1. Introduction

The Political Cost of AIDS in Africa is an expedition into the unexplored realms of a pandemic that today poses an unprecedented development challenge to a continent seeking revival amidst the rigours of globalisation.

It is a journey that takes us into the inner sanctums of politics and the uneasy environment generated by AIDS therein. It is, in essence, a discussion that unravels the challenges to political participation experienced by ordinary citizens living with HIV/AIDS.

It is a study that quantifies both the political and economic costs associated with the loss of elected representatives and voters to AIDS; one that ultimately illustrates the threat posed by the pandemic to the sustenance of democratic institutions.

In the final analysis, this book presents observations and recommendations for possible reasoned[i] interventions, in the short and long term. It is the fourth and most comprehensive volume produced by Idasa as part of a five-year undertaking to establish the impact of HIV/AIDS on the electoral process within the broader context of democratic governance.

We launched this study with a pilot in Zambia (Chirambo: 2003), following it up with a comprehensive exploration of South Africa (Strand; Matlosa; Strode & Chirambo: 2005) and a preliminary release of our multicountry synthesis report (Chirambo: 2006).

The publication represents the work of African researchers in six countries. It constitutes case studies of Namibia, Malawi, Tanzania, South Africa, Senegal and Zambia, with a comparative section following this chapter. The book will delve into deep-seated national issues, relating not only to the electoral process but also to the political management of the HIV/AIDS epidemic. Its outcomes, we hope, will have broader policy relevance not only to strategies dealing with HIV/AIDS, but also to initiatives on electoral system design.

Followers of our work in the fields of HIV/AIDS and governance will recall that it was slightly over four years ago that senior political leaders, technocrats, academics and policy specialists from 12 countries in southern Africa and intergovernmental organisations converged upon Cape Town to discuss the governance ramifications of the pandemic.

In many ways, the two and a half day conference, organised by the Governance and AIDS Programme (GAP) of Idasa and the United Nations Development Programme (UNDP), was the first serious attempt to move what some might have considered a highly academic subject to the policy arena with a clear intent to demystify the link between two seemingly unrelated fields.

Idasa facilitated a process of dialogue on the implications of AIDS for democratic governance at the conference dubbed the Governance and AIDS Forum (GAF) involving senior representatives of regional bodies such as the Southern African Development Community (SADC) Health Sector Coordinating Unit (SADC-HSCU), the SADC Electoral Commissions Forums (SADC-ECF), the SADC Parliamentary Forum, the UNDP, UNAIDS; the presidency in South Africa, donor agencies and research institutions.[ii] Country-specific stakeholder meetings were held in Namibia, Malawi, Tanzania, South Africa, Senegal and Zambia in 2005/6 that included senior state and non-state actors. These were reference group meetings which served to validate findings and further regional input, leading to the second GAF held in Cape Town on 22-24 May 2007. These participatory processes were meant to engender wider "ownership" of the problem and a shared policy approach based on the outcomes.

The first GAF conference was subsumed by speculative theory issuing from academics and defence analysts from the United States who postulated a complete collapse of state systems in Africa, particularly since many countries on the continent seemed to fit into the World Bank's definition of "fragile states."[iii] With its catastrophic consequences characterised by gradual decimation of the relatively younger, economically productive and often more educated segment of the population, US scholars envisaged AIDS as almost certainly likely to further weaken the pillars of democracy: the economy, political institutions and political culture.[iv] This analysis failed to critically consider the hubs of resilience within African societies such as extended family and kinship systems, all of which, although overwhelmed, continue to be one of the reasons why our societies at the very basic level of human organisation, have held together.[v]

The second GAF was challenged to seek solutions as a demonstration of the resolve of the African states in responding to the threats posed by AIDS to political institutions based on the findings of 2003, 2005 and 2006. Significantly, the second GAF was driven by African scholars who provided much richer understandings of their own contexts and

were moved to challenge western experiences and definitions of democratic governance, which will be ably expounded in the chapter on Senegal by Dr Cheikh Ibrahima Niang.

One of the most critical issues to arise from the 2003 GAF, which has eventually led us to this book, was the need to investigate the impact of HIV/AIDS on political stability, particularly relating to the electoral process a key indicator of democratic governance. Raised by the SADC-ECF, this issue was one that had occupied debates in academic circles and within Idasa for some time before that.

2. Policy relevance

There are three main factors that have stimulated interest by political decision-makers and academics in this project:

- Firstly, both topics – HIV/AIDS and electoral reform – are matters of public policy concern. Their interrelationship may begin to catalyse a new form of discourse on electoral engineering and on strategies against HIV/AIDS, particularly in high-prevalence countries. Several of the southern African countries, including Botswana, Namibia, Lesotho, Malawi, Mauritius, South Africa, Zimbabwe and Zambia, have been entertaining the reform of their electoral systems, largely inherited from British colonialism (Matlosa; 2004; EISA 2004).

- From an academic point of view, the research is ground-breaking and has added new knowledge to the understanding of HIV/AIDS and its dynamics and has also, on the other hand, challenged conventional analysis and studies on political processes.

- Finally, experts on democratisation consider the electoral process as a means to improve AIDS policy because leaders with the right credentials could assume power and effectively address the crisis. It has also been assumed that problems of weak mandates of the winners might arise if too few people turn up at the polls due to illness, care-giving and deaths. Mass manipulation of electoral outcomes through ghost voting could also manifest, thus generating tensions and conflict. Concerns around instability therefore remain central to this discussion.

It may be unwise to conclude from this preamble that the interest in the two topics comes from a discursive culture that continues to embrace a sense of openness on both matters. The reality cannot be further from the truth. On the one hand, electoral reform has been mired in inexplicable self-interest by succeeding generations of politicians in several countries, with a tendency toward lethargy at critical points of constitutional reform. Except for Lesotho, where armed conflict after the highly disputed election results of 1998/9 led to significant reform to the electoral model, the other countries have undergone long, drawn-out and inconclusive constitutional processes.

