding the Kenyan crisis. However Babaud and Ndung’u (2012) had different views, they noted that the early warning signals were overlooked since historically the country is ethnically polarised and the political climate has always been charged during presidential elections.

Interviewee XX1 from the AU department of Political Affairs’ response on whether the CEWS was utilised in Zimbabwe to prevent the escalation of electoral conflict was that:

_It was quite evident that the elections were sensitive and there was potential for violence but the AU was not able to act._

Respondent XX6 from ERC was of the similar sentiments with that of the above on that:

_The early warning symptoms of a conflict during the period towards the re-run of June 2008 Presidential elections in Zimbabwe were evident but the AU did not take action to prevent the conflict._
The Human Rights Watch organisation which deals with human rights confirms in its report of 2008 on Zimbabwe although there were signs of a conflict in the country, the AU did not take any action. This organisation had to write to the then Chairperson of AU Jean Ping requesting for the immediate sending of the AU election observer mission and human rights monitors to Zimbabwe prior to the June 27, 2008 runoff elections to promote free and fair voting. This serves to show that the AU had not responded to the situation in the country and did not have a strategy or did not invoke any of its strategies if it had one.

However, with Burundi it is a different strategy the respondents noted that the AU had improved on the use of the CEWS as an electoral conflict preventive mechanism. Respondent XX2 an official of AU observed that:

*The AU was able to send a human rights observer mission to Burundi after receiving reports of violence before the elections.*

Respondent XX10 an official from EISA also supported the view that the AU had taken action on receiving of information on electoral conflict in Burundi as he noted that

*The AU recommended the government of Burundi to postpone the Presidential elections until such a time the environment would be conducive to hold them.*

The views on the recommendation to postpone the holding of Presidential elections in Burundi are revealed in the *Communique of the 515th meeting of the PSC of the AU* at the Level of Heads of States and Government on Burundi which noted that the relevance of the measures agreed upon by the summit held in Dar-es-Salaam on 13 May 2015 included the call for the postponement of elections and immediate cessation of violence, disarmament of youth groups affiliated to political parties which provided a framework for a political and consensual solution to the crisis in Burundi.

In the AU’s view, the CEWS arrangement if properly utilised can facilitate timely and efficient responses to conflict and crisis situations which are usually followed by the deployment of fact finding missions to the trouble spots if necessary (AU, 2010). However this view by AU is debatable for no AU fact finding missions were sent to Kenya and Zimbabwe after reports on the eruption of violence during the pre-election period. As supported by Murithi (2011) that the CEWS was expected to capture the indicators and issued warning to the response mechanism to mitigate the Kenyan electoral violence. It seems the AU is yet to come up with a consistent formula of determining when to invoke this
mechanism. For now it looks like it is still using a haphazard approach in using CEWS and fact finding missions. This is buttressed by the fact that while the AU did not deploy a fact finding mission for both Kenya and Zimbabwe, it chose to deploy one for Burundi. The fact that it acted in Burundi is revealed by the (ICG, 2016) that some praised the AU for its early intervention and strong position as the crisis began in Burundi with Dlamini-Zuma setting the tone and direction.

According to Wulf and Debiel (2009:26) the failure by AU in CEWS is its own making through failure to implement its own policies because there is no electoral conflict that can erupt without warning. According to Iyi (2013) AU has a tendency to act belatedly and this fact is supported by data obtained from the interviews which shows that the AU might choose not to take action even in circumstances where the symptoms of potential electoral conflict are clearly visible as in the case of Kenya and Zimbabwe.

4.3.2 Preventive diplomacy

The early warning signs of political tension in a country ought to be detected allowing the AU to intervene rapidly to forestall political crisis through preventive diplomacy. The preventive diplomacy actions or institutions are used to keep political disputes between or within nations from escalating into armed conflicts (Lund, 1996). In the context of electoral conflict the preventive diplomacy is utilised when the politics and institutions of an electoral process appear unable to manage tensions without causing violence. Preventive diplomacy is conducted in different forms and for a both public and private, the most common expression of preventive diplomacy is done by diplomatic envoys dispatched to crisis areas to encourage dialogue, compromise and peaceful resolution of tensions (AU, 2010). Preventive diplomacy is one of the elements of the APSA being undertaken by the POW established by the AU under Article 11 of the protocol relating to the establishment of the PSC. The role of POW is to advise the Chairperson of the AU Commission and the PSC, particularly on issues of conflict prevention (AU, 2002). It also plays a role of establishing the channels of communication between PSC or Chairperson and parties engaged in a dispute. It also carries fact finding missions in areas it considers there is high risk of conflict breaking (AU, 2013: VI, 2).
Respondents were asked if the AU had used the preventive diplomacy tool to stop the escalation of electoral conflict in Kenya 2007, Zimbabwe 2008 and Burundi 2015. An embassy official, respondent XX8 said the following about the Kenya electoral conflict:

The AU soon after receiving reports of violence in Kenya the then Chairperson John Kufuor and his team visited Kenya to find ways of resolving the conflict.

However interviewee XX4 from the ZEC noted that:

The electoral violence in Kenya had erupted without warning after the announcement of the election results and it had caught the AU unprepared, so it was unlikely to use preventive diplomacy before the escalation of violence.

The African Centre for Strategic Studies document on African Union Panel of the Wise Conflict (2016) by Paul Nantulya stated that the violent aftermath of Kenya’s disputed elections of December 2007, the AU Panel of the Wise coordinated closely with Panel of Eminent Personalities to prevent further escalation of the electoral conflict. This hybrid effort was led by former UN Secretary General Kofi Annan, the former first lady of Mozambique and South Africa, Graça Machel, and Benjamin Mkapa, a former president of Tanzania.

In response to the Zimbabwe 2008 electoral conflict on whether the AU implemented its preventive diplomacy in order to stop the conflict. Respondent XX1, an official from the AU secretariat observed that:

The AU tried to send a fact finding mission to Zimbabwe after receiving reports of violence but the Zimbabwean government did not allow the mission in their country.

The view of the above respondents was different from the views of XX7 from ZESN who highlighted that:

The AU did not take any action to prevent the electoral conflict in Zimbabwe except for SADC which has been active since 2007 after receiving reports of political violence in Zimbabwe.

