The Mit	tigation of Electoral Violence and Conflict Management in Africa
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Abstract

This article seeks to explore how in practice traditional leaders enforce the norms of peace and tolerance as a means of mitigating electoral violence and resolving electoral disputes. The extant literature on democratization focuses more on the formal institutional mechanisms in explanations of the success or failure of the recent democratic experiments in Africa. These institutional theories have failed to fully account for the nuances of disputed electoral outcomes in terms of the varying intensity of electoral violence in different national contexts. As a result, the critical role of traditional authorities (such as Chiefs) in the mitigation of violence and the resolution electoral disputes as a substitute (or complement) to formal electoral institutions and judiciary when they become ineffective in critical situations has been neglected in the literature. This study critically examines the 'positive' roles of centralised traditional authorities and shared norms (such as peace, harmony and tolerance) in accounting for the variations in the nuances of post-electoral violence. It demonstrates this type of mediation as a conflict transformation tool by examining the Ghanaian 1992 and Kenyan 2007 disputed presidential elections from a comparative perspective. Finally, it draws some important lessons for policymakers and democracy promoters in their efforts to build sustainable democratic institutions, peace and stability in Africa.

Introduction

Since the 1990s, the periodic conduct of peaceful, free, and fair elections constitutes a major driving force for the consolidation of democratic governance in Africa. Nevertheless, due to weak electoral institutions and their 'blatant' and/or 'subtle' manipulations by political actors have resulted in post-electoral conflicts followed by large-scale violent protests and demonstrations in African states such as Algeria (1991), Angola (1992), Nigeria (2007 and 2011) and Kenya (1992 and 2007) (Anebo, 1997:167; Lynch, Cheeseman, Willis, 2019). The puzzle here is why Ghana despite many similarities to other African states such as Kenya (in terms of political history of military coups, one-party dictatorships, troubled economy, and a multi-ethnic state) has nevertheless managed to escape large-scale post-electoral violence. From this comparative perspective, I have sought some variance in the institutions and agencies of the preventive mediator mechanisms. This approach provides an analysis of the key variables that shaped the peacebuilding process and the nature of mediator action undertaken to mitigate the escalation large-scale post-electoral violence. Thus, the selected electoral experiences from Ghana (in 1992) and Kenya (in 2007) have important theoretical and policy implications for other African states as they "have been especially influential in shaping debates in and about the continent" (Lynch and VonDoepp, 2019: 11).

The approaches to the study of democratization in Africa have over the years grown into a substantial body of research, which considers the institutional, structural and strategic actions of actors, as the necessary conditions for the emergence and sustainability of electoral authoritarianism or electoral democracies. In that light, studies on the recent democratic experiments have focused more on the challenges of electoral institutions, judiciary and civil actors in delivering non-violent, free, fair and acceptable electoral outcomes. However, this article contributes to these institutional discourses by emphasizing the importance of informal institutions such as Chieftaincy and shared values (in the political culture) as a substitute to the weak formal conflict resolution mechanisms in electoral governance, during critical conflictual situations. Since less attention has been paid to, the effect of traditional political institutions in mitigating the violent tendencies of both the elites and the ordinary citizens' as well as the management of electoral conflicts in African states. This study seeks to bring the insights of both formal institutional and politico-cultural explanations together, in order to provide a nuanced understanding and explanation of the relationship between electoral governance and democratization in Africa. Specifically, it seeks to build on the conventional wisdom of

institutional theories by arguing that the existence and ability of powerful traditional leaders to mediate and negotiation for peace and tolerance largely helps to mitigate the large-scale violent incidences associated with intense post-electoral disputes.

Conversely, the lack of strong traditional authorities in dominate ethnic groups to adjudicate disputes and enforce the norms of peace, tolerance and harmony tend to foster the perpetration of large-scale post-electoral violence. Using the disputed Ghanaian 1992 presidential election, the study demonstrates how and why Ghana was able to escape largescale post-electoral violence as compared to the case of the 2007 Kenyan presidential election. Through the historical methods of process tracing and interpretation, the study aims to critically examine the politico-cultural forces responsible for the relatively lower levels of post-electoral violence in connection to the "bitterly" disputed Ghanaian transitional election. In other words, this study seeks to demonstrate that, even though, the blatant manipulation the electoral rules and rigging of the vote during elections mostly lead to disputed electoral outcomes as well as violent protestations; nevertheless, certain (positive) actions by traditional leaders in enforcing the norms of tolerance and the need for peaceful co-existence do help to mitigate the propensity towards widespread post-electoral violence. This is done through the in-depth analyses and interpretation of the indigenous conflict resolution strategies of the traditional leaders and the reactions of the populace towards them. The focus here is on the shared cultural understandings and expressions of "peace" and "tolerance" through their religious symbols, proverbs and myths that are found among the Ghanaian populace. This is measured by the degree to which political elites and the masses cooperate in peaceful political action "that cut across basic divisions such as ethnicity, race, religion, and class" (Hyden, 1992:12), as well as "how far groups demonstrate tolerance of each other" in the pursuit of contentious politics (Ibid: 16).

The article proceeds as follows. The first section provides a brief review on the formal institutional theories for understanding and explaining the nuances of post-electoral violence in the democratization processes. The second section explores the literature on the patterns of constitutional recognition of traditional authorities in governance and democratic politics in Africa. The third and fourth sections presents empirical evidence on the Ghanaian 1992 and Kenyan 2007 disputed presidential elections in a comparative perspective to test the propositions of the study. The concluding distils some insights for the policy-makers and democracy promoters for the building of sustainable democratic institutions and cultures in Africa.

Electoral Violence and Democratization in Africa: A Brief Literature Review

The extant literature on electoral violence and democratization in Africa points to the diverse roles played by the major stakeholders such as political actors and citizens in the instigation of contentious elections leading to post-electoral violence. Examples of these studies include Pippa Norris, Richard W. Frank, and Ferran Martinez I Coma's piece on "Contentious Elections: From Votes to Violence" which conceptualised the conditions responsible for opposition parties to challenge "the legitimacy of electoral actors, procedures, or outcomes" (2015:2). Patrick M. Kuhn's (2015) chapter entitled, "Do Contentious Elections Trigger Violence?" also examined the social conditions that make it attractive for political actors to resort to pre-electoral violence during elections. Specifically, he set out to explore "the degree to which ethnicity determines vote choice associated with pre-electoral violence" (Kuhn, 2015:93). In other words, he argues strongly "there is a positive relationship between ethnic voting and pre-electoral violence" (ibid). Similarly, Dorina A. Bekoe and Stephanie M. Burchard (2019) also demonstrate the strategic uses of electoral violence by African politicians in electoral and political competition to secure favourable electoral results in their electoral interests.

