

# Shielding elections from presidential influence

Lessons from Cabo Verde, Comoros and Madagascar

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Cabo Verde and Madagascar require a sitting president seeking re-election to step aside in the run-up to the polls. Electoral observers have found that this little-known practice in the two island nations has helped level the electoral playing field. This report discusses the merits and challenges of the practice. It argues that implementation offers some useful lessons for cases where the abuse of incumbency is a threat to electoral processes.

## Key findings

- ▶ The experiences of the African countries discussed in this brief show that incumbents seeking re-election can resign or leave office without any major disruption to government business but with a significant improvement in conditions surrounding fairness in electoral outcomes.
- ▶ African states grappling with incumbency abuse, recurring power struggles among political elites and persistence opposition protests over electoral outcomes ought to consider the adoption of the practice as an important step in their quest to level the political playing field for all actors.
- ▶ Countries with entrenched and recurring contestation over electoral outcomes will find this practice immediately relevant as it significantly affects citizens' perceptions about election results. While not a silver bullet for addressing all of Africa's democratic ills, the practice is useful for dealing with perceptions of the manipulation of votes and the rigging of the polls – problems which have contributed immensely to post-electoral violence and political instability on the continent.

## Recommendations

- ▶ The practice should not be adopted in isolation, but as an addition to a set of practices rolled out towards improving good governance and levelling the political playing field. It is, thus, particularly useful in a context of a tangible commitment to the rule of law, electoral fairness and democratic consolidation.
- ▶ The stepping aside of an incumbent alone is not enough to guarantee the levelling of the political playing field in a given country. In cases where strong incumbent political parties exist, structural responses ought to be concurrently rolled out to neutralise any attempt to abuse incumbency at the party level.
- ▶ To optimally benefit from the practice, there is a need for constitutional provisions to be clear on who takes over from the incumbent. This prevents cases where incumbents appoint loyalists to act in their favour upon their resignation.
- ▶ There is also a need for extensive voter education as well as securing the buy-in of a country's political stakeholders to facilitate its smooth implementation.
- ▶ Continental and regional good governance and electoral frameworks, such as the AU's African Charter on Democracy, Elections and Governance and the ECOWAS Protocol on Democracy and Good Governance, should consider establishing guiding principles for member states that consider the adoption of this practice. This will facilitate its smooth and guided adoption on the continent.
- ▶ Despite the promising relevance of the practice, however, its form and nature are still not well understood. The practice is also not well known in many policy circles on the continent. This calls for further research, intellectual interrogation of the concept and continental dialogue on its relevance in emerging democracies.

## Introduction

The tendency for incumbent leaders or political parties to use state resources to gain an advantage over their opponents in electoral processes – often termed the abuse of incumbency<sup>1</sup> – is a major concern for democracies across the world. In emerging democracies in Africa, the prevalence of the phenomenon has undermined electoral outcomes, fomented voter apathy and spurred election-related violence with dire implications for state stability.

Practices in the abuse of incumbency range from voter intimidation to use of state resources for political campaigns, unequal access to state media and the capture of electoral institutions, among others. The prevalence of this phenomenon has raised serious concerns about the integrity of democratic processes in countries where it is known to occur.

Efforts to address the phenomenon have consequently informed a number of practices. These include the strengthening of state oversight institutions, the promulgation of constitutional and electoral laws safeguarding the impartiality of public entities<sup>2</sup> and the improvement of the transparency of electoral processes through the involvement of civil society actors, among many others.

Existing strategies don't address the imbalance between incumbent and opposition candidates

Despite the contributions of the various response strategies in Africa, however, the abuse of incumbency remains a major challenge. This is in part due to the weak enforcement of existing electoral laws and the inability of responses to prevent unscrupulous and corrupt political leaders from unfairly using their powers to their advantage.

Even in their best forms, existing strategies do not effectively address the imbalance between the weight of an incumbent presidential candidate who still maintains control of state resources, and an opposition candidate who has no access to power and resources of equal measure.

