

CONTEMPORARY AFRICAN POLITICS SERIES

Voice and Power in Africa's Democracy

Institutions, Participation
and Accountability

Edited by
Said Adejumobi



Voice and Power in Africa's Democracy

Africa has made notable progress in its nascent democracy but with uneven performance across countries. However, across the board, challenges abound. Central to Africa's checkered democratic narrative is the weakness of its democratic institutions, participatory mechanisms and accountability platforms. This book interrogates these elements with the role and capacity of the parliament, political parties, media, freedom of information law, trade union movements, gender empowerment mechanisms and accountability methods and processes all under examination. The weakness of democratic institutions has had a corrosive effect on political accountability and limits the scope for popular participation in governance. In many countries, innovative practices, and new social and political encounters are emerging that challenge old institutional cultures, promote reforms and demand accountability from the governing elite. The book captures these varied, innovative patterns of democratic change. With first-hand knowledge and expertise of the continent, the contributors analyse the issues, trends, problems and challenges in these critical areas of Africa's democratic growth. The conclusion is that strengthening democratic institutions, opening up the political space for enhanced political participation and ensuring political accountability will determine the course, prospects and quality of Africa's budding democracy.

Said Adejumobi is Director of United Nations Economic Commission for Africa (UNECA) Sub-Regional Office for Southern Africa based in Lusaka, Zambia.

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L. Adele-Jinadu

Teacher, mentor, comrade and senior colleague



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Acknowledgements

This book is the third in the series of edited volumes that I have produced in the last three years on the subject of democracy and governance in Africa. The two previous ones were: *Democratic Renewal in Africa: Trends and Discourses* (New York: Palgrave Macmillan, 2015) and *National Democratic Reforms: Changes and Challenges* (New York: Palgrave Macmillan, 2015). The objective was to capture the various dimensions and nuances of the democratic trajectory and the multi-directional processes and outcomes it has assumed in Africa. Democracy remains a ‘work in progress’ in Africa punctuated by gains and reversals, progress and setbacks. The jury is still out on what the eventual result would be in the next 50 years, whether liberal democracy has come to stay or just a passing phase in the checkered governance narrative of the continent. In this volume, we built on the previous book that reviewed seven national country experiences and contestations therein, to examine the three key building blocks or core elements of liberal democracy – institutions, participation and accountability. Democracy as an institutional arrangement of governance and anchored on specific institutional pillars, seeks expression and meaning in the context of democratic participation and accountability. Without these three key elements, liberal democracy will not only be hollow but also meaningless.

As I often insist, knowledge is a collective enterprise, and as such, I would like to thank the contributors to this volume, with whom I rode in the journey of preparing and constantly revising the chapters for publication. It took over two years to turn this project around into a book. I am indeed grateful to you all.

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The contributors to this book have interpreted issues and themes in the various chapters, not only from a scientific perspective, but also their own world-views, of their lived experiences on the continent, in which they are participant observers and actors. The analyses and knowledge contained in the various chapters therefore, are not of armchair theorizing or far detached empirical notes, but

of engaged actors in Africa's democracy and development encounters. The key message is that the road is long and bumpy, but the future is bright.

To my children – Wahab, Zainab and Habib, you continue to be a source of strength and friendship to me, I thank you most sincerely. I hope this book will contribute however modestly to what we know and how we know it to the past, present and future of the checkered quest and struggle for democracy in Africa.

Said Adejumobi,
Lusaka, Zambia,
December 2016

Abbreviations

ABC	All Basotho Convention
ACDP	African Christian Democratic Party
ACN	Action Congress of Nigeria
AFP	Agence France-Presse
AFORD	Alliance for Democracy
AFRC	Armed Forces Revolutionary Council
AG	Action Group
AGR	African Governance Report
ANC	African National Congress
ANPP	All Nigeria Peoples Party
APC	All Progressives Congress
APC	All People's Congress
APGA	All Progressive Grand Alliance
APR	Alliance for the Republic
AU	African Union
ATI	Access to Information
BNP	Basotho National Party
CBA	Community-based Associations
CBO	Community-based Organisations
CCD-Ghana	Centre for Democratic Development – Ghana
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CHRAJ	Human Rights and Administrative Justice
COPE	Congress of the People
COSATU	Congress of South African Trade Unions
CoST	Construction Sector Transparency Initiative
CPC	Congress for Progressive Change
CPP	Convention Peoples' Party
DA	Democratic Alliance
DC	Democratic Congress
EC	Electoral Commission
EFF	Economic Freedom Fighters
EISA	Electoral Institute of Southern Africa

EITI	Extractive Industries Transparency Initiative
FPI	Ivorian Popular Front
FPTP	First-past-the-post
GEAR	Growth Employment and Redistribution Strategy
HDI	Human Development Index
HIPC	Heavily Indebted Poor Countries
IEA	Institute of Economic Affairs
IFC	International Finance Consortium
IFP	Inkatha Freedom Party
IMF	International Monetary Fund
INEC	Interim National Electoral Commission
IPAC	Inter-Party Advisory Committee
IWW	Industrial Workers of the World
IWS	Internet World Statistics
LCD	Lesotho Congress for Democracy
MCP	Malawi Congress Party
MLP	Mauritius Labour Party
MMD	Movement for Multiparty Democracy
MMM	Mouvement Militant Mauricien
MMM	Mauritian Militant Party
MoU	Memorandum of Understanding
MpD	Movement for Democracy
MPs	Members of Parliament
MSM	Mouvement Socialiste Mauricien
NAL	National Alliance of Liberals
NARC	National Rainbow Coalition
NDC	National Democratic Congress
NGOs	Non-Governmental Organisation
NIC	Newly Industrialising Country
NJC	National Judicial Council
NLAC	National Labour Advisory Council
NLC	National Liberation Council
NLC	Nigeria Labour Congress
NLP	Nigerian Labour Party
NNP	New National Party
NP	National Party
NPC	Northern Peoples Congress
NPP	New Patriotic Party
NRC	National Republican Convention
NUPENG	National Union of Petroleum and Natural Gas Workers
PAICV	Independence of Cape Verde
PDCI	Democratic Party of Côte d'Ivoire
PDP	Peoples' Democratic Party
PENGASSAN	Natural Gas Senior Staff Association of Nigeria
PF	Patriotic Front

PMSD	Parti Mauricien Sociale Democrate
PNDC	Provisional National Defence Council
PNP	People's National Party
PNU	Party of National Unity
PP	Progress Party
PR	Proportional Representation
PSD	Party for Social Democracy
RCT	Rational Choice Theory
RTL	Radio Television Libres des Mille Collines
SACP	South African Communist Party
SADC	Southern African Development Community
SADR	Sahrawi Arab Democratic Republic
SAPs	Structural Adjustment Programmes
SDF	Social Democratic Front
SDP	Social Democratic Party
SLPP	Sierra Leone People's Party
SMC	Supreme Military Council
SNCSU	Southern Nigeria Civil Service Union
SRC	Salaries and Remuneration Commission
SWAPO	Southwest People's Organization
TBC	Tanzania Broadcasting Corporation
TUCN	Trade Union Congress of Nigeria
UDF	United Democratic Front
UDM	United Democratic Movement
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNIP	United National Independent Party
UPND	United Party for National Development
OSIWA	Open Society Initiative for West Africa
WFTU	World Federation of Trade Unions
WIN	Women in Networking
WIP	Women in Politics



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1 Unbundling liberal democracy

Institutions, participation and accountability

Said Adejumobi

Introduction

The three core but interrelated elements of liberal democracy are; institutions, participation and accountability. Joseph Schumpeter (1965: 284) in his classic definition of liberal democracy views it as an ‘institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of competitive struggle for the people’s vote’. Institutions constitute the building blocks – the architectural design or construction of the liberal democratic project, often through which political participation and accountability are consummated. Effective democratic institutions ensure executive restraints on power, promote inclusive political participation through the electoral process and other public spaces, limit corruption and support the demand for democratic and social accountability by the citizens. For instance, as Rod Alence (2004: 166) noted, ‘institutions of political representation make governments responsive and accountable to broader constituencies through competitive elections, and often restrains government’s discretionary authority by creating multiple “veto players” whose approval is required for policy changes’. Indeed, Alence further noted that governance quality is in fact sensitive and directly related to, the nature and capacity of institutions. To quote him (2004: 178):

Democratic institutions promote developmental governance by counteracting temptations for opportunistic behaviour that is economically damaging ... the developmental benefits of democratic institutions, and the difficulties in building and keeping such institutions are, in this sense, two sides of the same coin.

Strong democratic institutions provide a major incentive and environmental and political context in facilitating political participation and accountability but they may not necessarily guarantee the latter two variables. Political participation, which defines the people’s sovereignty and in a sense, confers legitimacy on the political system, is a product of the nature of democratic politics especially in its interface between the political class and citizens, the mediating dynamics of that relationship, and the perceived influence of the latter on the system. When citizens feel that their capacity to influence political change is circumscribed

either through limited alternative political choices, what Ake (1993) refers to as ‘voting without choice’ or non-beneficial endgame of politics (i.e. democratic dividend), political apathy and inertia tends to prevail. Democratic institutions and democratic politics as Robin Luckham, Anne Marie Goetz and Mary Kaldor (2003: 14–15) noted, may not necessarily be complementary.

Political accountability on the other hand, is the means of control through which elected officials and other public functionaries are brought to account for their actions or in actions in occupying public spaces. Accountability is a major restraining force on power, and like institutions, also determines the quality of governance and democracy. However, accountability to be realized requires the agency of active citizens in the democratic and civil processes of governance, and also strong and capable institutions. Hence, there is a seamless relationship between institutions, participation and accountability in improving the quality of democratic governance and promoting democratic development in any society.

Some have argued that the interlocking deficits of institutions, participation and accountability account for the fragility and retarded progress of liberal democracy in Africa. Institutions are relatively weak, accountability is low, if existing at all, and effective political and civil participation are compromised by weak electoral and political institutions, which often distort people’s choices, subvert their wishes and dim their voices. Institutions of horizontal accountability that also grant voice and power to the people by promoting citizens’ participation like the media, the human rights commission, anti-corruption commission and others, are either suborned or deliberately weakened by the executive. The result is often democratic decline or dysfunction (Adejumobi, 2000, 2015a; UNECA and UNDP, 2013).

However, the three interrelated elements of democracy (institutions, participation and accountability) do not exist in a vacuum. They are usually the product of historical trajectories, the configuration of power and balance of social forces in society, and the pressure that dominated groups exert on the political system. In other words, the nature and quality of democracy reflects not only the history but also the contestation among social groups in that society. This is what some refer to as institutional ‘embeddedness’ (Granovetter, 1992) – the fact that institutions are products of their environment; they influence and also in turn, are influenced by their environment.

In this introduction, Chapter, I undertake a brief discursive analysis of the three elements of the liberal democratic project and capture the major arguments in the various chapters of the book, especially how they explicate the trends and challenges in deepening democracy through institutions, participation and accountability in Africa.

