VOICING DISCONTENT
Media, elections and constitutional term-limits
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THE COST OF FREE SPEECH IN NIGERIA

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This edition of West Africa Insight looks ahead to forthcoming elections in Burkina Faso, Cote D’Ivoire and Guinea and explores the ways in which new and old media are continuing to shape discourses about elections and democracy in Ghana and Nigeria.

Eloise Bertrand provides analysis as to the political calculations being made by all political parties ahead of Burkina Faso’s proposed November 2020 election but questions the ability of polls to hold without a significant improvement in the security environment in the north and east of the country.

Elsewhere in Francophone West Africa, Gilles Yabi assesses the potential for, and maneuvering towards, a third term in office for President Alpha Conde in Guinea and at the ways Alassane Ouattara has sought to keep his party’s grip on power in neighbouring Cote D’Ivoire.

Further along the coast in Ghana, Ernest Armah explores the ways in which technology and social media will shape the democratic process ahead of polls at the end of the year.

Finally, Eromo Egbejule looks at the increasing attempts to limit freedom of speech in Nigeria, highlighting its roots in the 1980s and arguing that a media fightback is needed to preserve space for divergent views.

Idayat Hassan
Director
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In October 2014, Burkina Faso experienced a full-blown popular insurrection, which forced president Blaise Compaoré – in power for 27 years – to resign. Compaoré had attempted to meddle with the constitutions term-limits but the Burkinabè people were successful in bringing down his government and ensuring that their revolution was not hijacked by soldiers or old regime cadres. A civilian-led transition was established – though the prime minister and a few members of his cabinet came from the army’s ranks – and elections were scheduled for the following year. Despite a coup attempt in September 2015, elections took place two months later and were deemed the freest and most transparent to have ever taken place in the country. Roch Marc Christian Kaboré - a former ally of Compaoré who split from the ruling Congress for Democracy and Progress (CDP) to co-found the People’s Movement for Progress (MPP) in January 2014 - was elected president.
Five years later, the optimism and revolutionary spirit has given way to worry and despair. Since the first large-scale terrorist attack targeting a hotel and a café in a busy street of the capital Ouagadougou in January 2016 – only a couple of weeks after Kaboré took office – the security situation across the country has steadily deteriorated. Burkina Faso has quickly gone from “a beacon of stability”, to the “epicentre of the Sahel’s security crisis” according to co-founder of Sahelien.com, Joe Penney. Attacks occur daily, predominantly affecting the northern and eastern regions. At least 1,100 people have been killed since 2015 according to figures from the Armed Conflict Location & Event Data Project. A further 560,000 are internally displaced, according to the latest United Nation estimates. Schools are closed, fields have been left uncultivated and a state of emergency declared in a third of the country’s 45 provinces.

Initially, both the government and the urban population were slow to grasp the seriousness of the security threat. The areas first affected by the insurgency are remote from the capital and this distance limited the urgency of the response. Even the occasional terrorist attack in Ouagadougou was met with a certain stoicism by Ouagalais unwilling to cede to fear. But as the insurgency spread, so did wider concern. Urban dwellers, not directly impacted, hear their rural relatives first-hand accounts of the violence, while high casualty numbers among the army have hurt national pride and impacted on citizens sense of safety. Soldiers and community-based militias have been accused of killing ‘suspected terrorists’, fuelling ethnic tensions and grievances.
Popular disenchantment

Security has become the most important issue of President Kaboré’s presidency, putting a damper on his manifesto’s development promises. The 2014 insurrection instilled hope among Burkinabè youth that their living conditions would improve; that they would find employment in a fairer and more open job market; and that their political voice would be heard. “Nothing would be as before” was their slogan, but the Kaboré administration has been defined more as change through continuity. The new regime looks and acts very much like the old one.

Kaboré’s tenure has been marked by a series of strikes by magistrates, civil servants, journalists and medical doctors. The economic reality for many Burkinabè has not significantly improved, and social services remain vastly underfunded. Despite the anti-corruption authority (Autorité Supérieure de Contrôle d’Etat et de Lutte contre la Corruption) being given increased powers of investigation, the public administration is still tainted by corruption scandals. In 2016, just a few months after being elected, legislators took 130 tablets offered by the Chinese company Huawei, in charge of building Burkina Faso’s fibre optic network. Following uproar in the press and among civil society associations, the tablets were returned. While a new mining code was adopted during the transition to better regulate the industry – the most dynamic economic sector in the country – and ensure the mines contribution to local development, the sector continues to suffer from corrupt practices. A major scandal erupted in December 2018 when 30 containers of mining tailings were seized on their way to Côte d’Ivoire and found to include gold. The Canadian mining company Iamgold, the French transporter Bolloré, and 12 people working for these private operators and for the Burkinabè mining authorities are currently on trial in a case that will be an important test of the government’s commitment and ability to prosecute corruption.

The government’s handling of the security situation has also been criticised. In the context of escalating violence, the government’s inaction and Kaboré’s frequent travels abroad, have not been well received by citizens. Neither has the government’s decision to request support from the French military, active in the Sahel region through Operation Barkhane. The move is deeply resented by a section of the population suspicious of France’s motives, a sentiment that stems from the country’s Sankarist legacy but one that is also fuelled by disinformation and conspiracy theories that exist even within the government. In 2019, Defence
Minister Cherif Sy stated in an interview with the South African Mail & Guardian “[France has] got maybe 4,000 men in the region, they have all the military and technological resources, so I’m surprised they haven’t been able to eradicate this band of terrorists. We ask ourselves a lot of questions: if they really wanted to, they could have beaten them, so do they have another agenda?”.

