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2012 Senegalese Elections

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Stephanie M. Burchard

Executive Summary

- Despite Senegal's reputation for peace and stability, elections have historically been characterized by manipulation, fraud and in some cases violence. The 2012 elections were arguably the most violent in Senegalese history with at least 6 deaths and hundreds injured during the month leading up to the first round of elections held February 27, 2012.
- Unlike electoral violence in countries such as Kenya and Zimbabwe, the violence in Senegal was not organized by political actors as part of larger campaign strategy, but borne out of frustration and happenstance. The violence surrounding the 2012 election can be characterized as "incidental" –meaning that the violence occurred as a result of protesters engaging state security forces in disputes over the fairness of the electoral process.
- The major triggers of the 2012 electoral violence included: an attempted power grab by an unpopular incumbent politician, Abdoulaye Wade; the belief that Wade would go to almost any end to secure entrenchment; and pre-existing civic organizations prepared to mount a sustained challenge to these attempts.
- The violence defused and de-escalated after the first round election results were respected by Wade, signaling to the opposition that further attempts to remain in power were unlikely.
- The Senegalese case underscores how transparent management and observation of elections can, by preventing electoral fraud, reduce tensions over the electoral process and promote peaceful transfers of power.



INSTITUTE FOR DEFENSE ANALYSES

GLOBAL COVERAGE ANALYSES PROGRAM – AFRICA ELECTIONS, REGIME SUCCESSION, AND GOVERNANCE



TRENDS IN DEMOCRATIZATION AND ELECTORAL VIOLENCE IN AFRICA

2012 SENEGALESE ELECTIONS

Dr. Stephanie M. Burchard

March 18, 2013

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2012 Senegalese Elections

Introduction

In early 2012, Senegal held two rounds of contentious presidential elections. Many were concerned that mounting domestic unrest could cause significant political instability and derail democratic progress in a country viewed as one of Africa's success stories. Despite these concerns, Senegal ultimately experienced a peaceful transfer of power, but this election was arguably Senegal's most violent to date. There were riots, protests and estimates of 6 to 15 fatalities and scores injured. While Senegal does have a history of tumultuous elections, the 2012 pre-election violence was jarring for a country which many characterize as one of the most peaceful on the continent.

During the electoral period, conditions seemed ripe for prolonged violence and upheaval. Nonetheless, Senegal was able to peacefully resolve its electoral conflict and the incumbent accepted the results of an election that resulted in his defeat. Some commentators have hailed the 2012 election as an example for the rest of Africa, which frequently experiences election-related conflict². While to some extent this praise is deserved, the Senegalese elections underscore *both* lessons for the resolution of electoral conflict and also how the receding of democratic practices can create the space for election-related violence to occur. It is helpful to remember that after the election of 2000, many praised Senegal for consolidating its democracy and showing democratic maturity.³ The opposition victory in 2000, however, belied the autocratic tendencies of its leader, Abdoulaye Wade. This paper examines the nature of electoral violence in Senegal's 2012 elections, the conditions which triggered such violence, and the mechanisms which ultimately defused the violence. Critical to understanding the outcome of Senegal's 2012 elections is the history of Senegal's democratization process. To that end, this paper reviews the governance of Léopold Sédar Senghor and the transition to democracy under Abdou Diouf before turning attention to Wade's regime and the 2012 elections.

History of Senegalese Elections

Senegal obtained independence from France in 1960. Unlike many of its continental counterparts, Senegal experienced a peaceful decolonization process with power handed over from the French colonial administration to its first post-independence government under Léopold Sédar Senghor. Since then, Senegal has held regular elections and, despite one coup attempt in 1962, has never experienced adverse regime change.