Do institutions matter for governance, participation, accountability and development? A discourse

Institutions have assumed a major subject of intellectual discourse in the social sciences in general, and the field of economics and political science, more

recently, in particular. Indeed, the rise of institutional economics has placed institutions at the heart of development, especially economic development. This is in counter-distinction to the emphasis on geography, history, race, and economic factors like savings and technology, which hitherto were proffered as key to development. Institutional economics argue that ‘institutions matter’ and, as such, whether a country is able to restructure its economy effectively, make enforceable rules and decisions, guarantee property rights, create a predictable environment for the exchange of goods and services, and ensure smooth social relations among economic actors depend on the quality and capacity of its institutions (Nabli and Nugent, 1989; North, 1989; World Bank, 2000; Kumssa and Mbeche, 2004; Acemoglu and Robinson, 2012). In other words, economic development is mostly resourced by institutions. Daron Acemoglu and James Robinson (2012) in their popular book, *Why Nations Fail*, argue through different historical narratives that what differentiates nations in terms of poverty or prosperity is the nature of institutions. Africa is set apart from Asia, or Egypt from the United States of America due to institutional factors. In poor societies, extractive economic and political institutions subsist that not only pillory the economy but also appropriate power for personal gains. While in what they call ‘inclusive institutions’, economic opportunities and incentives are diverse and encouraged, and political power is shared, creating alternative sources of pressure and power. In their words:

Nations fail today because their extractive economic institutions do not create the incentives needed for people to save, invest and innovate. Extractive political institutions support these economic institutions by cementing the power of those who benefit from the extraction. Extractive economic and political institutions, though their details vary under different circumstances, are always at the root of this failure.

(Acemoglu and Robinson, 2012: 372)

Zeroing in on Africa, Asfaw Kumssa and Issac Mbeche (2008: 852) noted that,

many of the development problems of African countries can partly be attributed to weak institutions and unresponsiveness of their administrative systems. More specifically, poor enforcement of the rule of law, corruption, and mismanagement, the absence of a strong civil society, lack of competitive pressure in the delivery of public goods and services, and inefficiency of the public sector have all combined to cripple the development process in Africa.

While institutional economists and neo-institutionalists are agreed on the role of institutions in development, they differ significantly as to what the term ‘institution’ means. North (1989) for instance views institutions as ‘set rules, characteristics of rules and norms that structure human relations’. On the other hand, the World Bank (2000: 22) perceives it as a ‘set of formal and informal rules

governing the actions of individuals and organizations and the interaction of participants in the development process'. Informal rules are the social mores, values and code of conduct that structure human behaviour in society. Alejandro Portes (2006: 241) argues that:

institutions represent the symbolic blueprint for organizations; they are set of rules, written or informal, governing relationships among role occupants in social organizations like in the family, schools, and other institutionally structured arenas of organizational life; the polity, the economy, religion, communications and information and leisure.

Along this line, a distinction is made between 'slow moving' (i.e. culture) and 'fast moving' (i.e. legal rules, and organizational blueprints) institutions (Roland, 2004).

What is apparent from these conceptualizations of institution are the elements of rules; formal and informal dimensions, and regulation of human conduct especially in the public arena. The informal dimension of institutions from these conceptions tends to gain expression within the culture and values of a given society that is often transferred to the public arena.

In the governance realm, Robin Luckham, Anne Marie Goetz and Mary Kaldor (2003: 14) contend:

Institutions are a socially constructed set of arrangements routinely exercised and accepted. Democratic institutions are in essence a set of arrangements for organizing political competition in legitimating rulers and ensuring accountable governance, typically through free elections to determine the composition of the legislature and of the government (in other words, representative rather than direct democracy).

The goals of democratic institutions therefore include:

- to enable participation either directly or indirectly;
- avoid tyranny by autocratic rulers and (in some democratic systems) by the majority;
- promote open and fair competition for power on the basis of the popular vote;
- ensure the accountability of governments;
- provide a forum for rational discussion of political problems and settlement of conflicting social interests (Luckham *et al.*, 2003: 15–16).

In essence, institutions form the major mechanism for promoting participation and accountability, and empowering the citizens to engage and make demands on the political system. The assumption then is that where institutions work well, and in the public interest, the likelihood is that democratic development and governance will be promoted.

The discourse on institutions has given rise to a myriad of analyses, from the sublime to the ridiculous, especially from Africanist scholars on why there is neither democracy nor development in Africa. Some argue that the notion of institutional hybridization in which both formal and informal institutions co-exist in parallel, often with differing logic and purposes, is why there is neither democracy, accountability, nor development in Africa. Indeed, in some cases, informal institutions are considered to be stronger, shape power relations and determine the way of doing politics and governance. Pratten (2007) noted that informal institutions ‘undermine the cohesion necessary for the creation of meaningful (formal) institutions’. The governance space, populated more by informality, is thus underpinned by neo-patrimonialism, cronyism, prebendalism and unimaginable corruption (Joseph, 1987; Bayart, 1993; Chabal and Daloz, 1999). This is why leaders appropriate unlimited and unchecked powers and resources, and govern with impunity without being called to account. Informal networks and institutions of ethnic, clan, racial and sectarian identities specify the unwritten rules that govern power and the sharing of resources rather than what the Constitution provides for, or parliament legislates upon. The ‘shadow corridor’ is the vehicle through which governance is conducted, quite closed from public scrutiny. Pierre Englebert and Denis Tull (2008: 110) aptly summarize the argument thus:

Most African states have never had effective institutions, relying instead on the personalized networks of patronage. They have never generated sustainable growth. Factionalism has always been politically prevalent, and states have more often been instruments of predation and extraction than tools for the pursuit of public goods. In vast parts of Africa, state failure is less an objective condition than a permanent mode of political operation.

A growing critique of the neo-patrimonial theory exists in the literature and will therefore not detain us here (Adejumobi, 2015b; Mkandawire, 2015; Mohamed Salih, 2017). Perhaps it is important to make two key points. First is the dichotomy between formal and informal institutions, in which the former (formal institution) is viewed as the ideal, benevolent, rational and modern way of governance, while the latter is seen as a traditional, archaic, malevolent and corrupt way of doing politics and ordering state and society. The dichotomy fits into Max Weber’s logic of *Gemeinschaft* and *Gesellschaft*. In Weber’s typology, the latter is based on social ties of informal roles, rules, values and beliefs; while the former is of formal impersonal roles, rules, values, beliefs and interactions. The latter represents progress and modernity; the former, tradition and backwardness. The consequence is that informal institutions that occupy a large social space in Africa are vilified, if not criminalized, and formal institutions of the West are prescribed as the best way to improve governance and politics in Africa. However, as Kate Meagher (2007: 410) argues, the abuses of formal power and individual networks based on economic hardships or opportunism are not informal institutions; they are elements of institutional disintegration, which should be treated as such.

Second, while institutions may matter, the question is, what kind of institutions are good for promoting developmental governance? The existing institutional literature focuses on the liberal democratic institutions as the ideal type (Adejumobi, 2015b: 163). Hence, the approach is to promote institutional reforms or ‘institutional transplant’ from the West, which some refer to as ‘institutional monocropping’ (Evans, 2004; Mkandawire, 2012). Countries are encouraged to create different set of institutions, mostly regulatory in nature, which they believe will spur democracy and development. Institutional crafting therefore assumes the endgame of governance with little consideration for context, content, quality and value. As such, institutional mushrooming or multiplication becomes the barometer of political progress, which in many cases, are disconnected from society, poorly resourced and have low performance.

As I noted elsewhere (2015b: 164), the most scathing critique of the liberal institutional theory is offered by Arthur Goldsmith (2007: 165–168). Goldsmith, in a comparative historical analysis of four countries – United States, Argentina, Mauritius and Jamaica – argues that contrary to the orthodox thinking that strong institutions constitute a prerequisite of greater transparency, accountability and participation, evidence from the now developed countries and the impressive developing ones such as Mauritius negates that. Indeed, as he argues, institutional evolution and growth is usually the result of economic progress and not necessarily vice versa. In the case of the United States of America, Goldsmith (2007: 170–171) makes the argument very poignantly:

The abusive governance of America’s gilded age (1866–1900) is half forgotten today. Public institutions from that time look secretive, personalized, and arbitrary when measured by today’s standards – yet, the latter part of the nineteenth century was an era of unprecedented technological improvement and industrialization.

Of course, the same can be said of South Korea and Singapore in the 1960s and 1970s. The point is that institutional engineering may not necessarily be the panacea for promoting developmental governance especially at the initial stages of ‘economic take-off’ as the institutional political economists may want us to believe. In order for institutions to be meaningful they have to be endogenous in their evolution and development; they must reflect the social realities and encounters of the people they serve, and at the end of the day need to reflect the balance of social forces in society. Institutions are never neutral arbiters in social, economic and political relations; the rules they craft, and the implementation and enforcement mechanisms all reinforce certain social perspectives and dominant interests and forces. In other words, institutions of liberal democracy, even when very functional, are not neutral social elements; they are geared towards certain class-based interests and goals.

To sum up, institutions matter for ensuring inclusivity, participation, accountability and democratic stability and consolidation. But their endogeneity is crucial to their durability, stability and capacity. As Sunil Bastian and Robin Luckham

(2003: 2) rightly agreed, ‘democratic institutions are never introduced in a political, economic and social vacuum. They come into being within specific historical contexts, national societies and cultures’. Second, history does not validate the assumption that formal and elaborate institutions are major prerequisites or precondition for economic progress, peace and stability. The history of development suggests that in many cases, institutions were outgrowths or spin-offs of development trajectory rather than vice versa. Third, evidences presented in order to de-legitimize informal institutions as part of the governance and development map are basically anecdotal and circumstantial rather than casual or correlational. The binary classification of formal and informal rules, set in opposition, is not necessarily true. Both formal and informal institutions are products of the social evolution of society, historical encounters of continuities and discontinuities, the nature, pattern and level of accumulation, and the character of the dominant social forces in society, since this group shapes the ideology of governance and development.

Chapter summaries

The chapters focus on the interacting elements of institutions, participation and accountability in promoting or undermining liberal democracy in Africa. The areas covered include the executive and legislature as key institutions of democratic governance; their relationships and contestations; the role of political parties as a core institutional anchor of the democratic project that promotes participation and accountability, with emphasis on how opposition political parties, through effective political mobilization, were able to unseat incumbent ruling parties and the comparative experiences of political parties in Nigeria and South Africa and how they promote democratic development in both countries; the notion of accountable governance – meaning, institutional processes and limitations in Africa; organized labour in its attempt at mass political mobilization and participation in Nigeria through the formation of a political party and the struggle for political power and its pitfalls; the role of women and women’s empowerment in the political and democratic processes of Mauritius; the role of social media in recreating popular spaces and redefining the notion, pattern and dynamics of civil and political engagement of the citizens; and finally, Access to Information Law (ATI) as a means of ensuring citizens’ participation, empowerment and accountability in the public arena in Africa. In all the chapters, the narratives are nuanced, the contestations and dynamics are vivid and interesting, and the role of agency is underscored. The chapters provide a refreshing breadth in analysing the challenges and opportunities of democratic growth and consolidation in Africa.

