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THE QUALITY OF ELECTIONS IN AFRICAN SMALL ISLAND DEVELOPING STATES

There are six African small island developing states: the Union of the Comoros; the Republic of Guinea-Bissau; the Republic of Cabo Verde; the Republic of Mauritius; the Seychelles and the Democratic Republic of São Tomé and Príncipe. Apart from Mauritius, the other five states are relatively new to democracy with several of these states only transitioning from one party states to multi-party states in the early 1990s. International and domestic observers declared the last round of elections in all ASIDS free and fair, but this reveals little of the quality of elections in these small island developing states. All six states are members of the African Union (AU) and are therefore obliged to adhere to its election principles. Therefore, this article examines the quality of elections in the ASIDS by analysing the extent to which they are free and fair using the principles of the AU's Declaration on the Principles Governing Democratic Elections in Africa. Findings reveal that despite continued logistical and other problems that persist, the election process is generally well managed and violence relatively minimal, a remarkable achievement given the volatile political histories in all save one of these small island states. Challenges appear to centre on continued inter-institutional instability in some cases, failure to adhere to constitutional amendments in others, some instances of continued harassment and a lack of financial and technical resources, all of which have to some extent impacted electoral quality.

Key words: *African small island developing states (ASIDS); free and fair elections; quality of democracy*

1 INTRODUCTION

Of the 52 small island developing states (SIDS) and territories¹, six of those are African: the Union of the Comoros (hereafter the Comoros), the Republic of Guinea-Bissau (Guinea-Bissau)², Republic of Cabo Verde (Cabo Verde), Republic of Mauritius (Mauritius), the Seychelles and the Democratic Republic of São Tomé and Príncipe (São Tomé and Príncipe).³ Apart from Mauritius, the other five states are relatively new to democracy with several of these states only transitioning from one party states to multi-party states in the early 1990s. International and domestic observers declared the last round of elections in all of these African small island developing states (hereafter referred to as ASIDS) free and fair, but this reveals little of the actual quality of democracy in these small island developing states.⁴

According to the 2015 Ibrahim Index of African Governance (IIAG), which measures the quality of governance in African countries in relation to safety and rule of law; participation and human rights; sustainable economic opportunity; and human development, the ASIDS' rankings vary

¹ So identified by the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLS 2016).

² Guinea-Bissau is not strictly an island. It is a small coastal country on the Western coast of Africa between Senegal to the North and Guinea to the South. However, one of Guinea-Bissau's regions is the Bijagós archipelago, comprising around 21 small populated islands among up to 67 other unpopulated islands.

³ The African SIDS are located in the Southern (Mauritius), Western (Cabo Verde and Guinea-Bissau), Eastern (the Seychelles and the Comoros) and Central (São Tomé and Príncipe) regions of the African continent.

⁴ Interestingly, recent small state literature would seem to suggest that small states are more likely to be democratic than large states (see Commonwealth Advisory Group 1997; Fry 2002; Srebrnik 2004; Anckar 2002; Anckar 2010). Opposing views exist though; whereas Hadenius (1992, 61-62) contends that small islands are "special" as they tend to be more democratic than bigger islands; Anckar (2002, 376) contends not "all small island states are ... knights of democracy".

quite differently from each other apart from Mauritius and Cabo Verde which rank 1st and 2nd in Africa (54 countries) with scores of 79.9 and 74.5 out of 100 respectively. The Seychelles ranks no. 6 with a score of 70.3; São Tomé & Príncipe is ranked at 13th position and scores 59.1. The Comoros falls at 24th position in Africa and scores 51.3, whereas Guinea-Bissau ranks at number 38 with a failing score of 37.7 (IIAG 2015, 4). Freedom House (2016) ranks Mauritius, Cabo Verde and São Tomé and Príncipe as ‘free’, and the Comoros, Guinea-Bissau and the Seychelles as ‘partly free’ and all but Guinea-Bissau (which is labelled authoritarian⁵ by the Economic Intelligence Unit’s Democracy Index 2015) are considered to be electoral democracies.

An electoral democracy is defined as a multiparty political “system in which citizens, through universal suffrage, can choose and replace their leaders in regular, free, fair, and meaningful elections” (Diamond 2015, 141). It is important to acknowledge that isolating elections as supreme over other dimensions of democracy commits the so-called ‘fallacy of electoralism’ (see Schmitter and Karl 1991; Friedman 1999). In other words, simply because a country holds elections, this does not necessarily mean that the country experiences good *quality* democracy⁶. One of Africa’s keenest observers, Michael Chege, remarked that the continent had “overemphasised multiparty elections ... and correspondingly neglected the basic tenets of liberal governance” (Chege, quoted in Zakaria, 1997: 28). It must equally be acknowledged that while some multiparty electoral systems have serious defects these nevertheless do not negate their overall democratic character (Diamond 2015, 143).

Another point to consider is that the act of holding elections does not presuppose that the elections themselves are good *quality*. Salgado (2014) notes, for example, that in Lusophone African countries where elections are regular there are also usually attempts at influencing and manipulating the vote, often through politicians offering jobs, gifts and or money in exchange for votes. Interestingly, elections and election violence emerged on the list of challenges highlighted by SIDS at a July 2015 United Nations Security Council meeting which focused on ‘Issues Facing Small Island Developing States’. In Heywood’s (2013, 214-215) view, the importance of elections in democracies cannot be doubted. They are a “visible manifestation of the public interest; in short, ‘the public has spoken’”. After all, “it is through the ability of citizens, at regular elections, to retain or dismiss their elected representatives ... that the principle of popular control is made flesh” (Beetham, Byrne, Ngan and Weir 2002, 85).

Therefore, it is important to assess the *quality* of electoral accountability in the ASIDS, that is, the extent to which the elections are free and fair. This article intends to provide a snapshot comparison of the electoral accountability of the ASIDS. It is important to note at the outset that this article cannot investigate all of the indicators deemed important in ascertaining the quality of electoral accountability, for example, the participation of women and minority rights, party financing and the campaigning-related issue of vote buying are not investigated in this

⁵ According to Freedom House (2015a) Guinea-Bissau’s “political rights rating improved from 6 to 5, and its status improved from Not Free to Partly Free, because the 2014 elections—the first since a 2012 coup—were deemed free and fair by international and national observers, and the opposition was able to compete and increase its participation in government.”