In order to substantiate data from the interviews with that of the document analysis Veritas document on “AU calls for immediate release of election results” (2008) it noted that the AU was under pressure to take more decisive action to help end a stalemate that began after the Zimbabwe Electoral Commission release of parliamentary election results but withheld those
of a parallel presidential elections that the MDC leader Morgan Tsvangirai claimed he had won. The document further noted that AU has been largely given a muted response to the Zimbabwe’s crisis, even as the MDC reported of rising violence against its supporters towards the presidential run-off elections.

The same question on whether the AU has tried to use preventive diplomacy to curb the electoral conflict in Burundi was asked and respondent XX12 from Shalestone Election and Governance Consultancy noted that:

*The AU was more influential in trying to prevent electoral conflict in Burundi resorted to many avenues to stop the conflict such as sending a human rights fact finding mission and its envoys.*

Respondent XX13 from the Ministry of Foreign Affairs had similar sentiments from that of the above as he stated that:

*The AU has played it preventive diplomacy role by assigning the EAC to oversee that peace was restored in Burundi.*

The *Africa Policy Brief Number 15 of June 2016* reveals that despite AU’s heavy involvement in Burundi, a year later, there was little to indicate that a peaceful resolution was in sight. Further the document stated that while the violence remains at low intensity the lack of significant headway raises important questions about the effectiveness of the preventive diplomacy and peace and security arsenal of the AU.

In comparison between the findings from the interviews and the documents analysis it reveals that there is no systematic application by the AU’s of its preventive diplomacy mechanism in electoral crisis. Preventive diplomacy was only practised in Burundi in the pre-election phase though it did not yield much as the conflict did not cease. The preventive diplomacy through the office of the AU was used in Kenya by the then Chairperson to deescalate the conflict which was already in motion. In Zimbabwe there were no signs of the AU preventive diplomacy being used for save interventions by SADC.

According to Muggah and White (2013, 1) the purpose of both preventive diplomacy and conflict prevention is to stop armed conflicts before they escalate. Preventive diplomacy includes activities such as good offices, facilitation, mediation, conciliation, adjudication and arbitration. Stewart (2003; 2008), there is a general consensus that in the international arena
that preventive diplomacy refers to any attempt by third parties to prevent the outbreak of violent conflict or its recurrence. Preventive mediation and political dialogue can help prepare the ground for peaceful elections through building the social climate for successful elections, breaking deadlocks and reducing the likelihood of violence and of outcomes that are perceived as illegitimate election (Gillies, 2011). In the case of Zimbabwe, it can be argued that preventive diplomacy has not achieved the desired consequences if as observed by Stewart (2003) that the major purpose is to prevent the outbreak of violent conflict or its recurrence.

4.3.3 Election Observation Missions and Monitoring

Election observation missions and monitoring plays an important role in ensuring the credibility of elections, transparency and integrity of the electoral process and they legitimise the outcome to all key electoral stakeholders (AU: 2013). The election observation constitute tools for conflict prevention, management and resolution in countries holding elections and especially in countries experiencing or emerging from violent conflicts. AU Electoral observation and monitoring missions also play key roles in diminishing conflicts before, during and after elections. The AU would withdraw its election observer and monitoring mission from an election if it anticipates widespread fraud, repression and violence in order not to legitimate an illegitimate election (Claes, 2016). It is significant to appreciate that the decision of the AU to get involved in the observation of elections on invitation or without being invited marked a turning point in the history of AU. Leaders of member states have been calling on the leadership of AU to send delegation to observe elections in their states in order to legitimise the elections (African Union Elections Observation and Monitoring Guidelines, 2013)

Respondents were asked whether the AU has observed the elections in Kenya 2007, Zimbabwe 2008 and Burundi 2015. The interviewee XX2 from AU stated that:

*The AU did not observe the 2007 Kenyan elections as the invitation to observe elections was received late by AU leaving it with insufficient time to make all the necessary preparations for an observation mission.*

Respondent XX5 from ZEC was in agreement with the above answer and noted that:

*The AU was unable to send an observer and monitoring mission to Kenya.*
In support of the view that the AU did not observe the 2007 Kenya elections the *African Union Observation Manual* (2013) noted that in the past, the AU would await a formal invitation from its Member States before deploying an EOM, but this changed, following the Kenyan experience in 2008. Also in concurrence with AU Observation Manual document the IDEA document of 2012 on *Reflections on African Union Electoral Assistance and Observation* also stated that since 2008, following the absence of any invitation to observe the 2007 elections in Kenya, the AU has taken unprecedented steps to observe elections even when not invited. This must be acknowledged as fundamental progress in the AU’s practice of election observation. The decision to observe elections without an invitation from the host country must be seen as an extremely positive development as it underlines a strong commitment by the AU to be the driver of democratic progress on the continent. In addition, ensuring the observation of all elections held by its member states reinforces the role of the AU in promoting and protecting the integrity of elections at the regional level.

Further respondents were asked if the AU was able to deploy an observer and monitoring mission to Zimbabwe in the March 2008 elections and June 2008 run-off elections. Respondent XX4 from ZEC stated that:

*The AU observed both the March 2008 Harmonised Elections and the June 2008 Presidential run-off elections.*

The respondent XX6 from the ERC pointed that:

*The AU observed the Zimbabwean elections but was not influential enough to stop the election violence in the June 2008 run-off elections.*

According to Dundas (2014) in his document in *Electoral Discourse and Essays* elaborated that the AU DEAU was tasked to take over election observation just after the announcement of the election run-off by ZEC. It had decided to send an Assessment Mission to Zimbabwe but before it took off the opposition candidate had withdrawn from the race citing unprecedented violence. *The AU Preliminary Statement on Zimbabwe run-off elections* noted that in response to an invitation from the Government of the Republic of Zimbabwe, the Chairperson of the African Union Commission, H.E. Jean Ping, appointed and sent an Observer Mission to Zimbabwe to observe the Presidential Run-off and House of Assembly by-elections conducted on 27 June 2008. In accepting the invitation, the African Union was mindful of the fact that the conclusion of the electoral process which started with the March
29 Harmonized elections was of paramount importance for the consolidation of democratic governance and the enhancement of the rule of law in the country.