Acrimony also runs deep among the armed forces, who have lost over 200 members in targeted attacks since 2016. In August 2019, 24 soldiers were killed in Koutougou, Soum province, stirring unrest in the ranks. In the capital’s barracks, soldiers protested, claiming that military officials were warned several days ahead of the attack but did not act and that the victims’ bodies were left to rot for days before being repatriated. The are deep cleavages within the ranks particularly between young soldiers on the frontline and the old guard which has created a potentially explosive situation if reforms are not forthcoming.

Despite the trial of the perpetrators of the 2015 coup attempt, which saw high-ranking figures such as Generals Gilbert Dienderé and Djibril Bassolé sentenced to jail for their actions, the elected government is not immune to pressure from their army’s hierarchy unhappy about answering to civilian authorities. The Ministry of Defence was headed by the president until 2017, then by one of his trusted aides, Jean-Claude Bouda. In January 2019, the former head of the National Transition Council – the legislative organ during the post-insurrection transition – Cherif Sy was appointed to the post. But his popularity among the urban population – derived from his role in the popular resistance to the 2015 coup attempt – and his family connections with the army – his father Baba Sy was one of the country’s first and most respected Generals – has so far failed to win over the military hierarchy.

Popular disaffection with the government could present an opportunity for the opposition in elections scheduled for 22 November 2020. However the political landscape is marred by divisions affecting all the major parties involved in complex games of political realignment.

The main opposition party, the Union for Progress and Change (UPC) led by Zéphirin Diabré, lost 13 of its 33 members of parliament in October 2017, after a split led to the creation of a new parliamentary group, Democratic Renewal (RD). That split marked the start of a battle between the rebel legislators and the UPC about the seats they occupy in the 127 member National Assembly. According to legislation aimed at preventing political nomadism in Burkina Faso’s proportional representation system, an MP who resigns from their party must vacate their seat and be replaced by their alternate - the next in line on the party’s list. Whereas an MP expelled from the party can remain in post. RD legislators argued they had resigned from the UPC parliamentary group but not from the party whilst the UPC leadership claimed they had de facto quit the party and brought them to court, successfully banning them from using the party’s name and logo. The UPC leadership remain convinced that the RD rebellion was fomented by the late Salif Diallo - the former president of the National Assembly and a cunning political schemer whose role in undermining the opposition when he was head of Compaoré’s CDP was well-known - and supported and financed by the ruling MPP.
With Compaoré in exile in Côte d’Ivoire, disputes over the CDP’s leadership and, more recently, to designate the party’s presidential candidate for November, 2020 have created internal fissures. While the party’s president, Eddie Komboïgo saw himself as the natural candidate, he was challenged by Kadré Désiré Ouedraogo, known as KDO, who served as Burkina Faso’s Prime Minister (1996-2000) and as ECOWAS president (2012-2016). This dispute over the nomination led to the resignation of KDO from the CDP in September 2019. At the same time, individuals who had supported KDO’s candidacy were excluded from the party during an extraordinary party conference. While a mediation led by Blaise Compaoré cancelled these sanctions in December 2019, the party continues to be deeply divided. It remains unclear who its candidate will be for the forthcoming elections as it seeks to improve on the 18 seats it currently holds.

While the ruling party appears less troubled, there is much activity behind the scenes to plan – not for the 2020 elections – but for 2025. President Kaboré can therefore negotiate support for his re-election in exchange for reciprocal support in five years time. Unofficially, the MPP’s electoral campaign is already well underway through the strategic implementation of development programmes headed by MPP regional cadres who tie local developments to the party’s electoral agenda. The decision to remove the MPPs acting president, Simon Compaoré, from cabinet, where he held the security portfolio, in January 2019 was also done with the elections in mind. It both removed him from the spotlight - where he was increasingly seen as a liability - and freed him to start building a ground campaign ahead of the elections. Something he has built his reputation on.

Small parties allied with the MPP within the presidential majority, are at risk of disappearing in the next election. Because the MPP only obtained 55 out of the 127 seats in 2015, they had to form an alliance with six smaller parties, each with a handful of MPs, to obtain a working majority. These parties will find it hard to support Kaboré’s presidential bid on the one hand and at the same time campaign to retain the few seats they hold against both opposition parties and the MPP in the legislative contest.

What is clear is that within and between each party, frenetic negotiations are taking place to form official or informal alliances ahead of the polls. Ultimately, despite popular frustration with the government, the opposition’s internal divisions make it unlikely that they can realistically win the elections. The uncertainty appears to be more about whether the elections will actually take place, rather than who will win them if they do. The 2020 electoral calendar has been the subject of many debates and shifts but presidential and legislative elections are due to be held on 22 November 2020. A referendum on a new constitution was also supposed to take place, but a date has still to be set and it is unclear if and when it will happen.
A new constitution?

The Fourth Republic was crafted by, and for, Blaise Compaoré. Consequently, there was a consensus on the necessity to start the post-Compaoré era with a new constitution; one that would provide a more balanced division of power between the executive and the legislative; that would ensure the independence of the judiciary; and that would set in stone term-limit provisions. A 92-member constitutional commission was set up in March 2016 and its final report was sent to the president in November 2017. But here progress has stalled. Members of the government have made announcements that it will be subjected to a vote by the National Assembly, before guaranteeing that it will be put to the people through a referendum as originally planned. But words have yet to translate into action. A political dialogue between all parties in the National Assembly in July 2019 forged an agreement on the way forward, but gave the president the liberty to set the date for the referendum. Something he has yet to do.