⁶ Morlino (2011, 195) defines good quality democracy as one which presents a stable institutional structure that realises the liberty and equality of citizens and that strives to satisfy citizen expectations through the legitimate and correct functioning of its institutions and mechanisms.

article.⁷ It is intended merely as an initial comparison for further potential research. In order to carry out this comparison, this article will utilise the principles and standards of quality free and fair elections outlined in the organisation whose common membership all ASIDS enjoy, the African Union (AU).⁸

2. PRINCIPLES GOVERNING DEMOCRATIC ELECTIONS IN THE ASIDS

According to the AU's (2004, 5) Guidelines for Electoral Observation and Monitoring Missions, Africa has experienced relative success since the mid-1990s in institutionalising electoral democracy on the continent. However, despite credible multiparty elections taking place; there are suggestions that violence and instability occurring as a result of disputed elections continue to be a challenge as does improving the integrity of the election process. Agenda 2063, a vision and action plan for the AU, adopted by member states in January 2015, at the AU's 24th Ordinary Assembly, aims for regular, transparent, free, fair and credible elections to consolidate a democratic and people-centred Africa. This builds on objective 'g' in the AU's Constitutive Act (2000, 5), adopted in Togo on 11 July 2000 and at which representatives from all ASIDS were present, which obligates all AU members "to promote democratic principles and institutions, popular participation and good governance" in their states.

The Comoros, Mauritius, Guinea-Bissau⁹ and São Tomé and Príncipe have all signed The African Charter on Democracy, Elections and Governance (2007)¹⁰ which commits them, in principle at least, to *inter alia*: establishing and strengthening independent and impartial national electoral bodies responsible for the management of elections and ensuring that there is a binding code of conduct before, during and after the election period. Cabo Verde and the Seychelles have not yet signed the Charter.

The African Charter on Democracy, Elections and Governance (2007, 1) espouses the following in relation to elections:

to entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies; ... to enhance the election observation missions in the role they play, particularly as they are an important contributory factor to ensuring the regularity, transparency and credibility of elections; ... to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy ...

Moreover, the Charter acknowledges the constitutionality of changes in government as vital to the security and stability of African states. It also sets out as a principle objective the promotion of "best practices in the management of elections for purposes of political stability and good governance" (African Charter on Democracy, Elections and Governance 2007, 3).

⁷ See for example, the EU EOM 2014 report on the 2014 election in Guinea-Bissau where the offering of gifts to voters, by candidates, has been a common practice over the years.

⁸ Mauritius joined the AU in 1968; Cabo Verde in 1975; Guinea-Bissau in 1973; Comoros in 1975; Seychelles in 1976 and São Tomé and Príncipe in 1975.

⁹ Guinea-Bissau has also signed regional treaties with the Economic Community of West African States (ECOWAS), and in accordance with ECOWAS' democracy protocols, Guinea-Bissau has agreed that elections must be constitutional (legal), free, fair and transparent (EU EOM, 2014).

¹⁰ Adopted on 30 January 2007 in Addis Ababa.

Similarly, the AU's¹¹ (2002) Declaration on the Principles Governing Democratic Elections in Africa emphasises the following five principles characterising democratic elections: elections are free and fair; elections take place legally under democratic constitutions; elections take place in a system which separates power and guarantees the independence of the judiciary; elections take place regularly, in accordance with Constitutional provisions; and elections are managed by objective, credible and responsible electoral institutions.

In conjunction with the principles outlined above, the AU Declaration commits AU member states to certain obligations in relation to their electoral practices, including the following:

- No individual or political party shall engage in any act that may lead to violence or deprive others of their constitutional rights and freedoms,
- In covering the electoral process, the media should maintain impartiality and refrain from broadcasting and publishing abusive language, incitement to hate, and other forms of provocative language that may lead to violence.
- Every individual and political party participating in elections shall recognize the authority of the Electoral Commission or any statutory body empowered to oversee the electoral process and accordingly render full cooperation to such a Commission/Body in order to facilitate their duties.
- Every citizen and political party shall accept the results of elections proclaimed to have been free and fair by the competent national bodies as provided for in the Constitution and the electoral laws and accordingly respect the final decision of the competent Electoral Authorities or, challenge the result appropriately according to the law.

In light of the above, the following indicators will be investigated, briefly, in relation to the ASIDS: free and fair elections; elections take place legally under democratic constitutions; elections take place in a system which separates power and guarantees the independence of the judiciary; elections take place regularly, in accordance with Constitutional provisions; elections are managed by objective, credible and responsible electoral institutions; there is freedom from political violence and or intimidation; there is media impartiality throughout the elections; and there is acceptance of the result by the electorate and political parties.

2.1 Observing the quality of elections: free, fair and credible?

As members of the AU, all ASIDS are signatories to the principles contained in the abovementioned AU Declaration on the Principles Governing Democratic Elections in Africa and therefore have an obligation to adhere to them. Of prime importance is the conducting of free and fair elections, or as some would refer to them “legitimate, credible or participatory elections” (ACE Project, 2013). Although the exact meanings of the concepts of ‘freedom’ and ‘fairness’ are contested in the literature, this label is nevertheless still generally accepted and widely used the world over when evaluating elections and to be regarded by observers as ‘free and fair’ remains a valuable indicator of successful elections (Graham 2015). Indeed, the United Nations regards election observation as an important tool in improving the quality of elections as it helps to boost public confidence in the honesty of the election process. Moreover, observer reports can expose weaknesses and fraud should they occur as well as espouse positive findings that enhance both the legitimacy of the election process, and by implication, the government that emerges following the results. After the elections, the recommendations made in these observation reports can also lead to positive policy changes (UN 2016).

¹¹ The African Union (AU) replaced the former Organisation of African Unity (OAU) in 2002.