In Cabo Verde and Madagascar, attempts are being made to create an even playing field in presidential

elections through legislative provisions that require incumbents to step aside upon the formal confirmation of their candidature for re-election. This approach attempts to deny incumbents access to state power and resources in the run-up to and during elections. It has been implemented in their most recent presidential elections – the 2016 Cabo Verde elections and the 2018 Madagascan presidential election – with mixed but promising reviews but with overall useful lessons for other African countries.

Despite the emerging use of the practice, however, very little is known outside the two countries about the form of the practice, the nature of its implementation and its overall contribution to the creation of an even playing field.

Amid the continental quest for good governance and the rule of law, this little-known practice in the two island nations has been confirmed by electoral observers as having contributed to the levelling of the electoral playing field and the reduction of perceptions of the incumbents' abuse of power during elections. This report discusses the merits of the practice by exploring its benefits as well as the conditions necessary for its adoption in other contexts, with the sole aim of assessing its usefulness as an approach to addressing incumbency on the continent.

The report is divided into three sections. The first discusses the meaning and manifestations of the abuse of incumbency in Africa. The second details the nature and merits of the Cabo Verde and Madagascan experiences. The last section reflects on conditions for the applicability of the practice in other African cases.

The report argues that though the practice is not a silver bullet for addressing all of Africa's democratic ills, its implementation offers useful lessons for other African cases where the abuse of incumbency remains a threat to electoral processes. Its success is, however, dependent on the existence of strong political will and consensus in the ruling class to respect such a practice.

## What is abuse of incumbency?

The advent of democracy in Africa has given rise to competitive elections as the principal channel for access to state power, alternation of leadership and control of state resources. At the heart of the competition for access, however, is keen contestation between incumbent governments and opposition groups.

Whereas incumbents aim to retain power by all means necessary, opposition groups work primarily to gain power.

In the process, incumbents exploit their stay in power to gain an advantage over the opposition by using state resources unavailable to their opponents. According to Erwin Chemerinsky, such 'use of government resources, not available to any other candidates, to aid an incumbent running for re-election'<sup>3</sup> constitutes an abuse of incumbency. Government or state resources, in this sense, refers to the financial, institutional, regulatory and enforcement endowments of the state.<sup>4</sup>

While such a move technically constitutes an abuse of resources at the micro level, when done to extend the stay of an incumbent, it amounts to an abuse of incumbency as well. The abuse of incumbency can, therefore, be an outcome of the abuse of an incumbent's power and office. In most cases in Africa, incumbents do not just take advantage of government resources at the expense of the opposition,<sup>5</sup> but most times also work to deprive opposition groups access to any other form(s) of opportunity. Such moves aim primarily to weaken the opposition to enhance the chances of the incumbent.

### Real or perceived abuse of incumbency undermines electoral outcomes

In strong democracies, the avenues for the abuse of incumbency become limited by strong laws and institutions. In weak democracies, however, the overbearing dominance of ruling parties grants them limitless opportunities to exploit both the structures and the resources of the state. Discussing the manifestation of abuse of incumbency in the context of American politics, James Gardner argues that incumbents abuse their powers either by private enrichment, in which case the official and/or those related to him benefit, or through the use of state resources to keep themselves in power.<sup>6</sup>

In Africa, it manifests in multiple ways but largely in the following forms. First is coercive abuse, in which opposition candidates/parties are prevented from accessing certain services, resources and events that could enhance their political activities. These include preventing or limiting opposition access to the media and

campaign events. Also used are voter intimidation and sometimes the incarceration of opposition candidates to take them off the political scene during elections.<sup>7</sup>

The second form of abuse by incumbents manifests as corrupt practices by which state resources, personnel and equipment are used to support the political campaigns of parties in office against the provisions of electoral laws and without giving equal access to opposition actors. This second category includes cases in which incumbents exploit, bully or influence electoral officials, capture electoral bodies or influence state institutions, many of which are headed and controlled by their allies, in their favour.

The third common form is vote-buying, with either cash or incentives in exchange for votes. As part of this approach, incumbents instrumentalise development projects by timing or locating them in places that enhance their political fortunes. In Ghana, for example, it is not uncommon for incumbents to either commission or cut the sod for new projects close to election day or as part of election campaigns.