Elections in question

The Electoral Commission (CENI) was praised in 2015 for delivering credible elections despite remaining unchanged during the transition. Under new leadership since 2016, it was accused in 2018 by the UPC of being biased and aligned with the ruling majority. However a dialogue between the UPC and CENI – which included commissioners from the opposition as well as from the government and civil society – appears to have eased these concerns.

The primary concern is now the feasibility of holding elections given the security situation. Polling stations are likely to be targeted, as symbols of the state, and provisions to allow many of those internally displaced to vote need to be put in place to avoid significant popular disenfranchisement. CENI has signalled they will ensure the elections take place in the areas most affected, like Arbinda and Djibo, which the commission’s president, Newton Ahmed Barry, visited in October 2019. Despite CENI’s reassurances, fears of an election delay remain. The President of the National Assembly, Alassane Bala Sakandé, claimed during a public meeting in December 2019 that “if the security situation keeps deteriorating, in the name of God there won’t be an election”. These statements could point to an internal scuffle within the MPP or be aimed at pressuring the international community to increase the funds provided for counter insurgency efforts and the organisation of the election.

With elections nine months away it is virtually impossible to imagine they will be held everywhere, when areas in the northern and eastern parts of the country are increasingly outside of the government’s control.

Furthermore, in places like Soum province attacks on bridges and roads will make the logistics of election management very difficult even if the security situation dramatically improves. Yet it is crucial that they are held in a safe and credible manner, to avoid sapping the weak foundations of democracy built in 2015 and to preserve the legitimacy of the state. Democracy is too often sacrificed in the name of security, but the response to the insurgency must address long-standing grievances regarding governance and representation to have any chance of restoring peace in the country.

Voicing Discontent
HOLDING ON TO POWER IN CÔTE D'IVOIRE AND GUINEA: a threat to regional peace and security?
“The constitution allows me to be a candidate therefore I can be a candidate. I do not want to be a candidate but I will have to be a candidate if the political opponents of my generation are candidates”. This was the message President Alassane Ouattara gave to his supporters during a visit to Katiola, a city in northern Côte d’Ivoire, on 30 November 2019. Supporters of the president chanted "third, third, third" to ask ADO, the nickname of the Ivorian head of state, to contest again in the presidential election scheduled for October 2020. But in March 2020, after months of uncertainty, President Ouattara announced his intention to step aside and not to contest for another term. The announcement was a welcome surprise to observers of Ivorian politics but it does not mean that the forthcoming elections will be fully free and fair. New constitutional amendments proposed by the government in the last year add credibility to the perception of Ouattara as a president who defines and redefines the rules to align with the objectives of his political circle.

In neighbouring Guinea, a third term remains a possibility and the issue is at the heart of political violence which has already caused more than a dozen deaths, including young protesters and police officers. President Alpha Condé, 81, elected in 2010, the same year as Ouattara, is set to complete his second, and final, term in 2020. The current constitution in Guinea not only provides for a two-term limit, but establishes limitation of terms as one of the provisions which cannot be subject to a constitutional revision. The purpose of the drafters - the National Transitional Council - was clear: to prevent a president from remaining in power indefinitely by revising the constitution as soon as the opportunity arose to do away with the principle of two terms at the maximum.

The only way to get rid of this provision would be to replace the existing Constitution with a new one. As luck would have it, the president felt that the 2010 constitution had many shortcomings and that it lacked democratic legitimacy because it was adopted by an unelected transitional institution and not validated by a referendum. His government has drafted a new constitution. There is no abolition of the limitation of mandates in the constitutional text that Condé has already tried to put to a popular vote - a referendum scheduled for 1 March was postponed just two days before it was due to take place. Publicly the government cited concerns over the voter roll but the decision was more a response to the decision taken by regional and international organisations to withdraw from the election observation process.

The text proposes a mandate of six years rather than five, renewable once, and deletes a provision which appears in the current constitution: "in no case, can anyone exercise more than two presidential mandates, consecutive or not". The disappearance of this provision in the new draft constitution should not be ignored. Its omission could be very useful when it comes to examining the legality of Condé’s possible candidacy. The mere fact of changing the fundamental law, without touching the principle of the limitation to two mandates, would be enough for the president in office to run for office for a third term.
In Burkina Faso, Chad, Togo and even in Senegal term limits in the constitution have been circumvented by one or more constitutional changes, allowing the incumbent to reset the mandate counter to zero. It was on this basis that President Abdoulaye Wade was able to run for a third term in 2012 - although he was defeated at the polls by Macky Sall. The current president of Togo, Faure Gnassingbé, legitimised his candidacy for the February 2020 presidential election, by arguing that the limitation to two terms recently introduced in the constitution should only take effect after 2020. Having successfully won his fourth term of five years in February’s election, on the basis of the revised constitution he could be a candidate for the 2025 vote as well. However these attempts have not always been successful. In Burkina Faso, the attempt by Blaise Compaoré to amend the constitution to allow him run for office again, resulted in a popular insurrection and his exile in 2014.