The Electoral Integrity Project (2015), where 139 countries are scored out of 100 points and then ranked from very high to very low¹² according to expert perceptions of electoral integrity ranks several of the ASIDS in the following order on its Perceptions of Electoral Integrity Index (2012-2015). In Africa Mauritius does very well to place second highest (behind Benin) with 64 points and is ranked 42nd globally. São Tomé and Príncipe scores 58 points and is ranked 'moderate' in Africa and 57th globally; Guinea-Bissau is also 'moderate' with 54 points and is ranked 76th globally. Slipping further down the list and ranked as 'flawed' are the Comoros (49 points out of 100 and ranked 96th globally). Cabo Verde and Seychelles are not included on the index.

The 2015 legislative elections in the Comoros were declared free and fair by a host of observer missions from the African Union, the Arab League and the International Francophonie Organization (IFO) with the IFO's head declaring that the elections had taken place in an atmosphere of "transparency, freedom and serenity" (Mmadi, 2015). Moreover, the 2016 presidential elections were also deemed free and fair. Similarly, presidential elections in Guinea-Bissau in 2014 (for the first time since a coup in 2012) were declared free and fair by several international and national observers including the Economic Community of West African States (ECOWAS), Francophonie, the Community of Portuguese Speaking Countries (CPLP), the European Union and the AU observer mission, whose head remarked on the "well organised" elections (see the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) 2014). The success of the election process prompted Freedom House to up the country's 2015 rating from 6 to 5, and its status from Not Free to Partly Free (Freedom, House 2015a).

In 2013, the President of the ECOWAS Commission, Kadre Desire Ouedraogo went so far as to hail Cabo Verde as "a beacon of hope for democracy and a model judging by its successive transparent, free and fair elections" (AllAfrica.com 2013). The December 2014 Mauritian elections were considered free and transparent by the AU EOM (2014). Freedom House (2015b) scores Mauritius full points on its country report and its status is 'free'. As noted earlier, the Seychelles ranks only five spaces behind Mauritius in the IIAG. In 2015 six international observer missions, the Commonwealth, the African Union Election Observation Mission (AU EOM), the Southern African Development Community (SADC) Election Observation Mission (SEOM), the Electoral Commission Forum of SADC Countries (SADC-ECF), the SADC Parliamentary Forum (SADC PF) and the regional Indian Ocean Commission (IOC) monitored the first round of the Seychelles' presidential elections and declared them to be free and fair (Magnan and Uranie 2015). According to Freedom House (2015c), international observers deemed the 2015 national elections in São Tomé and Príncipe to be transparent, free and fair.

2.2 Elections take place legally under democratic constitutions

A vital step for countries moving away from authoritarian regimes or divided societies towards democracy is the building of a constitution. This is a political process aimed at addressing challenges that face modern democracies (Böckenförde, Hedling and Wahiu 2011, 1-2). A

¹² 'Failed' elections are defined as those which fall below 40 on any of the 100-point scales (The Electoral Integrity Project, 2015).

constitution is a living document that contains the essential rules and political principles governing a state (Venter 2011, 8). Constitutions can change and be amended as has often been the case with the ASIDS' constitutions outlined below. Aside from this, constitutions are used to empower states, provide stability in government, protect freedom, legitimise governments, and establish unifying goals and values (Heywood 2013, 338). Constitutions can have an impact on the quality of democracy, as they lay down the powers, roles and responsibilities of government, as well as the how the state should interact with its citizenry (International IDEA 2014).

For the purpose of this article it is also important to add that constitutions allow states to plan their futures by creating institutions and processes that will help to consolidate their democracies and this includes issues such as the integrity of their electoral processes. Article 20 of the Constitution of the Comoros from 23 December 2001, known as the Fomboni Accords, makes provision for universal suffrage and regular elections. The Constitution of the Republic of Guinea-Bissau, which was adopted in 1984 and amended three times since (in 1991, 1993 and 1996) states in Part 1, article 2 that the "exercise of political power is vested in the people directly or through the democratically elected organs." Aside from the Constitution, elections in Guinea-Bissau are also regulated by the Law on the election of the President and the Members of Parliament; the Voter Registration Law; the EMB Law; the Law on International Observation; and the Law on Political Parties (EISA Pre-Election Assessment Mission 2014a, 5).

Formally replacing the 28 September 1992 Constitution, Cabo Verde passed into law a new Constitution on the 3 May 2010. A significant change in the new Constitution is that the President of the Republic is elected by universal suffrage, by direct and secret ballot by the citizens registered in the census as voters in the country and abroad, and according to the national legislation. In addition, Cabo Verde's new Electoral Code (passed in June 2007) creates a regulatory framework for strengthening the National Electoral Commission's transparency (Freedom House, 2013a). The Constitution of Mauritius (amended in 2014) was adopted on 12 March 1968 and protects citizens' right to vote within section 44. Universal suffrage was granted to people 18 years and older in 1959. Moreover, Mauritius' Representation of the People Act (Act 14 of 1958), amended in 2005 and 2014, as well as National Assembly regulations, and the rules for the election of the National Assembly and the code of conduct for National Assembly elections set out rules and standards for the electoral process.

Within the Seychelles, the Constitution (18 June 1993, amended in 1994, 1995, 1996 and 2000); the Elections Act of 1995, amended in 2014; the Political (Registration and Regulation) Act of 1991, amended in 2014; the Public Assembly Act of 2015, and the Code of Conduct for Stakeholders of 2015 are all in place to govern elections. The Constitution of the Democratic Republic of São Tomé and Príncipe (of 1975 and revised in 1990) states in Article 6.2 that "political power belongs to the people who exercise it through universal, equal, direct and secret suffrage under the terms of the Constitution." Moreover, in 2014 a number of electoral changes took place including the National Assembly passing of a law to combat the common electoral practice of *banho*, or vote-buying (Freedom House 2015c).

Based on the above it is evident that at least procedurally, the ASIDS have the necessary constitutional arrangements in place, as stipulated by the AU guiding electoral framework, to facilitate democratic elections.