Real or perceived abuse of incumbency undermines electoral outcomes and the legitimacy of political leadership. It erodes the confidence of citizens in elections as a tool to hold elected officials accountable and to keep democracy in check. The prevalence of abuse of incumbency in Africa, therefore, constitutes a major electoral fraud that undermines political participation.<sup>8</sup>

### How two countries approached the problem

Different countries have different practices for addressing abuse of incumbency. This section discusses the requirement for incumbents to step down before presidential elections in the cases of Cabo Verde and Madagascar, using the 2016 and 2018 elections, respectively, in the two countries. It focuses on how the approach works in those countries and discusses inherent challenges and associated benefits.

#### Cabo Verde

Cabo Verde has been ranked as one of Africa's most stable democracies, evidenced by the successive peaceful transfer of power between the country's two main political parties and commendable transparency in elections. However the 2016 elections in Cabo Verde took place in the context of a peculiar political experience.

In the 2011 elections, the Partido Africano da Independência de Cabo Verde (PAICV) won a majority in Parliament while the opposition Movimento para a Democracia (MPD) held the Presidency. As a result, the prime minister, José Maria Neves, belonged to the ruling party, the PAICV, while the president was from the opposition (MPD), which had no representation in the Cabinet.

## The resignation of the president helped to strengthen the equal treatment of candidates

Being the first time this had happened in the country's democratic experience, the period between 2011 and the 2016 elections became characterised by political tensions between the president and the prime minister, who wields executive power in the country. The key areas of tension between the PAICV and the MPD were largely around appointments into state institutions such as the Data Protection Authority, the National Elections Committee and the Media Regulatory Authority, as well as foreign policy matters. The tensions resulted in delays in the establishment of crucial state institutions, including the Constitutional Court.

Even though stakes in the elections were very high for the president's opposition party, the MPD, Cabo Verde remained politically stable in the run-up to the 2016 elections. The MPD won with 40 out of 72 seats in the 2016 parliamentary elections. This represented the first time in 15 years that the MPD had secured an absolute majority in Parliament. Though this was a positive indication for President Jorge Carlos Fonseca's move for re-election, it also implied high stakes for the two leading parties.

About two months to the presidential elections, however, Fonseca suspended his mandate as president and handed over power to the speaker of the national assembly, Jorge Santos,<sup>9</sup> in line with Article 383 (a) of the country's 2010 Electoral Act, which requires that:

'Candidates for the election of the President of the Republic are entitled to suspend the exercise of their functions, whether public or private, from the date of submission of their applications until the day after the elections.'<sup>10</sup>

Fonseca contested the presidency as a former president and emerged victorious with 74% of votes against 22.5% for Albertino Graça, the closest opposition candidate. Various assessments have described the elections as peaceful and transparent though characterised by less vibrant campaign activities and a low voter turnout, blamed largely on election fatigue. According to the election observation mission deployed by the Economic Community of West African States (ECOWAS), among the many issues which contributed to the success of the elections was the fact that:

... political parties and candidates behaved in an exemplary manner and complied with the texts and laws governing the process. The Communications Regulatory Authority (CRA), in accordance with the law, created the enabling conditions to ensure *equal and cost-free access of candidates to public and private media*.<sup>11</sup> [Emphasis mine.]

It is difficult to isolate the actual direct contribution of Fonseca's resignation to the peaceful outcome of the electoral process because it took place in the context of several other preparations.<sup>12</sup> However, the move directly demonstrated the respect of the incumbent for the electoral laws of the country, as correctly identified by the ECOWAS observer mission.

According to the African Union (AU) electoral observer mission for the 2016 elections, the resignation of the president (as per the provisions of Article 383 of the country's Electoral Act) 'helped to strengthen the equal treatment of candidates.'<sup>13</sup> This was possible given the fact that the suspension of Fonseca's public and private functions limited his ability to have taken advantage of his stay in office and to exploit his office to seek favours to his advantage as a sitting president.