Supporters of President Alpha Condé deny the accusation that Guinea is trying to join this club, by arguing that Condé has never publicly declared his interest in serving a third term, though he hinted at these intentions in a February 2020 interview with Le Figaro where he questioned “why would it be impossible in Guinea to do three mandates?” However they struggle to explain why it would be necessary to change the constitution, rather than revise it, if the objective is to introduce improvements which do not call into question the irremovable provisions - the secular and republican character of the state or the limitation on the number of presidential terms. The choice to propose a new constitution can only be justified by a desire to use this change to achieve a specific political objective: to open the window for the validation by the Constitutional Court of a new mandate for the outgoing president.

Ivorian president, Ouattara, has now declared his intention not to serve a third term, but he considered the question of his right to be a candidate not in question had he chosen to stand. He views the constitution introduced in 2016 as a fresh start for the two-term limits just as Gnassingbé has argued in Togo. Among the troubling elements of this position, are the contradictory statements of the former legal adviser to the president and member of the committee of experts charged with drafting the 2016 constitution, Cisse Bacond. Initially he had clearly stated that the new constitution did not allow the president to seek a third term but he subsequently revised this arguing that he was only expressing his personal interpretation. Executives of the Rassemblement des houphouëtistes pour la Démocratie et la Paix (RHDP), the party of the president, backed Ouattara’s interpretation.
In Guinea, Alpha Condé’s statements leave little doubt that he is determined to pursue a political process that exposes the country to an increasingly serious risk of violence. But popular protest is strong in Guinea and the capital Conakry experienced demonstrations of unprecedented scale in November 2019. The movement is led by Le Front National de Défense de la Constitution (FNDC), an ad hoc coalition which brings together civil society organisations, unions and opposition parties, including the two largest, l’Union des forces démocratiques de Guinée (UFDG) and l’Union des forces républicaines (UFR). The two former prime ministers who lead these two parties, Cellou Dalein Diallo (UFDG) and Sidya Touré (UFR), are also set to be the two main political opponents of the current president.

On 19 December 2019, President Condé confirmed his intention to submit the new constitutional text for a referendum which was initially scheduled for 1 March. Although postponed it remains on the table and carries the risk of deepening political tensions which in Guinea have direct repercussions on the social structure and for relations between the most important ethno-regional groups. Alpha Condé and his party, the Rassemblement du Peuple de Guinée (RPG) know that they can count on significant support within the Malinké community in Upper Guinea. Former Prime Minister Cellou Dalein Diallo and the UFDG are reputed to be very popular within the Fulani community of Middle Guinea. Whilst Sidya Touré, originally from Lower Guinea and from a minority ethnic group, may appear to be the person best placed to avoid this political-ethnic polarisation. Touré returned to the opposition having served as “high representative” of President Condé.

The political reality is obviously more complex and not limited to partisan affiliations determined by the ethnocultural membership of citizens and political leaders. But the strength of this factor combining ethnicity, regional roots and the instrumentalisation of identity, is indisputable. President Condé knows this, as do his political adversaries. The path that the Guinean head of state has decided to take increases the likelihood of an intensification of protests and violence in 2020.
Staying in power at all costs?

So why do presidents want to stay in power at all costs? Why has a third mandate become the obsession of political actors who are in power and of social forces working in African countries for a democracy that sees regular changes of power? Among the hypotheses, is that of an almost irrational attachment to power by heads of state - an irrepressible desire to remain the President even if it means plunging the country into a serious crisis. There is also an influential role played by those around the leader, foremost among them the family, but extending to informal economic, social, religious and cultural circles which play a key role in presidential decisions. Another hypothesis is the fear of losing everything. The significant social influence that comes with political power and the material wealth accumulated over years in power can be hard to give up.

The continuation of a political culture centred on the primacy of the president, in contrast with that of a democratic culture which envisages individual leadership as temporary, provides the most complete explanation. It incorporates all the assumptions mentioned above. And it is not an African specificity. Across the globe those systems which establish successful mechanisms of control and limitation on the powers of the leader have historically been in the minority. Even democratic countries presented as the oldest and most effective have not always been so.

In Africa, old political cultures - very diverse from one geographical space to another - modified by the political cultures imposed by the colonising powers, compatible with their interests, resulted in postcolonic practices of power dominated by a single figurehead. The democratisation processes has certainly changed the formal rules of gaining, as well as, exercising and transmitting power, but the practices respond more to political culture than to constitutional texts. It is precisely the extent of the distance between the spirit and the letter of the fundamental laws of the countries and observable political practices which is the best indicator of the resilience of the concept of power embedded in the minds of the men who dominate political life.

The culture of the all-powerful male leader - in the region, it almost never concerns women - means that around him there are a multitude of people who strictly pursue their personal interests and who end up linking their prosperity to his staying in power ad vitam eternam. The immediate entourage, but also the wider network of men and women who benefit from their closeness to the head of state - whose access to the distribution of unearned income positions and direct benefits is almost unlimited - have every interest in pushing for a third term, then a fourth.

The large circle of profiteers also includes foreign entrepreneurs and international actors already well established in national economies and whose prosperity often depends on political stability - understood as the maintenance of a leader whom they know well. In Guinea, a country endowed with exceptional mineral resources, the economic and financial challenges are important. The Condé government can count on the support, sometimes public, of certain powerful actors in the mining sector. A Russian ambassador, who later became the leader of Rusal, one of the country’s largest mining companies, caused a scandal in 2019 by publicly declaring his support for a third term for the president.
The political culture of a president with almost unlimited powers, contrary to the framework provided by the constitutional texts, induces a political and economic governance eco-system which creates the conditions that oblige those in power to remain so, at all costs. The loss of the status of president may expose the former chief, and his long-standing allies, to legal troubles and to settling of political scores. In Conakry as in Abidjan, what is unthinkable for the two presidents is not deciding for themselves the political future of their country after the end of their mandate.