2.3 Elections take place in a system which separates power and guarantees the independence of the judiciary

Sometimes referred to as the *trias politica*, the separation of governmental powers between the executive, legislature and judiciary is fundamental to democratic governance. Having said that, it is probably more accurate to refer to the interdependent relationship, or interinstitutional or horizontal accountability, between these three branches of government as it is unlikely that a complete separation is ever possible (Hicks, Daniel, Buccus and Venter 2011, 53). Nevertheless, most democratic governments respect the independence of the judiciary as, subject only to the law, the judiciary must be able to act autonomously in “order to exercise their control over the other branches of government effectively” (Malherbe 2011, 68). A high quality democracy demands judicial independence in order to ensure civil liberties, political rights and mechanisms to curb the abuse of power. Without it, citizens’ rights, dignity and equality are at risk, as is the legitimacy of government itself (O’Donnell 2005, 3). Additionally, “courts play an important role in elections” (Gloppen and Kanyongolo 2011), especially in new or young democracies, as elections test the viability of institutions which exist to ensure peaceful and fair power successions. Moreover, elections are not restricted to campaign days or polling days and are also about the legal electoral framework in place as well as the electoral process which may involve altering electoral rules, changing (if required) constituency boundaries, and settling disputes before and after polling day.

The judiciary is independent of the executive and legislature in the Comoros and each island within the Union has its own constitution or Fundamental Law. Similarly, Article 59 of the Constitution (1984) of the Republic of Guinea-Bissau affirms the separation of powers between the legislature and executive and judiciary, which it also affirms as independent, and also confirms these organs as falling under the authority of the Constitution.

The Republic of Cabo Verde’s Constitution (1992) recognises the separation of powers as well as a strong and independent judicial power. Similarly, the Constitution of the Republic of Mauritius sets out the separation of powers among Legislation (chapter V, part II), the Executive (chapter VI) and the Judicature (chapter VII). The Judiciary is independent and is tasked with the responsibility of administering justice in Mauritius which is, according to the Supreme Court of Mauritius (2016), “a vital element for the functioning of the democratic system of government in order to uphold the rule of law and afford the necessary protection for the safeguard of the fundamental rights of the citizens of Mauritius.”

The Constitution of the Seychelles entrenches the separation of powers and independence of the Judiciary. However, in practice in the past this has not always been the case. Instead this institutional independence guaranteed by the Constitution has been misperceived in the past as “individual independence”, according to Justice Durai Karunakaran, Acting Chief Justice in the Seychelles in September 2014 (Karunakaran 2014). Indeed, the outgoing Chief Justice in September 2014, Justice Frederick Egonda-Ntende of Uganda, who had spent five years at the judicial helm, at the request of the Seychelles’ government (in Mendes, 2014) affirms this statement. Before he began his term, Egonda-Ntende relays, there was a severe lack of public confidence in the Judiciary, although since then public trust in the courts has slowly returned. Moreover, holistically there appears to be a good working relationship between the three arms of government, according to Egonda-Ntende (in Mendes, 2014).

Although the Constitution of the Democratic Republic of São Tomé and Príncipe makes provisions for an independent judiciary, there have been reports of the judicial system being subject to political influence or manipulation (see Seibert 2004 in reference to the 2004 corruption allegations involving the Gabinete de Gestão das Ajudas (GGA) food aid agency scandal in 2004 which saw the fall of Prime Minister Maria das Neves). Due to low judicial salaries judges have also reportedly accepted bribes. The National Dialogue held in March 2014 saw reform of the judiciary as one of the central areas of focus (Freedom House, 2015c).

2.4 Regular elections in accordance with Constitutional provisions

In theory, regular, credible, elections are important for democracies as they offer stability, consistency and the opportunity for the citizenry to remove “incompetent leaders” within specific intervals (Konrad-Adenauer-Stiftung 2011, 13). Whether this always manifests in practice though is another matter.

In accordance with the Constitution of the Comoros, the Union presidency rotates among the three major islands, the largest of which is Grande Comore (Ngazidja); Moheli (Mwali); and Anjouan (Nzwani)¹³. The presidential term of office is a single non-renewable five-year term and the president is elected in two rounds. The first ‘primary’ is by simple majority where three candidates with the highest vote count by voters on the island concerned, that is the island whose turn it is to hold the presidency, compete in the second round. Thereafter in the second round the winner is determined by simple majority vote by voters on all three islands. Additionally, each island also elects its own president in line with its autonomous ‘fundamental law’. Since independence in 1975, the Union has experienced more than 20 coup attempts, earning it the unenviable title of the “coup-coup islands”, and severe tensions involving secessionist attempts by Moheli and Anjouan in the late 1990s (IRIN 2009). Although in 2001, the abovementioned new Constitution was adopted, which attempted to keep the Union intact by granting widespread autonomy to the three islands, political tensions continued. In order to complete the Union’s transition to a federal democracy and as a final step in the national reconciliation process, parliamentary elections were held in 2004 (Inter-Parliamentary Union 2016). In the first peaceful transfer of power in the history of the Comoros, Ahmed Abdallah Mohamed Sambi (from Anjouan) became President of the Comoros between 2006 and 2011. In May 2011, President Ikililou Dhoinine came to power as chief of state and head of government, followed in April 2016 by Azali Assoumani. Therefore, since 2006, the Comoros has experienced regular presidential and parliamentary elections. However, both Dhoinine and Assoumani’s victories were marred by allegations of electoral fraud (see below).

Cabo Verde has a chief of state, the President, and head of government, the Prime Minister. The president is elected by absolute majority popular vote for a five-year term, although he/she can stand for a second term. The prime minister is nominated by the national assembly and appointed by the president. Although Cabo Verde became independent from Portugal in 1975, it existed as a one-party state for 15 years until a multiparty transition between 1990-1992 was introduced as a result of the new constitution and the country moved towards democracy. Since 1991 there have been five presidential and national assembly elections (African Elections

¹³ The Comoros’ fourth major island, Mayotte (Maore), is seen by the Union as part of its territory but it remains governed by France.