## Madagascar

The 2018 presidential elections in Madagascar is another case in which the incumbent was required by law to resign before the polls. According to Article 46 of the 2010 Malagasy Constitution, '[T]he President of the Republic in office who stands as a candidate to the Presidential elections resigns from his position sixty days before the date of the Presidential ballot.'<sup>14</sup> In respect of this provision, President Hery Rajaonarimampianina resigned from office two months ahead of the November 2018 presidential elections and handed over the reins

of government to the president of the senate, Rivo Rakotovoao, a known ally.

The significance of Rajaonarimampianina's resignation can be appreciated if placed in the context of the perennial power struggle that has characterised the country's political history since 2001. Though Madagascar has endured numerous political challenges since the advent of multi-party democracy in 1975, the post-election power struggle between then-president Didier Ratsiraka and opposition leader Marc Ravalomanana after the 2001 elections remains the most serious political crisis the country has witnessed since independence.

### The post-2001 elections power struggle remains Madagascar's most serious political crisis since independence

The crisis originated from contestation between the two presidential candidates as to who won the elections. Official polls indicated that no candidate had won a majority, but Ravalomanana claimed victory and declared himself president even before the second round of elections could be held to decide on the ultimate winner. The move ignited a chain of events that led to the existence of two governments fighting for control of the country. Ravalomanana ultimately gained control of the government and became the president of the country, though in the beginning with limited international support.

The conflict divided the country and derailed political and economic progress. It also led to major challenges in the country's post-2001 political history.

First, the unrest that marked the immediate post-2001 election period became a regular occurrence under Ravalomanana's government, which witnessed periodic outbreaks of unrest and two failed coup attempts. Second, the nature of the 2001 contestation between Ratsiraka and Ravalomanana has since become a template for political contestation between popular opposition figures and sitting presidents.

Third, successive Madagascan elections have become volatile and characterised by accusations of incumbent manipulations, fraud and electoral malpractice. Since 2001, such accusations have become the basis for

mass unrest, violence and political instability with dire consequences for the country's democracy.

This became apparent after Ravalomanana's re-election in 2006, when Andry Rajoelina, a leading opposition figure, accused Ravalomanana of misappropriation of funds and called for him to resign. The resultant power struggle between the two led to a political stalemate similar to the 2001 political crisis between Ravalomanana and his predecessor.

With the backing of the army, Rajoelina took control of the government, a move which led to the suspension of Madagascar from both the Southern African Development Community (SADC) and the AU and led to the country's international isolation. International mediation efforts widened the actors beyond Rajoelina and Ravalomanana to include their predecessors Ratsiraka and Albert Zafy, who were all key power players in the country's political power struggles.

The lack of political will on the part of Rajoelina to participate in a transitional power-sharing arrangement complicated the political situation further. International efforts resulted in a January 2013 SADC plan which prevented both Rajoelina and Ravalomanana from standing in the 2013 presidential elections. While not being on the ballot, however, both politicians had major allies contesting. Consequently, Hery Martial Rajaonarimampianina, a known ally of Rajoelina, won the elections amid allegations of electoral manipulations from the remaining 29 candidates who vied for the presidency.

Rajaonarimampianina's presidency failed to bring an end to the power struggle and political unrest that characterised the country's pre-electoral political landscape. He was also unable to consolidate his power base. By 2015, Rajaonarimampianina's popularity had dipped so considerably that lawmakers sought his impeachment based on allegations of disrespecting Parliament. His relationship with Rajoelina and his supporters also soured badly.

In an apparent move to consolidate his power base in the run-up to the November 2018 presidential elections, Rajaonarimampianina introduced new electoral laws in April seeking to prevent certain politicians, including Ravalomanana, from contesting in the next elections. The move was interpreted by many Malagasys as an attempt to increase his chances in the presidential

elections and was rejected by the country's High Constitutional Court, which also ordered the formation of a coalition government to end the political crisis. Madagascar's electoral laws expressly prohibit leaders from using or exploiting their offices for electoral advantage. Resulting civil unrest further eroded the popularity of the president in the run-up to the elections.