Ostensibly, the need to reform is an idea born of disgruntlement from opposition parties, trade unions and civil societies seeking greater accountability, gender and ethnic diversity, and transparency in government.

In South Africa, the Congress of South African Trade Unions (Cosatu), a strategic liberation partner of the African National Congress (ANC), has been at the forefront of agitating for a transformation of the country's Proportional Representation (PR) system to a Mixed Member Proportional (MMP) or Parallel system because of concerns around lack of accountability on several fronts including health.[vi] Put more succinctly, electoral processes, as will be argued in the Senegal chapter, can be galvanised by many factors, including fraudulent electoral management systems, corruption, and cultural, economic and political exclusions influenced by electoral systems that serve parochial ethnic/elitist needs. Hence, the incentive to seek reform would have been animated by considerations that have a much longer history than HIV/AIDS.

We cannot, at this juncture, determine whether research initiated by Idasa will catapult HIV/AIDS to the top of the list of priorities that are likely to influence the political trajectory of these debates. We can say, however, that influential regional and national entities, including the SADC-PF's Committee reviewing the Norms and Standards of Election Practice have engaged with these matters in their deliberations with Idasa and appear to take cognisance of the gravity of the situation.

Through these technical committees, we may begin to see a change in the manner in which HIV/AIDS is discussed in political circles despite the now evident denialism that permeates the corridors of power across the continent regarding disclosures.

Historically, official acknowledgement of the disease as a potential political problem rarely manifested even as the AIDS epidemic peaked in the early to mid-1990s. But as the 20th century drew to a close,

policy actors began marginally to show a sense of worry about deaths amongst political leaders.

It is worth noting for instance that seven years ago, the UNDP/SADC Human Development Report (2000) warned of "…the slow collapse of the political, social and economic systems in the worst affected countries if measures are not taken to mitigate the impact of AIDS. For example, in some of the worst affected countries, repeated by-elections and delays in court cases attributed to AIDS-related illnesses and deaths is on the increase posing a challenge to the fragile emerging democracies in the (Sub-Saharan African) region" (SADC/UNDP/SAPES, 2000: pp. 150-151).[vii]

Despite this, HIV/AIDS did not still form part of the debate on electoral reform. Policy experts argue that in order to gain the attention of the policy-makers, issues raised for the national agenda need to significantly qualify as public emergencies. Wayne Parsons (2003), in explaining the models in agenda-setting developed by Cobb and Elder, posits that an issue for public discussion is generated by both internal and external "triggers".

Natural catastrophes, unanticipated human events, unfair distribution of resources, among others could constitute an array of "triggering devices." AIDS, we assert, is a catastrophe of scale and has been declared an "emergency" by several African countries requiring a public policy intervention,[viii] therefore any unknown impacts of empirical significance is likely to be of value to the improvement of national responses.

At a global political level, no less an authority than the United Nations (UN) acknowledges that HIV/AIDS presents a governance and security challenge and is therefore likely to affect the manner in which member states manage their political, economic and social affairs at all levels. (Hunter 2003; UNDP 2002; UNDP-HDR 2002; WHO/UNAIDS Global Report on HIV/AIDS; 2006).[ix]

Explaining the complexity of the epidemic in this regard, Peter Piot, Executive Director of UNAIDS, describes AIDS as "a massive attack on global human security" and attributes the failure of governments to recognise this to the timeframe of years and decades that the epidemic takes to manifest. This recognition of AIDS as a security matter is timely as the notion of security has been expanded by UNDP from implying the absence of conflict to meaning all fundamental conditions that are needed for people to live safe, secure, healthy and productive lives.[x]

Similarly, electoral reform is certainly a matter of public or common concern over which governments engage civil society, opposition parties and donor communities. It is also triggered in part by requirements for equal and equitable representation and access to power and resources.[xi] The status of both topics under review in terms of their policy import therefore cannot be in doubt.

For its part, Idasa links its research on AIDS and governance to the disciplines of the intended target groups, by demonstrating how the pandemic affects the decision-makers themselves and their constituencies. This approach underlines Sandra Braman's (2003: p.48) assertion that in order for policy-makers to appreciate the value of social science research, those in the profession must learn to link their work to the disciplines in which the policy-makers are trained or located. Not surprisingly, the choice of elections, the means by which state power is organised, has resonated positively with elected representatives.

We have focused on five key areas: electoral systems, electoral management and administration, parliamentary configuration, political parties and voter participation. The institutions and actors involved in the electoral process all play a significant role in most instances in democratic accountability and the stability of government.

We do not for a moment equate elections with democracy. We do nonetheless underline the centrality of elections to modern democracies and particularly to emergent democracies in Africa. We critically analyse the place of the institution of elections within the concept of governance and its normative cousin, democratic governance. Our initial impression is that AIDS has the potential to unsettle a number of the strategic democratic institutions, thereby also affecting governance: the non-hierarchical manner in which nations are expected to manage their political, economic and social affairs based on a set of values, policies and institutional arrangements that include state and non-state actors.

3. Hypothesis, methodology and impediments

The electoral process as defined in this study is characterised by rules, institutions and a set of political actors. All the key elements under study have a bearing on democratic governance, as will be expounded

in this chapter. Our aim therefore is to respond to the question: What is the impact of HIV/AIDS on the electoral process in Africa?

To explore the question, the project has investigated the following areas of the electoral process:

- Electoral systems: Increased deaths amongst elected representatives will be financially demanding on the state as by-elections mount in countries employing Single Member Plurality (SMP) systems and Mixed Member Proportional (MMP) systems.

- Parliamentary configuration: Power shifts arising from AIDS-induced by-elections are being analysed. Weaker parties are likely to lose policy influence as they fail to recapture seats that are declared vacant following deaths amongst their elected representatives.

- Electoral management and administration: Loss of core staff and part-time support personnel may affect efficiency; raise re-training costs and affect institutional memory. The management of the voters' roll will be problematic because of so many dead voters

- Political parties: The potential impact on political leadership and organising capacities of political parties is being studied: succession, financial implications and support bases may all be affected by attrition due to AIDS amongst cadres, leaders and stalwarts.