President Ouattara’s position over the past few months perfectly illustrates this state of mind: he would like to leave, but only if he is sure of not transmitting power to one of his political adversaries. In other words, he is assured that his chosen successor will win. His recent announcement to stand aside suggests he is satisfied that will be the case. The driving force behind the temptation for a third term is not just linked to a desire to continue but an imperative to avoid the risk of losing everything. The temptation for third term is only one of the manifestations and consequences of an undemocratic political culture deeply entrenched in the minds of the political elites of the countries in the region.

In Abidjan, as in Conakry, there was a strong temptation to believe that their current heads of state had a democratic and "modern" vision of power. In Côte d’Ivoire, because President Ouattara had a successful international career people mistakenly associated his experience as an indicator of progressiveness and political modernity. In Guinea, Condé’s courageous political opposition for decades made many believe that he was strongly committed to democracy and its values. But by listening to statements made by Alassane Ouattara and Alpha Condé, on an array of subjects, a clear conception of “old-style” power emerges. One in which the chief likes to be seen as the most qualified and the most legitimate, to know what is good for “his people”, so that he can shape the rules when he wants.

Alpha Condé is in a delicate position. Once the last year of his second term begins, he is barred from contesting again under the current constitution. For him, the change of constitution is the sine qua non condition for a possible third mandate. He has not yet taken the step of organising legislative elections - they were due to be held alongside the constitutional referendum on 1 March - which promise to be marred by violence and uncertainty. Opposition parties have announced their intention not only to boycott the legislative election but to prevent them from being held. The tension will inexorably continue to mount. The political tug-of-war between the government and the political and social forces opposed to its designs are likely to be played out more in the streets and through violence than in meetings or through the ballot box. In a politically polarised Guinea where manipulations of ethno-regional identities are imaginable, Condé’s push for a third mandate is a real threat to peace.

In Côte d’Ivoire too, the year 2020 could be a flashpoint despite Ouattara’s pronouncement that he will step aside. Foreign investors attracted to the country’s economic dynamism and development potential have raised concerns about the risks of political violence or
instability. Ivorian citizens are also not reassured by the return of animosity and verbal violence in the political debate. Political alliances continue to fluctuate, fuelling uncertainty.

The former president of the National Assembly, and former close ally of President Ouattara who is now part of the opposition, Guillaume Soro, on whom hangs an international arrest warrant since the end of December 2019 and whose many relatives are in prison, wants to contest, as might former president Henri Konan Bédié (1993-99). Another former president, Laurent Gbagbo (2000-10), who is still awaiting a final deliberation by the International Criminal Court, is another potential aspirant. For Soro and Gbago the chances of being on the list of candidates in October 2020 are decreasing. Prime Minister Amadou Gon Coulibaly is favoured to be the candidate of the ruling party, after President Ouattara’s decision not to contest. But Gon Coulibaly, an astute political administrator and technocrat, is unpopular with much of the population and is not well liked within the presidential majority.

To make matters worse, the conditions for the organisation of the future ballot are already highly contested by political opponents and members of civil society frustrated that the government has not deemed it necessary to change the model of the electoral commission. Instead it reproduced a model of representation of political parties where the search for a balance between those in power and the opposition is almost always distorted by the presence of representatives of the administration and the President of the Republic, whose political neutrality is questionable. As a result, the central institution of the Ivorian electoral process is being boycotted by the main opposition political parties. It is difficult to be optimistic about the conditions for organising the 2020 election and therefore about the holding of the election in a peaceful environment. A political dialogue announced by the president in January 2020 promised to facilitate and increase opposition presence in the electoral commission, but this will probably not be enough to guarantee an electoral framework perceived as transparent and fair, even if implemented.

The political neutralisation of Guillaume Soro by legal proceedings brought against him and his relatives could result in security incidents. The politician and former leader of an armed rebel group still has supporters within the defence and security forces and among veterans and youth movements, even if his networks have been closely watched for a long time by the government. Nor should the ability of the most determined supporters of Gbagbo to mobilise be ignored. In isolation, the political forces opposed to President Ouattara’s ruling party appear weak vis-à-vis the political, administrative, security and financial machine of power, but a possible tactical alliance united under the banner of "Everything except RHDP" could thwart the government’s efforts to consolidate power.
Between terrorist threat and electoral political tensions: ECOWAS prevention obligations in 2020

In West Africa, where the countries of the Sahel are seriously shaken by the activities of a variety of violent armed and terrorist groups, and where the prospects for political stability and human security remain uncertain, elections in Côte d’Ivoire and Guinea could have significant consequences for the entire region in 2020. Any weakening of states national cohesion represents a breach in which armed terrorist groups, and other opportunistic actors of violence, can rush in.

Côte d’Ivoire has already experienced a deadly terrorist attack in the seaside town of Grand-Bassam, one of its major tourist sites, in 2016 and bordes Mali and Burkina Faso, two countries severely affected by terrorism and multifaceted insecurity. Guinea also shares a long border with Mali. Serious and/or sustained political crises in Côte d’Ivoire and Guinea could attract armed groups that circulate between Mali, Niger and Burkina Faso. If there is not rapid progress in the fight against terrorist groups in the Sahel before the electoral periods of the last quarter of 2020, the risk of an extension of insecure areas should be taken seriously. This worst case scenario is not the most likely, but it would be irresponsible to dismiss it.