The requirement for Rajaonarimampianina to resign in the run-up to the election was thus an important requirement which curtailed further exploitation of his presidency in a way that could destabilise the country further. Many argue that apart from the constitutional provision, the president's popularity had dipped so badly that it was both necessary and easy for him to step aside and not contest that provision of the constitution.

However, given the fact that he still stood for re-election notwithstanding his low popularity, it is clear that his interest in seeking to be returned to power never diminished in any way. The caretaker, the president of the senate, did not contest the election, which would have complicated the situation further. According to the constitution, 'in the event that the President of the Senate himself becomes a candidate, the duties of the State are exercised by the Government, collegially.'<sup>15</sup>

### When incumbents resign, they can no longer directly commission or initiate projects a few days before elections

Amid the country's perennial power struggles, accusations of fraud and political instability that marked successive elections after 2001, the constitutional provision for the president to step aside reduced the extent to which the incumbent was able to exploit the office to influence the outcome of the elections. The resulting levelling of the playing field on the exit of the incumbent reduced the potency of accusations of voter manipulation by opposition candidates. Allegations of electoral malpractices that emerged after the elections by Rajaonarimampianina<sup>16</sup> were, thus, not taken seriously, given the structural responses that had been put in place.

However, handing over power to a known ally such as Rakotovoao, though in line with the constitution, raises important questions. Can the requirement for the

president to step aside be beneficial in the context of extensive influence of his political party, dominance of his allies and a conscious attempt by the president to manipulate the political landscape before resigning? In Madagascar, these dynamics highlight the role of a favourable political context as an important determinant of constitutional provisions for the president to resign.

The acting president, though Rajaonarimampianina's ally, was seen to have committed to fair play and the rule of law, with implications for the elections, which saw the return of Rajoelina to power. Also important in the run-up to the 2018 elections were the loss of popularity, powerful opposition mobilisation and the strong involvement of the international community – all of which impacted on the choice of the president. Many argue that before the elections, the incumbent had become so unpopular that it was difficult even by his standards to do otherwise.

### Benefits of the practice

This practice offers two major advantages in addressing incumbency. The first is a tangible contribution to the creation of a level playing field. This is evident in the extent to which the practice denies incumbents direct control of state security agencies and other state resources with which they could manipulate electoral outcomes.

For instance, when incumbents resign, they are no longer able to directly commission and/or initiate projects a few days before elections. Nor can they directly deny other candidates' access to campaign grounds, make last-minute appointments to public offices or instruct security forces to intimidate opponents. The resignation of the president before standing for re-election also alleviates pressure on officials in the state apparatus who may feel pressured to align with the sitting president in his quest for re-election.

In cases where presidential candidates' commitment to political campaigns could interfere with their functions as leaders of their countries, stepping aside allows the smooth running of the state. In Cabo Verde, the provision did not just benefit the state; it benefitted the incumbent as well.

In similar situations where the demands of the presidency affect the ability of incumbent leaders to be directly involved in electoral campaigns, stepping aside in the

run-up to elections, as Fonseca did, granted him the opportunity to focus on his electoral activities.

In Madagascar's experience, the practice is considered to have had a positive effect on the political temperature. It increased the confidence of candidates, electoral stakeholders and the population that the playing field would be relatively levelled. In the case of both Cabo Verde and Madagascar, candidates were not allowed the use of public resources for their campaigns, something that would have been difficult to prevent had they remained in office during the campaign period. Some stakeholders are of the view that the president's exit improved the electoral playing field in the run-up to the 2018 presidential elections compared to previous elections.<sup>17</sup>

Similarly, there was a positive impact in the case of Cabo Verde during the 2016 presidential election, where the president's functions were suspended two months before the election. Cabo Verde was applauded for the improvement in the levelling of the electoral playing field.

### Perceptions about the integrity of electoral results play an important role in post-election violence

For the two countries, it can be concluded that the resignation of the president or suspension of presidential functions by the incumbent did have a positive impact on the electoral process. These moves also reduced abuse of incumbency in a way that effected the outcomes of the elections and improved the playing field tangibly.