Senghor, an elected politician under the colonial regime, was elected Senegal's first president and remained so until his voluntary retirement in 1981. During his two decades as

president, Senghor allowed for elections but imposed various restrictions on party competition. He was re-elected president in 1963's general election with 100 percent of the vote. Senghor's political party, the Senegalese Progressive Union (UPS), won all 80 seats in the National Assembly with 94.2% of the popular vote. Elections held in 1968 and 1973, saw Senghor and the UPS run unopposed. During this period, Senegal operated as a de facto single party state.

Prior to presidential and legislative elections in 1978, Senghor introduced a novel piece of legislation that mandated the expansion of the Senegalese party system to include three ideologically designated parties. The Socialist Party (PS), successor to Senghor's UPS, would represent the "Socialist" position, the Senegalese Democratic Party (PDS) would represent the "Liberal" position, and the African Independence Party (PAI) would represent the "Marxist-Leninist" position. Senghor was elected president with 82% of the vote. The opposition candidate, Abdoulaye Wade from the PDS, received the remaining 18% of the vote. The 1978 election marked the first of Wade's four unsuccessful bids for the Senegalese presidency. The PDS won 18 seats in the National Assembly (out of 100) but, alleging electoral fraud, refused to accept them.

In 1981, Senghor stepped down and turned over the presidency to Abdou Diouf, his prime minister. Diouf lifted the remaining restrictions on party formation and operation; however, it has been remarked that Diouf merely tolerated the opposition and that under his presidency there was no true electoral competition as he imposed different yet more restrictive regulations. Nonetheless, political parties proliferated in the 1980s. Eight political parties participated in the 1983 National Assembly election (although only three were awarded assembly seats). Six parties participated in the 1988 National Assembly election but only two parties (PS and PDS) received sufficient vote support to earn seats.

The 1988 elections were especially problematic as riots and protests broke out after the results were announced and Wade and the opposition claimed fraud. Wade was charged with inciting violence and brought to trial. Protests continued throughout Wade's trial until President Diouf called for amnesty and agreed to engage in discussions with the opposition on issues including electoral reform. While the talks stalled, after the opposition boycotted local elections in 1990—and violent protests followed these elections as well —Diouf invited Wade and other prominent members of the opposition to form a government of national unity. He also impaneled a commission with members drawn from all political parties to reopen discussions on electoral reform. These discussions resulted in sweeping reforms, many of which were meant to eliminate opportunities for fraud. Reforms included the adoption of the secret ballot, the use of indelible ink to prevent voters from casting more than one ballot, and the incorporation of representatives from opposition political parties at all stages of the electoral process. It was hoped that these reforms would result in more transparent and competitive elections but, unfortunately, the 1993 elections were marked by angry mobs, delayed results, the resignation of the chair of the Constitutional Council, and the assassination of the deputy chair of the

Constitutional Council Babacar Séye. ¹⁵ Nonetheless, the 1993 elections were considered to be more peaceful than the 1988 elections. ¹⁶

Because of changes in the term of office for the president adopted as part of the previous reforms (tenure of office increased from 5 years to 7 years, limited to 2 terms), the 1998 elections were for the National Assembly only. They passed without incident. The 2000 elections, however, were believed to be a watershed moment in Senegal's history as longtime opposition candidate Wade unseated the incumbent Diouf in the country's most peaceful elections to date. Diouf won a plurality of the votes in the first round of elections held in February 2000, 41.3% to Wade's 31%. But in the second round, held in mid-March 2000, the opposition united to defeat Diouf and Wade won with 58% of the total vote. This election represented the first defeat for the Socialist Party/Senegalese Democratic Party since independence in 1960.

Commentators hailed the 2000 election as a turning point for Senegalese democracy after Diouf graciously accepted defeat and turned power over to Wade and the PDS. Once in power, however, Wade behaved much like his predecessors. He used political institutions as he saw fit. He introduced 25 constitutional amendments during his first 10 years in office, including a comprehensive overhaul as part of the 2001 constitutional referendum. He abolished and then reintroduced the Senate when he felt it was politically expedient to do so. He postponed elections in 2006, 2007, and 2009. During his first term in office, Wade appointed four different prime ministers including future opposition candidates Idrissa Seck and Macky Sall.