To verify whether the AU does a similar practice to all countries holding elections a question was asked if the AU observed the Burundi elections. The respondent XX10 stated that:

*The AU did not observe the Burundi elections as the Burundian government did not abide to the AU’s recommendation to postpone the election until such a time the conflict was resolved.*

The respondent XX1 from AU also in agreement with the respondent above commented that:

*The AU has withdrawn its observation mission in Burundi as the environment was not conducive of holding free and fair elections.*

The EU (2015) document on *Communication from the Commission to the Council* in agreement with interview respondents reveals that the AU decided on 28 June 2015 to take the exceptional step of not observing the elections noting that the necessary conditions for the organisation of free, fair, transparent and credible elections in compliance with the relevant provisions of the African Charter on Democracy, Elections and Governance were not in place. In support of the above document the statement by the AU Commission Chairperson states that AU reiterates the imperative need for dialogue and consensus for a lasting solution to the crisis in Burundi and adding that it will not observe the elections scheduled for 29 June 2015.

The findings on election observation missions and monitoring reveals that the AU did not observe the elections in Kenya 2007 elections because it received the invitation late for it to prepare for the mission. In Zimbabwe it dispatched a mission to observe the elections while in Burundi it withdrew its mission citing violation of AU’s instruments.

Noting from data from interviews and documents analysis on how the AU has implemented its mechanism on the prevention of electoral conflict it is being observed that there is inconsistency on its application because what has been implemented in Kenya was not in Zimbabwe or Burundi. The findings on the CEWS reveal that although it is in place it is a mechanism that the AU is not utilising them effectively thwart any grave consequences. They also reveal the AU’s slowness in reaction to crisis because on all the three cases the information on the pending violence and signs were visible before escalation.
According to Tiya (2015) situations of serious or massive violations of human rights are no longer purely of domestic concern, and sovereignty can no longer be an absolute shield for repressive governments in such circumstances and that is the reason why AU has resolved to observe elections in its member states regardless of whether it has been invited or not. It is also in support of the principles of intergovermentalism that AU takes the responsibility to promote its member states to observe principles of good governance. This is why AU observes elections in its member states and encourages them to follow procedures laid down in the African Charter on Democracy, Elections and Governance. Based on this realization, that is why it is a responsibility of the AU to protect individuals in states where their governments are unable or unwilling to provide protection against the most serious of violations through its instruments.

However, so far, the AU has explicitly made the right to intervene in a member state part of its foundational text in Article 4(h) of its Constitutive Act. Although there have been cases of Article 4(h) type interventions in Africa, the AU Assembly has not yet invoked Article 4(h). There have been calls by activists groups for the AU and UN to urgently address the conflict in Burundi to avoid genocide. The AU had adopted a resolution to send peace keeping mission of 5,000 troops to Burundi after seeking consent with the President of Burundi (PSC, 2015). However, the President of Burundi had been adamant that there was no need for the AU intervention and that as a sovereign nation it was able to solve its own problems and the intervention by AU could worsen the situation (Rossini, 2016). There have been some debates of whether to invoke section 4h of the Constitutive Act which state that “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity”. As observed by Rodt (2011) that despite these great ambitions the organisation has been widely criticised for being little more than a talk shop, lacking both the will and ability to enforce its decision thus allowing the persistence of violent conflict and gross human rights violations on the continent.

The AU preventive mechanisms are questionable to whether they are applicable or the institution lacks expertise to implement them or they are just on paper as they have not been effective in Kenya 2007, Zimbabwe 2008 and Burundi 2015 because the electoral conflict could have been prevented before the elections.
4.4 Mediation

The Protocol Relating to the establishment of the PSC includes mediation as a specific function of the PSC (AU, 2004: Article 6, 3). Mediation is called for specifically in the PSC Protocol, giving the Peace and Security Council specific responsibilities in this regard (Articles 5, 2 (d) and 6 (c), as well as the Chairperson (Article 10, 2, c). The Chairperson has, under the authority of the PSC and in consultation with parties involved in conflicts and disputes, deployed efforts and initiatives either personally or through the POW, special envoys, panel of eminent personalities, or the regional mechanisms to prevent potential conflict, and to mediate and resolve actual conflicts. To establish on which mediation strategy has been used by the AU in conflict management in Kenya 2007, Zimbabwe 2008 and Burundi electoral conflicts the interviews and documents reveals as discussed below.

4.4.1 Panel of the Wise (POW)

The POW is one of the critical pillars of the APSA and Article 11 of the protocol establishing PSC sets up a five person panel of the “highly respected African personalities from various segments of society who have made outstanding contributions to the cause of peace, security and development of the continent with a task to support the efforts of the PSC and those of Chairperson particularly in the areas of conflict prevention and management. The mandate of the POW is to use its good offices to carry out conflict mediation and broker peace agreements between warring parties and help the AU Commission in mapping out threats to peace and security by providing regular advice and analysis and requesting the Commission to deploy fact finding or mediation teams to specific countries (POW, 2016). A question was asked to find out on the contributions of the POW in resolving the electoral conflicts of Kenya 2007, Zimbabwe 2008 and Burundi 2015. The respondent XX13 from Ministry of Foreign Affairs noted that:

*The POW has worked together with Panel of Eminent Personalities in Kenya.*

The respondent from ERC had similar views with XX3 from ZEC who stated that:
Different groups had tried to mediate in Kenya including the support of the POW though the Panel of Eminent personalities was influential in brokering a peace deal among warring parties.

A Document by Nantulya (2016) on African Union Panel of the Wise and Conflict Prevention supports the view that the POW was substantive in the mediation of electoral conflict in Kenya. It states that in the violent aftermath of Kenya’s disputed elections of December 2007, the Panel of the Wise coordinated closely with an informal but intensive conflict prevention process steered by the Elders, an independent group of retired leaders founded by Nelson Mandela to promote peace and human rights. This was led by former UN Secretary General Kofi Annan, the former first lady of Mozambique and South Africa, Graca Machel, and Benjamin Mkapa, a former president of Tanzania. Further, the document provides that the Elders were joined by two members of the Panel of the Wise, former presidents Kenneth Kaunda of Zambia and Mozambique’s Joachim Chissano (Debra, 2008). The moral integrity of those involved proved critical, as the parties accepted the authority of the mediation although be grudgingly at times.

A similar question was asked on whether the POW had any contributions to broker peace to the Zimbabwe 2008 elections. The respondent XX1 from AU noted that:

The POW only expressed support of the efforts of SADC in resolving the electoral crisis in Zimbabwe.