Chapter 2: ‘African presidentialism revisited: between “Big Man metaphor” and institutional politics’ – critiques the Western-dominated thought on the notion of institutional absence in Africa, ascribing policy making and politics to the role of the ‘big man’. As Mohamed Salih argues, most Western literature attributes the instability of African democracies to the supposed concentration of

power in one person – the president or prime minister. The ‘big man’ is the metaphor for the main features of African presidential or semi-presidential systems with inbuilt elements of authoritarianism, corruption and instability. The metaphor presumes that as ‘big men’ the African presidents or prime ministers emulate traditional African chiefly rule and display patrimonial behaviour immersed in a patron–client relationship. Presidential power is considered to be unfettered and looms large everywhere in Africa, hence neo-patrimonialism, cronyism and prebendal politics permeate the entire African political landscape. Salih refutes such biased and jaundiced argument by capturing and analysing the conflicts and contestations taking place between the executive and legislature in some countries in Africa, in which executive power is severally constrained especially in the area of the approval, oversight and implementation of national budgets. He cited the examples of Benin Republic, Kenya, Malawi, Nigeria, Tanzania and Zambia among others to make his point. African legislatures have increasingly become very assertive, challenging the presidency and defying the crude generalization that they are mere ‘rubber stamps’. He concludes that the presidency in Africa is enmeshed in a complex web of both formal and informal institutions including political parties and the legislature that constrain presidential powers in many significant respects.

Chapter 3: ‘Presidentialism in Ghana: examining institutional effectiveness for horizontal accountability between the legislature and the executive’ examines the mechanisms, processes and outcomes of how the legislature provides institutional checks and balances over the executive in Ghana. The chapter argues that the relative enfeeblement of the parliament as a family of public governments in Ghana is located in the turbulent political history of the country in which long years of one-party rule, military dictatorships and pseudo-democratic systems led either to annulling the parliament as an institution or substantially circumscribing its powers. Hence, the parliament has remained weak, suborned and patronizing in its relationship with the executive without acting as a meaningful check on executive powers. However, the emergence of the fourth republic under the 1992 Constitution provided a new lease of life for the notion of separation of powers and a new emerging culture in executive–legislative relationship. The Constitution delineates the powers and responsibilities of the three arms of government, and how their relationship should be consummated. As such, from 1992, the process of legislative institution building commenced, allowing the legislature to gradually provide oversight and checks on executive powers. In spite of this progress, challenges abound with the parliament still weak as the result of a host of factors both internal and external. The chapter therefore concludes that a lot needs to be done to ensure effective parliamentary capacity and performance, needed for meaningful oversight and control of the executive in the governance of the country.

Chapter 4: ‘The presidency and democratic developmentalism in Southern Africa’ interrogates the institutional design of the presidency in Southern African states in the context of the promotion and consolidation of democracy and development in the region. The chapter argues that historical pedigree is important in

understanding the nature and construction of the institution of the presidency and its powers in Southern Africa, with origins in the colonial era. Although there have been considerable reforms in the post-colonial era through the process of constitutional changes and engineering in either limiting or expanding presidential powers, the colonial legacy still looms large. In the presidency–democracy nexus, the author identifies two major patterns – the ‘hegemonic presidency’ and the ‘balanced presidency’. Even within these two, there are different variants and also dynamics in the dispersion and contestation of powers. The chapter offers key policy recommendations on how to assuage presidential powers in promoting democratic developmentalism. These include, redesign of the legal and constitutional basis of presidential powers in the appointment of key state officials (e.g. the Ombudsperson, Auditor-General, etc.) to involve the endorsement of the parliament and other key democratic institutions; joint action by the presidency and parliament in the formulation of key state policies; the issue of financial and budget oversight by the parliament and other key institutions needs to be strengthened; and improving the culture of tolerance, debate, dialogue and difference in the public domain in order to ensure ‘deliberative democracy’, necessary for democratic consolidation.

Chapter 5: ‘Explaining the mixed fortunes of African opposition parties in their quest for state power: an institutional and strategic analysis’ investigates under what conditions and circumstances do opposition political parties win elections especially at the presidential or prime ministerial levels. It argues that contrary to popular perception that opposition political parties are usually weak, disadvantaged and mostly incapable of winning elections, a review of extant data suggests that in the two decades from 1990–2013, opposition political parties won national elections in 18 cases, while the ruling parties only won in 13. What then accounts for these opposition victories? According to the chapter, there are two major factors or contexts in which opposition political parties are likely to defeat incumbent parties: first, in a *de jure* two-party system, in which the two parties are fairly strong, and provide ready alternative to each other and, second, in situations in which opposition political parties enter into political coalitions. However, there are other factors to be considered in opposition party victories. These include the nature of the electoral system, the voting behaviour of the electorate, and the credibility or otherwise of the ruling party, which may prove decisive in the victory of opposition political parties. He illustrated this with examples of opposition political victories in several African countries.

Chapter 6: ‘Political parties and democratic development in Africa: Nigeria and South Africa in comparative perspectives’ examines the contributions of political parties to democratic development in Nigeria and South Africa. The chapter argues that issues of internal democracy and party democratic culture, party accountability, discipline of the party cadres and their leadership, their conduct in the electoral process and adherence to democratic rules and the extent to which they articulate alternative visions for society captured in their party programmes and the actual implementation of those programmes, determine how far they contribute to democratic development in the two countries. The chapter concludes that there are

varying patterns in both Nigeria and South Africa. In Nigeria, political parties have largely subverted democratic ideals more than they contribute, while in South Africa current developments also show a faltering trend, which if care is not taken may undermine democratic development in that country.

Chapter 7: 'Promoting accountable governance in Africa: issues, challenges and policy reforms' examines the notion of accountable governance, the genealogy of it, the issues and challenges, and proposes some policy reforms in promoting it in Africa. Accountable governance is at the heart of democratic stability and consolidation. Accountability underpins the nature of the social pact between the state and citizens, rulers and the ruled, and defines the ethical values that drive state management. However, accountable governance does not necessarily approximate liberal democracy. It is possible for non-liberal democratic systems to promote accountable governance, once the institutional and procedural elements of it are well consummated and the outcome in terms of effective delivery of public goods to the citizens is well facilitated. The chapter traces the challenge of accountable governance to the colonial era in Africa in which, to use Claude Ake's words, there was a dissociation of power from responsibility and authority from accountability. The colonial regime was not accountable to the local population, but rather regarded them as subjects not citizens. Subjects are objects of domination and control, rather than responsiveness and accountability. The post-colonial state that sufficed after independence has its pedigree in the colonial era, with continuity in change in the culture of unaccountability. Elections have not provided a good mechanism of accountability in spite of the rising demand and regularity of them in Africa. The key reforms suggested include a reform of the state and its institutions, making citizenship meaningful, encouraging a virile civil society that can scrutinize and question state actions and make demands on behalf of the citizens, promoting a culture of public morality in governance, and facilitating a peace culture, which provides a congenial environment for citizen's active participation in governance.

Chapter 8: 'Rethinking organized labour's engagement with the political process in Nigeria: issues in alliance building and popular participation' examines the engagement of organized labour in the political process in Nigeria, and documents the travails and failures of the movement to positively impact on the political process even with the formation of a political party and building alliances with other parties. The chapter argues that opportunism, betrayal and lack of focus largely characterize the involvement of labour in the political process. Organized labour's involvement in the political process has been uncoordinated, disjointed and lacking strategic focus. It has been largely driven by the opportunistic interests of its leadership, which the state has often exploited to co-opt or repress labour as the situation demands. Workers have gained very little from the involvement of their organization in the political process. In conclusion, the author argues that there is a need for committed leadership, ideological orientation and pedagogy of both the workers and their leaders, and an issues-based approach to labour's engagement with the political process and alliance building with other civil society groups based on the issues of interest to the workers and

the labour movement, if labour's involvement in the political process is to be productive and beneficial to the workers.

Chapter 9: 'Political representation in the Mauritian democracy: analysing the gender deficit' examines the issue of under-representation of women in the political process and democratic institutions in Mauritius, the rationale for it, and the challenges this poses to the consolidation of democracy in the country. From 1948, under British colonial rule, women have been granted political suffrage, and have contributed in no small measure to the growth of Mauritian democracy; they have been active as voters and supported political parties, however, they remain marginal actors in the political process and grossly under-represented in democratic institutions such as parliament and the executive in spite of their being about 55 per cent of the voting population. In the 2010 National Legislative Assembly, for example, women members numbered only 12 out of a total of 70, depicting an 18.8 per cent ratio, which is perhaps the highest number since 1983. Despite the fact that several commissions, including the Commission on Constitutional and Electoral Reforms, have identified this as a major problem inhibiting the consolidation of democracy in Mauritius, the male-dominated patriarchal system has done nothing to assuage it. The Mauritian government refused to ratify the Southern African Development Community (SADC) protocol on Gender and Development of August 2008. The protocol calls for affirmative action of 50 per cent representation of women at all levels of government and decision making by 2015. In not ratifying the protocol, the government argues that it is in contradiction with some sections of the Mauritian Constitution.

Factors inhibiting the fair representation of women in democratic institutions include cultural factors, in which women are still generally conceived as 'domestic beings' to take care of children and the family, and the negative perceptions and stereotypes attached to women who get involved in politics; the skewed structure of political parties which neither promotes affirmative action for women in the party structure nor deliberately inserts women in the political process. Indeed, the nature of party organization and processes, including conducting party meetings at night, serve as a disincentive for women to participate politically, and the financial cost necessary to contest for political positions is also often outside the capacity of most women. The economic disempowerment of women therefore connects to their political disempowerment.

Chapter 10: 'From the newspaper to Facebook: new media, intermediality and political participation in Africa' examines the role of new media, especially social media, in reshaping politics and power relations in Africa and their limitations. The chapter argues that new media has had the effect of diffusing the power centres of information, creating new information sources and shifting the balance of power in information gathering and dissemination in favour of the citizens. The virtual space, as the author calls, it opens up several possibilities in promoting popular participation and engendering political accountability in the political process in Africa. It denationalizes the 'national' sphere and imposes cosmopolitanism, which allows the free flow of information across national boundaries that the state cannot tame. Second, it allows

for citizens to mobilize either against unpopular state policies, as the food riots in Mozambique in 2011 suggests, or facilitate mass political protests, as the popular revolts in Egypt indicate. Either way, it is a catalyst for political mobilization and activism. Third, it is a means through which the state could glean the pulse of the people. In other words, online social media discussion provides the state with political feedback from its citizens on its policies and programmes in a very easy and uncomplicated way. However, the chapter warns that social media are not without their own challenges. For instance, it may encourage the replacement of direct political action with virtual community, who may talk more but do nothing to effect change. The possibility of information distortion arising from unfiltered and unregulated information that passes through the new social media network is also real, which may have negative political consequences.