- Voter and civic participation: Focus Group Discussions (FGDs) investigate the impact of sickness, stigma and discrimination on voter participation from the perspective of PLWHAs. Will people infected and affected by HIV/AIDS withdraw from elections for lack of enthusiasm, or due to a sense of hopelessness? Conversely, will it galvanise PLWHAs and other civil society actors to demand treatment and care as a right?

3.1 Electoral systems: the link to democratic governance and human development

Defined as the mechanisms that translate votes cast into seats and power in parliament and other decision-making mechanisms, electoral systems influence who is elected, how they are elected and therefore who decides on our governance priorities (including AIDS policy). Researchers in this area

(Reynolds et al: 2005; Matlosa et al: 2007) indicate that the electoral systems can influence the quality of governance, the inclusivity of policy decisions and the nature of democratic accountability fostered by the party system.

More recently, the works of Gassner, Onhiveros and Verardi (2005) show strong correlations between the electoral systems and human development based on their effect on social security and welfare spending. The researchers employed simple econometric techniques and used several definitions of human development. The authors reveal that in majoritarian systems such as the First-Past-The-Post (FPTP) system (which is constituency-based) politicians will channel their resources to the districts where they are likely to obtain the most votes. The study further shows that under the majoritarian systems politicians will be more targeted since competition is concentrated in constituencies or geographically determined zones. Conversely, proportional systems, characterised by large voting districts, register higher levels of human development given the ambition by politicians to appease diverse groups nationwide (ibid).

> "We find that countries which have proportional systems enjoy higher levels of human development than those with majoritarian ones, thanks to more re-distributive fiscal policies. We also find that when the degree of proportionality, based on electoral size, increases, so does human development" (Gassner, Onhiveros and Verardi; 2005; p. 1 para 1).

Human development relates mainly to widening people's choices regarding the acquisition of knowledge, accessing resources and living long healthy lives.[xii] Human development is closely linked to concepts of governance as articulated in a variety of authoritative works. Governance underlines the importance of transparency, accountability and the participation of all (marginalised) persons in decisions that affect their well-being (SADC/UNDP/SAPES: 2000: DPRU; 2001).

Electoral systems will be one of the institutions in the governance superstructure that link the governed and the governors in respect of how they select their development blueprints through an election.

In theory therefore, electoral models will contribute to enhancing the principles of participation and accountability so citizen choices on education, employment and health, among others, may be expressed through representation in decision-making processes. It may hence be inferred that electoral systems are integral to good or democratic

governance frameworks[xiii] and are also relevant to human development.

This obviously implies that the choice of an electoral model has much wider developmental implications than may be normally envisaged. The next few paragraphs explain how each one of the electoral systems works and how they may influence governance.

The four main types of electoral system employed in southern Africa (and Senegal) that have been investigated in terms of their vulnerability to HIV/AIDS by Idasa are as follows:

Table 3.1: Electoral systems	
Countries	Electoral system
Zambia	FPTP
South Africa	PR
Namibia	PR
Malawi	FPTP
Tanzania	FPTP
Senegal	Parallel system
Lesotho	MMP
Idasa 2007	

Single Member Plurality (SMP)

Popularly referred to as First-Past-The-Post (FPTP), this system is considered the simplest. The country is divided into electoral zones and political parties field one candidate each to compete for the constituency seat. Independent candidates in most cases can compete as well. The candidate who receives the most votes is declared victor (even if one does not obtain more votes than all the others combined). One of the key elements of this system is the requirement for a by-election or supplementary election to fill vacancies in the event that the elected representative dies, resigns or crosses the floor. There are seven SADC countries that operate the FPTP electoral system: Botswana, Malawi, Mauritius, Swaziland, Tanzania, Zambia and Zimbabwe, most of which are former British colonies.

In the FPTP system, political parties tend to be personality-based, without clear policy and ideological direction and it's the strongest candidates (representing political parties or standing as independents), in the end, that claim a presence at constituency and national levels. The FPTP or SMP system is relatively stronger on accountability as leaders are directly elected by the voters and may lose power in

succeeding polls if their performance is judged as poor. There is a range of criticisms directed at the SMP which include:

- Wasted votes, as losers' total votes will not translate into any form of representation;
- The translation of votes to seats tends to be disproportional;
- The system may disadvantage ethnic minorities as it's a game of numbers: small parties and women will also find it difficult to win in highly polarised and patriarchal environments;
- It often leads to a de-facto bi-party system;[xiv]
- On the basis of the work of Gassner, Onhiveros and Verardi (2005), we may add the relatively lower human development impacts observed under this system.

It can be argued therefore that the choice of electoral system allows for a particular class or section of society to access power and decide on AIDS priorities. Depending on the choice of system, decisions on AIDS could be representative of wider societal concerns or they could be decided on by a dominant ethnic group to the exclusion of minority considerations on the epidemic.

Single Member Majority (SMM)

The Single Member Majority (SMM) system is similar to the SMP in that the country is divided into electoral constituencies. However, the fundamental characteristic is that candidates will be required to garner an absolute majority of votes (50 + 1 %) in the constituency to be declared winner. Sometimes, where candidates fail to achieve an absolute majority, a run-off is called. The SMM has been used for presidential elections in some countries in the Southern African Development Community (SADC) region, such as Angola.

Proportional Representation (PR)

Global trends suggest that Proportional Representation (PR) systems are gaining in popularity as they contribute to conflict resolution through their inclusive nature, and are therefore being touted as a means for democracy consolidation (Matlosa, et al: 2007). There are various types of PR systems practised worldwide; but the commonly used variant is the closed party list system. Under this system, the entire country is considered a single constituency. Political parties will contest this space and will be allocated seats according to the proportion of votes

they obtain nationally. For example, a party that wins 40% of the total votes casts will theoretically secure 40% of the seats in Parliament.

The parties will use the closed lists submitted to the Electoral Management Body (EMB) to assign MPs to seats in hierarchical order. There is no requirement for a by-election when a vacancy occurs. Rather, parties will be allowed to fill the void with the next person on the party list. Angola, Mozambique, Namibia and South Africa are the countries in the SADC that apply the PR model.