On the "scope, nature, and patterns" of electoral violence in Africa, Liisa Laakso's (2019) piece on "Electoral Violence and Political Competition in Africa" looked at the broader trends of electoral violence employing statistical datasets and argued that history, patrimonialism, political economy and institutions are the primary and secondary causes of electoral violence in Africa. Moreover, several examples were identified as scenarios whereby election results were disputed followed by small or large-scale electoral violence and instability, which derailed the democratization process. In measuring the intensity and scope of electoral violence, scholars such as Stephanie Burchard estimated that more than 50 percent of African elections held since the 1990s, were characterized by some electoral dispute and violence because of actual or perceived manipulation of the electoral process (Burchard, 2015: 2-3). Moreover, about 20 percent of these elections conducted between 1990-2008 resulted in "intense and destabilizing violence" (Laakso, 2019:4; see also Straus and Taylor 2012). A more updated analysis between 2004 and 2013 revealed a substantial increase in the occurrence of intense electoral violence in Sub-Saharan African elections (Burchard, 2015: 2-3). It is important to keep this in perspective because "most elections in Africa—80 percent, in fact are not as intensely violent as the ones in Nigeria (1992, 1993, 2003, 2007) Kenya (1992, 1997, 2007), Zimbabwe (1990, 2000, 2002, 2008) and Cote d' Ivoire (1990, 1995, 2000)" (Bekoe,

2012: 3; see also Straus and Taylor 2012). On nature of electoral violence, Burchard distinguished pre-electoral violence from post-electoral violence based on the goals and strategic interests of political and electoral actors (Burchard, 2015: 64). She argued that "strategic pre-election violence" constitutes the efforts of electoral and political actors to manipulate an electoral outcome before Election Day through coercive acts calculated to influence "the behaviour of candidates and voters as a part of the (electoral) process" (ibid). "Strategic post-election violence", according to Burchard, are "meant to change an electoral outcome after the fact through extra-judicial means, or those not previously agreed upon by political actors" (ibid). Moreover, post-electoral violence can also occur incidentally because of peaceful protest and violent riots "around electoral events, either before or after an election" (ibid: 12-13). It may be triggered by the perception of actual or imagined manipulation of the electoral institutions, process and outcomes (ibid). As a result, in terms of 'intensity' postelectoral violence can occur on a "smaller-scale" in the form of "pockets of electoral violence, where violence is restricted to certain regions or areas" (Bekoe, 2015:8) in a particular country. It may be occur on a "larger scale" in the form of protests or violent riots over an electoral result leads to counter repression and violent suppression from the state security agencies across most regions or provinces of the country. In all, it constitute an enormous obstruction to a country's democratization process and the legitimacy of its leaders (Bekoe, 2012: 4).

In sum, as Laakso put it, "none of the datasets" describing the "scope, nature, and patterns of electoral violence" in Africa can fully grasp the (nuances, variations and) complexity of these (disputed) elections" (Laakso, 2019: 6). There is a need for an in-depth comparative historical analysis to examine these nuances and variations both within and across specific African states (Straus and Taylor, 2012: 37). Hence, this study in response contribute empirically and theoretically to our understanding of how to mitigate or prevent electoral violence in Africa as well as the measures to mediate electoral conflicts. Specifically, my contribution to this debate is that traditional authorities have the propensity to enforce positive cultural values such as tolerance and peaceful co-existence and help to manage electoral conflicts, which in turn can either complement or substitute for the deficits in the operations formal democratic conflict management institutions such as the electoral commission and the judiciary. Hence, this study argues that the greater the availability of effective traditional third parties to serve as mediators between disputing political parties, the more they intervene early in electoral conflicts and to promote the values of tolerance, peace and harmony, the greater the likelihood of effective nonviolent resolution of electoral disputes in African states.

The Role of Traditional Authorities in Conflict Transformation

The scholarly works on electoral conflict, violence and justice have become very important considering their negative consequences for peace and stability of democratic governance in Africa. However, customary institutions such as Chieftaincy still remains neglected in most studies on electoral conflict and violence, despite the fact that it holds the keys for a holistic understanding of the dynamics and nuances of electoral justice in Africa. These informal institutional mechanisms are also referred to as "alternative or traditional dispute resolution mechanisms" (Staino, 2011: 187). Specifically, it concerns the differential patterns of constitutional recognition and the legitimisation of mediation role of traditional authorities/Chiefs in the management of electoral disputes based on indigenous methods of conflict transformation in African states.

The explanatory focus is on the emergence of election related violence and how they are restrained in African states by the dominant ethnic "centralised" and "non-centralised" traditional political authorities. This study assumes that the existence of a dominant "stateless societies" without a centralised authority for the resolution of electoral conflicts in African states exposes them to a high propensity for the occurrence of pre-and post-electoral violence during the democratization processes. In these societies such as dominant Kikuyu ethnic group in Kenya (Erk, 2018: 362) loosely formed customary "age-grade associations perform administrative functions, protect village land and cattle" (Owusu, 2012: 225) as well as the adjudication of disputes and the enforcement of norms and customary laws. Hence, the research problem we are concerned here is the role of traditional authorities' in the resolution of electoral disputes as well as the mitigation of violence in the democratization processes. Before we can attempt to answer this important question, we have to evaluate the extant scholarship on their existence, persistence and participation in African states.