Chapter 11: 'The role of access to information for democratization and governance in Africa' examines the notion of transparency and information disclosure with the ATI as the entry point. The chapter argues that access to information by the citizenry promotes accountability, increases the credibility and legitimacy of governments, ensures better service delivery, and increases political participation, and hence promotes good governance. No less than 11 African countries have passed the ATI law and four of those did so within two years. This shows the seriousness and commitment of governments in Africa to improve transparency in governance through ATI. However, for there to be meaningful transparency through ATI laws, there must be a good mix of demand and supply in that regard. The people must demand for it, make use of it and ensure its effective implementation, while the government must be willing to provide adequate supply of information through ATI. The chapter further argues that the law itself is insufficient as there are many ways it can be stalled, distorted or unimplemented. Commitment to and political will by the political leadership to the realization of the law is quite important.

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Part I

Institutions, accountability and reforms



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2 African presidentialism revisited

Between ‘Big Man metaphor’ and institutional politics

M.A. Mohamed Salih

Introduction

The current literature attributes the instability of African democracies against the backdrop of an uncritically adapted ‘Big Man’ as a metaphor for the main features of African presidential or semi-presidential systems. The metaphor presumes that as ‘Big Men’, African presidents or prime ministers emulate traditional African chiefly behaviour and dependence on patrimonial behaviour immersed in patron–client relationship.

This chapter challenges the tendency of linking African presidentialism and the ‘Big Man’ metaphor by arguing that presidentialism is only one political institution among a complex web of other formal and informal political institutions. Institutions such as political parties and legislature lend or deny support to the presidency based on the extent of party system fragmentation, coalition or legislature volatility.

The chapter commences with a brief introduction explicating the debate linking presidentialism and the ‘Big Man’ metaphor, placing the argument within the broader debate on the executive dominance in Africa. Next is an exploration of how political parties and party systems influence presidentialism, showing that the presidency draws its support from a large coalition of interests, including political elites of different ethnic affiliations. The following section illustrates that apart from the initial act of making the government in parliamentary system, African legislatures have become very assertive, challenging the presidency and defying the crude generalization that they are mere ‘rubber stamps’. The final section is a conclusion that sums up the argument, showing the complex political institutional context within which it operates.

Interrogating the presidentialism-neo-patrimonialism conundrum

The ‘Big Man’ metaphor is sought to suggest that African presidents or prime ministers chiefly behaviour emulate traditional chiefly behaviour. The general impression given here is that presidential and prime ministerial system rule is immersed in tradition and dependent patrimonial affiliations characterized by

clientelism. Bratton and van de Walle (1997: 62) define the tenets of neo-patrimonialism as follows:

As with classic patrimonialism, the right to rule in neopatrimonial regimes is ascribed to a person rather than to an office, despite the official existence of a written constitution. One individual (the strongman, 'big man,' or 'supremo'), often a president for life, dominates the state apparatus and stands above its laws. Relationships of loyalty and dependence pervade a formal political and administrative system, and officials occupy bureaucratic positions less to perform public service, their ostensible purpose, than to acquire personal wealth and status.

The characterization of African presidents or prime ministers as 'Big Men' has two more sinister implications: (1) it brings to life patrimonism adulterated with the form but not substance and practice of Western democratic institutions; (2) the 'Big Man' metaphor weakens already weak African modern institutions (political parties, legislature and executive), placing them at the whim of unruly presidents and prime ministers.

Although this chapter is not devoted to defending African presidentialism but rather to critique the generalization that it is immersed in patrimonialism epitomized by the 'Big Man' phenomenon, it develops an argument which illustrates that African presidents and prime ministers are only part of complex and dynamic political structures. The executive–legislature relations do not automatically translate into one man rule or the 'Big Man' phenomenon.

Linz's contention and its adaptations by other literature on Africa, has recently been criticized by Chaisty *et al.* (2014: 83):

while it is important not to underestimate the significance of informal processes in Africa (i.e. patrimonialism and patron–client relationship), this overriding preoccupation of the literature has obscured the challenges presidents face when interacting with parliaments, and the variety of tools they use to manage legislative relations.

The issue then seems to lie somewhere else in executive–legislative relations and the relations of these two institutions with political parties and the machinery of government, in general. Weak separation of power¹ or weak political parties without internal party democracy² probably play a more potent role in political instability than patrimonialism, simply because not all party functionaries or parliamentarians belong to the president's ethnic group and in most cases, not even the parliamentarians of the majority political party.

In the first instance, presidentialism is criticized by Linz (1990) on at least three counts: (1) the president's fixed office breaks the political process into discontinuous, rigidly demarcated periods, leaving no time for the continuous readjustments that events may demand;³ (2) 'on the one hand, such systems set out to create a strong executive with enough plebiscitarian legitimation, on the other,

presidential constitutions also reflect profound suspicion of the personalization of power';⁴ and (3) 'a danger posed by zero-sum presidential election is that the rigidity of the president's fixed term in office sharply define winners and losers for the entire period of the presidential mandate'.⁵

Linz's (1990) critique of presidentialism, as noted earlier, is not dissimilar to arguments used by African presidents who wish to extend their terms whether justifiably so or not. In the first instance, African presidents are known for their unease with fixed terms and at least (six of them) managed to change the constitution in order to maintain continuity. The issue here is not that they have changed the constitution. What is at issue is the manner in which the constitutions were changed. Second, the personalization of the presidency as argued by Linz has nothing to do with patrimonialism or the 'Big Man' metaphor and, if it has, it is not only African, it is human, without justifying it or making it look good. Third, it is not difficult to recognize the uncompromising and unrelenting confrontations between government and opposition in Africa and also in Western democracy, and particularly so during periods of co-habitation – i.e. when the President's party does not command parliamentary majority.

While most literature on presidentialism in Africa is negative on its attributes and often in line with arguments presented by Linz (1990), however, Mainwaring and Shugart (1997: 449) recognized some of the advantages of 'presidentialism' which can partially offset its drawbacks. These advantages can be maximized by paying careful attention to differences among presidential systems. Presidentialism tends to function better where (1) presidencies have weak legislative powers; (2) parties are at least moderately disciplined; and (3) party systems are not highly fragmented. Likewise, argue Mainwaring and Shugart (*ibid.*: 1997) on the perils of presidentialism as typically being associated with weaknesses in other political institutions and not only of the presidency as such, i.e. weak legislature, highly fragmented political parties lack the discipline and capacity to hold the executive to account. I will return to this in the following section on the executive–legislative relations in respect to budgetary oversight by the latter.

With these points in mind, the following section interrogates the relationship between the executive and the legislature, with particular reference to presidentialism, using the case of budget oversight to examine the institutional bases of their contestation of power. Instead of treating African legislatures as rubber stamp parliaments, it shows how in a number of incidences, the parliament stood its ground vis-à-vis the executive.

Presidents and the legislature: the case of budget oversight

Budget oversight is one of the legislature's most important public finance management's functions and it is more so in democratic states where the legislature as the representative institution of the will of the people is entrusted with horizontal and vertical oversight and accountability. In legislature studies (Olson 1994 and 2008; Krafchik and Wehner 1998; O'Donnell 1998; Haggard

and McCubbins 2001; Diamond 2002; Gustafson 2003; Stapenhurst 2008) budget oversight refers to the legislature control over the budget expressed in a number of functions. These functions pertain to its ability to:

- 1 Detect and prevent abuse, arbitrary behaviour, or illegal and unconstitutional conduct on the part of the government and public agencies. At the core of this function is the protection of the rights and liberties of citizens.
- 2 Hold the government to account in respect of how the taxpayers' money is used. It detects waste within the machinery of government and public agencies. Thus it can improve the efficiency, economy and effectiveness of government operations.
- 3 Ensure that policies announced by government and authorized by parliament are actually delivered. This function includes monitoring the achievement of goals set by legislation and the government's own programmes.
- 4 Improve the transparency of government operations and enhance public trust in the government, which is a condition for effective policy delivery.

Therefore, legislature's theory stipulates that it commands considerable powers not only in approving the budget into a legal document, but also shaping its structure, priority and the overall orientation of the fiscal policy priorities. In practice, however, the extent to which the legislature influence and shape the budget vary considerably and is contingent on the legislative–executive relations as well as the prevailing party system. I explain these briefly below:

Generally, it has been recognized that the executive dominance over the legislature in budget control is a universal phenomenon and therefore not unique to Africa. There are three factors that facilitate executive dominance over budget control: first, the legislature is a composite of parliamentary political parties. In other words, political parties that win parliamentary seats in the election are disaggregated in terms of majority and minority parliamentary parties. In practice, once government is installed, majority political parties in the legislature support the executive bills and ensure that parliamentarians who do not support government proposals are disciplined by the party whip. Obviously, the majority of the parliamentarians tend to avoid hampering the executive ability to implement their party's electoral political programme because it could potentially erode its re-election.

Another pivotal factor shaping the legislature–executive relations in respect to budget oversight is whether the system of government is presidential or parliamentary. It has been observed in many legislative studies that the executive dominance over the legislature is more likely in presidential systems: (1) presidents are directly elected by the people which gives them a popular mandate; (2) the legislature has no powers to force presidents to resign by subjecting him/her to the vote of no confidence such as the case in parliamentary systems; and (3) presidents rule through advisors and therefore command considerable powers compared with the prime minister who rule through a collegial or collective cabinet.⁶ These characteristics are significant in tilting the balance of power in favour of the president thus

enabling him/her to curtail the legislatures' role in budget oversight during approval, execution, reallocation and review of public accounts.

Second, in first-past-the-post, the majority party government may either alone or in coalition with other parties ensure that the budget is subjected to heated debate but, at the end of the day, with few amendments. The role of parliamentary majority is to defend major executive policies and at the same time subject them to scrutiny. This is typically the dominant system in African legislatures, which inherited the Westminster system, although as this chapter will explain, there are exceptions to this general contention. In proportional representation and mixed systems there is usually the possibility of coalition governments due largely to the multitude of parliamentary parties, which makes coalition government most likely, with the exception of dominant party systems.⁷ Again, this is not always the case and, as mentioned by Laver and Shepsle (1996: 40), when party discipline breaks down and dissident members of government party join forces with the opposition to pass legislation on some particular issue, it is possible for the executive to impose its will on a 'majority executive', and more so in the case of minority government. In fragmented proportional representation, parliaments or first-past-the-post minority government, with tense ideological divisions in the legislature, the likelihood that the legislature exerts its powers over the executive, including amendment of the budget is high.