Experts posit that PR models often encourage the formation of policy-based political parties. This is because, inevitably, the competing organisations need to appeal to the various interest and ethnic groups within the population to garner a decent percentage of the national vote that could translate into a proportional number of seats in parliament. Some of its strengths include:

- Encouraging gender diversity as women can be deliberately infused on to party lists for parliament;

- Promotes conflict resolution as minority parties will have an opportunity to gain a foothold in Parliament, particularly when there is a low minimum threshold;

- Encourages the formation of parties or like-minded groups of candidates who will inevitably develop strategic visions to secure national appeal;

- Every vote counts; very few are wasted. With low thresholds, nearly every vote contributes to electing a candidate;

- Encourages nation-wide campaigns as opposed to parties restricting themselves to (ethnic or traditional) strongholds;

- Power-sharing between parties is encouraged;

- Tends toward longevity and stability of government as power configurations will not constantly change due to by-election losses, for instance;

- Higher levels of human development have been attributed to the PR system.

The PR system's weaknesses, in the eyes of most of its critics, are its tendency to:

- Build fragmented party systems and coalition governments which in turn lead to legislative "gridlocks" as representatives may not reach common ground on key issues;

- It may facilitate the presence in parliament of extremist parties;

- Voters cannot enforce accountability as the mandate to appoint MPs rests entirely with the elected party. There is no public input into who goes on to the closed party list;

- The PR system uses mathematical formulae which may be too complex for ordinary citizens to understand. The lack of appreciation of electoral systems is itself problematic in terms of the confidence it may generate in the long run (Reynolds et al: 2005; Matlosa et al: 2007).

3.1.1 Mixed systems

Most countries will consider dealing with the short comings of either the FPTP or the PR systems by combining them into a mixed system. The Mixed Member Proportional (MMP) system and the Parallel system are both categorised as "mixed" but they do have their distinct differences, which are explained below.

Mixed Member Proportional (MMP)

It has to be underlined that while South Africa uses the PR system at national level, at local government level it employs the Mixed Member Proportional (MMP) system, which is a combination of the PR and FPTP systems. The system facilitates the election of one stream of Members of Parliament (MPs) or councillors through the FPTP system and the other through the PR system. In the MMP system any disproportionalities manifesting from the FPTP (or other) system is compensated for by the PR element. Only one SADC country, Lesotho, has adopted the MMP system at national level thus far (EISA: 2003).

The Parallel system

The Parallel system is also classified as a mixed system. However, the fundamental difference between it and the MMP system is that while in the latter the PR component compensates for disproportional outcomes from the FPTP (or other) system, in the Parallel model the two systems are independent of each other and are managed separately. In the SADC region Seychelles is the only country to apply the Parallel system.[xv] In this study, Senegal is the only country to employ this model. Senegal changed its electoral system for the national parliament from list PR in 1978 to the current mixed, Parallel model which has been used since 1983 (Reynolds el at: 2005). There have been several modifications to the system which will be presented in the Senegal chapter.

3.2 The political significance of an electoral system

Reynolds *et al* (IDEA: 2005) describes the choice of electoral system as one of the most important institutional decisions for a democracy because it has a significant impact on the political future of any country. It is an undertaking that should involve all stakeholders. And yet, its importance not with-standing, it is rare that electoral systems are in fact deliberately chosen. Influence from colonialism, neighbours or perhaps regional bodies might more often be the reason a particular model is chosen, he asserts. In instances where there is an opportunity for a measured approach to selecting an electoral system International IDEA proposes the following criteria:

- Providing representation: an electoral system must ensure that geographical representation, ideological divisions and party political situations are taken into account;

- Elections must be accessible and meaningful: People's votes must have a bearing on how the country is governed. Thus the choice of electoral system should influence the legitimacy of institutions;

- Facilitating stable and efficient government: The system must avoid discrimination against particular parties and interest groups; voters must perceive the system to be by and large fair;

- Providing incentives for reconciliation: Electoral systems must also serve as tools for conflict resolution within societies allowing for inclusivity of all ethnic and interest groups to the extent possible;

- Holding the government accountable: The system must facilitate accountability;

- Encouraging political parties: The system must be seen to encourage the growth of political parties, a key factor in the consolidation of democracy;

- Promoting legislative opposition and oversight: The electoral system should assist in ushering in a viable opposition which can exercise legislative oversight over government;

- Taking into account international standards: The system must embrace international covenants, instruments and treaties affecting political issues which form the principles of free, fair and periodic elections and which advance the principle of one person, one vote;

- Making the election process sustainable: The resources of a country must be taken into account. The availability of skills and financial resources are both paramount in operating an electoral system (Reynolds, *et al*, 2005).

This last point provides us an entry point into the discussion on AIDS as it relates to the sustainability of electoral models in the age of HIV/AIDS. Some of the countries discussed in the study seem to rely rather heavily on donor support in many sectors, including their electoral processes. Sustainability must almost certainly be one of the key considerations to be made in their electoral engineering undertakings.

3.2.1 Parliaments: power and gender balance

The operationalisation of electoral systems leads to representation and participation of various interests in decision-making mechanisms such as Parliament and local government. Depending on the system employed, there may be diversity or under-representation of certain segments of society. Often the aim of well-meaning nations is to ensure that the electoral system leads to fair outcomes, where the interests of the vast majority and minorities are expressed in the highest policy institutions.

We notice from a casual examination of the status of each Parliament in this study that countries using the PR have generally fared much better in gender balance compared to those employing plural/majority systems such as the SMM and FPTP. For the SADC countries, it was evident that only Angola, Mozambique, Namibia and South Africa attained the minimum threshold of 30% of women in decision-making mechanisms by 2005 a requirement of the SADC Declaration on Gender and Development of 1997.[xvi]

In the case of these four SADC states, women were deliberately infused into parliament, mainly by political parties weighting their lists of candidates toward the women in addition to having a gender quota within the party structures. The FPTP system will often struggle to meet these requirements as there can be no guarantee that a party with a relatively good gender balance will succeed in getting all or some of its female candidates into power through competitive elections. Patriarchal biases creep into both primary processes within party structures and amongst the electorate during campaigns. Maintaining the gender status quo once female candidates are lost to disease or other causes is highly unlikely in these circumstances.