The classical political and anthropological works on "African Political Systems" (Fortes and Evans- Pritchard, 1940) and "Custom and Conflict in Africa" (Gluckman, 1973) opened the academic floodgates for the subsequent studies on the convergence or divergence of African politico-religious structures and customary norms with the politically imposed colonial and post-colonial formal conflict resolution institutions and values (Owusu, 2012). It is worthy to note here that, during the colonial and post-colonial periods, some African states such as Kenya and Tanzania made frantic attempts to abolish their traditional political institutions and principles either through the instigation of colonial missionary and political

powers or by the immediate post-colonial African leaders. Fortunately, in most of the countries occupying the "vast areas of Western, Central, Eastern, and Southern Africa, they exist till this very day and participate in the public affairs on local, regional and state levels, either separately or as members of (civil) administrations" (Skalnik, 1994: 2). In the case of Ghana, K. A. Busia (1968), in his book, *The Position of the Chief in the Modern Political System of Ashanti* also examined the administration of Justice or the dynamics in the application of customary laws and customs in the resolution of disputes by the Chiefs, during the colonial and post-colonial periods. More recently, Louise Muller (2013), in her book, *Religion and Chieftaincy in Ghana:* An Explanation of the Persistence of a Traditional Political Institution in West Africa also explored the indigenous political and religious mediatory and peacekeeping roles of the Asante traditional authorities in their jurisdictions during pre-colonial, colonial and post-colonial eras.

Further, in the field of traditional diplomacy in Ghana, Joseph K. Adjaye's (1996) seminal work on "Diplomacy & Diplomats in 19th Century Asante," cogently maps out the principles and concepts underpinning the diplomatic strategies of traditional political actors, particularly the Asantehene (the Paramount Chief of the Ashanti people of Ghana) in the maintenance of peaceful diplomatic relations with other sovereign states. In a similar vein, Paul Ncholi Nkwi also explored the principles underpinning the practice of peaceful traditional diplomacy during the precolonial era concerning the inter-Chiefdom relations in the north-west province of Cameroon (Nkwi, 1986). In continuation of this scholarly tradition, Political scientists and Anthropologists have recently explored the peacemaking and peacebuilding role of traditional political authorities in the current democratic dispensation in Sub-Saharan African countries. For instance, Sten Hagberg (2007) examined the diplomatic role of traditional Chieftaincy in the mitigation of electoral violence, since the reintroduction of competitive multiparty democratic politics in Burkina Faso, in the late 1990s. Everisto Mapedza (2007) also explored the strategic significance of strengthening traditional authorities in the promotion of accountability and good governance in the current democratic dispensation in Zimbabwe.

The constitutional restructuring and strengthening of traditional authorities for the resolution of both local and national level disputes for the deepening of democratic governance have also produced some single and comparative studies by scholars such as Lars Buur and Helene Maria Kyed (2007), Edward Sawyer (2008), Iyeh Peter (2014) and Jan Erk (2019). Indeed, in the case of Ghana, the state recognises traditional authorities as the custodian of culture and their complementary or substitutive role democratic governance and development.

For instance, the 1992 Constitution empowers the Chiefs through the "National and Regional Houses of Chiefs to have a corresponding responsibility to be more pro-active in dealing with potential tensions and disputes before they lead to breaches of the peace and damage to lives and property" (Annan, 1994: 20).

Other scholarly works have also focused on the role of African customary institutions and popular cultural values in the resolution of protracted political conflicts. In his piece on "Popular Culture and the Resolution of Boundary Disputes," Emmanuel M. Mbah explored the usage of traditional popular culture in the form "oral conventions structured by traditional religious beliefs" as tools for conflict resolution and the mitigation of violence associated with boundary disputes in the Bamenda grassland of Cameroon (Mbah, 2009: 84-103). Similarly, some scholars also identified popular Akan religious beliefs expressed as fa ma Nyame (Leave it to God) (Atiemo, 2013: 5) and verbal arts such as proverbs (Appiah-Thompson, 2019; Appiah, 2007: xii-ix) as tools employed by traditional political authorities and the masses in the promotion of peace, tolerance, reconciliation and restorative justice during protracted conflictual situations in Ghana. Academics such as Magak, Kilonza, and Miguda-Attyang (2015) explored the prospects of the indigenous cultural values and norms as expressed through theatrical performances for peacebuilding activities in Kenya. Other scholars have also examined the traditional conflict resolution strategies, concepts and principles expressed as the belief in "Ubuntu," which promotes positive values such as peace, tolerance and reconciliation. Some recent scholarly works explore the great significance of traditional socio-cultural values such as Ubuntu in complementing the formal constitutional principles and values for the effective adjudication of disputes by the Judiciary in South Africa (Rautenbach, 2017). Scholars such as Elavie Ndura, Apollinaire Bangayimbaga and Vincent Bandeba have also explored the importance of the concept and principles of Ubuntu in peace education and as a foundation of peacemaking in the African Great Lakes Region such as Burundi and Rwanda (Ndura, Bangayimbaga and Bandeba, 2012: 295-307). In all, even though, many scholarly works have emerged to examine different aspects of the recent democratic experiments in most African states, little attention have been paid to explaining the strategic role of traditional diplomacy played by powerful Chiefdoms in the mitigation of large-scale electoral violence during the protracted 1992 postelectoral dispute in Ghana. From a comparative perspective, this study draws on the 2007 Kenyan postelectoral violence and presidential dispute in strengthening the causal arguments of the study based on the available empirical evidence. In sum, it makes an important contribution to the study of democratization with respect to the role

of traditional authorities in the prevention and mitigation of electoral violence as well as the informal resolution of electoral disputes in Africa.

As noted above, the moral and political authority of the Chiefs with respect to mediation greatly matters during an outbreak of electoral disputes in a cultural context where the values of peaceful coexistence and tolerance are highly treasured with the shared expectations for their enforcement. On this basis, to fully appreciate the "true range" of the (positive) political values and behaviour of Ghanaians towards conflictual situations and peacebuilding one need to "recognise the reality of some of the (positive) attitudes and values that they bring to the practice of democracy as rooted in the pre-colonial period, and that the customary institutions such as Chieftaincy as the "survivors from that period, even if they are much changed" (Ray, 2003: 15). These values and attitudes are expressed in traditional oral-literary devices such as religious myths, symbols and proverbs. They also constitute powerful tools for the mitigation of violence and electoral dispute resolution. Opoku also explicates that the mysteries of peace and violence as well as "life and death have been the themes for poetry, songs, proverbs, art and festivals" (Opoku, 1978:13) in African societies. In that light, proverbs provide powerful means for the resolution of conflicts as the parties to the dispute share, understand, and strongly believe in the potency of the traditional proverbs, wise sayings and cultural idioms in the society. For example, during situations of intractable political conflicts, the Akan people of Ghana have the proverb that, "conflicts are resolved best with the tongue and not with an axe" (Opoku, 2005: 14). With this precept, it can be predicted that rational behaviour of the wellcultured Ghanaian is to "veer away, as far as possible, from such activist political manifestations as demonstrations and civil disorder" (Ansah-Koi, 1993:67). According to Opoku, this maxim also "underlies the traditional cultural norms for the resolution of conflicts through peaceful rather than forceful or violent means" in order to maintain the stability and security of the society (Opoku, 2011: 426).