The contribution of the practice to opposition perceptions of the fairness of electoral processes and integrity of the electoral outcome is perhaps the second biggest contribution. In most cases of electoral violence in Africa, the perception opposition parties have had about the integrity of electoral results have usually played an important role in the determination of their subsequent actions.

Where opposition groups perceive unfairness in the electoral process, the chances for them to refuse to accept election results and to seek to mobilise popular opposition to electoral outcomes are higher. Conversely, when electoral outcomes are deemed to have emanated from a fairly even playing field, the mobilisation of the

masses against such an outcome is difficult, even in cases of extreme political polarisation. This is important because the acceptance of electoral outcomes is as much a product of the integrity of electoral processes as it is of the extent to which political actors perceive and accept the process.

### Challenges of the practice

Despite the merits, however, the approach assumes that since none of the candidates would have the advantage of incumbency, the playing field would be levelled. It also takes for granted that the president embodies the totality of the presidential machinery he controls while in office; his exit, therefore, amounts to a truncation of the advantages that he would accrue to him during elections.

On the contrary, however, in most countries, the president wields enormous power which he uses to command loyalty in the ruling class, establish his patronage networks and service his political clientele whose interests are served as long as he is at the helm. Such machinery makes it easy for an exiting president to put the necessary structures in place for his proxies to continue to exploit the elements of power in his favour.

Questions, therefore, remain as to the extent to which such incumbents would exit office without putting structures in place to work in their favour even in their absence. The appointment of Energy Minister Moustadroine Abdou as acting president in the run-up to the March 2019 Comoros elections, and President Azali Assoumani's subsequent expression of trust in him, illustrates the complexities of cases where the president is required to resign in the run-up to elections.

In that case, though not exactly similar to the situation in Cabo Verde and Madagascar,<sup>18</sup> Assoumani handed over power to Abdou immediately after the Supreme Court accepted his candidature. This enabled him to participate in the country's controversial presidential elections after the electoral laws had been changed to enable him to contest for a second term.<sup>19</sup>

In a statement to the media Assoumani said he had chosen to hand over to Abdou because '... he has what it takes to maintain order among our ranks and is able to work with the others.'<sup>20</sup> His statement established the role of loyalty in presidential exit choices, particularly

in cases where the choice of successor is not explicitly outlined in the country's legal framework. In countries with a full presidential system, where a vice-president is elected on the ticket of a political party, the resignation may still leave in place strong party machinery during the campaign.

Equally important is the fact that though incumbents may step aside, the approach does not strip them of other forms of incumbency advantage.<sup>21</sup> These include popularity, entrenched political and patronage networks nurtured while in office, and achievements while in the office that show what they are capable of if re-elected to the presidency.

### Conditions for effective adoption

Under what conditions will this policy work or fail for a given country? Considering the above cases, the practice benefits from the non-existence of impunity, a political culture of respect for the laws of the country and the existence of a political consensus on the sanctity of political institutions and processes. Introducing the practice in a country requires an amendment to either the constitution or the electoral laws which are possible only if the aforementioned factors exist.

On the contrary, however, such a practice will not even be introduced if the political class thinks that it would not be to their advantage. These factors are important because, as is clear from the cases of Cape Verde and Madagascar, the stepping aside of the incumbent, in and of itself, does not guarantee a reduction of the abuse of incumbency. The nature of the political context, clarity of the constitutional provision and the overall commitment of the political class to the creation of a level playing field are essential.

### Conclusion and recommendations

The experiences discussed in this report show that incumbents seeking re-election can resign or leave office without any major disruption to government business but with a significant improvement in the fairness of electoral outcomes. African states grappling with incumbency abuse, recurring power struggles and persistent opposition protests over electoral outcomes should consider adopting the practice to level the political playing field for all actors.

The practice is also useful in addressing negative perceptions of voter manipulation and vote-rigging which have contributed to post-electoral violence and political instability on the continent.

Countries with entrenched and recurring contestation over electoral outcomes will find this practice immediately relevant, as it significantly affects citizens' perceptions about election results. However, the practice should not be adopted in isolation, but as an addition to practices that improve good governance and level the political playing field. It is particularly useful for the rule of law, electoral fairness and democratic consolidation.

