



POLICY BRIEF

LAWFARE AND ITS IMPACT ON ELECTORAL INTEGRITY IN AFRICA

Recent electoral cycles across Africa have seen the growing use of “lawfare”, the deliberate weaponization of legal and regulatory frameworks and the criminal justice system, by political actors that control government. Lawfare attempts to tilt the scales of an election and undermines electoral integrity by preventing political opponents from fairly competing, unfairly influencing the electoral information environment, silencing dissenting voices, and restricting electoral transparency and accountability mechanisms. This brief explores common manifestations of lawfare in the context of African elections, explores tools to combat or mitigate the impacts, including the potential use of inter-party dialogue platforms, and offers questions for further reflection.

What are the dynamics of lawfare in African contexts?

- **Revision of election laws and administrative manipulation:** This may include: manipulating population census data and voter registers; deregistering parties; closing voting locations; optimizing boundary delimitation in favor of the ruling party; intentionally underfunding or directing funding away from electoral institutions to weaken their independence or undermine their capacity to deliver credible processes; disqualifying opposition candidates or parties on technicalities; campaign finance laws that disproportionately affect opposition parties; rushed or last-minute changes to campaign and voting laws without time for parties to sufficiently comply or adjust their strategies; or imposing excessive regulatory requirements (such as onerous signature requirements for candidate nominations).
- **Prosecutorial or judicial harassment:** Incumbents may target opponents through fabricated charges, selective enforcement of court decisions, and biased court rulings. This phenomenon is exacerbated by weak judicial independence in many African countries, making the courts vulnerable to pressures from incumbent governments and ruling parties.
- **Weaponizing security laws:** The uneven application or instrumentalization of public order, counterterrorism, and security laws may be used to prevent opponents from campaigning, intimidate opposition supporters, or provide a pretext to detain opposition leaders ahead of elections.
- **Infringement on digital rights:** Increasingly, governments may use cybercrimes and/or cybersecurity legislation, internet shutdowns, or social media regulations to limit online free speech and suppress voter mobilization or organization of public gatherings (free assembly), particularly among young people. Governments may also employ digital surveillance and targeted cyberattacks against perceived opponents.

- **Targeting civil society:** In addition to political opponents, lawfare may target civil society organizations through restrictive laws, the cancellation or limitation of organizational licenses or registrations, prohibitions on access to organizational bank accounts or to funding (including foreign sources), and creating a climate of fear that leads to self-censorship and reduced independent scrutiny of electoral processes.
- **Restricting citizen election observation:** Despite citizen election observers being [internationally recognized as human rights defenders](#), governments may seek to prevent independent scrutiny of electoral processes by refusing to accredit observation groups, imposing restrictions on where and how observers can deploy, and limiting when and how they can collect and release election-related information.
- **Amendments to constitutions:** Incumbents may initiate constitutional reviews or amendments to extend or remove term limits or otherwise entrench executive power.

Potential tools and approaches for combating lawfare

There are a number of emerging tools and approaches for pro-democracy actors - both at the domestic and international levels - to push back against lawfare and mitigate its impacts. These may include:

- Supporting domestic civil society and citizen election observer groups to monitor, report, and raise the alarm about lawfare attempts well ahead of election day
- Leveraging diplomatic outreach and pressures to prevent or mitigate lawfare and express solidarity with those impacted
- Providing legal defense and safety and psychosocial support for those targeted by lawfare
- Leveraging strategic litigation to preserve or expand democratic rights
- Advocating to strengthen or protect legal and administrative frameworks and clauses which prevent lawfare abuses, such as measures to strengthen the separation of powers, bolster institutional autonomy, and enforce checks and balances.
- Conducting civic and voter education to raise public awareness and pressure to prevent lawfare
- Training bureaucrats to prevent misunderstanding/misapplication of laws
- Supporting efforts to bolster legislative and judicial independence
- Fostering cross-regional networking to build solidarity among pro-democracy actors and increase international pressure on governments conducting lawfare against opponents
- Training opposition parties to improve their external advocacy against lawfare, support organizational resilience against legal harassment, and prepare their compliance with unreasonable administrative requirements.

Inter-party Dialogue Platforms - An Effective Antidote to Lawfare?