Organised women's groups in some countries have been used to assist female candidates in political parties to assume power. In Zambia, in the 2001 general elections, the Zambia National Women's Lobby Group (ZNWLG) campaigned in favour of women candidates with some measure of success but not enough to infuse any form of gender equity (Chirambo *et al*, 2002). Out of the 198 women nominated by their parties to stand as candidates in the parliamentary elections only 19 won seats in the 158-seat parliament. (The total parliament size is 158 seats: 150 are elective with 8 being non-elective seats.) Compared to 1996 when only 59 women contested parliamentary positions, this was seen as an improvement in women's attempts to claim their place in decision-making processes.[xvii]

In Senegal in 1994, women drawn from politics, trade unions and activist groups banded together to form the Council of Senegalese Women (COSW). In the 1998 legislative elections the COSW launched strong female empowerment campaigns across all political parties and directed at parties, the media and the public. The resultant pressure pushed some political parties to institute 25% to 40% quota systems for women representatives. Although a bill was introduced by government in 2007 to provide for half of all candidates on the party lists presented by political parties to be women, the judiciary declared it unconstitutional. The exclusionary tendencies in the Senegalese system, it is argued in that country's chapter, are latent and inherited from French colonialism.

Tanzania's electoral model, while described as FPTP, has a legislated gender quota which is accessed through the PR model. Because of this, Tanzania has also been able to achieve the 30% threshold. There is, therefore, a need to stress the importance of the electoral system in configuring power in this regard.

Many experts will agree that representation in parliament can influence the way policy matters are prioritised. We noted earlier that vacancies in the FPTP system are filled through new competitive elections or by-elections, regardless of whether they occur as a result of an MP resigning, being dismissed or dying. In this study therefore, we are interested in establishing whether the frequency of by-elections, some of which may be caused by HIV/AIDS, necessarily leads to power shifts in parliament, with weaker parties failing to retain the seats they previously held. Do parties end up losing policy influence? We know of course that in the PR system political parties will fill any vacancy via appointment. We will learn much more in the Senegal chapter about vari-

ations in replacement of MPs in the Parallel model as practiced in Senegal, through the use of substitute MPs.

3.2.2 Electoral management and administration

Legal and constitutional framework

It is a well-documented fact that the overall integrity of any election hinges, to a large extent, on the legal framework and the uprightness of the institutions that conduct the polls. The legal framework consists of constitutional provisions, electoral acts and regulations or statutory instruments constituting such acts. Electoral procedures, the conduct of elections and the institutions that administer them are predetermined within this framework.

Cognisant of this fact, the African Union, in its draft African Charter on Democracy, Elections and Governance, emphasises the need for the continent to develop independent electoral bodies. Chapter 7, Article 17 (1) of the Charter stipulates the requirement for member states to "establish and strengthen independent and impartial national electoral bodies responsible for the management of elections".

Prior to an election, there will often be two important processes that inform the management and administrative mechanisms in planning the poll. These are:

• **The national census;**

• **Delimitation of boundaries.**

The census: The national census is a survey of people resident in a country, which provides relevant data from national to community level. This information is essential for government planning, for business and for the community at large. The information establishes the demographic profile of the country, indicating how many people are citizens and how many of these are above or below voting age. Censuses have a long history dating back to ancient Egypt, China and Babylon when governments needed information so they could plan armies, as well as monumental projects such as the building of the pyramids or effect land re-distribution.[xviii]

Delimitation: Knowledge of population size and distribution enables the implementation of the delimitation process or demarcation of constituencies. A delimitation commission will be established to draw the constituencies' boundaries by applying a stipulated formula which defines the average size

of the electorate to be assigned to each constituency. The demarcation of constituency boundaries is extremely sensitive and can be a source of post election conflict.

It is possible for governments in countries using the FPTP system for instance to re-engineer the boundaries, that is create more constituencies in areas in which the party in power enjoys majority support, therefore enabling it to get a larger proportion of the parliamentary seats. The SADC Parliamentary Forum (SADC-PF), which has a long history of election observation in Africa and has been used by both the executive arms of the SADC and the AU as a reference point in developing their charters, does take note of this and recommends that the impartiality of delimitation commissions in drawing up boundaries be re-affirmed in the constitutions of SADC countries. A number of key steps are suggested:

- The tenure of office of the commissioners should be guaranteed in the constitution;

- There should be no political interference in the demarcation of boundaries. The exercise should be left to the technical competence of the boundary delimitation commission;

- The commission should consult stakeholders in the process;

- Gerrymandering must be outlawed;

- Recommendations of the boundary delimitation commission should not be altered by any stakeholder.[xix]

3.3 Electoral commissions

The information from the delimitation commission will in turn inform the management and administrative processes of the electoral commission. Electoral commissions lie at the heart of a stable democracy, lending credibility and integrity to the democratic process by ensuring that the rules are applied fairly; and that to the extent possible, the majority of citizens participate in freely making their choice of policy. In practice, electoral commissions are often accused of lacking independence, particularly since the government of the day or the president may have a hand in confirming nominations of commissioners or appointing them. Controversies surrounding electoral outcomes will not usually spare the electoral management body, hence the need to evolve a widely acceptable system of selection and appointment of chief electoral administrators and supervisors.

Recommendations from the SADC and the AU emphasise the need to avoid political interference from the executive in putting electoral commissions in place. Some of the recommendations by the SADC-PF include:

- The complete independence and impartiality of the electoral commission in dealing with all political parties should be re-affirmed in the constitution;

- Selection of commissioners should be done by a panel of judges set up by the Chief Justice or the equivalent "on the basis of the individual's calibre, stature, public respect, competence, impartiality and their knowledge of elections and political development processes";

- Selection of commissioners should be done in consultation with all political parties and stakeholders with final approval coming from parliament;

- The commission should have financial autonomy i.e. with its own budget directly voted for by parliament (and not allocated by the ministry of finance or any government department);

- The electoral law should empower the commission to recruit and dismiss its own staff based on professional considerations, rather than hire public service workers whose loyalty to the commission is not guaranteed;

- Electoral commissioners should have security of tenure entrenched in the constitutions of SADC states.