The stepping aside of an incumbent alone is not enough to guarantee the levelling of the political playing field in a given country. In cases where strong incumbent political parties exist, structural responses ought to be concurrently rolled out to neutralise any attempt to abuse incumbency at the party level.

To optimally benefit from the practice, there is a need for constitutional provisions to be clear on who takes over from the incumbent. This prevents cases where incumbents appoint loyalists to act in their favour upon their resignation. There is also a need for extensive voter education as well as securing the buy-in of a country's political stakeholders to facilitate the creation of conditions for its smooth implementation.

The stepping aside of an incumbent alone isn't enough to guarantee a level political playing field

Continental and regional governance and electoral frameworks, such as the AU's African Charter on Democracy, Elections and Governance and the ECOWAS Protocol on Democracy and Good Governance, should consider establishing guiding principles for member states that include adopting this practice. This will facilitate its smooth and guided adoption across the continent.

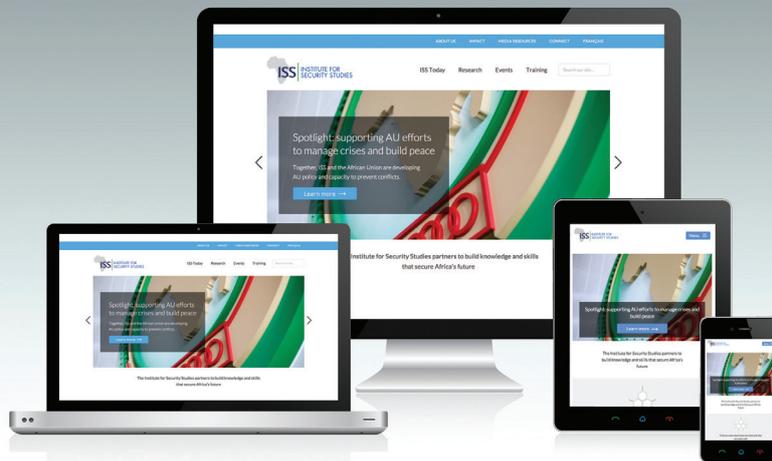
Despite the promising relevance of the practice, however, its form and nature are still not well understood. It is also not well known in many policy circles in Africa. This calls for further research, intellectual interrogation of the concept and continental dialogue on its relevance in emerging democracies.