The underpinning principle is that every dispute and violent actions originate from the thinking patterns of human beings (Appiah-Thompson, 2019: 11). This is expressed in the maxim of the Akan people of Ghana: "whatever a person does is first conceived in his/her thoughts" (Akrofi, 1958:7). This traditional approach to peacemaking is predicated on the "the communal and religious inclination for stability and harmony as the fundamental values" of most African societies (Atiemo, 2013: 120). Indeed, many traditional religious maxims, proverbs and symbols in arts and crafts promote this assertion. These traditional canons of peacebuilding are embedded in the traditional philosophical thought for the regulation of the

behaviour and attitudes of the people and bring peace, order and stability to the society (Gyekye, 2013: 141). As Eze rightly observed, these religious sayings and proverbs are well-formulated "ancestral, social, religious or mythological fantasies that succeed in achieving their effects quite often with little or no reason" (Eze, 1997:317). In sum, "these fantasies frequently enable and persuade people" to refrain from violence and to peacefully "participate, to collaborate, and to see reason with each other and act together" (Ibid). More importantly, the ability of the Chiefs and elders to invoke the supreme judgement and punishment of God (*onyame*) and the spirits of the ancestors (*nananom mu sunsum*) during peacemaking, mediation and adjudication of disputes makes it imperative for the conflicting parties to accept the solutions proposed by the elders (Gebreword, 2011:434).

The Case of the 1992 Ghanaian Disputed Presidential Election

In this section, I will illustrate the points made above with the use of evidence from my research on Ghana's transition to democratic rule in 1992, whereby the leaders of the opposition political parties alleged massive rigging of the vote and rejected the presidential election results. Subsequently, there were some incidents of violent protests and disturbances in some parts of that country, which negatively affected the peace, and stability and nearly spoiled the whole democratic process. However, the country managed to escape an escalation of large-scale electoral violence. The puzzle here is how it was possible. From a political history of four successful military coup interventions in its attempts towards the institutionalizing of democratic governance after attaining political independence on March 6 1957. Today, Ghana is praised as one of the few consolidating democracies in Africa, as the country has successfully conducted several free, fair and acceptable elections, since the early 90s. Nevertheless, this feat was achieved based on the shaky foundation of the 'bitterly' disputed results of the 1992 presidential election. As a result, the prospects for the consolidation of democratic governance in the aftermath of the 1992 transitional election remained "uncertain" at the time (Gyimah-Boadi, 1994).

In general, the nature of the electoral process for the conduct of transitional election and its outcome were the same for most African states in terms of judging from parameters such as the 'manipulations and control of every stage of the process, including the establishment and control of the electoral body, abuse of the electioneering process, voters' registration and the conduct of elections' (Adejumobi, 2000: 67). Specifically, with respect to the Ghanaian 1992 transitional elections, the political regime at that time 'did not have the full complement of the appropriate civic education, civil society support and media access—three

very important variables that help to level the playing field—that subsequent elections were to enjoy' (Agyeman-Duah, 2008:164). As a result, Agyeman-Duah indicated that, during the preelection phase, there was the lack of 'critical election support activities such as advocacy for transparency and fairness, independent monitoring and observation of the balloting process... as civil society was well suited to do' (Ibid). Nevertheless, the Commonwealth Observer Group that was one of the few foreign groups to observe the election was also 'constrained by the very few observers it could deploy and, as it turned out, its verdict on the elections was the most controversial' (Ibid).

As Adejumobi put it, the sceptical mood of the political actors and ordinary citizens' during the pre-elections period was well captured by the deputy head in charge of operations of the Interim National Electoral Commission (INEC), Afari-Gyan, who indicated that:

the suspicion that elections could be rigged is not the only problem faced by the INEC. There are other two such problems. One relates to the powerlessness of the Commission to deal effectively with a host of factors that could impinge on free and fair elections. These include fair play in the electioneering process, the issue of access to the media, and resources available to a party to carry out its activities... Moreover, the election timetable was fixed by Government before the Commission was created, thus placing it beyond the power of the commission to alter it (Afari-Gyan, 1994:41 quoted in Adejumobi, 2000:70).

Rothchild also concurs that, Flt. Lt. Rawlings the leader of the "incumbent" military-civilian regime of the Provisional National Defence Council (PNDC), which metamorphosed into a political party, National Democratic Congress (NDC), during the transition process "gained advantage over the other presidential candidates from his position of control" (1995:61). He explains further that, Rawlings had at his disposal state resources disposal for his campaign—"money, government vehicles, helicopters, the press, everything. The other parties, starved of funds and resources—some had only 5, 6 or at most 12 vehicles for their national campaigns—could not simply compete" (Abdulai, 1992, quoted in Rothchild, 1995:61). In short, the political context for the Ghanaian transitional 1992 presidential election, were to a significant extent not favourable for the conduct of competitive, free and fair elections. In spite of all these unfavourable conditions, the leader of the dominant opposition party (New Patriotic Party, NPP), Prof. Adu Boahen was still resolute in his ambition to capture power from the incumbent National Democratic Congress (NDC) government on only on condition. Indeed, as he put it, "despite the faulty nature of voters' register, the incumbency advantages, possible malpractices, etc., we still believed ... that only if the (Interim Electoral

Commission) INEC were to discharge its functions fairly, honestly and transparently ... we were going to win hands down" (Boahen, 1995: 277-278).