It is interesting to note that the recommendations imply an electoral process can be undermined by the manner in which a management mechanism is put in place or lack of consultation with other stakeholders or even by lack of financial autonomy, among other things. There is also evidently a move to depart from the use of temporary public workers as election officers because of potential accusations of partiality, depending on which department supplies the workers. If they are drawn from the office of the president, for instance, there are likely to be debates over the fairness of the outcomes.

The reality is that most Electoral Management Bodies (EMBs) do rely on the services of public service workers as support staff during elections anyway. Except for Namibia (among the countries we have studied), these countries from time to time enlist the services of public workers, particularly teachers and municipal workers. The aspirations of new democracies, we would imagine, would be to build the capacity of trained support staff over time

to ensure that post-election conflict is minimised through diligent management. However, we do know from other authoritative studies that HIV/AIDS has been a major cause of deaths amongst public service workers, including teachers, and we ask therefore to what extent this form of attrition may undermine the management of elections.

Citizen and voter registration systems

Lastly, the voters' roll is perhaps the most sensitive instrument in any election. It represents the aggregate number of registered voters and will ultimately serve as a key indicator of voter turnout. The representation of marginalised voices can also be extrapolated from voter databases, providing researchers, political parties, election monitors and others an opportunity to determine levels of political enthusiasm or validity of the data and ultimately the credibility of the electoral process.

In order to achieve this level of confidence, EMBs will need to have fairly sophisticated voter registration systems that will enable the removal of dead voters from the registers in good time before major elections. Knowing the size of the voter population before the poll is fundamental to allaying fears of fraud from opposition elements. To lubricate this process, states will need to institute citizen registration systems that are technologically compatible with the voters' rolls so that death certificates can be timeously processed and dead electors eliminated from the registers. The advent of AIDS may increase this work load for both home affairs ministries and EMBs. Worse still, countries without citizen registration systems or with outmoded systems are likely to struggle to cope with the number of deceased.

Political parties

On the advent of independence or liberation most African states experienced the emergence of party systems dominated by the nationalist or liberation movements that existed at the time of achieving majority rule. With broad-based popular support for nationalist/liberation movements, opposition parties struggled to compete with the relatively more sophisticated rivals. In several of the countries in this study, including Malawi, Tanzania and Zambia, de facto one-party states were declared within ten years of independence from the British in the 1960s. This meant all official opposition was outlawed and the sum effect was that the party system was undermined even further (IDEA; 2000).

It was not until the early 1990s that a new wave of opposition emerged, usually breakaway groups from the founding party, to challenge those in power. Encouraged by relaxed registration rules, political parties began to make considerable contributions to democratic accountability, allowing for diverse interests to emerge. Studies by the United Nations Economic Commission for Africa (UNECA) indicate that in 2005, Chad had 73 political parties, South Africa 140, Mali 91, Ethiopia 79, Burkina Faso 47, Morocco, Nigeria and Botswana each 30, Egypt 17 and Ghana 10 (UNECA, 2005).

While there was a flood of parties, it has to be stated that experts noted the advantages of incumbency which placed ruling parties in a position to accentuate a de facto dominant-party system. This has been the case in Namibia, Botswana, Tanzania, Zimbabwe and South Africa. South Africa, with a PR electoral system at national level and state financing for political parties, has a relatively stable party environment as there seems to be an incentive to exist beyond elections. However, it is also characterised by a dominant party in the form of the ANC.

In most cases, political parties' performances will be determined in part by the nature of the electoral system. PR systems seem to reflect fairer outcomes while the FPTP system is often seen to present obstacles for the opposition, as discussed above. Party performances will also be determined by the amount of resources they have. Without a doubt, all parties would be assisted greatly if state funding was available without overly inhibiting pre-conditions. Malawi, Mozambique, Namibia, Seychelles, South Africa and Zimbabwe are some of the countries with state funding provisions for political parties.

There are however marked differences in the manner in which such funding is made available: in some countries the funding is restricted to election periods, while in others it is provided between and beyond the election period. The requirement in most cases for parties to qualify for funds is that they garner a prescribed number of seats in parliament.

Figure 3.1: Parties per Parliament
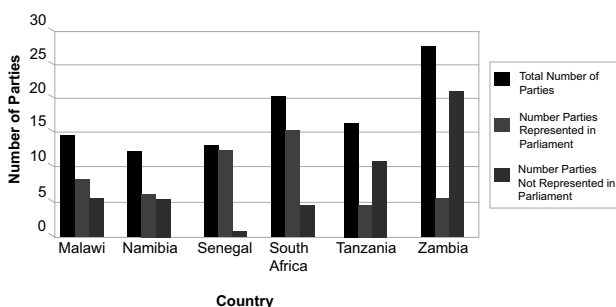
That being the case, it is hardly surprising that only one or two parties will in the end benefit from state resources. The level of funding available to a particular party will assist in levelling the playing field to some extent: they will be able to employ campaign staff, acquire transport to access the remotest parts of a country and deploy advertising in print and electronic media, as well as other communicative technologies (IDEA, 2000).

Because of the preconditions attached to accessing party funding, the reality is that launching a new party often means struggling against existing older parties in nearly all spheres. New parties will not have the organisational skills, finances or administrative systems to survive beyond an election or two. Often, they will also not have an ideology and will be guided simply by the desire to seek high office. While some of the current opposition parties were formally in power at independence, such as the United National Independence Party (UNIP) in Zambia and the Malawi Congress Party (MCP), most of them were formed in the early 1990s and will have narrow political bases (IDEA; 2000; UNECA, 2005). Most opposition political parties are headed by patrons who not only finance the institutions but also provide the leadership and they often have to close down after losing at the polls.