Third, is whether the institutionalization of competitive politics leads to more pervasive legislature control over budget than in newly democratizing states. It is one thing to compare Africa's nascent democratic experience with old democracies such as Europe, it is another thing to compare relatively old and more recent democratizing African states. The main assumption here is that institutionalized legislatures oversight requires a certain degree of cooperation in joint parliamentary committees responsible for budget, finance and public accounts. In this chapter I examine whether the institutionalization and efficacy of these public finance management parliamentary committees has some bearing in redressing the legislative-executive power imbalance.

In sum, this section illustrates that legislature's ability to influence and control the processes leading to the preparation and legislation and oversight over budget implementation and accountability are contingent on the institutional set-up, party system, the strength of the budget committee and the extent to which competitive politics has been consolidated. It is hypothesized that, in the African context, institutionalized legislatures are better disposed to budget control than more recently democratizing states.

The following section presents cases of African legislatures exercising their mandated power to influence and even challenge the executive to change some policies or annul others.

Parliamentary budget and public finance committees in action

Much of the literature on executive dominance over the legislature presumes that the president or prime minister and not the minister of finance has direct

influence in determining budget allocations and that the legislature's role is to 'rubber stamp'. As the preceding sections of this chapter have shown, the budget process in Africa is not different from the majority of countries in the democratic world. The executive and particularly, the Ministry of Finance or the Treasury has control over the budget: it prepares the budget in consultation with the ministries and departments, drafts the budget and sends it to the legislature for the first reading, where the parliamentary budget or public accounts committees make their recommendations for amendment to government before the draft is presented to parliament. In most cases, the Ministry of Finance and not the president takes these recommendations seriously, before the draft budget is presented to parliament for first reading.

The majority party, whether alone or in coalition with other political parties, often has the majority to approve the budget just as in any other old or new Western democracy. In a sense, legislatures' approval with minor or major amendment of budget is common practice as the government party is rarely undermined by its own legislators who, if they voted against the government, could be subjected to disciplinary action by the party whip. However, several recent cases illustrate that African legislatures do engage in serious discussions leading to amending and not rubber-stamping the budget.

Eight case studies of parliamentary committees in action are reviewed in order to demonstrate that there are variations in the effectiveness of African legislatures in exercising the budgetary oversight. For example, in dominant party systems (Angola, Ethiopia, Mozambique, Namibia, Rwanda, South Africa, Uganda and Zimbabwe), governments have a comfortable majority to pass bills and even amend or reform the constitution. These countries are presidential and generally characterized by stable government if not democracies. However, in the majority of cases, coalition and minority governments experience political turmoil, particularly close to elections, in a bid to distinguish themselves from their coalition partners. Cases of budget or government expenditure contestation between government legislatures and opposition's contestation are presented below:

Members of the Benin National Assembly rejected the spending plan of the proposed 2014 budget. The Constitutional Court cancelled the lawmakers' vote against the budget and ordered them back to work with the executive in order to come up with a compromise budget. According to the parliamentarians who rejected the budget, 'the 2014 budget is poorly structured and does not meet the aspirations and expectations of the people and therefore doesn't include the real concerns of people who are suffering'.⁸ This case shows clearly that members of parliament for the government and opposition took sides with the people and voted against the budget presented by government. The parliamentarians' explanation of the budget is justified by claiming that it does not meet or respond to the aspirations of the people who are in the majority, the poor.

In 2007, the Cameroon National Assembly disapproved a preliminary motion by the Social Democratic Front (SDF) Parliamentary Group calling for the read-

justment of the 2008 Budget to make provision for an increase in the salaries of civil servants. Although the budget was adopted without any significant modifications, in the plenary session, the SDF Parliamentary Group raised a preliminary objection, which succeeded in rejecting the Finance Bill, which was sent back to the Finance Committee of the House for readjustment. The Finance Bill was approved after the necessary amendments were made.⁹

In June 2013, Kenya's National Assembly budget committee rejected a proposal to purchase an office building for former President Mwai Kibaki at a cost of Sh700 million (US\$8.2 million). The chairman of the Budget and Appropriations Committee of the National Assembly, Mutava Musyimi, directed the Treasury to go back to the drawing board and come up with other options 'affordable' to the taxpayer. He questioned whether the Treasury had exceeded the maximum ceiling of spending on the office set by the law. 'Are we not breaking the law?' he posed, citing the specifications in the Presidential Retirement Benefits Act, which allows suitable office space for a retired president of up to 1,000 square metres. He said Treasury must lead by example on saving funds by cutting down on unnecessary costs. MPs are understood to have discovered the allocation as they questioned the failure by the Treasury to allocate the \$63 million Constituency Development Fund money for the remaining part of the 2012/2013 financial year.¹⁰ Similar to Benin, parliamentarians from President Kibaki's Party of National Unity (PNU) voted against the Treasury or in a sense against the presidency, which was behind a proposal inconsistent with the provisions of the Presidential Retirement Benefits Act. In the ruling, the High Court remarked that: 'This Court does not therefore have any other option but to fault the Presidential Retirement Benefits (Amendment) Act for the failure of parliament to involve the Salaries and Remuneration Commission (SRC).'¹¹

Similarly, in 2007, the Malawi Congress Party (MCP) and United Democratic Front (UDF) joined forces to reject the additional budget, accusing President Bingu wa Mutharika's government of failing to justify the extra spending. They claimed that the government had failed to point out why they needed additional resources and what they wanted to use them for. The supplementary budget, which would have raised main budget spending for 2006/2007 to US\$220 million, was defeated by 86 votes to 74. The rejection of the supplementary budget was in line with Malawi law, which stipulates that the Finance Ministry can still spend the additional funds but must get the money approved before the end of the fiscal year on 30 June. Finance Minister Goodall Gondwe accused the opposition of denying the country's poor access to the massive debt relief, thus putting the lives of the poor at stake 'but we have to think again about what to do with the resources from (the Heavily Indebted Poor Countries (HIPC), debt relief programme'.¹²

Nigeria House of Representatives rejected President Goodluck Jonathan's proposal for amendment to the 2013 Appropriation Act. The Appropriation Committee was unanimous in rejecting the amendment sought by the presidency because they were ambiguous and not precise. Albert Sam-Tsokwa, the Chair of

the Appropriation Committee, commented that, 'Apart from the long title of the bill, it has nothing again to show that it is a document seeking to amend or repeal and re-enact the 2013 appropriation act'. According to the Spokesman of the House, Mr Zakari Mohammed,

the scope of the amendment made it seem that the National Assembly had not passed the budget in the first place. In other words, amendment means there is a law on ground that has defects, but with the level of the amendments requested, it is as if a new budget was to be passed.¹³

The Appropriation Committee was obliged to make the amendments before the 2013 Appropriation Act was approved by parliament, which does not suggest that the presidency was 'hawkish' or a 'Big Man' as proposed by the proponents of patrimonialism.

In 2012, the Somalia Federal parliament rejected the 2013 proposed budget presented by the government of the Somali Prime Minister Abdi Farah Shirdon. The proposed budget was rejected by 70 members of parliament, while 54 MPs voted in favour and 39 abstained. 'Under parliamentary bylaws, the government should present a revised budget within 30 days. The legislature requested that the budget include salary increases for government soldiers, especially those fighting al-Shabaab.'¹⁴ The Somali case is interesting in that it is a country known to be without a state for almost two decades and beset by insurgency and what outsiders consider the nearest to the 'state of nature'.

In April 2013, the Speaker of Tanzania National Assembly, Anne Makinda, was forced to postpone the parliamentary session after legislators rejected the 2013/2014 budget proposals for the Ministry of Water, on the grounds that the estimates were manifestly inadequate. Irrespective of their political affiliation, the legislators rose in turn and expressed disappointment on the proposals, arguing that funds allocated for development of water projects were meager and insignificant for massive requirement of the sector. Postponing the session, Ms Makinda directed the Ministry of Water, the Treasury and Parliamentary Budget Committee to explore other avenues for boosting the disputed budget proposals.¹⁵ Likewise, parliamentary assertiveness was put to the test in the case of development projects failings under different ministries jurisdictions which include failure to (1) rehabilitate the Bagamoyo Arts Institute; (2) construct the National Kiswahili Council, Bakita offices; (3) build the African Liberation Documentation Centre; and (4) construct the Malya Sports College. Other failures of the ministries included failure to construct the House of Culture, rehabilitate youth centres, improve the Tanzania Broadcasting Corporation (TBC) territorial outreach and construct open theatre arts auditorium, Uhuru Torch race and establish a youth bank. As a response to these failures, the Parliamentary Standing Committee on Infrastructure directed the government to ensure that it provided the Ministry of Transport the remaining 75 per cent of budget allocated for the transport sector before the end of the fiscal year. This came amid revelation that the ministry had so far received just 25 per cent of budget allocated for the

financial year 2012/2013. It was also learned that the ministry got only 30 per cent of funds pledged by development partners. The MPs said among development projects hampered by the delay of funds was the upgrading of the central railway network.¹⁶

The Zambia Parliamentary Standing Committee on Social Development rejected the 2013–2014 development budget allocation of ZMK600 million for the Ministry of Information, Youth and Culture, withholding endorsement of the budget allocation until the committee was provided with satisfactory explanation and action taken on the ‘meager allocation’. Part of the reasons they rejected the budget was because four major development projects were rendered dormant in the wake of such budgetary allocation. The members of the Standing Committee also threatened to withdraw their membership of the committee if the matter was not properly addressed. Clearly, the Zambia Parliamentary Standing Committee on Social Development is cross-partisan and not composed only of the ruling party. The committee took the decision not on an ethnic basis but discharging its responsibility without fear or favour.

As late as February 2014, the MPs of *Zambian opposition Alliance for Democracy and Development (ADD)* refused to back a motion by Finance Minister, Alexander Chikwanda, to increase the threshold of domestic borrowing from K200 million to K13 billion. The opposition view is that once the threshold for domestic borrowing was increased, the country risked falling into a debt trap. Similarly, the *United Party for National Development (UPND)* in opposing the motion, expressed fears that government would fail to pay back the domestic debt and simultaneously plunge the country into unsustainable debt.¹⁷

The eight incidences of legislatures budgetary oversight presented here are directly linked to the main issues raised in the previous two sections of this chapter: the debate on the executive dominance over the legislature. Closely associated with the debate on presidentialism and the ‘Big Man’ metaphor and beyond that with patrimonialism, political party and ethnic fragmentation and their assumed contribution to democratic instability.

Table 2.1 shows government system, major political parties and coalitions that contested the latest elections and number of elections as indicative of democratic consolidation. Examining these cases in relation to the main contention of this chapter, it is plausible to argue that legislatures budget and financial management oversight is exercised regardless of whether its party system is consolidated or fragmented. Likewise, the so-called presidentialism or the ‘Big Man’ metaphor does not seem to hold in parliamentary or hybrid systems. The eight case studies include five presidential systems (Benin, Kenya, Malawi, Nigeria and Zambia) and three semi-presidential (Cameroon, Somalia and Tanzania).