In December 2025, the National Democratic Institute partnered with the [African Inter-Party Dialogue Network \(AIPDN\)](#) to convene a high-level roundtable in Nairobi, Kenya, entitled “Rethinking Inter-Party Dialogue and Consensus Building.” During the roundtable participants discussed the possible utility and shortcomings of inter-party dialogue platforms - neutral forums for engagement and debate among a full spectrum of political parties - in addressing and preventing lawfare. By **building consensus-based solutions to avoid exclusion and fostering dialogue on participation modalities**, inter-party dialogue platforms can promote and defend the collective interest of all political parties and candidates toward a credible electoral process. In particular, inter-party dialogue platforms have **convening power and**

political legitimacy, enabling them to unify parties around shared standards of electoral integrity. These platforms can **mobilize political parties to build consensus on contentious reforms and apply pressure on incumbents** to respect democratic norms. However, these platforms remain vulnerable to the broader pressures and weaknesses facing political parties across the continent; namely, continued control by ruling parties and weak party organizations and structures, constrained funding, and a lack of enforcement capacity given these platforms' voluntary status. As a result, inter-party dialogue platforms may be particularly valuable for **prevention or early intervention**, building trust, and developing solutions before lawfare is fully underway.

Recommendations to Enhance the Role of Political Parties and Dialogue Platforms in Addressing Lawfare

- Political parties should use inter-party dialogue platforms to proactively address polarizing and undemocratic practices. One example could be creating a code of conduct that bans harassment of candidates, commits to not use disinformation during campaigns, endorses pollwatching during elections, and pledges to follow and uphold electoral law.
- Inter-party dialogue platforms offer an opportunity to build camaraderie and understanding between political parties, decreasing the likelihood that any party will use lawfare tactics against its peers. Parties participating in platforms should regularly hold collaborative sessions that encourage working together to address complex policy issues or build joint responses to citizen concerns.
- Inter-party dialogue platforms should seek to develop relationships with law societies within their countries and other organized professional groups, to enhance their influence in curbing emerging forms of legal repression.
- Inter-party dialogue platforms should develop strategic engagements with relevant diaspora communities and sub/regional bodies (such as the African Union, the Southern African Development Community, the Economic Community of West African States, etc) to spotlight such occurrences on the international stage and hold incumbents accountable for the use of lawfare. Fostering cross-border collaboration with regional law societies may also contribute to elevating the issue for attention and build international solidarity.
- Inter-party dialogue platforms should engage civic groups and communities to cultivate active citizenry and advocate against actions that impact the inclusiveness and fairness of an electoral process.
- Inter-party dialogue platforms should develop close relationships with relevant government officials, particularly members of the country's election management body, ideally having a permanent representative attend the platform sessions. Platforms should also forge strong relationships with legislators and legislative committees to advance political and electoral reforms.
- Political parties should hold regular sessions with citizen election observers to assess electoral preparedness and report malpractice while seeking their credible voices on the international stage.
- Dialogue platforms should consider forming alliances with trusted religious and moral institutions that can strengthen calls for legal reforms.
- Political parties should establish strong legal departments to challenge weaponized laws in domestic and regional courts. Dialogue platforms can coordinate litigation strategies

and advocate for reforms, such as developing mechanisms for replacing unfairly barred candidates.

- Dialogue platforms should incorporate risk analysis in their engagements throughout the electoral cycle – pre, during, and post-election – to inform preventive actions, advocacy, and mitigation efforts.

Questions for Further Reflection

As political and civil society stakeholders continue to grapple with the trends and impacts of lawfare, further conversations are needed to deepen identification of actionable responses and share effective techniques across contexts. Key questions for further deliberation include:

- What roles do sub-regional and continental bodies, including regional courts, have in contributing to addressing this challenge?
- How can civil society and political parties strengthen engagement and collaboration to forestall the weaponization of the law during elections?
- How can stakeholders strengthen advocacy during the pre-election phase of the electoral cycle to prevent legal harassment and manipulation that results in the politics of exclusion?
- What legal or normative incentives can democratic actors create to disincentivize the abuse of lawfare by future ruling parties? What strategies can opposition parties employ to effectively hold ruling parties accountable?