Mbow (2008) characterized Wade's presidency as "electoral authoritarianism" and decried Wade as a personalistic ruler with monarchical tendencies. ¹⁹ She identified his frequent shuffling of ministerial portfolios—including the position of prime minister—his abuse of appointment powers over the Autonomous National Electoral Commission (CENA) and the Constitutional Court as well as the harassment of journalists and intellectuals as evidence of Wade's attempt to consolidate his rule over Senegal. ²⁰ According to Kelly (2012), despite the hope that Wade's presidency would usher in change, his leadership style was very similar to Senegal's first president Léopold Senghor. Wade packed the Constitutional Court with allies, ignored the advice of CENA, delayed elections in order to ensure victory for his coalition, and censored journalists who wrote unfavorably on Wade and his son Karim. ²¹

While there was a noticeable decrease in electoral violence between 1988 and 2009,²² there was also a contraction of opposition party operating space. The 2007 elections saw a major opposition boycott of legislative elections. Galvan (2008) argued that, while the both presidential and legislative elections were "procedurally correct," there was significant evidence of "heavy-handedness and a marked tendency toward personalism." In addition, the opposition overestimated their chances of forcing a run-off in the first round of presidential elections and when Wade won a majority of votes (55.9% to second place candidate Idrissa Seck's 14.9%), the opposition was sufficiently demoralized that they opted not to participate in the subsequent legislative elections. Their strategy was to regroup in order to effectively contest local elections

in 2009. From 2008 to 2009, the opposition held a series of meetings around the country known as "Assises Nationales" in which the opposition met with local leaders to discuss ways in which the opposition could unite and oppose Wade's rule.²⁴ In 2009 local elections the opposition coalesced under the banner "Benno Siggil Senegal" and was able to secure several key victories over Wade's coalition, especially the indirect defeat of Karim Wade as mayor of Dakar.²⁵ In 2011, the opposition was so confident of a 2012 victory that they "regularly suggest[ed] that any other outcome could only be produced by fraud."²⁶

Election Violence and the 2012 Elections

In hindsight, Senegal's 2012 presidential election crisis was years in the making. Despite repeatedly assuring voters that he would only seek to serve two terms in office—and after reintroducing term limits in 2001 as part his comprehensive constitutional reform—Wade reversed course in 2009. Many commentators attribute Wade's change in attitude to his failed attempts at installing his son Karim as his successor. It was after the local and regional electoral losses in 2009 that Wade announced that he intended to run for a third term in office. He claimed that the two-term limit provision of the Constitution did not apply to him as it was enacted in 2001, a year after he began serving his first term in office. As such, term limits did not include Wade's 2000-2007 term in office and he should be cleared to run for another term.

In June 2011, Wade attempted to enact a flurry of reforms affecting political succession (optional position of vice president) and changing the electoral threshold to win the presidency (reducing the requirement from 50%+1 to 25%). Wade's 2011 announcement of possible constitutional changes led to formation of several civil society oppositional groups including the M23 Movement and "Ne Touche Pas Ma Constitution." "Y'en A Marre," a collective of social activists and musicians that had formed in January 2011, allied with the other movements in order to protest Wade's power grab. Indeed civil society was so organized that, according to one civil society leader, not a week went by without a major stakeholders meeting. Protestors descended on the capital almost immediately. Because of the sustained protests of these groups—and after more than 100 protestors were injured—Wade retreated and rescinded the proposals, but he did not back down from his insistence that he was eligible to run for another term as president. Instead, he waited until January 2012 to officially announce his candidacy and relied on the Constitutional Court to favorably interpret the statute regarding presidential term limits.