ECOWAS has the opportunity, the responsibility and the duty to undertake work aimed at reducing political tensions during 2020. Its room for manoeuvre in the field of the fight against terrorism and insecurity is limited, but the regional organisation has more extensive and convincing experience in the prevention and resolution of political crises. It must act to do so.

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Further Reading

GHANAIAN POLITICS: Moving into the digital age?
A 2019 study by the Westminster Foundation for Democracy and CDD-Ghana indicates that, on average, a politician needs GHS389,803 (US$85,000) to secure party nomination to contest parliamentary elections. But due to lack of transparency around political party campaign financing, it is difficult to tell exactly how much parties and candidates are spending on aspects such as social media. What is increasingly clear however, is that without a sufficient budget line for propaganda on social media, it is difficult to shape a favourable public perception.

Social media has added a new dimension to political campaigns in Ghana which for a long time had relied solely on the work of party foot soldiers at the local level whilst exploiting conventional media such as radio and TV at a more national level. In January 2018, almost one in five Ghanaians were estimated to be active social media users. Online pages and social media accounts of presidential or parliamentary candidates are maintained in a respectable and politically correct fashion. But the ‘hatchet job’ of spreading parochialism and lies, factual distortions and insults, is done by ‘social media militants’ of the parties – these virtual militants, most often hiding behind online anonymity, unleash psychological attacks on real and perceived political opponents.

The incumbent New Patriotic Party (NPP) and opposition New Democratic Congress (NDC) already have social media managers, often recruited within the party, to develop content, manage interactions and ensure that important messages are spread far and wide ahead of the 2020 vote. They are supported by online party supporters who use creative, catchy phrases and hashtags to try and set the agenda. One example is the flipping of #1district1factory, a promise made by the NPP during the 2016 election campaign and a key part of their economic strategy to #1day1fraud, by opposition supporters. The hashtag provides an online index of the litany of corruption allegations against the Akufo-Addo administration.

Both President Akufo-Addo and former president and NDC flagbearer John Mahama have a strong social media presence. Their strategies to engage their followers online, although similar in content - sharing engaging visual content with the aim of advancing their political standing and objectives - are attuned to their own personalities and to the resources available.

President Akufo-Addo has adopted a more elaborate - and expensive - multimedia approach to new media, that gives prominence to his achievements. These regular short videos regularly attract over 60,000 views on Facebook. His opponent has adopted a more interactive approach. John Mahama recently opened himself to the public through a live video interactive session with Ghanaians using Facebook Live where he responded to questions and comments from watching members of the public in real time. This helped him to be seen as an easily accessible figure capable of empathising and listening to the frustrations and angst of Ghanaians. Viewership peaked at 100,000.

In Ghana, elections are not won online. However, a candidate’s electoral fortunes stand to be at risk if he or she loses the political debate online. This is especially the case ahead of 2020, as politicians seek to win over a disillusioned electorate. An Afrobarometer survey, conducted in September-October 2019, found the number of eligible citizens who said they will not vote in the upcoming election had increased by 6% between 2017 and 2019. The findings suggest “a large chunk of the electorate is still waiting to be convinced…to vote for a specific candidate – or to even vote at all”.

Voicing Discontent
Digitising the electoral process

Technology can support credible elections but only where it is not a panacea to mistrust and fraud among political players and voters. Ghana has, for the most part, successfully transitioned from opaque black boxes to transparent ones; monochrome ID cards without photos to colour ID cards; biometric data verification to electronic transmission of results. Even the Electoral Commission (EC) has to exercise caution in its choice and application of technology for election management. Dr Afari Gyan, its chair from 1993-2015, believes that it is critical to assess the appropriateness of technology to the political and social environment before deployment. Speaking at an event in Accra in 2019 he noted that “in our electoral environment inundated with suspicion and distrust, it is important that tech tools are easily verifiable by various parties, contain sufficient safeguards and the output are auditable in case of contention. It will not be acceptable for technology to provide efficiency at the expense of the aforementioned”.

These comments are particularly pertinent in light of the 2018 decision by President Akufo-Addo - acting on recommendations by a five-member committee tasked by Ghana’s Chief Justice, Sophia Akufo to look into allegations of procurement breaches and financial malfeasance at the EC - to fire Chair of the EC, Charlotte Osei, and two of her deputies, Amadu Sulley and Georgina Amankwa. Some NDC foot soldiers, including key party apparatchiks felt this was a well-orchestrated move by the ruling party to establish control over the central election management body ahead of the 2020 vote. A view that was reinforced, by the decision to appoint Jean Mensah, whose objectivity the NDC distrusts, as chair and her commission’s handling of the Ayawaso West Wuogon by-election in January 2019.

Further NDC frustration emerged in April 2019 when the EC made public its intention to procure biometric technology with the added functionality of facial recognition. Its technology expert, Yayra Koku, called Dr. Bossman Asare, the deputy commissioner of the EC who made the announcement, “an ignorant person who really does not understand biometrics”. He saw the basis for the deployment of the added functionality, unreasonable, as “facial recognition is the least physical trait in a biometric system because its accuracy in identifying the uniqueness of individuals is very, very low and therefore makes it vulnerable when it comes to security”. The EC continues to hold its ground justifying the decision on the basis that it will improve the security and the integrity of the election process.