Database 2011a). The next presidential election is set for September 2016. Therefore, since democratisation, regular presidential and legislative elections have been upheld. In April 2016, Prime Minister Correia e Silva, representing the Movement for Democracy (MPD) was sworn in as Prime Minister. Previously, since 2001, the African Party for the Independence of Cape Verde (PAICV) had dominated island power politics.

Since independence from Portugal in 1974, the Republic of Guinea-Bissau has witnessed periods of being a one party state, a military regime, a multiparty transitional state, and a democracy. Given this political instability, it is surprising that Guinea-Bissau was able to hold three relatively peaceful, free and fair elections in 2008 and 2009 (Evans 2010). More recently, since 2012, the country had been under military leadership and as mentioned earlier in this article, from 2011 to 2016, Guinea-Bissau has not been considered an electoral democracy (Freedom House, 2016). After general elections were held in April 2014 the country returned to civilian rule under newly elected President Jose Mario Vaz in June 2014. In this respect although elections have been held fairly regularly they have not been in a consolidated democratic environment. The President, who is head of state, is elected by absolute majority popular vote for a period of five years (with no limit on terms). The head of government, the prime minister, is appointed by the president and national assembly. In a rather strange turn of events President Mario Vaz appointed Baciro Dja as Prime Minister twice. The first time was in August 2015 but Dja was in the post only 20 days before resigning as the Supreme Court ruled his appointment unconstitutional. The Court decided that the President had appointed Dja without properly consulting parliament's political parties. The second time was in May 2016, when the President having fired Prime Minister Carlos Correia earlier that month re-appointed Dja by presidential decree. Once again political opponents responded saying that the appointment was unconstitutional and protesters attacked the presidential palace with stones and burnt tyres (SABC 2016). The political situation in Guinea-Bissau is tentative.

Of all ASIDS, Mauritius is the longest running democracy since independence from Britain in 1968. Since then Mauritius has witnessed ten free and fair democratic general elections. The latest general elections were held in Mauritius in 2010 resulting in Anerood Jugnauth becoming Prime Minister and head of government. The president's role is more of a ceremonial position and has few powers in the executive.

São Tomé and Príncipe has a President who is head of state, elected by absolute majority popular vote for a five-year term and is eligible for a second term. The prime minister is head of government and is chosen by the national assembly and approved by the President. Much like Cabo Verde, since independence from Portugal in 1975 São Tomé and Príncipe has witnessed a one party state between 1975 and 1990, a multiparty transition in 1990-1991 and has been democratic since 1991 (African Elections, 2011b). However, in 20 years the Republic has had 19 prime ministers and no government has lasted a full parliamentary term (even with party coalitions) (Salgado 2014). The small island state has held four regular presidential elections since 1991 (1996, 2001, 2006, 2011) with a fifth election scheduled for July 2016 and six regular multiparty legislative elections since 1991 (in 1994, 1998, 2002, 2006, 2010, and 2014). President Manuel Pinto da Costa became President in September 2011. The latest Prime minister Patrice Emery Trovoada took office in November 2014.

Since 1993 the Seychelles has been considered a democracy. Prior to that and since independence from France in 1976, it has experienced periods of democracy, a de facto one

party state, a one party state and a multiparty transition to democracy. In the Seychelles the President is both head of state and government and serves a five-year term and constitutionally is eligible for two more terms. Since 1993 the Seychelles has conducted five regular multiparty presidential elections and legislative elections (in 1998, 2001, 2006, 2011, 2015). The latest presidential election in December 2015 saw President James Michel win a third and final term in office with 50.15 per cent of the vote in a very close poll with Waval Ramkalawan who won 49.85 per cent of the vote. The Electoral Commission of the Seychelles confirmed the results and although an opposition party petitioned to have these results overturned, the Seychelles Constitutional Court upheld Michel's election win in a May 2016 verdict (Uranie 2016a).

2.5 Objective, credible and responsible electoral institutions

Electoral institutions are necessary to manage responsibly the complex and specialist skills involved in electoral activities and the term electoral management body (EMB) is the most commonly used term to describe them. An EMB is tasked with managing most, if not all, of the fundamental activities involved in the conduct of elections. Other tasks include conducting polling, counting and tabulating votes, and may also include voter registration and boundary delimitation among other duties (ACE Project 2016).

The Independent National Electoral Commission of Comoros (CENI) recently partnered with the European Centre for Electoral Support in Comoros (ECES) to run the Project to Support the Credibility and the Transparency of the Electoral Process in Comoros (PACTE Comoros). The EU funded project aims to support the organisation of elections in the Comoros and to "strengthen the skills of the electoral stakeholders" (Djaza, in ECES 2015).

An independent National Electoral Commission (CNE) manages elections in Guinea-Bissau. The CNE is widely representative comprising members from each competing political party and representatives from each presidential candidate; members from the National Media Council and from the Government and the President of the Republic among others. Moreover, the CNE is responsible for overseeing every stage of the electoral process, apart from the voter registration process, which is supervised by the CNE but managed by the Office for the Technical Support to the Electoral Process (GTAPE). The Electoral Institute for Sustainable Democracy in Africa (EISA) Pre-Election Assessment Mission (2014a, 6-7) notes that the 2014 presidential and legislative electoral process could not be funded by the Republic's state budget, due to the dire economic situation facing the country, and as such the CNE had to rely on the international community for donations. More specifically the Economic Community of West African States (ECOWAS), as well as East Timor, and a United Nations Development Programme (UNDP) basket fund with donations from the European Union (EU), South Africa, the United Kingdom (UK), Japan and Turkey, all came to the Republic's rescue. The European Union Election Observation Mission (EU EOM) (2014) report found that the CNE had conducted the 2014 election days with a high level of transparency and well-organised polls and in a tension-free atmosphere. Election administration officials were observed to be impartial and committed. Minor irregularities were observed by the EU EOM included some improperly sealed ballot boxes, but these were too small to affect the overall findings.