Since the exact number of elections needed to designate a democratic system as consolidated or fragile is anyone’s guess, clearly all eight countries, except Somalia which still suffers from internal strife, can be considered so. Each of the other seven countries have had between four to six multiparty elections, with Benin, Kenya and Zambia approaching a quarter of a century of multiparty democracy.

Table 2.1 Government system, majority parliamentary parties and party coalitions that contested the latest elections

<i>Country</i>	<i>Government system and president in 2016</i>	<i>Majority political parties and coalitions according to the latest elections</i>	<i>First multi-party elections</i>	<i>Number of multi-party elections</i>
Benin	Presidential: President and Head of State, Patrice Talon	Two main political parties: 54 (65.36%) and Cowry Forces for an Emergence of Benin 29 (34.63%) out of 83 seats (2016 elections).	1991	7
Cameroon	Semi-presidential: President Paul Biya, Prime Minister Phelmon Yang	Dominant party system (Cameroon Peoples Democratic Movement won 148 (82.2%) out of 180 in 2013 elections.	1993	5
Kenya	Presidential: President and Head of State, Uhuru Kenyatta	Three major party coalitions: Orange Democratic Movement (102 seats), Party of National Unity and Allies (99 seats) and Orange Democratic Movement-Kenya (ODM-K) (16 seats) (2013 elections).	1992	5
Malawi	Presidential: President and Head of State, Arthur Peter Mutharika	Democratic Progressive Party won 165 (36.1%) and Malawi Congress Party 131 (28.66%) out of 457 (2014 elections).	1994	5
Nigeria	Presidential: President and Head of State, Muhammadu Buhari.	Two major parties won National Assembly elections: All Progressive Congress 225 seats (62.5%) and Peoples Democratic Party 125 seats (34.7%) and out of 361 (2015 elections).	1999	5
Somalia	Semi-presidential: President Hassan Sheikh Mahmud, Prime Minister Abdiweli Sheikh Ahmed	Toyo Political Party (established 2012), Peace and Development Party (established 2011) and United Somali Parliamentarians (established 2010), but have not contested any elections.	–	–
Tanzania	Semi-presidential: President and Head of State John Pombe Joseph Magufuli, Prime Minister Kassim Majaliwa Majaliwa	Dominant Party Chama Cha Mapinduzi won 252 (68.66%) out of 367 seats (2015 election)	1995	5
Zambia	Presidential: President and Head of State Edgar Lungu	Three main political parties and a king maker: Patriotic Front 80 seats (42.01%) and United Party of National Development 58 seats (41.66%) of 156 seats (2016 elections)	1991	6

Source: Compiled by the author from African elections database: A database of election results in Sub-Saharan Africa. Updated 16 June 2016: <http://africanelections.tripod.com/index.html> and the websites of the National Independent Election Commissions or National Election Boards of the respective country.

Despite ethnic fragmentation, there are few parliamentary political parties thus negating the conventional claim that there is positive correlation between ethnic and party system fragmentation. In fact, far from it, there is more of an evidence of political party system consolidation than fragmentation, as shown in the prevalence of dominant party systems and coalition government in Table 2.1. This can also explain that the size of the president's party support does not prevent the legislatures from challenging the executive in exercising the legislature's budgetary and public finance oversight. Most of the incidences that have shaken the democratic systems in some of these countries (Kenya, Malawi, Nigeria and Benin) can be attributed to inter and intra-political party conflicts and not to legislative volatility, which also illustrates that in some cases (for example, in Kenya 2008), the legislatures acted as agents of peace by working with local authorities to resolve ethnic and other conflicts.¹⁸

Although these case studies do not vindicate the executive dominance in some other African parliaments, the eight cases selected here are deliberately biased towards legislatures that are increasingly showing their ability to exercise budgetary oversight. The main aim therefore is to reveal that there are discernable variations in African legislative-executive relations and designating all African legislatures as rubber stamps operating under the whip of presidential 'Big Men' is feign in some researchers' imagination and has nothing to do with the totality of how African legislatures exercise oversight over government operations, particularly budgetary and public finance oversight.

Party systems fragmentation

Presidents cannot control fragmented party systems where their own political party depends both on party-to-party coalitions as well as coalitions formed by smaller ethnic groups. In other words, the presidency will in no way have a large leverage to exclude coalition partners or other ethnic groups. As this section illustrates, patrimonialists' cliché statements such as 'One individual (the strongman, "Big Man", or "supremo"), often a president for life, dominates the state apparatus and stands above its laws', are not generalizable and in fact not applicable to most African democracies.

Political system fragmentation is treated as an important factor tilting the balance of power in favour of the executive or the president. Because, generally, the party system is fragmented when a country has more than two parties, where none of the parties are able to win sufficient parliamentary seats to command the necessary majority in the legislature and to subsequently form government. In countries with large ethnic groups, there is a tendency of the emergence of two party in response to simple-majority, single-ballot systems (first-past-the-post). This is similar to 'Duverger's Law'¹⁹ which emphasizes the relationship between number of parties and electoral rules, whereby political systems based on majority rule tended to produce two party systems and those based on proportional representation tend to produce multiparty systems, none of which comes close to obtaining an absolute majority in the representative assembly. Implicit

in the understanding of this postulate is the paradox of competitive party democracy: two party systems contribute to political stability as one of the two parties is expected to obtain sufficient seats in the legislature. The only caveat here is that a two party system can produce political stability, it may also entrench elite interests and lead to political complicity particularly in the first-past-the-post. On the other hand, proportional representation encourages the formation of parties, leading to fragmentation of the party system with the likelihood of failing to produce a clear majority parliament. One consequence of proportional representation, therefore, is the tendency to produce a minority, often unstable, coalition government, which could be difficult to maintain throughout the legislature's term.

The proposition that there is a correlation between electorate size and party systems and that the size of political entities influence the degree of party system fragmentation and stability, merit serious consideration in the African context: first, it has the potential of revealing that political party fragmentation is an important component of democratic stability and, second, it draws attention to the significance of party systems for democratic consolidation. For example, Birch (2003) concluded in her study that the relationship between party system fragmentation and political instability as detrimental factors for democratic consolidation are as follows: (a) it reduces accountability over a large number of small and unstable political parties; (b) it impedes party institutionalization because parties tend to emerge and disappear in relatively short periods of time and before they come to grips with the principles and practice of competitive democratic systems; and (c) there is increased political uncertainty and this undermines the country's capacity to conceive and implement long-term strategic public policy programmes. All three factors deplete trust in the political system, frustrate the electorates and often create circumstances favourable to the emergence of populist leaders at best or encourage army adventurists to claim responsibility to maintain political stability and restore national pride and integrity.

Advances in the critique of a priori relationship between ethnic diversity and patrimonialism, in shaping African politics through 'Big Men' and the patron-client relationship, have illustrated that ethnic fragmentation per se does not lead to party system fragmentation. Mozaffar *et al.*'s (2003) work, which focused on politically relevant ethnicities, i.e. politicized ethnicity and not in any ethnic group, has defied the conventional wisdom. Their findings show that: 'African countries with large district magnitudes, high ethnic fragmentation, and low geographic concentration have few parties, while countries with large district magnitudes, high fragmentation, and high geographic concentration have large numbers of political parties'.²⁰ Apart from refuting the common wisdom that African political parties are volatile because of the influence of ethnicity in their political leaders and members, these studies show that political stability is more prevalent than conflicts and democratic instability.

Far from describing the African party system as 'ethnic' and pre-consolidated, Kuenzi and Lambright's (2005) seminal study on 'Party Systems and Democratic Consolidation in Africa's Electoral Regimes' has shown that, both in

terms of stability of parties' roots in society and competition, and of the number of parties, there has been a positive association with stable democracy in 33 African countries. Kuenzi and Lambright (2005: 442), argued that:

We feel that democratization in Africa is meaningful. The results of our study indicate that party system characteristics are related to the quality of democracy in Africa's electoral regimes. Our hypothesis regarding the number of parties is especially strongly supported by the results. Our findings also highlight the tension and potential trade-offs between stability and competition in Africa's largely inchoate party systems.

Likewise, Ishiyama (2006), updated Kuenzi and Lambright's (2005) study, with reference, among other variables, to legislative volatility to explain whether or not the ruling party at the time of the first competitive election won the first multiparty election. His study (Ishiyama 2006: 213), demonstrated that, 'the persistence of such hegemonic parties would prevent a high degree of party systems institutionalization and that it may lead to less democratic and ultimately less politically stable outcome'. However, in subsequent elections, during 1996–2002, legislature volatility was prevalent in countries where the ruling political parties won the first competitive elections (Cameroon, Côte d'Ivoire, Djibouti, Ethiopia, Gabon, Ghana, Kenya, Niger, Nigeria and Zimbabwe). In terms of the Polity IV Index (2005),²¹ Ishiyama (2006) found that during the period from 1996 to 2002, the majority of countries where the ruling party did not win the first competitive elections (Benin, Cape Verde, Lesotho, Madagascar, Mali, Mauritius and Sao Tome) were politically stable (*ibid.*: 2006).

Despite the fragmentation of African party systems, core political parties have shown some signs of institutionalization, thus creating a degree of democratic stability, exhibited in what Riedl (2014) referred to in the cases of Senegal, Ghana, Zambia and Benin as the high level of variation in the degree of African political party institutionalization, ranging from high to low, thus challenging the conventional wisdom that all African political parties are weak. Riedl (2014) argues pointedly that, 'various levels of political party institutionalization offer different choices to the national constituency, and parties offer different levels of organizational, mobilization, social and material benefits to their followers'.

Three patterns of political party fragmentation and consolidation have emerged with far-reaching implications for the executive–legislature relations in Africa and how these have increasingly enabled rather than weakened the legislatures' active role in shaping policy and legislation, including budgetary oversight:

- 1 African legislatures have been emboldened to challenge the presidency through the institutionalization of parliamentary norms. The case studies presented here show that rather than being relegated to 'rubber stamps', in the eight countries presented here, parliaments were able to amend or reject budgets and forced the executive to respond to their demands.

- 2 Increased political party competition means that parliamentary political parties do not rubber stamp, for example, budget approval. Each political party attempts to get a better deal for its constituency and serve the interests inherent in the manner in which parties have their own political agendas. This also explains why even parliamentarians from the opposition join the majority (party or coalition) to hold government accountable in matters of national interest or against graft. The presidency can weigh in, attempting to control parliamentary agenda (i.e. what is tabled for debate and what is not) through the speaker of parliament, like in any democracy, but this should not mean that the business of parliament is conducted under duress from a presidency that respects no law.
- 3 Coalition and minority governments are increasingly vulnerable to shifting alliances and floor crossing. On the one hand, political system fragmentation has some drawbacks on democratic institutionalization, on the other hand, it gives voice to smaller parliamentary political parties. Small political parties exercise power as an enablement that enables them to become the king-makers in cases where larger political parties fail to command sufficient majority to rule without resorting to coalition politics.