On the contrary, in the end, Rawlings officially won the presidential election with 58. 3 per cent of the vote to Prof. Boahen's, the National Patriotic Party (NPP) with 30. 4 per cent (Jeffries and Thomas, 1993: 331), with a turnout of 48.3. Not surprisingly, in the subsequent days that followed the declaration of the results, "the main opposition leaders questioned the voting results, alleging widespread "rigging" (Rothchild, 1995:62) and "irregularities in the voting process" (Ibid: 63). Specifically, in a press conference, Prof. Boahen issued a joint statement on behalf of his NPP and the other contesting opposition parties including: the PNC, PHP, and NIP expressing "shock and dismay" over what they perceived as "fraudulent manipulation of the presidential election just concluded which can bring about political instability and violence." They also stated further, "in the course of the elections it became more and more evident that by a combination of intimidation and manipulation of ballot boxes and the voting process the poll was being effectively rigged." In all, a complete account of their evidence was catalogued in *The Stolen Verdict: Ghana November 1992 Presidential Election*, which revealed:

virtually all known electoral offences—intimidation of voters, manipulation and pre-programming of results, procurement of impersonators, voting by ineligible persons and minors, buying of votes, corrupt dealings with electoral officers, collusive acts by INEC officials, arbitrary opening and closing of polls, non-certification of results" were committed on the election day (Boahen, 1995:280).

Nevertheless, for the international observers such as the Commonwealth Observer Group their verdict was that, "the conduct of the election has been free and fair, and free from fear ... this is not to say that the process has been without incident, nor to suggest that it has been perfect. There were some shortcomings ... In the main, these centred on the admitted imperfections of the voters roll and the organisation and conduct of some polling stations" (Commonwealth Secretariat, 1992:79). The observers from the Carter Center submitted a more critical verdict, stating:

Despite the occurrence of serious irregularities in the election process, what we have observed does not lead us to question the validity of the results ... Across

¹ See also West Africa, 16-22 November 1992, p. 1963.

² West Africa, 23-29 November 1992, p. 2004.

³ Ibid.

regions and within regions; we noted a great diversity of voting experiences. In many cases, voters found their names on the register and voted with no problems. In other instances, however, irregularities were observed, some serious, other less. In all, they raise troubling questions about the electoral process (Carter Center, 1992:1).

In an interview with a reporter of the *West-Africa* magazine, the leader of the major opposition party (NPP), Prof. Boahen condemned the 'favourable comments' of the international observers in the following terms:

I think their observations were most premature. How on earth can somebody pronounce by 1pm on voting day that the elections were free and fair, when the process had not got under way, when the counting had not begun and the details of what happened had not emerged? So any report, which was issued before the conclusion of the actual voting, and counting I see as premature, and therefore absolutely unreliable.⁴

Conversely, he declared that he would accept the verdict of the Carter Centre observers as the true reflection of what transpired on the election day, since it was issued after the voting process in the following terms:

That is true; I accept the report of the Carter Centre. If you read between the lines, what that report is saying is that the election was very irregular in many respects, and highly questionable, although their conclusion is that, they have no real evidence to tally with their general account. If you look at the Carter Report carefully, reading between the lines, they' saying that the results should be rejected.⁵

Interestingly, one reporter interpreted it through the 'eyes' of the Ghanaian, that perhaps "the opposition obviously believes in the Akan proverb that says the stranger may have big eyes, but he/she doesn't necessarily see everything, hence their dismissal of the 'fair and free' reports." More importantly, Professor Adu Boahen strongly argued that the major reason why the losing parties disputed the results of the presidential election was due to the overwhelming rejection of it by the Ghanaian public. As he put it:

I pledged that once the presidential election was adjudged fair not only by INEC, and all the international bodies but also the *Ghanaian Public*, then I would accept the result. But any impartial and objective assessment of the reaction of the Ghanaian public to the presidential election results would have led to the same conclusion as the Opposition and I did arrive at, namely, that

⁶ Ibid.

⁴ West-Africa, 16-22 November 1992, p. 1964

⁵ Ibid.

the Ghanaian public overwhelmingly and unequivocally rejected the outcome of the presidential election! (Boahen, 1995:278).

In that light, it was rational for the opposition leaders in the words of Radcliffe-Brown, to succumb to the reactions of the public as it "may be strong enough to compel the parties to the conflict to settle the matter by negotiation either directly or by means of a go-between" (1969: xviii) or to do otherwise. However, the question is how did the Ghanaian public react to the disputed presidential results? The following address this question by demonstrating the peaceful mediation role of traditional authorities in the enforcement of the norms of peace and tolerance as restraint tools for mitigating the post-electoral violence and managing the dispute.

According to reports on the security condition of the country in the aftermath of the November 3 polls, some demonstrations occurred in Kumasi, the second largest city and the stronghold of the dominant opposition party (NPP) towards the results of the elections. 7 Indeed, the intensity of the riots in Kumasi led to the 'imposition of a 6pm to 6am curfew for a few days, fortunately lifted on November 9.'8 Some riots also 'erupted in some parts of the country like Tamale, Sunyani over the election results.'9 In Accra, the state-owned Daily Graphic reported that 'violence broke out when some jubilant NDC supporters stopped in front of an NPP office.' ¹⁰ Moreover, there were reports of the detonation of explosives and violence in various regions of the country, which created 'the climate of insecurity and tension.' For instance, 'three bombs set off in various parts of Accra and Tema and the attempt to burn alive an NDC official in Takoradi.'12 According to a report in the West Africa magazine, the fourth explosive detonation 'went off on the campus of the University of Ghana on November 10,' fortunately there was no reported cases of 'casualty or damage to property.' ¹³ In view of these incidences, 'many people doubted that these frightening acts of violence could be the work of opposition. They saw them as more attempts to give the opposition a bad name for certain reasons, or attempts by some people to take advantage of the precarious post-election situation.'14

In all, as one reporter pointed out the security crises in the country reached a critical point of 'a reflex security alert within which the very faint line between policing and cracking

⁷ West Africa, 23-29 November 1992, p. 2004.

⁸ West Africa, 16-22 November 1992, p. 1963.

⁹ West Africa, 16-22 November 1992, p. 1963.

¹⁰ See the report of West Africa, 23-29 November 1992, p. 2004.

¹¹ Ibid.

¹² West Africa, 16-22 November 1992, 1963.

¹³ West Africa, 23-29 November 1992, 2004.