Cabo Verde's electoral process is overseen by its National Electoral Commission whose members are selected by a qualified majority of the members of the national assembly. The CNE is seen by all electoral stakeholders as an independent and competent body, according to

the African Union Observer Mission (AU EOM 2016a, 3). The AU EOM to the 20 March 2016 elections found that the legal frameworks in place complied with relevant international standards, including the African Charter on Democracy, Elections and Governance. The General Directorate of Support to the Electoral Process (DGAPE) assists the CNE with voter registration. Similar to the findings of the Guinea-Bissau elections, noted above, the AU EOM (2016a, 7) found that in isolated cases ballot boxes were not sealed properly. Moreover, a third of voting stations opened late due to insufficient numbers of polling staff at opening time, and the lack of some election materials, such as voting booths and ballot boxes. Ultimately, however, the report found the elections to be transparent, peaceful, free and fair and an expression of the will of the voter population of Cabo Verde.

Mauritius has an independent EMB that oversees electoral administration. However, the EISA Pre-Election Assessment Mission Report (2014b, 4-8) recently noted that the EMB has limited decision-making powers that impact on the institution's independence in certain ways, for example, the delimitation of constituencies. In large part due to a lack of political will in Mauritius to change the status quo, constituency boundaries remain a stumbling block. Within this body are three institutions: the Electoral Commissioner's Office, the Electoral Supervisory Commission (ESC), responsible for overseeing the registration of voters among other duties, and the Electoral Boundaries Commission (EBC), which is responsible for revising electoral boundaries.¹⁴ The EISA Pre-Election Assessment Mission Report (2014b, 8) for the December 2014 elections noted a change "in the perception of certain stakeholders trust in the ability of the ESC to act as an effective arbiter of political contestation", with some questioning the independence of the ESC "on the basis of their seeming will to maintain the status quo in Mauritius". Conversely, the AU EOM (2014, 4) found a high level of trust by the population and election stakeholders in EMBs. Nevertheless, the AU (2014, 4) praised the three electoral bodies for their level of organisation, for example regarding election day logistics and polling centres and stations, and level of preparedness, calling them "remarkable".

The Seychelles established an independent Electoral Commission through the sixth amendment to the Constitution of Seychelles in July 2011 (SADC 2015, 4). The five-member Electoral Commission is a step forward for democracy as it effectively replaces the sole custodianship of the management and administration of the electoral process previously held by an Electoral Commissioner. According to the SADC Parliamentary Forum Election Observation Mission to the 2015 Seychelles Presidential Election (SADC 2015, 5), the new electoral commission was well-prepared to manage the elections and on the whole, candidates and political parties were satisfied with the way in which the Commission engaged with them. Civil society organisations (CSOs), however, were less satisfied with the low level of engagement between the Commission and CSOs. The AU Expert Election Observation Mission (AU EEOM) to the second round of the Presidential Election in the Republic of Seychelles 16-16 December 2015, found the election to be in accordance with the laws of the Seychelles, and conducted in a peaceful and ordered atmosphere. Although the AU EEOM (2015, 3; 4) perceived the voters to be "generally free to express their choice through universal, equal and secret suffrage", they nevertheless also recommended to the Electoral Commission areas for improvement in future elections, for example, improving public education regarding new voter registration procedures, and discouraging practices that lead to illegal voting inducements.

¹⁴The EISA Pre-Election Assessment Mission (2014b, 4) found that the latest revision of electoral boundaries was conducted in 1986 and therefore the 2014 elections were based on old boundaries.

São Tomé and Príncipe has a National Electoral Commission that oversees the electoral process. International observers deemed the 2014 national elections to be transparent, fair, and free.

2.6 Freedom from political violence and/or intimidation

Political intimidation and election violence undermine free and fair elections in several ways. Apart from the obvious physical and psychological damage that can result, intimidation can also cause people to stay away from the polls; in effect compromising the election results.

Since independence in 1975, the Comoros has experienced a volatile political history characterised by military coups and insurrections with the first peaceful transfer of power only taking place in 2006. Following violence and allegations of voting irregularities in the first round of the 2016 presidential elections, Azali Assoumani won the second round (Butty 2016). The AU EOM (2016b, 7) expressed serious concern that despite efforts by various stakeholders involved to introduce a code of conduct to the authorities to ward off election related conflicts between political parties and candidates, this had yet to be considered for implementation.

The people of Guinea-Bissau were congratulated in 2014 by the United States Department of State for the country's "peaceful and orderly" elections (Psaki 2014). However, Freedom House (2015a) reports that there were some instances of intimidation and, in some cases, beating up of election officials and candidates during the election period. Despite these though, voting was otherwise relatively peaceful and transparent, and there was unanimous agreement from several international bodies that the second round of the presidential elections took place "without major incidents to be recorded... which acknowledge the political parties respect for the Electoral Code of Conduct, stressing that no incident had the slightest impact on the peaceful exercise of citizenship and, therefore, on the credibility of the suffrage itself" (UNIOGBIS 2014). The report by the European Union Election Observer Mission agreed that although the 2014 election did not reflect a repeat of past electoral violence, there was tension due to the threatening of election officials, cases of bribery of officials to manipulate results and in one instance, an independent candidate, Nuno Nabiam, who caused quite a stir when he erroneously pre-empted results by announcing his win. He finally accepted the real results diffusing some tension (EU EOM, 2014).

Cabo Verde, was hailed by international observers as a 'model' of democracy when it once again conducted free and fair elections in March 2016 which brought about a peaceful transfer of power. Since 1991, Cape Verde has witnessed two peaceful changes of power between the government and opposition. Lopes (in Beck 2016), contends that in Cabo Verde "there have been no deaths as a result of political conflicts. There is no comparison with what happens on the African mainland" (Beck 2016).