These three emergent patterns of democratic consolidation amid political system party fragmentation leave meager, if any room, for the presidency to treat the state as a personal fiefdom. In Africa, two party systems in the founding years of multiparty elections have turned into dominant party systems (Mozambique, Namibia and Angola). Only Nigeria and Ghana remain two party systems but in most case are dependent on coalitions of a multitude of smaller parties to govern. South Africa, Ethiopia and Rwanda consolidated their dominant party positions in the last elections, but South Africa, with the August 2016 municipal elections, has moved towards a multiparty competitive system with the electoral loss recorded by the African National Congress (ANC). In the rest of Africa, however, political parties that contest elections and build coalitions look beyond the period between the two elections to score political points that make them electable. This also means that the presidency is challenged to become more cooperative and integrative, that is, combative and exclusionary patrimonialist.

Conclusions

The literature on presidentialism that dominated the academic debate for a number of decades has exaggerated the executive dominance over the legislature. To claim that African presidents resemble 'Big Men' presiding over patrimonial or neo-patrimonial states is reductionist and therefore does not account for the role of political institutions in constraining presidential power. The case studies presented in this chapter focused on countries where parliamentary political parties and the legislatures have been able to exercise oversight powers bestowed on them by parliamentary prerogative to challenge the executive and hold it to account. The cases have demonstrated that African legislatures were

able to challenge the executive and in some instances, compelled the presidency to comply with, for example, budgetary, public finance or public account committees' request to withdraw or amend budgets or reject government requests for parliamentary approval for extra appropriation to expand government expenditure.

The chapter illustrates that party system fragmentation is not necessarily a function of ethnic fragmentation as, in most cases, countries with a large multitude of ethnic groups' exhibit profound ethnic vote consolidation rather than fragmentation. Moreover, both ethnic and party system fragmentation have no bearing on legislative volatility but rather constrains executive power to render the legislature inactive. Party coalitions render the executive dependent on more than one political party and therefore the majority party finds itself under pressure to accommodate interests beyond those of the president's own ethnic group. This is particularly so in the case of legislature's budgetary oversight where the electorates have become increasingly aware of budget allocations and their implications for local development, but also their own electability in the future. It is difficult to generalize from the eight case studies presented in this chapter but they are significant in negating generalizations by demonstrating that presidentialism operates both under formal and informal political institutions and therefore cannot be attributed to patrimonialism or the 'Big Man' metaphor. Evidently, this conclusion has far-reaching implications for the current debate on presidentialism, (neo-)patrimonialism and party system fragmentation.

Notes

- 1 For example, Cranenburgg (2009), argues that

The parliamentary features in these (African) hybrid regimes imply a low separation of powers, which in practice works to strengthen the dominance of the executive. As such, it is often the case that the executive, under a president with many legislative and appointment prerogatives, is able to overpower the legislature.

- 2 Mohamed Salih 2006 and Mohamed Salih *et al.* 2007.
- 3 Linz 1990: 54.
- 4 Ibid. 1990: 54.
- 5 Ibid. 1990: 56.
- 6 Linz 1990; Lijphart 1999; Samuels 2007; Samuels and Shugart 2010.
- 7 Mainwaring and Shugart 1997, Barkan 2009.
- 8 Houndete 2013.
- 9 Nsom 2007.
- 10 NewsKenya.com 2013.
- 11 See Standard Digital, 12 September 2015 at: www.standardmedia.co.ke/article/2000176019/court-declares-law-on-presidents-retirement-benefits-invalid.
- 12 *The Namibian* 2007.
- 13 Nigeria Intel. 2013.
- 14 All Africa 2012.
- 15 Mwakalebela 2013.
- 16 *Daily News* 2013.
- 17 *Lusaka Times* 2014.
- 18 Amani Forum 2008.

- 19 Duverger's law (1959: 217) states that: 'The simple-majority single-ballot system favours the two-party system. Of all the hypotheses that have been defined in this book, this approaches the most nearly perhaps to a true sociological law.'
- 20 Mozaffar *et al.* 2003: 106.
- 21 For more on Polity IV Index see Marshall and Jaggers 2005 for the Manual and how to use the Index: www.stevendrooper.com/polity.pdf.

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3 Presidentialism in Ghana

Examining institutional effectiveness for horizontal accountability between the legislature and the executive

John Gasu

Introduction

Presidentialism has become the preferred system of government in Africa since the emergence of the third wave of democracy on the continent in the late 1980s. Notwithstanding, the admonition of Juan Linz (1994) that presidential systems are inherently unstable, African polities are rather increasingly attracted to the presidential than to the parliamentary systems. The theoretical foundations of presidentialism on which the Constitution of the United States of America (USA) (1789) was established are found in the Federalist Papers which were themselves inspired by the theory of separation of powers, with its associated checks and balances (Hamilton *et al.*, 2006). The benefits associated with the tripartite division of political power, and its management by separate political institutions, was explicitly espoused by the French political theorist Charles Louis de Montesquieu (1748), as the bulwark against tyranny. Implicit in the notion of separation of powers, with checks and balances, is the exercise of horizontal accountability; wherein the state's governance institutions superintend and hold each other in accountability check against the abuse of their respective powers (O'Donnell and Whitehead, 1986; Diamond, 1999).

Africa's post-colonial political history, until recently, had largely been a narrative of an authoritarian order (Diamond, 1999). It had been a political history in which the military and single party dictators monopolised and fused political power in a single person and his coterie that held hegemonic control over the management of the state. The liberalisation of the political space and the democratisation processes that became so ubiquitous on the continent since the late 1980s were therefore directed not only at the re-enfranchisement of the populace for electoral purposes, but also at recreating governance systems that were to allow transparency and accountability (Bratton and van de Walle, 1992; Gasu, 2010). This was to be effected through institutional checks and balances in the context of separation of political powers. The search for effective democratic governance system in Africa ineluctably drew attention to the American presidential system that has worked reasonably well since the last quarter of the eighteenth century.

But the lack of continuity in democratic governance over the years has substantially affected the political culture in many African polities, in ways that have stalled their political progression to democracy or what Robert Dahl (1971) referred to as *polyarchy*. The protracted denial of libertarian guarantees and the exclusivity that had characterised the African landscape has left among its populace a narrow definition of what democracy stands for. It is this situation that has left many African countries to gyrate in the *grey zone* of their transition to democracy, which is characterised by electoralism (Sandbrook, 1996; Diamond, 1999; Carothers, 2002).

This phase of the political transition is usually characterised by a Hobbesian pathology for power, which is instrumentalised by multi-party competition; but with zero-sum outcomes for the contestants. Jean Francois Bayart (1993) described contests within this sort of political ecology as being driven by the 'politics of the belly'; as access to political power easily facilitates the route to economic accumulation. It is for this reason that electoral contests in Africa, in the emerging democratic space, are not seen as the means for political recruitment to carry out policies which the parties stand for. Electoral processes are rather seen as investments by political entrepreneurs, which must be reaped in absolute terms. It is in this light that we can appreciate why many African countries frequently exhibit the anocratic diseases of electoral disputes and crises. Somehow, Ghana is now presenting a different picture so far as the tale of Africa's democratic processes is concerned.

When Ghana restarted its democratic process in January 1993, she was doing so against a backdrop of a massive political seesaw, which John Wiseman (1997) insinuated as being a scenario of 'rise and fall and rise'. This was to depict a history of political instability, in which feeble democratically installed administrations and military authoritarian regimes alternated power in a musical chair fashion (Chazan, 1988; Gasu, 2011). The losers in the political scenarios that played out for an extended period in Ghana's history were the populace that were treated as mere 'subjects of laws' placed at the mercy of the cabal in power (Jelin, 1996; Gasu, 2010). As elsewhere in Africa, Ghana was confronted with challenges in the management of the electoral system in 1992 that resulted in the boycott of the parliamentary elections by the opposition parties (Ayee, 1997; Frempong, 2008). But the teething problems that emerged with the foundational elections were remedied in the subsequent elections, leading to substantial confidence and legitimacy accorded to the Electoral Commission (EC) of Ghana, the independent managers of elections.¹ The general confidence that had been bestowed on the EC partly helped in lifting the political discourse in Ghana from the banal issues of electoralism to a focus on ensuring good governance.

The current fourth Republican Constitution of Ghana (1992) has adopted the presidential system of government in which the executive power is vested in the presidency, the legislative power in the parliament, and the judicial powers are exercised by the courts and independent quasi-judicial bodies established under the Constitution. The theoretical basis of separation of powers with checks and balances were apparently meant to ensure institutional horizontal accountability

among the organs of government (Lijphart, 1999). While the theoretical basis for the preference for presidential systems are always attractive to Constitution makers in the new democracies of Africa, Latin America and now in Asia, its operationalisation in governance is often a deviation from the norm (Gjerde, 2005). The African scene is particularly noted for power aggrandisement by the president (executive branch). This chapter, therefore, focuses on Ghana's presidential system; by examining the checks and balances that exists between the executive, especially the presidency and the legislative arm of government. The objective is to investigate the institutional effectiveness for ensuring good governance through the operation of horizontal accountability. This task is undertaken by placing Ghana's current democratic dispensation within political, historical and cultural context.

The weakening of democratic institutions and the issue of bad governance

Political institutions are understood, here, to refer to all the key governmental and non-governmental organisations, as well as the rules and norms that govern a political system. Thus, the political institutions act in both formal and informal capacities to determine the locus of power and in defining the relationship among the actors within the power matrix. In liberal democracies, the public sphere is extensive enough for the flourishing of political institutions that also serve as the vehicles for interest aggregation and articulation (Andreev, 2003; Dahl, 2005). Nonetheless, the state managers in illiberal political systems constrict the public space due to their morbid fear for citizen action (Colomer, 2006). Largely, therefore, the leverage that a given political institution can marshal depends on the physiognomies of the polity.

The weakening of the democratic institutions that were to ensure effective horizontal accountability in Ghana occurred over a long haul. In fact, the post-colonial political history of Ghana, before 1992, was a checkered one. It was also a social laboratory for political experimentation with all sorts of governmental systems that the ideological rainbow could offer (Chazan, 1988). Soon after independence it was clear that the democratic institutions that were established just before independence were not going to last (Ake, 1996). A paucity of democratic culture among the populace, and the political leadership, began to manifest in the governance style that emerged. And within three years of independence, the state managers had become obscurantist by jettisoning the Westminster (parliamentary) system upon which independence was granted. This was done on the pretext of assuming a more complete independence and sovereignty for the new state (Nkrumah, 2001). The bicephalous executive arrangement under the Westminster prime ministerial system was replaced with a mono-cephalous presidential system under the 1960 Republican Constitution in the name of achieving this goal (Schwelb, 1960).

This change was to set the tone for the political experimentation that affected the institutional oversight responsibilities on the executive arm of government.