¹⁴ West Africa, 16-22 November 1992, 1963.

down could easily disappear,' ¹⁵ placing the country's fourth attempt at democratic governance in an uncertain condition. Indeed, in the midst of all these political tensions and the possible escalation of wide-scale violence and instability in the country, the leader of opposition party (NPP), Prof. Boahen condemned the violent actions in an interview in the following terms:

We have always preached against violence, we have always urged our supporters to pursue our objectives through peaceful means, and therefore this violence is not the result of any deliberate policy on our part. But you know, when you enrage people, when such daylight robbery, such rigging of elections on such a scale as has never been seen before in this country takes place, you expect people to react, and once people begin to react *nobody can control the nature of the reaction that will ensue* ... its most unfortunate;... And, if there are riots, protests, and demonstrations occurring in all the regions in this country, to me that is indicative of the fact that the Ghanaian public does not approve of the results, and the Ghanaian public does not think that the elections were free and fair. ¹⁶

Of course, with the absence of an effective Judiciary to peacefully resolve the numerous allegations of rigging by the aggrieved leaders of the opposition parties, the latter saw the eruption of violent protests and demonstration in their stronghold as the only legitimate means for their supporters to express their dissatisfaction to the conduct of the elections. Indeed, the breakdown of order and law served clear indication to the existing traditional political authorities of failure of the Interim Electoral Commission and Judiciary to formally adjudicate the post-electoral dispute and mitigate the escalating incidence of violent protests. In recognition of their persistent and continued authoritative role in the peaceful mediation and resolution of individual and inter-ethnic disputes, since the precolonial eras, the traditional authorities (Chiefs) were normally expected to intervene in the postelectoral violent protests under their jurisdiction. For instance, in a special meeting in Accra, a former Justice of the Supreme Court and member of the incumbent government, Justice D. F. Annan was reported as advising traditional political actors (Chiefs) "to deal with potential tensions disputes before they reach damaging parameters" as the "custodians of culture and partners in modern governance and development" in the country (Daily Graphic newspaper report in van Rouveroy van Nieuwaal, 1994: 535). For Ololajulo and Awodola, traditional political authorities are "identified with a social purpose and permanence" with spiritual powers to enforce "rules governing cooperative human behaviour" (Ololajulo and Awodola, 2010: 361).

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¹⁶ See the interview with the correspondent, Ajoa Yeboah-Afari published in the *West Africa*, 16-22 November 1992, p.1964

As the discussions below show, these norms constitute the central pillars for the informal resolution of the post electoral disputes, particularly the peaceful traditional diplomatic activities with the political elites and their supporters in mitigating the escalating incidences of violent electoral protests and demonstrations in the country.

The successful moderation of the postelectoral violent protests and the high political tensions by the political parties and their supporters was largely in response to the authoritative mediation and peacebuilding strategies of the traditional political authorities. Specifically, the latter employed a two-pronged diplomatic strategy by authoritatively engaging with the leaders of the two major political parties in a closed-door peace negotiation and dialogue. Whilst, in the public domain the Chiefs were reported as delivering peace messages to the dissatisfied and aggrieved supporters of the opposition parties and the general citizenry to refrain from provocative and violent activities in order to uphold the peace and harmony communities. In essence, it was the timely diplomatic intervention of the Asantehene (the Paramount Chief of the Ashanti people) in banning further political activities and the enforcement of the societal norms of peace and tolerance under his jurisdiction, which turned out to be decisive in mitigating further escalation of violent postelectoral protests and demonstrations. Indeed, the primary reports from both the international weekly periodical (West Africa)¹⁷; and the two widely circulated local daily newspapers (Ghanaian Times and the People's Daily Graphic) accounted for the dynamics of the peacebuilding diplomacy of the traditional authorities in the promotion of peace, tolerance and reconciliation.

In fact, the prominence accorded to the diplomatic activities of traditional political actors in fostering and promotion of peace and tolerance before the conduct of the November 1992 presidential election is indicated by the documented reports of the widely circulated local print media. For instance, in an article featured in one of the local daily newspapers, *Ghanaian Times*, the *Asantehene*, Otumfuo Opoku Ware II was reported as urging all "Ghanaians to avoid violence and endeavour to exhibit political maturity during the crucial stage of the country's transition to constitutional rule." He further emphasised the need for political elites to cultivate the democratic values "tolerance and respect for opposing views" which constituted the "main ingredients for political maturity and were highly essential for a smooth transition to

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¹⁷ The *West Africa* published in London remained the only authoritative and reliable alternative and independent source of information on the political development in the country, apart from the two state-owned newspapers, The People's Daily Graphic and the Ghanaian Times, which were both controlled by the PNDC government (See Ivor Agyeman-Duah, 2006: 42).

¹⁸ Ghanaian Times, 31 October 1992, p. 1.

constitutional rule." Hence, the spate of the postelectoral violent protests in the aftermath of the disputed election in the Kumasi metropolis (the traditional jurisdiction of the *Asantehene*) came as a great surprise and embarrassment to the traditional authorities despite the fact that the city also constitutes the stronghold of the major opposition political party (NPP) in the country. In a newspaper article, titled "*Asantehene Urges End to Violence*," the Asantehene was reported as "expressing regret over the incident" describing it as "greatly embarrassing to him personally, and to Ashanti Region, in general." According to him, considering the fact that, "no area in the country had recorded such a nasty incident over the election results." In all, the traditional authorities urged the public to desist from unlawful damage to properties and end the spiralling violence to perceived political opponents and the public authorities. For instance, as reported in the *West Africa* magazine:

The President of the Brong Ahafo Regional House of Chiefs, Nana Adu Gyamfi Ampem, Omanhene of *Acherensua* told the PNDC Chairman to ignore all statements being made about him and instead 'like the hen which only steps on her chicks but does not trample upon them, gather his brood and promote unity' (Further) Nana asked Ghanaians to remember the many prayers they offered to God and the ancestors to choose a worthy leader for the country and wondered what all the dispute was about after God had spoken.²¹

On the other hand, in appealing the "representatives of political parties in Ashanti, the Regional Security Council, the Police Service and the Kumasi Metropolitan Assembly" in a special meeting, the *Asantehene* advised to the "various political parties to restrain their supporters to desist from such unwarranted behaviour to help preserve the relative peace prevailing in the country."²² As reported in the *West Africa* magazine:

Among other things, he asked the parties to ban their members from wearing any political party T-shirts and other insignia, such as badges and stickers on cars.²³

This strategic instruction was calculated "to ease the tension in the metropolis and ensure that people went about their duties peacefully without any fear of molestation." Further, he also appealed to the "Regional Security Council to lift the curfew in order not to create any unnecessary tension or fear among the people. In their responses to the wise counsel of the

¹⁹ ibid: 1.