In Malawi for instance, of the nine parties that won parliamentary seats in the 2004 election, only three were more than ten years old. These were the Malawi Congress Party, the Alliance for Democracy and the United Democratic Front. The rest were created within three years of the 2004 election. In Zambia, nearly all the opposition parties that contested the second multi-party election in 1996 had collapsed by the time the country held its third election in 2001, except for UNIP which in fact boycotted the poll. Riddled with a range of institutional inadequacies, political parties may find epidemic such as HIV/AIDS weaken them further. There are three levels at which HIV/AIDS may impact on political party structures:

- **Organisational: The loss of cadres and members affects electioneering capacity;**
- **Financial: Loss of members reduces subscriptions;**
- **Leadership: The loss of a patron may mean the end of a party or compromise electoral viability and financial status.**

Voter participation

Without the support and participation of citizens, the legitimacy of our political systems is to be doubted. Our emphasis on citizen participation in governance processes in this regard was to determine to what extent, if at all, AIDS sickness and care-giving prevents people from adding their voices to the policy arena. Low participation can be problematic for democracies as issues of legitimacy creep in when too few people are involved in electing a government. Political scientists have warned about low participation in elections across the world for decades. Although turn-out as a percentage of registered voters in some cases may appear impressive, it can be disheartening when calculated as a percentage of eligible voters or the Voting Age Population (VAP).

Africa has not been spared this scrutiny and in several instances relatively low participation has been attributed to political disillusionment, poor incentives to vote, lack of service delivery by successive regimes, poverty, lack of transport, inaccessible terrain and the weather. Valid as these might seem, for a long time no consideration was given to AIDS as contributing factor.

If millions of people are ill, or are tending to sick relatives, surely they would be inclined to consider matters of personal survival ahead of attending a rally or standing in a long queue to elect a candidate for parliament unless of course there is a real belief that electing a particular candidate might dramatically usher in an era of better health care, non-discrimination in employment and accessing other economic goods. So there would be two sides of the same coin: either HIV/AIDS drives people underground and causes them to withdraw from the electoral process or it serves as a catalyst for infected and affected peoples to hold their representatives accountable for (lack of) service delivery.

We are supported by the outcomes of the Afrobarometer surveys which provide an analysis of citizen perceptions of state performances, in particular affecting health and AIDS. Through this instrument, we seek to understand whether AIDS is considered a national priority by Africans; the extent to which people experience HIV/AIDS at a personal level and their expectations in terms of government responsibility. While the Afrobarometer experts have done their own analysis of the findings, we attempt to go further in some respects to find other explanatory factors that cause Africans to express certain views. We therefore ask the question: does HIV/AIDS positively or negatively affect voter participation; if so, in what ways?

4. Terminologies

In the course of discussing the spread of AIDS on the African continent, we shall constantly use words such as prevalence or incidence which might, in error, be confused by readers who are unfamiliar with the terminology. Prevalence refers to existing infections in the 15-49 age bands while incidence denotes new infections occurring in the same cohort each year. The 15-49 age cohort is the UNAIDS recommended measure to understand the extent of HIV in a population (or the percentage of persons aged between 15 and 49 who are infected with the virus (NAC, 2004)). This in effect means a 16% prevalence rate translates into 16% of 15-49-year olds being HIV-infected. It would not imply that 16% of the entire population in a country is infected, an error that AIDS experts constantly remind us in communicating HIV/AIDS national status (ibid).

5. Choice of countries

We selected the countries for this study on the basis of their electoral systems which needed to be compared in respect of their vulnerability to HIV/AIDS. In order for us to understand the dynamics of the disease, we needed to see whether countries with lower prevalence rates had a relatively low attrition rate among elected representatives, for instance. Southern African countries have exceedingly high levels of HIV in adult populations. Except for Mauritius, Seychelles and unexplored Angola and DRC, the other ten countries in the region carry a large caseload of HIV/AIDS cases (eight of them have adult prevalence of 15% or more).[xx] The four other countries did not fit the bill for our purposes as the first two were islands and quite removed from mainland Africa. Angola and DRC were post-conflict nations with relatively weak institutions which would render it exceedingly difficult for us to gather information that would be reasonably comparable. We elected to include a West African state with a demonstrable record of early responses, a different history of colonisation and cultural experience, and a radically different religious make-up.

The seven countries eventually selected for this study were therefore Senegal, Botswana, Namibia, Malawi, Tanzania, South Africa and Zambia (The Botswana study was not completed in time to form part of this book.)

6. Methodology

In this study, the AIDS pandemic will be considered the independent variable while the electoral process is the dependent variable (Tredoux & Durrheim, 2002).[xxi]

The research has been structured around a standard methodology: Literature reviews of authoritative journals and studies; interviews with political party leaders, electoral officials, parliamentarians, election-based bodies; statistical analysis of epidemiological data, electoral data and Afrobarometer data; focus group discussions with PLWHAs and care-givers who are mainly registered or eligible voters; stakeholder meetings with cross-sectional participation from state and non-state actors.

Stakeholder meetings were held at the beginning of the research process where methodologies were discussed at national level and contributions made by other actors. These have been followed by post-research dissemination meetings with the same group of senior stakeholders where preliminary findings have been tested to the finalisation process. A number of dissemination/stakeholder meetings have also included official involvement from government ministers or speakers/deputy speakers of national parliaments, directors of electoral management bodies and presidents of leading political parties.

7. Limitations

We must, however, also state the difficulties encountered in pursuing this project. To begin with:

*   Records on actual cause of death are not available due to confidentiality considerations. Researchers have had to draw inferences by analysing trends and age cohorts and determine whether they fit the AIDS mortality profiles;

*   The available data on mortality among elected representatives is drawn from different periods of time in some respects. In countries such as Namibia and South Africa information prior to 1994 is scanty or non-existent;

*   Not all countries have institutionalised citizen and voter registration systems; in cases where these exist, they will not always be directly compatible. This renders it extremely laborious for authorities to capture deaths and purge dead electors from the voters' rolls in time. Because of

that, there is a high probability this investigation will not have unravelled the full extent to which voter registration systems have been compromised by AIDS, if at all;

• Some countries have not had a voters' register until recently or have changed the existing roll with every election, rendering longitudinal impact studies almost impossible to achieve as there is no guarantee of the accuracy of previous or current rolls. Also, such information is not directly comparable between countries because of the unique circumstances affecting each of them;

• As with all exploratory research, the project provides answers and also generates a myriad new questions. However, limited resources prevent the investigation of all perspectives that arise from this project.