However, another respondent XX7 from ZESN commented that:

The POW was invisible in Zimbabwe it was only SADC which was active in mediation.

The POW in its Communique of its fourth meeting in Nairobi, Kenya in 2008 expressed disappointment at the fact that nearly six months after the decision adopted by the Assembly of the Union in Sharm El Sheikh, Egypt, and two and a half months after the Agreement on Resolving the Challenges Facing Zimbabwe reached by the Zimbabwean parties, the establishment of a Government of National Unity that would enable Zimbabwe to tackle the numerous challenges facing it was yet to occur. The document further noted that the POW called on SADC and the AU to instil a new sense of urgency in their efforts to overcome the
current obstacles in the implementation of the power sharing agreement and to take all actions required to this end.

Respondents were asked if the POW has been involved in the mediation aspect to bring peace in Burundi. A respondent XX10 from EISA stated that:

*The POW has been involved in Burundi.*

Also respondent XX11 I from UNDP in agreement with above expressed that:

*The POW should be commended on their efforts in Burundi electoral crisis.*

The Institute for Security Studies report on *Peace and Security* (2015) pointed that the AU has been pro-active in trying to prevent the situation in Burundi from deteriorating. Visits by AU Commissioner for Peace and Security Smail Chergui, and the AU Commission Chairperson Nkosisana Dlamini-Zuma and a delegation of the Panel of the Wise, however, have not been sufficient to prevent violent protests over the third-term bid of President Pierre Nkurunziza. The report further revealed that on 9 May the AU sent a high-level delegation chaired by former Togolese Prime Minister Edem Kodjo, who is a member of the Panel of the Wise, and including former Senegalese Foreign Minister Ibrahima Fall to Burundi. The delegation has up to now failed to either kick-start the dialogue called for by the PSC or persuade Nkurunziza to renounce his candidature.

4.4.2 *The Regional Economic Communities (RECs)*

In 2008, the AU and eight RECs signed a memorandum of understanding (MOU) to coordinate their activities with regard to peace and security. The eight RECs are the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), ECOWAS, the Intergovernmental Authority on Development (IGAD), SADC and the Arab Union of the Maghreb (UMA). Under the MOU, all of the signatory organizations are obliged to adhere to the principles of subsidiarity, complementarity, and comparative advantage (AU 2008b: article 4.4). The memorandum’s main prescriptions are that the signatory organizations should ‘cooperate’ or ‘work together’
The MOU also explicitly mentions the mandate to create, protect and promote democracy as areas of common interest. In a conflict situation, both the AU and the involved REC can therefore legitimately claim to be the focal point in any democracy-creation, protection or promotion activity. Therefore to investigate on what level did EAC and SADC were involved in resolving the electoral conflict of Kenya 2007, Zimbabwe 2008 and Burundi 2015, a question was asked to respondents if a responsible REC was involved in mediation of the electoral conflict. Respondent XX3 from ZEC stated that:

*In Kenya the EAC did not participate in the mediation of the electoral conflict.*

Respondent XX6 from ERC had similar views with that of the above and noted that:

*The EAC is not very active in terms of conflict management and that is why it was not involved in resolving the Kenya electoral conflict.*

The sentiments of the respondents were similar to those by Khadiagala (2009) on *Regionalism and Conflict Resolutions: Lessons from the Kenyan Crisis* which states that collectively the East African institutions including EAC and IGAD remained paralysed and unprepared to deal with the Kenyan crisis. It further stated that despite years of attempts at security collaboration in East Africa, regional institutions are too brittle to be effective actors in conflict management and resolution. According to the same document what made it difficult for the EAC to mediate was that there was lack of trust on the then EAC Chairperson Yoweri Museveni by the ODM. The reason for mistrust was reports on that Uganda had deployed 3,000 troops in western Kenya to booster government defences (Khadiagala, 2009).

Respondents were asked if a REC was involved in mediating in the Zimbabwe 2008 electoral conflict. Respondent XX10 from EISA stated that:

*SADC was involved in the mediation of the Zimbabwe 2008 electoral conflict through the soft diplomacy of Thabo Mbeki.*

Respondent XX13 in agreement with above highlighted that:

*Since 2007 SADC Troika on Defence has mandated South Africa to mediate on the Zimbabwe electoral crisis.*

Cawthra (2010), highlights that in March 2007 Mbeki was officially appointed as principal mediator by a SADC emergency summit in Dar es Salaam, a role unofficially recognised by
the rest of the international community, although the MDC expressed doubts about his neutrality pending 2008 elections. During the impasse after the announcement of election results in Zimbabwe the matter was referred to the AU at its Sharmel-Sheik summit in June 2008. The AU directed that SADC be put in charge of mediating a solution to the crisis. SADC’s mandate thus came directly from the AU. In turn, at its 2008 Dar-es-Salaam conference, SADC appointed then South African president Thabo Mbeki as chief mediator. The AU’s role in the subsequent negotiations was minimal: it was playing an oversight role over SADC, and rubber-stamping its decisions. However, the AU was much more clearly divided over the crisis, with many countries openly supporting the MDC-T and condemning the ZANU-PF regime as undemocratic and as violating human rights. These divisions are one of the reasons why the AU was unable or unwilling to take the lead on Zimbabwe: the other was the principle of ‘subsidiarity’ in which it delegates sub-regional conflict resolution to SADC (Cawthra: 2010).

Respondents were further asked if the EAC is involved in mediating the electoral crisis in Burundi. Respondent XX11 from UNDP noted that:

*The AU has tasked EAC to come up with a solution in the Burundi electoral conflict.*

The respondent XX from AU was in agreement with the above respondent and highlighted that:

*The EAC is involved in the mediation of Burundi 2015 electoral crisis and Yoweri Museveni was tasked to mediate.*

The document by Jamar (2016) on *Escalating Conflict in Burundi* indicated that the EAC attempted to bring Burundian politicians to the negotiation table. Yoweri Museveni the Uganda President was appointed as the leading Mediator on behalf of EAC. A number of meetings have been organised by the EAC so far, but limited substantive discussions have taken place. At the same time, they are also key actors in the conflict given their bilateral relations with the Burundian authorities and their national responses towards the current situation. For example, the Rwandan President Kagame openly criticised Nkurunziza’s legitimacy and blamed him for recruiting rebels among those who sought refuge in Rwanda. Further the document stated that Museveni has been criticised for not giving sufficient attention to his mediating role. In agreement Buchanan (2016) document entitled *Burundi Mediation Talks is Uganda’s Yoweri Museveni the Right Man to Broker Peace* also stated
that Museveni’s own campaign to run for the fifth term of office he secured after change of the constitution in 2005 could be putting jeopardy efforts to resolve the Burundi Conflict.