Bu remarks made by former President John Mahama at the Saïd Business School, Oxford University in May 2019, raise ongoing concerns about the current security of Ghana’s election management technology. He claimed that, “during the last presidential election in Ghana, the electoral commission directed its staff to stop using the electronic results transmission system to communicate results to the tallying center because the system had been compromised”. He then went on to say that he was not aware “that the electoral commission has carried out any investigation into what compromised their IT system. And even if they have, we, the stakeholders, the political parties, have not been briefed on what caused the corruption of the system”. This is not the first time a political party has had issues with the EC biometric system. In 2012, the NPP blamed their electoral loss on the failure of the system and accused the commission of perpetuating electoral fraud to aid the incumbent’s victory.
The Ayawaso West Wuogon parliamentary by-election in January 2019 was marred by isolated cases of violent and bloody clashes that saw 23 people injured. Ruling party foot soldiers, clad in national security uniforms, were seen intimidating and in some instances, physically assaulting those affiliated to the opposition party in a campaign that saw a return to a reliance on the ‘ground game’ given the hastily arranged by-election following the death of the incumbent MP. A report by the Coalition of Domestic Election Observers (CODEO) argued the presence of masked national security officials and subsequent clashes was a key reason for the very low voter turnout of just under 20%. NDC candidate, Kwasi Brempong, withdrew from the race due to assaults on party members during polling day. At a hastily arranged press conference, the NDC rejected the legitimacy of the by-election and called on the EC to annul the results. However, the EC went ahead to declare Lydia Alhassan of the NPP as the winner with 68.3% of total valid votes cast. It described the exercise as “peaceful”. CODEO described the EC’s posture as “unfortunate”.

The government responded by setting up a Commission of Inquiry, led by Justice Emile Short, to investigate the factors responsible for politically related violence - past and present - and make recommendations on ways forward. It also proposed and passed legislation. The Vigilantism and Related Offences Act was signed into law in September 2019 and creates offences specific to political party vigilante groups. However, the government has turned a blind eye to critical aspects of the inquiry findings, even questioning its impartiality, and although some observers feel the recently passed legislation will give impetus to the fight against politically related violence, others view it as superfluous in light of existing laws.

Election security, not just the online security of voters, is likely to feature significantly in 2020 if recent political contests are any indication. NDC flagbearer John Mahama, speaking to party delegates in the Volta region of Ghana in February 2019, went on record to say “I want to sound a caution that NDC has a revolutionary root and when it comes to unleashing violence no one can beat us to that. It is just that we midwifed this country’s democracy and that is why we must be the first to respect it. That is why we are acting as a party that is docile and respecting the rule of law. But if we believe that the government cannot protect our people and we believe that the government is using its vigilante groups and illegal forces to intimidate and harass and injure our people, then we may have to act ourselves”. A reminder that although ethically sound new tools for political campaigns exist, conventional strategies continue to be vitally important when it comes to winning votes.

In their book *Like War: The Weaponization of Social Media*, authors Singer and Brooking argue that in the confusing arena of strong opinions and unverified claims, often, virality prevails over veracity. And for most people, what is viral, is what is true. This is one of the challenges the National Peace Council, an independent statutory body and critical stakeholder in election management, is trying to address by drafting hate speech guidelines to check intemperate language, especially on social media, during the campaign. Others, such as the Election Community of Practice and Learning, a coalition of 44 civil society organisations, media houses and activists are working to better understand the impact of ICT tools in electoral systems as well as the socio-cultural and political factors that ensure the effective administration of Ghana’s election process.

Information Minister, Kojo Oppong Nkrumah, is of the view that the government should follow the example of places like Singapore and take steps to legislate against the spread of fake news on social media. But the majority of Ghanaians are intent on highlighting the positives that the digital age can offer, even if they are cautious about it providing a panacea for democratic development.

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**Further Reading**

THE COST OF FREE SPEECH IN NIGERIA
During the February 2019 presidential elections, an operative of the Department of State Services (DSS) - Nigeria’s domestic intelligence agency - walked up to me as I stood scanning an electoral register outside a government building in the city of Kano and demanded I produce my press ID. “I know this name but we didn’t see it when we were checking all the hotels” he murmured as he handed it back to me, unwittingly confirming a long-held suspicion in some quarters that the Nigerian government does, in fact, run a surveillance programme on journalists. For decades, the DSS has been a willing tool long favoured by leaders in Abuja intent on threatening and muzzling dissenting voices among the legislature, press, religious leaders and civil society.

Detaining critics

In late December 2019 Omoyle Sowore, publisher of the controversial online newspaper Sahara Reporters and one of 73 presidential aspirants in the 2019 elections, was released having been detained for almost six months despite repeated court orders granting him bail. The DSS slammed him with charges of fraud, treason, cyberstalking and disseminating false information. Only after sustained pressure by US lawmakers, civil society at home and abroad, and the press, did the government relent.

Sowore’s detention was the exclamation mark summing up five years of censorship of free speech and repression of the press under Muhammadu Buhari’s presidency. According to Amnesty International, at least 19 journalists and media personalities were arrested, attacked, pencilled down for surveillance or killed in Nigeria in 2019 alone. Abiri Jones, editor and publisher of a local paper, Weekly Source, that focuses on issues afflicting the oil-rich Niger Delta has been arrested twice in the last three years on spurious claims that he heads the Niger Delta Avengers, a militant organisation. Between July 2016 and August 2018, neither his family nor lawyer had access to him. His battle with the authorities is ongoing. The 2019 Impunity Index, a ranking compiled by the Committee to Protect Journalists, ranks Nigeria 12th out of 13 countries with the worst records of unsolved murders of journalists.