In the interim period between June 2011 and January 2012, the M23 Movement organized monthly protests and gatherings to maintain pressure on Wade. ²⁸ In December 2011, one of the main opposition candidates Idrissa Seck, who served as prime minister under Wade from 2002 to 2004, presaged the opposition's response to the upcoming presidential election. He stated that if the Constitutional Court were to side in favor of Wade and his bid for a third term as president, that there would likely be violence; that he and his supporters would interpret such a ruling as a violation of the Constitution. ²⁹ He also said that, regardless of who were to come in second place

in the presidential election, he would ally himself with the opposition in an eventual second round of voting.³⁰ Other opposition leaders, such as Ousmane Dieng and Macky Sall, also reiterated Seck's threat of violence if Wade were found eligible for an additional term. Equally as vocal as the calls to violence and protest were the calls for peace. Religious leaders, trade unions, various representatives from civil society and international actors all issued statements leading up to the Constitutional Court's decision appealing for peace ahead of the election.

Wade formally submitted his candidacy for February's presidential elections in January 2012 and awaited the Constitutional Court's decision regarding term limits. The period between Wade's announcement and the Court's decision was noticeably tense. Thousands descended on Dakar as early as January 23rd to await the Court's ruling. In anticipation of protests, the government moved to ban all demonstrations and gatherings in the capital city. After a sharp rebuke by the international community—and reportedly intervention by the European Union—the government rescinded its ban and instead dispatched riot police to Dakar.

On January 27, 2012, the Constitutional Court upheld Wade's interpretation of the statute and allowed his candidacy to proceed. Riots broke out the following day and continued up until the election on February 26th. There were reports of looting, arson, violent demonstrations, and multiple fatalities in the run up to the first round of the election. The opposition staged protests nearly every day, largely in Dakar but also in nearby suburbs and more remote towns such as Podor, Kaoulack, and Tivaouane. Protesters frequently clashed with security forces, resulting in several fatalities. Estimates place the number of deaths anywhere from 6 to 15. According to the Senegalese Red Cross, they treated 153 people for injuries related to pre-election violence during the month of February. The M23 alleges more than 500 were injured in pre-election violence. While not anywhere near the same magnitude of violence experienced in countries such as Kenya, Nigeria, or Zimbabwe, pre-election violence was significant and worrisome for Senegal given its history of peace and stability.

The first round of the presidential election saw Wade win a plurality of votes (35%) to Sall's 27% but due to the 50%+1 majoritarian rules, a run-off was necessary. Wade's failure to secure a first-round victory was a reflection of his growing unpopularity. He was even booed as he cast his own ballot on election day. It took him a few days during the vote tabulation process to concede, but eventually he announced that a run-off was indeed necessary. Interestingly, the day after the election Wade promised that if he were to win the second round, he would form a government of national unity and include many members of the opposition. This type of political maneuvering is reminiscent of the politicking of his predecessor Diouf in the 1988 and 1993 elections, who offered to incorporate the opposition into government as a way of appeasing protestors.

After the first round of elections, the violence stopped. There were no more protests or demonstrations. The opposition united behind candidate Macky Sall and delivered a second-round defeat to Wade. Sall received 66% of the popular vote to Wade's 34%. The evening of the

second round of voting, March 25th, Wade admitted defeat and conceded the election to Sall almost immediately.³⁶

Senegal, while seemingly precariously poised to descend into significant electoral violence, resolved its political conflict through the ballot box and no further challenge was mounted. Given Wade's attempt to groom his son as his successor, his insistence on running despite massive unrest and pressure to step down, and his available resources as incumbent president, it is surprising that he was willing to concede the election so easily. As such there are two related questions that need to be answered: what caused escalation of violence in a relatively peaceful country, and what defused the situation?