4.4.3 Panel of Eminent Personalities

The African Union Panel of Eminent Personalities is a group selected from public figures noted as elder statesmen, peace activists and human rights advocates used for mediation purposes due to their experiences and expertise. A panel is usually selected for a specific mission. In order to find out if the AU used to the Panel of Eminent Personalities to mediate in Kenya 2007, Zimbabwe 2008 and Burundi 2015, respondents were asked on whether the AU has tasked the Panel of Eminent Personalities to mediate electoral conflict in Kenya 2007 and respondent XX8 from an official from Kenyan Embassy expressed that:

"After the failure of the internal mediation and that of the AU the then Chairperson John Kufuor the Panel of Eminent Personalities led by Kofi Annan has took over the mediation and a peace deal was brokered."

Also respondent XX12 from Shalestone Election and Governance in agreement with above commented that:

"The AU Panel of Eminent Personalities was influential in Kenya 2007 electoral conflict mediation."

In an AU PSC document of 2008 in agreement with data obtained from interviews noted that John Kufuor in his capacity as Chairman of the AU made efforts to mediate in the Kenyan crisis, and in the establishment of the Panel of Eminent African Personalities, which was led by Mr. Kofi Annan, former Secretary-General of the United Nations, and former Tanzanian President Benjamin Mkapa and Madame Graca Machel. IDEA document on African Union and Kenya Constitution Building Process (2014) also in support of data from the interviews stated that at the height of the post-election violence, AU Chairperson John Kufuor visited Kenya to try and restore calm, which precipitated in the appointment of the Panel of Eminent African Personalities to mediate in the crisis, with the approval of the two main political parties the ODM and the PNU, representing the government that had been sworn into power.

A similar question was posed if the AU Panel of Eminent Personalities was used to mediate in the Zimbabwe 2008 electoral conflict and respondent XX9 from IFES pointed that:
No, the AU Panel of Eminent Personalities was not involved in the Zimbabwe mediation except for SADC.

Respondent XX4 from ZEC in agreement with above highlighted that:

*In Zimbabwe the AU was not directly involved in mediation but it supported SADC’s efforts.*

A document by Veritas (2008) on “Breaking the Political Impasse in Zimbabwe” in agreement with data obtained from interviews provides that AU was not directly involved in the mediation. It was revealed in the 11th African Union (AU) summit at the Egyptian Red Sea resort on 1 July 2008, the AU text expressed support to the SADC facilitation process on the issue while calling for continued mediation efforts in order to assist the people and leadership of Zimbabwe to resolve its problems. The resolution further appealed to states and all parties concerned to refrain from any action that may negatively impact on the climate of dialogue. In the resolution, the AU expressed confidence that the people of Zimbabwe would be able to resolve their differences and work together once again as a nation, provided they received undivided support from SADC, the AU and the world at large.

Respondents were asked if the AU Panel of Eminent Personalities used the mediation strategy in Burundi 2015 electoral crisis. Respondent XX10 from EISA stated that:

*The AU Panel of Eminent Personalities strategy of mediation was not used in Burundi. However the AU sent its Special envoy and tasked EAC to resolve the electoral crisis.*

The interviewee from UNDP was also in agreement with the above and commented that:

*The AU did not deploy the Panel of Eminent Personalities but it tasked Yoweri Museveni as the EAC mediator.*

The AU Communique of October 2015 states that the AU’s full support to the mediation efforts led by President Yoweri Museveni of Uganda on behalf of the EAC. It underlines the importance of the urgent resumption of the mediation process, and urges the Burundian Government and the other concerned stakeholders to extend full cooperation to the Mediator. In this regard, the Chairperson of the Commission initiated the necessary consultations with
the EAC Mediator, with a view to speedily convening, an inter-Burundian dialogue involving all concerned stakeholders, in order to find a consensual solution to the current crisis.

The findings reveal that the AU mediated to some extent in all the three countries however using different strategies. In Kenya it used that of the Panel of Eminent Persons and in both Zimbabwe and Burundi it used the RECs though in Burundi it also dispatched an Envoy. The extent to which this strategy has been successful is debatable because in some instances the selected mediators were rejected by parties to the dispute. Ury et al (1991) notes that the issue of consent of disputing parties is crucial to the mediation process. This observation by Ury is manifest in the case of Kenya. In Kenya, the former President of Ghana John Kufuor the then Chairperson of AU tried to mediate and failed and left it for the Kofi Annan team to take over. In support of Ury, Nathan (2005) states that prospective and active mediators can be rejected by a disputant party because of their actual perceived bias. According to Eppel and Raftopoulos (2008), in Zimbabwe, the MDC-T’s key strategy was to frustrate the mediation process, primarily due to the party’s discomfort with what it perceived as Mbeki’s closeness to ZANU-PF. The MDC-T wanted to push the mediation process from SADC to the AU, and ultimately the UN. Thus, whether the AU was successful or effective in using mediation as a strategy is still questionable. The AU’s envoy in Kenya was rejected as a result of perceived bias while in Zimbabwe the AU did not pursue this option but chose to delegate to SADC the issue of mediation and just like in Kenya at least one of the parties did not have confidence in the selected mediator. It would therefore be a misrepresentation to categorically state that the AU was successful in its mediation activities in both Kenya and Zimbabwe. With regard to Burundi, both the EAC and AU faced serious challenges in mediating and to date the conflict still subsists. Therefore the effectiveness of AU as an intergovernmental body is questionable when it takes long to resolve the electoral crisis in one of its member states because as a guarantor of peace and security it is expected to resolve conflict in less time and restore peace.