But journalists are not the only voices the state has sought to muzzle. In 2016, the houses of two Supreme Court justices were invaded at midnight by the DSS which claimed it had uncovered ‘questionable’ financial dealings. Both men have subsequently been cleared of any misconduct. Two years later, the National Assembly
was sealed by the same secret police in connection with a furtive plot to impeach the then senate president, Bukola Saraki.

Ibrahim El-Zakzaky, leader of a group of Shia minority group - the Islamic Movement of Nigeria - has been detained since 2015 when he lost an eye, three sons and over 300 followers to an army raid. Briefly released for medical treatment abroad, he has since been taken back into custody. The military has repeatedly shot at his followers during their mostly peaceful demonstrations in Abuja, killing dozens of followers. Then there is the case of Sambo Dasuki, former national security adviser to the immediate past government of Goodluck Jonathan (2010-2015), who was detained for four years despite court orders granting his release after the Economic and Financial Crimes Commission failed to produce the evidence to make its case.

There is also the curious case of social media activist and government critic, Abubakar Idris, aka Dadiyata, who has been missing since August 2019, after unknown gunmen abducted him from his home in the northwestern city of Kaduna.

State control

Since independence, governments past and present have persistently been more concerned with ensuring regime security than national security. Buhari, in particular, has an unenviable belligerent history of gagging free speech. On the last day of 1983, Buhari toppled a democratically elected administration. During that first stint in office which lasted a little over 18 months, he enacted, and arbitrarily enforced, a decree that criminalised the publishing of any information deemed inimical to the regime.

Similar sentiments to govern online and social media discussions are contained in the Protection from Internet Falsehoods, Manipulations and Other Related Matters Bill, currently before Nigeria’s legislature. A clause in the proposed bill empowers the police to “to direct the National Communication Commission to order the internet access service provider to take reasonable steps to disable access to end-users in Nigeria based on their online location.” While some lawmakers have told demonstrators that they would “do the bidding of Nigerians”, the bill is yet to be thrown out of parliament. In November 2019, it passed the second reading in the Senate, with only one dissenting voice. Despite posturing as a reformed democrat during his campaign ahead of the 2015 elections, the president - and his inner circle - has increasingly reverted to type in his back-to-back civilian terms. This despite the fact that after losing the 2003, 2007 and 2011 presidential elections, Buhari went to the courts to seek redress. And that despite being a serial protestor - demonstrating against his perceived loss at the polls, against government incompetence and other causes - he was not arrested even once.

The federal government’s tactics have been replicated at the state level with governors Nasir El-Rufai (All Progressives’ Congress) and Ben Ayade (People’s Democratic Party) of Kaduna and Cross Rivers, having shown a willingness to use instruments of state to pursue a personal vendetta against dissidents. Agba Jalingo, publisher of online outlet Cross River Watch was detained for over six months after publishing a story on Ayade’s alleged diversion of N500 million (US$1.38 million). Jalingo, who was eventually released after meeting his bail conditions in February 2020, is facing treason charges in a trial being held behind closed doors in Calabar, the state capital.

In May, policemen allegedly acting on the orders of El-Rufai, arrested human rights activist and journalist Stephen Kefas in Port Harcourt. Kefas has been a leading critic of the governor’s handling of the insecurity situation in Kaduna state.

Other members of the government also have a questionable past with regards to closing down freedom of speech. In 1995, playwright and environmental activist Ken Saro-Wiwa was hung with eight others by the Sani Abacha government, a case that became known as “the execution of the Ogoni Nine”. They were influential voices in fighting the injustice of degradation of the Niger Delta and control of its precious oil. In November 2015, a commemorative bus inscribed with Saro-Wiwa’s famous saying “I accuse the oil companies of committing genocide” was seized at the Lagos ports to prevent it from being used to mark the twentieth anniversary of the activist’s death. The head of the Customs Service - the enigmatic Hameed Ali - was one of the members of the kangaroo tribunal that found the Ogoni Nine guilty. Ali is one of many government officials who appear willing to reinforce the government’s pushback against freedom of expression.
The media fightback

Africa’s biggest democracy is facing a growing crisis but the media must not be forced into silence despite efforts to control its output. The Buhari administration’s propagandist-in-chief, Minister for Information Lai Mohammed, has repeatedly urged newspaper proprietors not to report on Boko Haram activities in the northeast region, effectively asking for the media to bend or ignore the truth.

But the Nigerian media is pushing back. The Punch issued a stinging editorial in December 2019 stating that it would henceforth address the president by his military rank and call his administration a regime, “until they purge themselves of their insufferable contempt for the rule of law”. The decision could ultimately cost the paper millions of Naira in advertising revenue from the government and its affiliated patrons, but it is a stand worth taking. Activists, statesmen, journalists and citizens must continue to remind the government of its commitments to freedom of expression as enshrined in section 39 (1) of Nigeria’s 1999 constitution.

In a Nigerian proverb popularised by the late Chinua Achebe, Eneke the bird says “that since men have learnt to shoot without missing, I have learned to fly without perching”. As the state keeps fashioning different ways to institute a climate of fear, those in the Nigerian civic space must maintain their determination to do everything they can to ensure that Nigerian democracy, which marked two decades in 2019, continues to grow.


Further Reading

- Ewang, A. 2019. “Nigeria’s wavering commitment to freedom of expression”. Human Rights Watch. 28 June