²⁰ Ghanaian Times, 6 November 1992, p.1.

²¹ West Africa, 22-25 November 1992, p. 2005

²² Ghanaian Times, 6 November 1992, p.1.

²³ West Africa, 22-25 November 1992, p. 2005.

²⁴ Ghanaian Times, 6 November 1992. p. 1.

traditional leader, the political party representatives in a unanimous decision agreed to comply his suggestions. Indeed, as reported in the *Ghanaian Times*:

As a sign of their commitment to the agreement, the various party representatives met briefly together after the meeting and proceeded to the City Hotel to map out strategies for the implementation of the various decisions.²⁵

Finally, the *Asantehene* instructed the "Regional Police Commander not to embark on arbitrary arrest as that would not augur well for peace in the metropolis." These diplomatic actions by the traditional authorities had a ripple effect of calming the high political tensions and paved the way for the peaceful informal resolution of the postelectoral dispute by the political parties.

In all, due to of the peaceful mediation and negotiations by the traditional authorities it was reported that peace and stability prevailed once again in the country as the parties and their supporters, as well as the public heeded to the wisdom and the divine judgement of their traditional political leaders. As one journalist reported on the mood of Ghanaians, they became "nothing if not philosophical. In offices and homes all over the country where despondency has taken over following the defeat of the NPP, now one can hear more and more the unwritten motto of Ghanaians: "Let's leave it to God."27 Indeed, in an interview with the Ghanaian Political Scientist, Ransford Gyampo, he opined, "Ghanaians have a culture of tolerance. They try to tolerate and they put on a good antiviolence culture. Yes, there is this and look at violence from ... give it to God. So if there is any dispute that can degenerate into serious violence, the combatants are told to just give it to God. It's not your time; your time will come, wait for your time and all the rest." ²⁸ For Ansah-Koi "it should be appreciated that this deeply ingrained socio-cultural behaviour is often induced whenever the people feel overwhelmed by what is perceived to be a circumstance beyond their control" (1993: 66). In the final analysis, as Agyeman-Duah put it, "tolerating and enduring a provocation that had sent some other people into war could not, therefore, be too unanticipated" (2008:65). The electoral disputes that ensued did not generate nation-wide violence as demonstrated below in the Kenyan 2007 contentious election. Fortunately, Ghana has escaped such massive post-electoral violence mainly due to the timely intervention of the traditional authorities and "to the general tolerance and good sense of the people" (Boahen, 1997: 147).

²⁵ Ghanaian Times, 6 November 1992, p. 1.

²⁶ Ibid: p.1

²⁷ West Africa, 16-22 November 1992, p. 1964.

²⁸ See the interview by Lucas Issacharoff in Innovations for Successful Societies, University of Princeton, and January 1 2010.

The Case of the 2007 Kenyan Disputed Presidential Election

This section explores the peacebuilding strategies employed during the 2007 Kenyan post-electoral conflict in a comparative perspective. The December 27, 2007 presidential election was mainly a two party horse-race between two the incumbent president and his party, that is, "Mwai Kibaki of the Party of National Unity (PNU)," on one hand; and the major opposition leader and his party, that is, "Raila Odinga of the Orange Democratic (ODM)," on the other hand (Wamai, 2018:119). The incumbent president sought to secure a second-term in office for his party (PNU) after his first term (2002-2007) (Ibid: 123). After suffering in the political wilderness for a long time, the main opposition leader and his party (ODM) was also bent on winning the 2007 presidential elections. As a result, both parties and their leaders were competitively keen to secure political power to control the institutions of governance of the state through competitive, free and fair elections conducted by an impartial electoral management body.

After the conduct of the polls, the incumbent president, Kibaki was declared winner with 46.4 % of the votes to Odinga's (the main opposition party) 44.1 % (Gyekye-Jandoh, 2014:87). The leader of the major opposition party rejected this result and refused to concede defeat citing partiality and ineffectiveness of the electoral commission and judiciary (Wamai, 2018:119). As well as irregularities in the tallying process, which led to the perceived 300, 000 votes being "falsely attributed to Kibaki in most remote constituencies" (Ibid) and this for them contributed largely for the victory of the incumbent. Hence, the opposition leader requested a re-run of the polls as a condition for his continued participation in the democratic process (ibid). However, according to Wamai, "the immediate, and secret, swearing-in of Kibaki as the president provided the trigger of Kenya's descent into anarchy. Protests, riots, and violence broke out nationwide" (2018: 123). Meanwhile, "the leadership and supporters of the (PNU) insisted that they had won the election fairly and asserted that Kibaki was the president" (Ibid). In the end, this post-electoral dispute triggered the escalation of large-scale violence. According to reports it resulted in the death of "over 1,130 people", and "more than 350, 000" internally displaced people, "between December 2007 and February 2008" (Wamai, 2018:119; see also Gyekye-Jandoh, 2014:87). This scenario clearly demonstrates the limits of the formal conflict resolution mechanisms in the electoral commission and judiciary in ensuring free and fair elections as well as the mitigation of violence and the peaceful resolution of the electoral conflict.