4.5 Post Conflict Reconstruction and Development (PCRD)

The AU’s PCRD framework was developed at the 7th Ordinary Session of the Executive Council in Libya in July 2005 to drive the organisation’s responsibility to rebuild (AU, 2010). It is envisioned that the policy will establish conflict management mechanisms and reliable institutions based on democratic principles and that it will strengthen institutions to become
more capable of addressing conflicts and to avoid their resurgence. The AU PCRD is a comprehensive set of measures that seek to address the needs of countries emerging from conflict including the needs of affected populations, prevent escalation of disputes, avoid relapse into violence, address the root causes of conflict and consolidate sustainable peace (IDEA, 2012). The AU draws on its PCRD policy framework to devise suitable peacebuilding strategies. The PCRD commences when the AU mechanism is in line with the Constitutive Act to determine that the situation warrants attention, or when parties at conflict have demonstrated political willingness to resolve differences through political negotiation and have ceased hostilities and/or have signed a peace agreement (AU, 2010). According to Gustavo de Carvalho and Amanda Lucey (2016) the AU has played the role of both the convener and the implementer of peacebuilding responses. The AU provides strategic leadership and oversight of PCRD on the continent and in the continent’s relations with others, including setting the terms of engagement of all actors involved in PCRD efforts on the continent (AU PRCD, 2006). The AU acts as a guarantor of PCRD processes on the continent.

4.5.1 Consolidation of Peace and Prevent Relapse of violence

The AU policy on PCRD is intended to serve as a guide for the development of comprehensive policies and strategies that elaborate on measures that consolidate peace. The AU and RECs have put enormous efforts in the facilitation of negotiations for peaceful resolution of conflicts and the effective implementation of peace agreements. The AU is mandated by the Protocol Relating to the Establishment of PSC which was created to inter alia, promote and implement peace building and post-conflict reconstruction activities and to consolidate peace and prevent the resurgence of violence (Article 3a, 6).

Respondents were asked on what was done by the AU to consolidate peace and prevent relapse of violence in Kenya 2007, post electoral conflict. Respondent XX11 from UNDP elaborated that:

Nothing much because the issue of the internally displaced people has not been addressed though other issues were handled internally such as establishing laws on national accord and reconciliation, nation cohesion and integration and the setting up of the truth, justice and reconciliation commission.
However, the view of the above respondents differs from the sentiments of respondent XX2 from AU who commented that:

*The AU was involved through the Panel of Eminent Personalities during the Constitution making process after the government of national unity had been formed.*

The IDEA document by Liabuta (2014) on *The African Union and Kenya Constitutional building process* it refuted the role of AU in the constitution building process of AU as it stated that the AU only provided office space for the Panel of Eminent African Personalities. There was constant communication between the AU and Panel of Wise but, there is no publicly available proof that the Panel presented its progress reports to the Assembly or the chairperson of the Union. It further cited that reports available to the public only indicate that it reported to donors who funded the Kenyan mediation and constitutional review processes. Another document which validates that the PCRD was not active in Kenya was the special report on *Internal Displacement and Local Peacebuilding in Kenya* by Cawthra (2010) which notes that peacebuilding activities have continued since the signing of the national accord. However, using the scale of return and success of integration of the displaced as the most tangible indicators the progress in peacebuilding was unsuccessful in key parts of the country. It further stated that only a fraction of internally displaced persons can be considered returned or settled and among those many do not have adequate security and livelihoods access to compensation, restitutions or improved relations with neighbours.

The same question was asked on what has been done by the AU to consolidate peace and prevent relapse of violence in Zimbabwe 2008, post electoral conflict. Respondent XX6 from ERC stated that:

*There is nothing in particular besides AU and SADC being guarantors to the Global Political Agreement (GPA).*

However the sentiments of the respondent XX13 from Ministry of Foreign Affairs differed from that of the above as he noted:

*The AU has consolidated peace and prevented relapse of violence in Zimbabwe by being the guarantor of the GPA.*

In order to verify data from the interviews and a document by Centre for Conflict resolution on *State Reconstruction in Zimbabwe* (2011) in agreement with XX6 on that there was
nothing tangible on AU PCRD it noted that Zimbabwe represented a unique case study for state reconstruction and it could be characterised as a post-conflict country, but the necessary international interventions and regional efforts that should be employed in such countries have not been applied to Zimbabwe.

Further respondents were asked on what has been done by the AU to consolidate peace and prevent relapse of violence in previous conflict in Burundi since 2015 electoral has not yet been resolved. Respondent XX1 from AU commented that:

_The AU has been the guarantor the Arusha Peace Agreement of 2000._

Also another respondent XX10 from EISA highlighted that:

_The AU consolidated peace and prevents the relapse of violence in Burundi by implementing its PCRD policy._

The AU PCRD (2015) document highlights that the AU and the RECs have put enormous efforts in the facilitation of negotiations for peaceful resolution of existing conflicts and the effective implementation of peace agreements, as witnessed in, among others, Burundi, the Central African Republic (CAR), the Comoros, Côte d’Ivoire, the Democratic Republic of Congo (DRC), Liberia, Sierra Leone, the Sudan and Somalia. It was in this context that the AU saw the necessity to ensure that peace agreements are effectively complemented by sustained post-conflict reconstruction and peacebuilding efforts, with a view to addressing the root causes underlying their outbreak.

The findings from interviews and document analysis reveals that on consolidation of peace and prevention of relapse of conflict under PCRD, the AU has not done much as indicated by the cases of Kenya, Zimbabwe and the relapse of electoral violence in Burundi. If peace is not consolidated successfully there is likelihood of the violence recurring due to unsolved issues which are the root causes of conflict. Though Zimbabwe and Kenya successfully established new constitutions after the electoral conflicts, the root causes of conflict have not been addressed. The AU has recommended in both Kenya and Zimbabwe peace agreements but it did not follow up on their implementation through PCRD. In Burundi, although the AU implemented the PCRD, not everything was taken on board like the formation of Truth and Justice Commission. The PCRD needs to implement after every electoral conflict to address the root causes of conflict. The AU under the PCRD policy need to implement
training programmes in the affected countries as such to instil sense compromise in all the electoral stakeholders to avoid the recurrence of conflict.

4.6 Summary

The chapter presented, analysed and discussed data gathered during the research study. The findings from interviews, document analysis and focus group discussions were presented as given by the respondents. The data collected from the administrators through interviews and from documents reveals that the AU lacks consistency in application of the electoral conflict prevention, management and post electoral conflict mechanism. The next chapter will focus on the summary, conclusions and recommendations.
CHAPTER 5

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1. Introduction

This chapter succinctly summarizes main salient points of the study; draws conclusions from the findings of the study, and makes recommendations. The purpose of this chapter is to provide a general overview and summary of the whole research study, from chapter one to the end in regard to an analysis of electoral administrators, experts, government representatives, embassy officials and CSOs views on the role played by AU on electoral conflict.