In order to address these questions, it is important to examine the character of pre-election violence in Senegal. Unlike electoral violence in countries such as Kenya and Zimbabwe, the violence in Senegal was not organized by political actors as part of larger campaign strategy but borne out of frustration and happenstance. In Ethiopia, Kenya, Nigeria, and Zimbabwe, for example, election violence is a strategy adopted by political actors to affect electoral outcomes.³⁷ Politicians hire gangs and militias to incite violence in order to intimidate and/or displace voters. The violence surrounding the 2012 election in Senegal can be characterized as "incidental," meaning that the violence occurred as a result of cross-pressured actors who, because of exigent circumstances, were forced into different sides of the same political space. The vast majority of violence was a product of protesters engaging state security forces in disputes over the fairness of the electoral process. Protestors took to the streets to oppose what they perceived to be Wade's attempt at a constitution coup. Wade called up on state security forces to presumably maintain the peace but it is unclear what specific orders they were given. Some have accused Senegal's security forces of using excessive force in their handling of protestors during this period.³⁸ The violence that ensued was not meant to intimidate or displace voters ahead of the election but was a byproduct of two groups of agitated actors (opposition groups and state security forces) occupying a tense and fragile space.

Because of the difference between incidental and strategic violence in terms of actors and intent, it is important to understand the factors that sufficiently incite and agitate actors to choose to place themselves in a vulnerable position where violence is a possible outcome. In Senegal, the major triggers of the 2012 electoral violence include: an attempted power grab by an unpopular incumbent politician; the belief that Wade would go to almost any end to secure entrenchment, as evidenced by his many attempts at manipulating institutions ahead of the elections; and pre-existing civic organizations prepared to mount a sustained challenge to such attempts. Senegal enjoys both a vibrant civil society and significant press freedoms, despite Wade's attempts at censorship.³⁹ Additionally, since at least the 1980s the opposition has steadily pressured successive governments to ensure free, fair and transparent elections. As will be detailed below, there is little room for Senegalese politicians to engage in widespread electoral fraud. Once Wade conceded to hold a second round of elections, he had no extra-

judicial or extra-constitutional means to ensure victory. His fate was sealed and the opposition knew it.

Election Management in Senegal

While there is significant malleability in the political institutions in Senegal, there has been a series of reforms to ensure the autonomous and decentralized management of elections. From 1960 until 1998, election management was under the purview of the Ministry of the Interior. The opposition repeatedly called for autonomous and independent management of elections, alleging fraud and opacity of process; however, the ruling party did not seriously entertain this proposal until the late 1980s. Due to the electoral disputes of the 1980s, especially the violence surrounding the 1988 election, President Diouf established an electoral review commission in 1991. 40 A new electoral code was adopted by the National Assembly in 1992. Key provisions included: mandating the secret ballot, instituting two term limits for the presidency, guaranteeing polling stations be monitored by all political parties, and a slight restructuring of the management of elections. 41 In spite of these reforms, fraud occurred much as it had during the previous periods. After problems associated with local elections in 1996, a group of 19 opposition parties came together and called for the establishment of an independent electoral commission. 42 After several rounds of discussions, Senegal's first independent electoral oversight body was created: the National Elections Observatory (ONEL). ONEL oversaw the 1998 and 2000 elections, notable for the first defeat of a PS presidential candidate (Diouf) and the peaceful alternation of political power from the ruling party to the opposition. The ONEL, however, was only responsible for monitoring and supervising elections; the Minister of the Interior still retained responsibility for organizing and conducting elections.

In the mid-2000s, there were again calls from opposition parties and civil society to enhance independent electoral management in Senegal in order to promote fair and transparent elections. The (new) ruling party preferred to strengthen the existing authority, the ONEL, while the opposition wanted to create a new and wholly independent permanent body. ⁴³ After consultation with all political parties, in 2005 Wade and the National Assembly approved the establishment of CENA. CENA supervises elections and the Minister of the Interior conducts elections. The Directorate of General Elections (DGE), located within the Interior Ministry, collects and maintains voter registration lists, produces the ballots, conducts civic education and awareness campaigns, and trains election officials, amongst other responsibilities.