## Notes

- 1 See detailed discussion of the concept of abuse of incumbency and its various manifestations in the next section.
- 2 For a discussion of this in reference to the abuse of state resources, see USAID, Abuse of State Resources: A brief introduction to what it is, how to regulate against it and how to implement such resources, 2011, [www.ifes.org/sites/default/files/georgia\\_abuse\\_of\\_state\\_resources\\_july\\_2011\\_0.pdf](http://www.ifes.org/sites/default/files/georgia_abuse_of_state_resources_july_2011_0.pdf).
- 3 E Chemerinsky, Protecting the Democratic Process: Voter Standing to Challenge Abuses of Incumbency, *Ohio State Law Journal*, 49: 773, 1988.
- 4 USAID, Abuse of State Resources: A brief introduction to what it is, how to regulate against it and how to implement such resources, 2011, [www.ifes.org/sites/default/files/georgia\\_abuse\\_of\\_state\\_resources\\_july\\_2011\\_0.pdf](http://www.ifes.org/sites/default/files/georgia_abuse_of_state_resources_july_2011_0.pdf).
- 5 See the final report of the Monitoring Abuse of Incumbency in Ghana's 2012 Elections compiled by Integrity Initiative (GII), Ghana Anti-Corruption Coalition (GACC) and Ghana Center for Democratic Development (CDD-Ghana), February 2012 – January, 2013, 5.
- 6 JA Gardner, The Uses and Abuses of Incumbency: People v. Ohrenstein and the Limits of Inherent Legislative Power, *Fordham Law Review*, 60: 217, 1991, <http://ir.lawnet.fordham.edu/flr/vol60/iss2/1>.
- 7 Star Ghana/GII Coalition, Reducing Abuse of Incumbency and Electoral Corruption in Ghana's Election 2016, June–August 2016, [www.tighana.org/assets/Uploads/JUNE-AUGUST-GII-AOI-COALITION-POWERPOINT-REPORT-3-MEDIA.pdf](http://www.tighana.org/assets/Uploads/JUNE-AUGUST-GII-AOI-COALITION-POWERPOINT-REPORT-3-MEDIA.pdf).
- 8 For a detailed discussion of the trend of decline in the quality of political participation on the continent, see Nic Cheeseman, A Divided Continent, *BTI 2018 – Regional Report Africa*, [www.bertelsmann-stiftung.de/en/publications/publication/did/a-divided-continent/](http://www.bertelsmann-stiftung.de/en/publications/publication/did/a-divided-continent/).
- 9 The ECOWAS Observation Mission described the resignation of the President in their report. According to their report, 'the Head of the ECOWAS Observation Mission arrived in Praia and met with the Speaker of the Parliament, as the Interim President of the Republic of Cabo Verde, given that as a candidate, the outgoing president had to step aside in line with the Cabo Verdean Constitution.' See, Preliminary declaration Cabo Verde 2016 – presidential election issued on 4 October 2016, online [www.ecowas.int/preliminary-declaration-cabo-verde-2016-presidential-election/](http://www.ecowas.int/preliminary-declaration-cabo-verde-2016-presidential-election/).
- 10 Article 383 (a) of the Electoral Act of Cape Verde 2010.
- 11 Economic Community of West African States (ECOWAS), Preliminary declaration Cabo Verde 2016 – presidential election, 4 October 2016, [www.ecowas.int/preliminary-declaration-cabo-verde-2016-presidential-election/](http://www.ecowas.int/preliminary-declaration-cabo-verde-2016-presidential-election/).
- 12 These preparations included the creation of the necessary conditions for stakeholders and citizens to be confident in the electoral institutions, transparent voter registration processes and compliance with electoral laws, particularly provisions on the timetable and mandate of electoral institutions. See further details in Economic Community of West African States (ECOWAS), Preliminary declaration Cabo Verde 2016 – presidential election, 4 October 2016, [www.ecowas.int/preliminary-declaration-cabo-verde-2016-presidential-election/](http://www.ecowas.int/preliminary-declaration-cabo-verde-2016-presidential-election/).
- 13 African Union Electoral Observer Mission, Preliminary Statement – 2016 Presidential Election – Cabo Verde, 4 October 2016, 5.
- 14 See article 46 of the Constitution of the Republic of Madagascar (2010). Also see Mission d'Observation Electorale de L'Union Africaine Pour l'Election Presidentielle du 7 Novembre 2018 en Republique de Madagascar, [https://au.int/sites/default/files/pressreleases/35357-pr-declaration\\_preliminaire\\_moeua\\_madagascar\\_2018.pdf](https://au.int/sites/default/files/pressreleases/35357-pr-declaration_preliminaire_moeua_madagascar_2018.pdf).
- 15 Ibid.
- 16 See for instance, Former President Alleges Fraud in Madagascar, *Agence France-Presse*, 8 November 2019, [www.voanews.com/africa/former-president-alleges-fraud-madagascar-vote](http://www.voanews.com/africa/former-president-alleges-fraud-madagascar-vote).
- 17 Interview with electoral observer officials who witnessed the 2018 Madagascar elections, March 2019.
- 18 This paper considers President Azali Assoumani's resignation in the context of the single four-year-term rotation of the presidency between the country's three islands as not the same as the kind of requirement in Cabo Verde and Madagascar.
- 19 Comoros president steps down ahead of election, *ATLfm Online*, 15 February 2019, [www.atlfmonline.com/home/26-world/15635-comoros-president-steps-down-ahead-of-election.html](http://www.atlfmonline.com/home/26-world/15635-comoros-president-steps-down-ahead-of-election.html).
- 20 Ibid.
- 21 Incumbency advantage is used here to refer to the advantages an incumbent enjoys by virtue of their presence in office or being in power. This is even in cases where they may not have made any express attempt to use it to their advantage.

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