5.2 Summary

5.2.1 Summary of the whole research

Chapter one focused on articulating the topic and its context. It gave the background information of the problem, outlined the major problem, research questions, objectives, assumptions, delimitations and limitations of the study.

The research study progressed through chapter two, which gave an outline of related literature. It further gave a theoretical framework of the study, before focusing on key issues related to themes formulated from the research questions. Here the key issues related to electoral conflict and its impact on attainment of peace and tranquillity which were explored basing on what various authorities say and the obtaining situation in practice.

This was followed by a rendition of issues regarding methodology as spelt out in chapter three, based on the selected research design- the descriptive survey. The researcher used document analysis and interviews as data collection instruments.

Chapter four spelt out data presentation, analysis, interpretation and discussion of the research findings.
Chapter five summaries the whole research giving a conclusion and makes recommendations on how best the research problem could be addressed and citing areas for further research.

5.2.2 Summary of findings

The findings from the study reveal that the AU conflict prevention mechanisms were partially used as in case of Kenya and Zimbabwe. This is so because while the electoral conflict signs were visible the AU CEWS Unit did not recommend any action. The study also reveals that the AU’s application of the mechanism on the prevention of electoral conflict was not systematic in all the countries under study as in Burundi it applied the preventive diplomacy tool before the elections, while in Kenya it only resorted to it after the escalation of violence. In Zimbabwe there is no evidence of its use by the AU. Same applies with electoral observation and monitoring missions in Kenya and Burundi the AU did not dispatch a mission though for different reasons. However, for Zimbabwe it did send a mission.

The findings on the mediation mechanism reflects that the AU as more comfortable in using the RECs to mediate on electoral conflict as in the case of Zimbabwe and Burundi. However, the findings also reveal that the use of RECs is not effective as evidenced by the case of Burundi where the conflict has not been resolved up to now. In some cases, the concerned member state was the perpetrator of the said electoral violence, for example, in the case of Kenya elections in 2007. An invitation was extended late to the AU and it was not able to make all the necessary preparations on time to dispatch an observer mission. The AU mediation strategy as a way of brokering for peace between the parties in dispute is still questionable due to imposition of mediators without the consent of the parties at conflict. The case of Kenya and Burundi clearly highlights the dangers of imposition of mediators as the then AU Chairperson John Kufuor’s mediation failed and in Burundi the use of Yoweri Museveni under EAC is proving to be slow in bringing disputants to an agreement. As a result some of the mediators are rejected due to lack of trust by the parties involved. The RECs have in some instances accused the AU of viewing itself as an implementing agent rather than playing coordinating role.

Lastly the PCRD policy of the AU is only paper policy that is not being implemented as shown by the cases of Kenya, Zimbabwe and Burundi where it was partially effective as evidenced by the recurring electoral conflict.
5.3 Conclusions

The AU has three major roles in electoral conflict which are to prevent, manage and make resolutions. Although the AU has outlined its role in electoral conflict by adopting a framework to deal with election related conflicts, it is still lagging behind as electoral conflicts are sprouting frequently and are taking longer to resolve. The AU lacks consistency in implementation of its electoral conflict mechanisms as evidenced by the three cases because what the AU has done in one country, it has not done in another. In some instances the AU would have observed or be aware of underlying symptoms of electoral conflict but instead of taking proactive measures to prevent the impending disaster, it has waited for invitation from a member state concerned before intervening.

The implication of electoral conflict to Africa if the AU is unable to resolve it is that the continent is likely to lag behind in terms of democratisation and development. In the absence of democracy, peace cannot be sustained. There are also policy implications to the AU which leads to a question why the organisation has opted to enact electoral policies, frameworks and instruments if it does not force its members to abide. The weakness of the AU as an intergovernmental body is that it is good on making recommendations but is weak on following up their implementation by member states.

The inefficiency by the AU in resolving electoral conflict has repercussions in international relations as relations among other countries get sour as they resort to self-help and interfere in the internal politics of their adversaries. This is evidenced by the case of Burundi where Rwanda was accused of sponsoring and training rebels. In Zimbabwe, the USA and UK were blamed of funding the regime change agenda using the opposition MDC-T party. In Kenya most of the leaders of the Kibaki’s party were referred for trial at the International Criminal Court (ICC) after being accused of atrocities in the electoral conflict but most of the AU member states were against this move. Failure to resolve electoral conflicts has resulted in people seeking refuge due to displacement by electoral conflict in neighbouring countries, sky rocketing of the budget of the UN through the provision of food and shelter to the refugee camps.

The ineffectiveness of the AU to resolve electoral conflict in member states provides credence to the criticism of liberal democracy as a viable and sustainable concept of electing leaders through competitive elections in Africa. Those in the positions of power will go to
greater lengths to maintain their position in power. This may be through the introduction of favourable policies and legal reforms aimed at that purposes. As shown in the three cases that citizen’s rights are manipulated and violated because the AU does not sanction the conduct or enforce any penalties on aggressor states that do as they wish. For example in the case of Burundi, the AU was not able to resolve the case of the extension of Nkurunziza’s term of office.

It can therefore be argued that, the AU is still a weak institution which is incapacitated in enforcing its electoral conflict mechanisms, decisions and recommendations and for that reason electoral conflict is likely to recur.

5.4 Recommendations

The study reveal that there is inconsistency by AU in the use of the preventive mechanism as in Kenya and Zimbabwe where no preventive action was taken even if the symptoms of conflict where visible as opposed to Burundi where it was invoked. Therefore it is recommended that:

(i) In order for its preventive mechanisms to be effective, the AU should adopt a system that is to be used in all countries holding elections. If it receives information from its CEWS department, it should immediately initiate preventive diplomacy mechanisms and deploy an expert observer mission to monitor and give advice to the affected country. Instead of waiting for an invitation to intervene in member states where electoral conflict is evident it should take proactive.

Another finding discloses that the AU in most cases assigns the RECs to resolve electoral conflict as in the case of Zimbabwe and Burundi ignoring allegations of bias by disputants. The researcher recommends that:

(ii) The AU’s mediation role in the fight against electoral conflict should be strengthened. It should take a leading role in preventive diplomacy and mediation by having a representative from PSC as a leader of the peace negotiating team. Even though it might delegate its functions to RECs to negotiate on its behalf, it should guard against the practice of regional biases. It should also train its panel
of mediators which should be part of the AU organisation to allow neutrality in the mediation of electoral crisis.