8. Organisation of chapters and readership

Finally, while our previous publications have tended to be directed more at the academic and policy communities, in this edition we attempt to gravitate toward a general readership. The book is organised into seven chapters; six of these present comprehensive country reports. The overview chapter will provide the background and comparative overview of the outcomes of the multi-country studies. The chapters will discuss at length the following matters:

• The AIDS pandemic, its impact and policy challenges;

• A synthesis of studies attempting to explain the disparities in infection rates between southern and western Africa;

• A brief historical background of the SADC and its collective efforts to fight AIDS (with references to Senegal);

• A definition of the concepts of governance and democratic governance and how they relate to HIV/AIDS;

• A discussion on the electoral processes within the context of democratic governance and its link to HIV/AIDS;

• An overview of the research outcomes and recommendations.

Following the generic framework of AIDS and the electoral process presented in the overview chapter, chapter two will examine the highly uncertain environment in Malawi, particularly controversies around the voter registers and the legitimacy of leadership; chapter three will address the post-liberation scenario in Namibia and the challenge of combating HIV/AIDS for a young nation seeking to consolidate its democratic institutions while chapter four will locate itself in South Africa's politically charged AIDS debate, the electoral reform discourse and the ravages of AIDS amongst registered voters in the nine provinces. In chapter five Tanzania highlights the contradictions of two governments that form a single union: Tanganyika and Zanzibar as the United Republic of Tanzania, and challenge us to understand the disparities in infection between the largely Islamic island and the mainland and also to interrogate the strategic bipartisan political partnership formed by parliamentarians to fight AIDS. Chapter six tackles the case of Zambia where heated debates on compulsory testing for leaders emerged in the wake of a constitutional review effort that seems to ignore the evidence of high attrition amongst parliamentarians from undisclosed illnesses and the impact this might have on the country's political trajectory. Chapter seven on Senegal re-considers the whole notion of democratic governance in highly critical fashion, applying historical and cultural analysis, and speaks to the meaning of democratic governance in Africa within the context of the influences of global capital on both definitions and outcomes of governance.

Endnotes

i   Meehan (1998; p 136, Para 1) asserts that: "what identifies a reasoned choice or action is the element of deliberate weighing or comparing of outcomes, balancing the benefits to humans of selecting each of the alternatives".

ii See Chirambo K & Caesar M (Eds) (2003); AIDS and Governance in Southern Africa: Emerging Theories and Perspective. Cape Town: Idasa.

iii Also known as Low Income Countries Under Stress (LUCUS) that are defined by weak policies, institutions and governance.

iv Youde J. (2001) All the Voters will be Dead: HIV/AIDS and Democratic Legitimacy and Stability in Africa (Iowa).

v   Lately, social researchers in Africa seem to agree that without the

extended family and kinship systems, the impact of HIV/AIDS on African societies would have been much worse. Africa hosts 95% of the 13 million so-called AIDS orphans. See Matshalaga N. & Powell G., (2002) Mass Orphanhood in the Era of HIV/AIDS: Bold Support for Alleviation of Poverty and Education may Avoid a Social Disaster. http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1122118 & IRIN news report: Malawi: Illegal Orphanages Mushroom: http://www.irinnews.org/report.aspx?reportid=61374

vi www.cosatu.org.za/congress/conggg/all-res.htm

vii Author's italicisation.

viii Parsons W. (1995) argues that public policy has to do with those spheres which could be designated as "public"; that are held as common to all; the dimension of human activity which is regarded as requiring governmental or social regulation or intervention or at least common action.

ix Author's italicisation.

x Statement by Peter Piot, Director, UNAIDS, UN University, 2 October, 2001. http://www.africaaction.org/docs01/piot0110.htm

xi For instance the SADC Declaration on Gender and Development of 1997 seeks gender balance, recognising the disadvantaged position in decision-making mechanisms, concerns arising from the Beijing Declaration and Platform for Action. See The SADC MPs Companion on Gender and Development in Southern Africa (2002) SARDC/SADC-PF.

xii Author's italisation.

xiii In *Deepening Democracy in a Fragmented World. UNDP Human Development Report 2002.* New York, available at www.undp.org p: 51, the UNDP states that "from a human development perspective, good governance is democratic governance".

xiv See Matlosa K., Chiroro B., Letsholo S., (2007): Politics of Electoral System Reform and Democratisation: Contemporary Trends in Southern Africa. EISA; Johannesburg. Conference paper.

xv Reynolds et al (2005): Electoral System Design: the International IDEA Handbook: IDEA: Stockholm.

xvi The SADC MPs Companion on Gender and Development in Southern Africa. Harare (2002): SARDC/SADC Parliamentary Forum.

xvii Zambia National Women's Lobby Group: End of Year Report January-December 2001; Submitted to Netherlands Embassy; p 19.

xviii http://www.statistics.gov.uk/census2001/cb_8.asp. The resolution of Cosatu's 8th National Congress in 2003 sought to introduce a 65% constituency-based system combined with 33% proportional representation.

xix SADC Parliamentary Forum: (2001) Norms and Standards for Elections in the SADC Region: Windhoek: SADC-PF.

xx SADC and International Cooperating Partners: Framework on Regional Support to HIV and AIDS in Southern Africa. 2006.

xxi Tredoux C. & Durrheim explain that "Variables are measured entities (or attributes of entities that can take on different values i.e. as height, weight. Independent variables are variables that are presumed to affect or determine other variables. Dependent variables are affected or determined by independent variables" pp 9-14).

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