From a comparative perspective, David K. Ngaruiya's investigation into the Multifaceted Genesis of the 2007-2008 Postelection Violence in Kenya, revealed that one of the major causes was the historical (colonial) destruction of Kenya's traditional religious, cultural and political institutions. He contended that the "indigenous culture" could have provided the traditional methods for the mitigation or prevention of the violence on a large-scale (of which killed about 1000 people and displacing 500, 000 from their homes) between December 2007 and February 2008 (Ngaruiya, 2013:82; Wamai, 2018:119). He cited "Western anthropologists such as W.H. R. Rivers," who noted that "as early as the 1920s, in regard to the approach of Christian colonial evangelists, Rivers asserted that 'in destroying the religion, or rather in destroying or undermining its ritual and beliefs, [they were] at the same time, unwittingly, destroying all that gave coherence and meaning to the social fabric."²⁹ He concludes that, "this demonization of (the traditional beliefs and practices) culture by the colonists and missionaries continues to be reflected in the present time by ethnic groups (represented by politicians) that play the tribal card as they seek to eject other ethnic from particular regions" (Ngaruiya, 2013: 84). For instance, the incumbent president and his party, that is, "Mwai Kibaki of the Party of National Unity (PNU)," was perceived as a (Kikuyu) on one hand; and the major opposition leader and his party, that is, "Raila Odinga of the Orange Democratic (ODM)," was also perceived as a (Luo) on the other hand (Wamai, 2018:119).³⁰ According to Okello and Sihanya (2010:652), the postelectoral dispute resulted in three categories of post-electoral violence: (1) violent attacks by the "Kalenjin against the Kikuyu in Kalenjin-dominated regions in the northern Rift Valley; (2) retaliatory violence by the Kikuyu against other ethnic groups in Kikuyu-dominated regions in Nakuru and Naivasha; and (3) spontaneous violence in urban centres such as Nairobi, Kisumu, and Mombasa by the youth" (as cited in Wamai, 2018:125).

On the other hand, Ghanaian post-electoral conflict and violent incidents in 1992, benefited from the timely intervention of the powerful traditional authorities in the regions such as the *Asantehene* (the King of the Ashantis) the violent protests and riots that ensued in the stronghold of the dominant opposition New Patriotic Party (NPP) in Kumasi was effectively mitigated and prevented from further escalation to other parts of the country. This sharply contrast the unmitigated escalation of post-electoral violence in Kenya. This situation strongly supports the arguments for the strengthening traditional strategies or tools for the quelling post

²⁹ Beideman, *Colonial Evangelism*, 133 (quoting Rivers, 1920 as cited by Ngaruiya, 2013:84).

³⁰ According to Njoki Wamai (2018:124), "although Kenya has over 70 distinct ethnic groups, the five largest groups—the Kikuyu, the Luhya, the Luo, the Kalenjin, and the Kamba—dominant winning coalitions, resulting in the exclusion of minorities."

electoral violence before they reach unbearable proportions such as the wide spread of violent protests among the major ethnic groups ranging from 57% (in the Kikuyu dominated Central province); 50% (in the Luhya dominated Western province as well as 50% (in the Kalenjin dominated Rift Valley province) (Burchard, 2015:65).

This phenomenon also underscores the international norm that "before the conflicts rise to an intensity that justifies international attention, domestic measures would be expected to come into play, and they have not, at least not effectively" (Zartman, 2000: 3). In short, the intervention of the international (three-member) mediation team led by Kofi Annan on January 23, 2008 to help mitigate the violence and the resolve the political crisis also confirms the arguments of this study. As the lack of strong and centralised traditional authorities to mediate early in electoral conflicts and to enforce the values of tolerance and peace led to the largescale post-electoral violence in Kenya. The implications for sustainable peacebuilding is that, the "power-sharing agreement" strategy employed by the eminent international mediators to end the electoral violence and to manage the political crises or impasse in the short-term cannot resolve the cycle of electoral conflict and violence in the future. There is the need to find lasting solutions for addressing the root causes of the electoral conflict in terms of constitutional, electoral institutional and judicial reforms to build trust and resilience in the electoral system for ensuring the conduct of free and fair elections. As well as constructing and building (complementary) alternative electoral justice institutions for timely resolution of electoral conflicts, based on informal traditional conflict transformation mechanisms.

Concluding Remarks

In conclusion, what insights can we distil from these post-electoral disputes and violence as illustrated in the Ghanaian 1992 and Kenyan 2007 presidential elections? In the Ghanaian case, the diplomatic importance of Chiefs was clearly demonstrated by their intervention in the post-electoral dispute and the promotion of peace and tolerance based on the traditional strategies and logic of conflict resolution norms and principles. These actions were undertaken with the aim to mitigate the escalation of large-scale violence and attempt at finding an amicable solution to the intractable electoral conflict as the formal political institutions such as the electoral commission and the judiciary failed to provide electoral justice, peace and security in the country. More importantly, response and attitudes of Ghanaians towards these traditional mediation efforts also reveal the rich heritage and pride the citizens and elites have for their politico-cultural norms, values and authority. This resulted in the containing or curbing the pockets of violent incidences in some parts of the country and the effective management of the

electoral dispute through the promotion of reconciliation and the building of consensus on the electoral rules of the game. In marked contrast to the Ghanaian 1992 post-electoral situation, the Kenyan 2007 post-electoral conflict and violent explosion constitute confirms the inability of dominant "stateless" ethnic groups without centralised traditional authorities to help curb the incidence of large-scale electoral violence and as a substitutive/alternative mechanism for the resolution of electoral disputes. The absence of powerful traditional authorities to enforce the norms of peace and tolerance pave the way for ethnic and community militias to occupy the vacuum created in the local and national political space in the Kenyan case. In other words, the 2007 post-electoral conflict and large-scale escalation of violence represent an unambiguous example of failure, whereby traditional methods for preventive efforts were absent. Rather political and community militia occupies these sensitive political positions, thus fertilizing the grounds for electoral violence and intra-ethnic violent conflict. This resulted in the perpetration of violent actions to address the limitations in the formal conflict resolution institutions such as the electoral commission and the judiciary.

In summary, the findings also suggest the need for complementary informal alternative traditional dispute resolution mechanisms, in addition to the formal and informal educational (peace narratives) efforts at the promotion of peace and tolerance during pre-election and post-election periods. The traditional political institutions and actors should also be activated to enforce these norms. Further, they should be also legally recognised and empowered to apply the existing traditional tools of conflict transformation in critical situations of electoral disputes as a complement to the formal electoral justice institutions in the resolution of electoral conflicts. It may also serve as a tool for explaining and accurately predicting whether the legacies and sources large-scale electoral violence are being transformed or still lingering beneath the façade formal institutional reforms awaiting to resurface in the future. In sum, innovative and creative strategies needs to be designed for building the capacities of these traditional authorities to them to perform their complementary roles (in terms of electoral justice, peace and security) in order to contribute to the consolidation and sustainability of democratic governance in Africa and beyond.

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