"Mauritius has never developed a 'bullet' culture, adopting instead a culture of the 'ballot'" (Bunwaree and Kasenally 2005, 1). Nevertheless, elections have not always been smooth sailing. There is an absence of a code of conduct for political parties to regulate inter-party relations, and more especially no code is in place to deal with "the abusive language and violence that tends to mark election campaigning" (Bunwaree and Kasenally 2005, 5). Similarly, during the 2015 campaigning cycle, verbal provocation was at the centre of the complaints

submitted to authorities by the Citizenship Democracy Watch Seychelles (CDWS) (Malbrooke and Bonnelame 2015), who also protested at some incidents of violence, and at physical acts of intimidation. Additionally, the CDWS urged the Seychelles EMB to improve voter education in order "to empower all eligible citizens to vote free from intimidation, threats, coercion and vote buying practices." Alcohol at political rallies was also a sticking point for observers who warned against this possible trigger of electoral violence. Despite these concerns, the Seychelles' people were commended for their tolerance and maturity during the campaigning period (SADC Parliamentary Forum Election Observation Mission to the 2015 Seychelles Presidential Elections 2015).

Like Cabo Verde, São Tomé and Príncipe falls within the category of African states that generally experience presidential and parliamentary elections free from intimidation, violence and harassment (WPSI 2016).

2.7 Media impartiality throughout the elections

The political media serve as watchdogs of democratic government and as such are among the most important elements in a democracy. They exist in order to supply citizens with a full and fair account of the news and provide a wide range of political opinion thus enabling citizens to be informed and to participate in political life (Graham 2016). The link between the media and elections in particular is noted succinctly by Tidiane Diop, Media Programme Officer with the International Organization of the Francophonie (OIF), who asserts that "the role of journalists is essential for free elections and there cannot be free elections without free media and well-informed citizens" (UNESCO 2015). During election cycles, the media functions to scrutinise and discuss the successes and failures of candidates, governments, and EMBs, and to hold them to account (The Electoral Knowledge Network 2016). It is therefore imperative that the media remain impartial in their election coverage.

In the Comoros, the 2001 constitution protects freedom of speech and of the press, though self-censorship is reportedly widespread and over the years journalists have been accused of publishing 'false news' (Freedom House, 2013b).

Although Guinea-Bissau's improved press freedom score in 2015 due to "a reduction in censorship and attacks on journalists in the wake of free and fair elections in April 2014" (Freedom House, 2015d) is a positive step in the small state's democratisation process, several concerns were nevertheless raised about the impartiality of the media during the 2014 election. The lack of objectivity by journalists appears rooted in their dependence on means provided by the parties and candidates to cover campaign events (EISA Pre-Election Assessment Mission 2014a, 9-10). In their Election Observation Report, the EU mission singled out this lack of technical and financial resources as being the "key obstacle to an independent, ethical and impartial media" in Guinea-Bissau and noted that it resulted in limited citizens' access to information (EU EOM, 2014).¹⁵

¹⁵ "Covering events in exchange for financial or logistical contribution has been common practice for many years and has gradually lessened the reporters' self-initiative and the possible areas of journalistic investigation" (EU-EOM 2014).

In an effort to promote neutrality and impartiality in the public media in Cabo Verde, Electoral Law denotes that during the election campaign period media outlets are prohibited from publishing or broadcasting any kind of favourable or unfavourable pronouncements about a candidate, political party or coalition. Some of these regulations have been seen as unconstitutional by political and social actors who argue that they conflict with the fundamental rights of freedom of expression, information and opinion (Salgado 2014). During the 2016 legislative elections, the African Union Election Observer Mission (2016a) welcomed “the legal steps taken to ensure the impartial election coverage by the media as well as the public media efforts to grant political parties comprehensive, fair and balanced coverage of their campaign activities.” However, concerns were raised over the lack of a level playing field as two parties did not meet the conditions of the legal provision¹⁶ permitting free broadcast of parties’ campaign broadcasts, meaning that these parties were unable to use these channels to publicise their platforms to voters (AU EOM 2016a).

The Mauritian Constitution guarantees freedom of the press. During the 2014 national assembly elections, the EISA Pre-Election Assessment Mission (2014b) noted that procedurally article 1 of the Code of Conduct provided sufficiently for “equitable access to public and private media and balanced coverage of political views”. To bring this into effect, the Mauritian Broadcasting Corporation (MBC) used a formula¹⁷ to allocate airtime to contesting political parties and party alliances on the basis of the number of their candidates and the number of outgoing members of Parliament from the party/party alliance. However, in practice, this formula was criticised by some as not contributing to the creation of a level playing field for small parties. Moreover, it was also reported that female candidates were portrayed in a negative light in the media (EISA Pre-Election Assessment Mission 2014b).

The Seychelles appears to be doing well in terms of providing a ‘level playing field’ for all parties during elections and ensuring that citizens are well-informed about all political views. In their observation of the 2015 Seychelles presidential elections, the SADC Mission commended the enactment of a new provision in section 97 of the Electoral Act which granted free and equal political broadcasting time to each candidate (SADC 2015). Similarly, the SADC Parliamentary Forum found significant improvement in the way the state media provided “fair, balanced and impartial coverage” of all candidates and noted the widespread use of social media especially by youths, political parties and local observer groups (Magnan and Uranie 2015).

Among the regulations of São Tomé and Príncipe’s Electoral Law that establishes the rights and duties of journalists in times of elections is Article 94 which requires radio and television stations to give equal treatment to different candidates. Article 95 provides that throughout the campaign period the airtime reserved for radio and television is shared equally by all candidates (Aranda 2011). Moreover, the media are prohibited from using expressions or images that may be libellous, or insult democratic institutions or that incite hatred, disorder, insurrection or violence.

¹⁶ This provision applied only to parties that competed in at least five constituencies.

¹⁷ This agreement committed the MBC to allocate half a unit of airtime per candidate to parties and alliances with not less than six candidates from the 20 constituencies on the mainland or with not less than two candidates in the constituency of Rodrigues; and an additional half a unit would be given to parties and alliances as long as their candidate was a member of the outgoing parliament.

2.8 Acceptance of the result by the electorate and political parties

It is apparent that having regular, credible elections is of primary importance to democracies, especially young democracies. It follows that when election results are accepted by the voting public, without undue contestation, it not only adds to national stability, but also strengthens the democratic process as it is evidence of trust in legitimate EMBS and institutions. However, when election results are not accepted and are challenged either indirectly through street protests and the like or directly through the court system, then trust in the electoral system is weakened and peace and security can be threatened as a result (Otaola 2014).