The study also reveal that the AU did not implement the PCRD policy in both Kenya and Zimbabwe though it did in the Burundi past conflict without following up on whether the country has implemented all its recommendations or not. It is recommended that:

(iii) The AU needs to be effective on consolidation of peace after conflict and if possible it should address the root causes of that conflict in order to avoid recurrence. The AU made a recommendation under the PCRD in Burundi but it was not implemented. As a result electoral conflict had escalated due to unresolved tensions of the past. As for Kenya and Zimbabwe where it did not implement the PCRD policy, it needs to be alert and to be active in addressing the political and electoral conflict that might arise due to unresolved issues of the past.

In summation of the recommendations for the whole study the role of AU should on electoral conflict not be viewed as paper policy which cannot be implemented on the ground. The AU needs to be proactive in issues of electoral conflict and should intervene at early stages as this lessens destruction and casualties. If there are any symptoms of electoral conflict, the AU should be able to detect these in the embryonic stages. It should also take the centre stage in managing electoral conflicts and appoint members from the POW to steer the mediation processes where possible. The AU needs to invest more in the PCRD and address the root causes of the electoral conflicts as these are likely to recur.

As established in the study that the AU lacks consistency in the application of its electoral conflict mechanisms and it is recommended that it needs to come up with practical enforcement mechanisms and penalties. The issue of heavy penalties will force member states to abide by the AU’s recommendations, policies and instruments.

5.5 Areas for Further Research/Study

A research on a wider scope should be conducted to establish if some of the findings raised in this study can be generalized. The area for further research could be on the evaluation of the African Union mediation strategies in Burundi 2015 electoral crisis and to observe which one among others could be effective for brokering a peace deal.
REFERENCES


International Convention on Civil and Political Rights Available at: www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf [Accessed 15 February 2016]


Interview Guide

The following information being collected for academic purposes and will be treated with the strictest of confidence.

Topic

Broader Objective

To evaluate the AU’s electoral conflict prevention, management and resolution mechanisms.

Sub objectives

(a) To analyse the effectiveness of the AU preventive mechanisms in place.

(b) To assess how the AU has fared in managing to transform electoral conflict into peacebuilding.

(c) To analyse the success of AU’s resolutions on electoral conflict on the continent.

Research Questions

(i) How has the AU’s preventive mechanisms mitigated against electoral conflict on the continent?

(ii) How effective have been AU’s mediation strategies in managing electoral conflict?
(iii) Has the AU’s post conflict reconstruction and development (PCRD) been effective as a mechanism to prevent the recurring of electoral conflict in Africa?

INTERVIEW QUESTIONS

Electoral Conflict Prevention Theme

1) Was CEWS been utilised to inform course of action to prevent electoral conflict in Kenya 2007, Zimbabwe 2008 and Burundi 2015 electoral conflicts?
2) Did the AU use preventive diplomacy tool to stop the escalation of electoral conflict in Kenya 2007, Zimbabwe 2008 and Burundi 2015?
3) Did the AU observed the elections in Kenya 2007, Zimbabwe 2008 and Burundi 2015?

Electoral Conflict management

1) What were the contributions of the POW in resolving the electoral conflicts in Kenya 2007, Zimbabwe 2008 and Burundi 2015?
2) Was the responsible REC involved in the mediation of electoral conflict in Kenya 2007, Zimbabwe 2008 and Burundi 2015?
3) Did the AU task the Panel of Eminent Personalities to mediate in Kenya 2007, Zimbabwe 2008 and Burundi 2015?

Post Conflict Reconstruction and Development

1) How the AU did consolidated peace and prevents the relapse of violence after the electoral conflict of Kenya 2007, Zimbabwe 2008 and Burundi 2015?
## APPENDIX ‘B’

**DOCUMENT ANALYSIS**

<table>
<thead>
<tr>
<th>NAME OF DOCUMENT</th>
<th>YEAR</th>
<th>AUTHOR</th>
<th>INFORMATION</th>
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<tr>
<td>Election-related Disputes and Political Violence: Strengthening the Role of African Union in Preventing, Managing and Resolving Conflict</td>
<td>2010</td>
<td>Panel of the Wise</td>
<td>The AU information on electoral conflict prevention, mediation and post conflict reconstruction and development.</td>
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<td>The AU and Burundi Crisis</td>
<td>2016</td>
<td>International Crisis Group</td>
<td>On AU’s intervention in mediation in Burundi.</td>
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<td>AU Calls for immediate release of election results.</td>
<td>2008</td>
<td>Veritas</td>
<td>Call for AU to intervene in Zimbabwe electoral conflict.</td>
</tr>
<tr>
<td>Reflections on Africa Union Electoral Assistance and Observation</td>
<td>2012</td>
<td>IDEA</td>
<td>On electoral conflict prevention and post conflict reconstruction and development.</td>
</tr>
<tr>
<td>Communication from the Commission to the Council on Burundi</td>
<td>2015</td>
<td>EU</td>
<td>On AU’s efforts in electoral conflict prevention.</td>
</tr>
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<td>Year</td>
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<td>Regionalism and Conflict Resolutions: Lessons from the Kenyan Crisis</td>
<td>2009</td>
<td>Khadiagala, P.</td>
<td>On post conflict reconstruction and development</td>
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<td>The role of SADC in managing political and conflict</td>
<td>2010</td>
<td>Cawthra, G.</td>
<td>Role of REC in mediation in Zimbabwe.</td>
</tr>
<tr>
<td>Burundi Mediation Talks is Ugandan’s Yoweri Museveni, the Right Ma to Broker Peace</td>
<td>2016</td>
<td>Buchanan, E.</td>
<td>REC’s role in mediation in Burundi electoral conflict.</td>
</tr>
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<td>Breaking the Political Impasse in Zimbabwe</td>
<td>2008</td>
<td>Veritas</td>
<td>AU’s electoral prevention and mediation in Zimbabwe.</td>
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<td>African Union Communique of October 2015</td>
<td>2015</td>
<td>AU</td>
<td>AU’s role on mediation in Burundi.</td>
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APPENDIX ‘C’