CENA is composed of 12 appointed members who serve staggered six-year renewable terms. They are appointed by the President, with a limited amount of consultation with civil society, but there is no provision for removal of CENA members. Furthermore, CENA makes its decisions in secret. CENA is responsible for supervising all stages of the electoral process. It has the power to sanction government officials for electoral offenses and is a joint party to all legal proceedings related to electoral offenses. While CENA is still vulnerable to pressure from the Executive, it exhibits a tremendous amount of independence compared to other countries in the

region.⁴⁵ It has full budgetary discretion and its budget is approved by the legislature, not the executive.⁴⁶ CENA is viewed by domestic groups as a partner to civil society and its independence is generally respected.⁴⁷ In addition to the Ministry of the Interior and CENA, there are several other bodies who participate in Senegalese elections. These include: the Ministry of Foreign Affairs, the National Coalition for the Regulation of Broadcasting, and the Courts.

Domestic groups also play a large and important role in monitoring elections. In 2012, opposition parties dispatched monitors to all 11,000 polling stations. ⁴⁸ The domestic group, Réseau des Observateur Citoyens (Network of Citizen Observers, RESOCIT), a very broad network which comprised groups beyond traditional civil society, alone deployed 5,000 observers during the presidential and parliamentary elections. ⁴⁹ RESOCIT was an initiative of the Gorée Institute and the Collectif des Organisations de la Société Civile pour les Elections. It was established in March 2011. Additionally, the press provided live feeds of tabulation of results as they were reported. ⁵⁰ During the elections, RESOCIT established a "Situation Room" to create a technical platform to monitor elections, violence, and real-time results. ⁵¹ Members of the political parties were invited to participate. An important task of the situation room was to develop scenarios and responses. For example, they had a response prepared if Wade would not concede. The plan was to inform all the media houses of this breech. The ruling party was also aware of these scenarios.

In short, there was little room in the electoral process to engage in manipulation or fraud. Because of this known reality, Wade attempted to adjust electoral institutions well in advance of the elections to make victory easier for him to obtain. The 25% threshold for a first round victory could have been achieved with no fraud, as evidenced by his eventual showing in the first round. Lowering the threshold for a first-round victory was important because Wade knew as early as June 2011 that he would likely not obtain a majority of electoral support. There are reports that he was polling approximately 27% support at that point. ⁵²

Conclusions and Inferences

The 2012 election campaign in Senegal was marred by protest, violence, intimidation and attempted constitutional manipulation by incumbent president Abdoulaye Wade. His candidacy was announced despite legislation—which Wade authored in 2001—prohibiting an individual from serving more than two terms as president. Both the first and second rounds were tense but the month before the first round was particularly turbulent as protests, riots, and looting persisted for weeks on end. There were estimates of between 6 and 15 fatalities reported and hundreds of injured as a direct result of the violence.

Interestingly, the violence defused and de-escalated after the first round election results were respected by Wade, likely signaling to the opposition that further extra-judicial attempts to remain in power were unlikely. An examination of electoral management in Senegal and consequently the opportunities for fraud confirm that it would have been very difficult for Wade

to have stolen the 2012 election. Political actors in Senegal do not benefit from the opacity found in other systems such as Kenya and Zimbabwe. The Senegalese case is instructive as it underscores how transparent management and observation can, by preventing electoral fraud, reduce tensions over the electoral process and promote peaceful transfers of power. In addition, as the violence that occurred was incidental to the electoral process and not a deliberate attempt to affect the election, once there were clear signals that the elections would proceed with minimal manipulation and fraud—not because actors refused to engage in fraud but because there were limited opportunities for fraud—the protests, and hence the violence subsided.

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This report discusses the two contentious presidential elections held in Senegal in 2012. Although Senegal ultimately experienced a							
peaceful transfer of power, this election was arguably Senegal's most violent to date. There were riots, protests and estimates of 6 to 15							
fatalities and scores injured. While Senegal does have a history of tumultuous elections, the 2012 pre-election violence was jarring for a							
country which many characterize as one of the most peaceful on the continent.							
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