Regarding the Comoros, as referred to under section 2.4 of this article, Azali Assoumani took office in May 2016, after the presidential elections and “after violence and vote irregularities forced a partial re-run of the poll” (BBC News 2016). Five years previously, official election results gave 61 per cent of the vote to Ikilou Dhoinine. Opposition parties argued that the election was “marred by massive fraud, alleging that ballot boxes were stuffed, voting papers stolen and opposition observers chased away from polling stations”. Despite this, Dhoinine came to power as chief of state and head of government in May 2011, five months after gaining victory at the polls (BBC News 2016). Guinea-Bissau has had no election challenges to speak of save the brief challenge made by Nuno Nabiam noted earlier in the article under section 2.6.

As has been noted above, since 1991 democratic stability in Cabo Verde has increased since the establishment of multiparty elections. Nevertheless, there have been allegations of election fraud throughout that period too. In 2014 two election candidates for President Pires were sentenced to prison terms for election fraud during the February 2001 presidential elections. The victors of the 2016 local elections, the Movimento para a Democracia (Movement for Democracy) also claimed election fraud by the outgoing Partido Africano da Independência de Cabo Verde (African Party for the Independence of Cape Verde) (Afrol 2016). In Mauritius, over the decades, election results have generally been accepted by all candidates. Following the most recent elections in 2014 elections, the outgoing prime minister Navinchandra Ramgoolam graciously accepted defeat stating that “The electorate has made its choice, I humbly accept its decision, and I will now meet the President of the Republic to submit my resignation” (ENCA 2014). Section 2.4 of this article noted the tight presidential runoff between James Michel, incumbent, and Wavel Ramkalawan, the Seychelles National Party (SNP) leader, in December 2015. Although Ramkalawan’s petition to the Seychelles’ Constitutional Court to nullify those results was dismissed by the court, he was still insisting, in June 2016, that there had been some deficiencies and irregularities in the December elections (Uranie 2016b). São Tomé and Príncipe’s history of coups is evidence enough of the failure to acknowledge elections results.

3. CONCLUSION

In assessing the quality of elections in ASIDS, the following principles, as set out in the AU’s Declaration on the Principles Governing Democratic Elections in Africa (2002), were discussed: elections are free and fair; elections take place legally under democratic constitutions; elections take place in a system which separates power and guarantees the independence of the judiciary; elections take place regularly, in accordance with Constitutional provisions; elections are managed by objective, credible and responsible electoral institutions; there is freedom from

political violence and/or intimidation; there is media impartiality throughout the elections, and there is acceptance of the result by the electorate and political parties.

The following were key findings: in the latest rounds of legislative and/or presidential elections across the ASIDS, all have been declared free, fair and credible by a host of international, regional and domestic observers. Mauritius stands out as top of the pack with the most electoral integrity, which is understandable given its longer history as a democracy compared to the other ASIDS. Procedurally, all of the ASIDS have the necessary constitutional arrangements, bodies and laws in place to facilitate democratic elections. Cabo Verde, the Comoros, Mauritius and Guinea-Bissau have constitutionally protected separation of powers and independence of the judiciary. On paper, São Tomé and Príncipe and the Seychelles also have this in place. However, in practice, the independence of the judiciary has proven problematic for São Tomé and Príncipe and the Seychelles as judges, until very recently, have been manipulated by political parties in power in the case of the former, or have led by their individual preferences in the case of the latter. Since independence in 1968 Mauritius has witnessed ten free and fair democratic general elections. Cabo Verde, São Tomé and Príncipe and the Seychelles have conducted regular elections in accordance with their constitutions since 1991, 1991 and 1993 respectively. Having put aside its 20 year history of coups, democratic elections have been held regularly in the Comoros since 2006. Guinea-Bissau has also had regular elections, although not in a democratic environment, and regular coups since independence. A move towards a more stable, regular democratic election took place in 2014 but a trend in this is yet to be seen.

All of the ASIDS have electoral management bodies responsible for organising and conducting elections. Electoral Commissions in the Comoros and Guinea-Bissau have had to rely on international partnerships and donations in order to manage their electoral processes. The multi-member Electoral Commission in the Seychelles is a positive step forward in its democratic consolidation as it replaces the previous sole custodianship of elections by an Electoral Commissioner. As regards election violence, the ASIDS appear to have moved successfully away from the bullet in favour of the ballot which is remarkable given their extremely volatile histories. Nevertheless, some instances of intimidation and abusive language use are still reported and alcohol abuse, threats and harassment during election campaigning remain a cause for concern.

The enactment of various electoral laws that ensure media impartiality and prohibit favouritism or libellous storytelling during election cycles are positive developments across the ASIDS, although some stakeholders in Cabo Verde in particular have argued that these laws are in tension with the fundamental right to freedom of expression. Impartiality is not always guaranteed especially when a lack of financial resources makes media dependent on parties for the means to cover events as is the case in Guinea-Bissau, where a lack of journalistic objectivity is apparent. A level playing field for all parties and/or candidates appears evident in the Seychelles and São Tomé and Príncipe but criticisms have arisen in Mauritius and Cabo Verde where smaller parties have not always benefitted from free airtime allotments. Continued self-censorship of the press in the Comoros is also problematic especially as a key function of the media during elections is to provide honest and full coverage of the candidates and parties and to ensure that citizens are well informed. It also appears that electorates in the ASIDS have for the most part accepted election results. Those who oppose results tend to be competing opposition political parties and/or their candidates who allege election fraud on the part of the victor.

Using the AU principles governing democratic elections as the key indicators, it appears that the quality of elections in the ASIDS is mixed depending in large part on the length of democratic stability enjoyed by each state. Mauritius fares quite well relative to the other ASIDS but it has enjoyed a more stable democracy for a longer period. Overall, many of the procedural indicators of good quality democratic elections are present in all of the ASIDS, even within Guinea-Bissau which is not yet regarded as democratic but looks to be moving in that direction. However, in practice inter-institutional instability in some cases, failure to adhere to constitutional amendments in others, some instances of continued harassment and a lack of financial and technical resources have impacted electoral quality.

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