The 1960 Constitution actually established a presidential system that was akin to Maurice Duverger's (1980) taxonomy of semi-presidentialism. Under this constitutional arrangement the cabinet was chosen by the president from the parliament and was directly responsible to him. The Constitution glaringly accentuated the powers of the president at the expense of the other organs of government. The best beneficiary of the power repository under this constitutional arrangement was the first president, mentioned in Article 10 as Kwame Nkrumah. He was granted a preponderance of executive power in Article 55 of the Constitution that allowed him to ride roughshod over the other state institutions.

With a constitutional arrangement that personified the executive power around Kwame Nkrumah and granted him highly elastic powers, he thereby became an imperial president (cf. Schlesinger, 2004). Under Article 55(2), it is indicated for instance that the first president 'whenever he considers it to be in the national interest to do so, (can) give directions by legislative instruments'. It is further stated in Article 55(3) that such an 'instrument ... may alter (whether expressly or by implication) any enactment other than the Constitution'. This constitutional provision certainly reduced the primacy of the parliament in the making of laws; and in effect cancelling it out as the embodiment of the sovereign will of the people. The first president was thus in a supreme position to supplant the parliament whenever he so desired. This latitude of power granted to the president was enhanced further, when a farcical referendum was organised that resulted in two constitutional amendments in January 1964 (Schwelb, 1960; Austin, 1964). First, the amendment empowered the president to dismiss judges of the superior courts of judicature (Supreme Court and High Courts) for reasons that the president deemed fit. The second amendment turned Ghana into *de jure* single party state that legitimated only the Convention Peoples' Party (CPP) as the political party to which all Ghanaians should belong. The constitutional amendment was, actually, preceded by a clamp down on the oppositionist parties. The legislature, in this respect, had ceased to be an effective check on the executive as its members were gagged such that the law making institution of the state turned out to become a pliant and a rubber-stamping machine. Those Members of Parliament (MPs) who dared the Nkrumah government were thrown out of parliament and were kept mute in the maximum-security prisons at Nsawam (Rooney, 1988). And those who could not stand the high risk of being on the wrong of side of the political divide sought convenient sanctuaries by crossing carpet in parliament (Austin, 1964).

Thus on all counts, the Ghanaian legislature under the imperial presidency of the first republic had already become a shadowy and an impotent organ of government when the regime was overthrown by a military junta in February 1966 (Austin, 1976). The marginalisation of the legislature as a political institution was aggravated further by its immediate dissolution when the military junta, National Liberation Council (NLC), assumed power. The NLC government essentially merged the executive and legislative powers in the single institution that managed the state. The dismissal of the legislature under the first military rule was to establish a political antecedence for later military governments to

emulate in dealing with the law making body. Accordingly, when the junta of the NLC handed over power to a new democratically elected government in September 1969, it was clear from the nature of things that the legislative arm of government lacked the capacity, due to the disabilities it had suffered, to adequately engage the executive in ways that could curb power abuse. The 1969 second Republican Constitution returned the governance system to the Westminster prime ministerial system (Goldsworthy, 1973; Twumasi, 1975). This constitutional arrangement was apparently meant to break the power monolithism that went with the first Republican constitutional arrangement, which absolutely placed the legislature in the shadow of the executive. In other words, the new Constitution was meant to ensure the accountability of the executive to the legislature through the power of censure that was available to the legislature.

However, the election that preceded the installation of the government was characterised by politicking along ethnic lines (Twumasi, 1975; Danso-Boafo, 1996). The main political protagonists were the National Alliance of Liberals (NAL), which was the party that largely fronted for the Ewes; and the Progress Party (PP) that represented the Akan ethnic groups.² The election was won by the PP party under the leadership of Kofi Busia who was an ardent political opponent of Kwame Nkrumah (Austin, 1976). The victorious party was, in fact, a reincarnated party of the opposition parties under the first republic. This group had become the beneficiaries of the military coup that toppled Nkrumah and as such became as vindictive to the elements of the former CPP as their military benefactors had been, in their dealing with the elements of the previous civilian regime (Gasu, 2011).

The ethno-partisan binary that emerged was to produce devastating effects on the efficacy of the parliament and thereby weakening its capacity as an institution, in checking the executive. Instead of superintending the executive, the parliament rather engaged in enervating self-destructive antagonisms between the party in government and the opposition. Both sides of the political divide acted as though their primary goal was to project and defend their respective primordial interests; as ethnic calculations took the centre stage in public discourse (Danso-Boafo, 1996).

In the first past the post electoral system on which parliamentary elections in Ghana are based, it turned out that the PP did not win any parliamentary seat among the Ewe communities (Austin, 1976). And in a narrow application of what a government based on the prime ministerial system entailed, the PP government was composed without any ethnic Ewe in the cabinet. This was to push the Ewes *en bloc* into opposition against the government that was openly an Akan-based institution. The absence of the Ewes – the largest minority ethnic group – who were mainly administered as a United Nations (UN) Trusteeship until 1956 when they decided in a plebiscite to join the rest of the country, was to impose on them the sense of a collective psychological trauma of marginalisation. This was to intensify the ethnically determined inclusive/exclusive cleavage that was already visible during the electioneering period. This ethnic schism came to have pounding effects on the quality of debates in parliament and on the

governance system; as attention was continually diverted away from scrutinising the performance of the executive on its merit (Danson-Boafo, 1996; Gasu, 2011).

Once the parties in parliament were embroiled in interminable bickering, the performance of the government subsequently became a lacklustre one. This then provided the necessary pretext for the praetorian elements within the state, which the military had come to represent, to overthrow Busia's government in January 1972 (cf. Huntington, 1968). Drawing on the political culture that had already been established, the parliament was again sacked. The new military government, the National Redemption Council, became dictatorial as a way of imposing their acceptability on the people. The National Redemption Council, unlike the earlier military junta, did not have any immediate plans for handing over power to an elected civilian administration. What happened, subsequently, was a transmutation of the National Redemption Council into the Supreme Military Council (SMC), when the middle-level officers who staged the coup were purged out of the government by the top hierarchy of the military. Without any form of institutionalised checks and balances on the government, a kleptocratic ethos emerged under the SMC military rule (Nugent, 1996). This governance situation could only be checkmated by the same gun-wielding fraction of the state. The aftermath was the overthrow of the SMC government by the other ranks and non-commissioned officers of the military in June 1979 (Lumsden, 1980; Shillington, 1992). The new military 'kids on the block' adopted the name the Armed Forces Revolutionary Council (AFRC). The AFRC government was under the leadership of Jerry John Rawlings. The AFRC government operated under a singular objective, which was to undertake a 'house cleaning exercise' so as to right the wrongs of political thievery that their senior officers had instituted (Goldschmidt, 1980; Shillington, 1992). It turned out to become a bizarre form of accountability: but that was to be expected in a situation where no formal countervailing institutional arrangement had existed. The members of the SMC government paid the ultimate prize, when they were executed in a Hollywood fashion at military firing squads for their alleged active engagement in political buccaneering.

The AFRC had considered itself a transitory government; and once it was thought that they had accomplished their mission, power was handed over to a democratically elected government in September 1979 (Goldschmidt, 1980). The presidential election prior to the handing over was won by the People's National Party (PNP) under the leadership of Hilla Limann. This brought Ghana into the third republic with a Constitution that projected a presidential system based on the American format of separation of powers (Lumsden, 1980; Shillington, 1992). The Constitution was also crafted to ensure an organic whole of governmental system, with the institutionalisation of checks and balances between the organs of government.

The arrangement was such that the executive and the legislature were directly elected by the people, and no minister was drawn from the parliament. The separate composition of the various arms of government was particularly helpful as the legislature was reasonably insulated from the controls of the executive. The

MPs in exercising their autonomy from the executive produced a landmark case of rejecting the government's 1980 budget proposal (Shillington, 1992). This was the case, irrespective of the fact that the government's party, PNP, had the majority in the parliament. It was something unthinkable in the two previous civilian administrations; as the law making body was now in position to act as a check on the most powerful wing of governmental trinity – the executive.

The governance process that began to develop was pointing to a democratic good governance system; but such mode of governance was inconsistent with the praetorian (dis)order that had engrossed the Ghanaian military. Subsequently, the democratisation exercise was truncated as the Limann's PNP government also became victim to the prevailing African political pandemic of coups, on 31 December 1981. The man in charge of the coup was again Jerry John Rawlings, who had obviously distinguished himself as an expert in coup execution. A new military-based government this time labelled as the Provisional National Defence Council (PNDC) under Rawlings's chairmanship came into existence.

In his second entry into government as a military leader, the position of Rawlings was thence clearly imbued with an anti-establishment mentality. As had become the political custom in Ghana, the PNDC was quick to dismiss the parliament. Again, this was to dismantle the culture of liberal democratic governance and the institutionalisation of the legislature as a factor in checking the executive. The PNDC government, in search of legitimacy from a clearly coup fatigued Ghanaian population adopted populism for eliciting public support (Nugent, 1996; Ninsin, 1998). The populist stance was also a strategic effort to silence opposition from the middle class elements that were more inclined to a liberal democratic arrangement.

The PNDC government was not in any mood to return the country to the familiar liberal democratic system that had prior been tried (Nugent, 1996). Doing that would have been a contradiction in terms, as the government in its open distrust of the establishment was bent on creating new populist institutions to replace the colonial received political institutions (Hansen, 1991; Yeebo, 1991; Ninsin, 1998). The PNDC government in its attempt to reconstitute the governance structure became dictatorial, as it could not countenance any opposing views (Hansen, 1987; Shillington, 1992). This resulted into accreting the executive powers of the state managers.

The prolonged authoritarian regime under the PNDC, while redeeming the 'banana republic' cultural circus in Ghana, also produced side effects by denying political access to a phalanx of politicians from being part of the governance process. Those who challenged the government for their exclusivity were subjected to all manner of brutalities, which were christened 'revolutionary discipline' (Nugent, 1995). The short-term effect on the population was an imposition of a culture of silence. The authoritarian suppression was particularly accentuated during the period of implementing the structural adjustment programmes (SAPs), which was required for salvaging the country out of the failed state scenario that was looming. The PNDC government was forced, in the circumstances, to undergo an ideological paradigmatic shift; by accepting neo-liberal

socio-economic solutions in dealing with the chronic economic problems of the neo-colony. The shift in the economic management style undermined the existing social contract of universal social welfarism. This then took the government onto a collision course with the people (Hutchful, 2002; Gasu, 2011). In the neo-liberal paradigm, the logic of social discourse and policy was now determined by pure economism; and the market became the agent for access to social resources (Adesina, 2007). This was an unfamiliar terrain for Ghanaians, and they felt betrayed by a government that had thrived on populist waves that privileged the social concerns of the people (Gasu, 2010).

In reacting to the biting effects of the market that the SAPs had imposed on the people, social consequences emerged. The people not only protested against economic hardships but also questioned the legitimacy of the government that had brought those socio-economic situations into being (Mkandawire, 2006). As had been the case elsewhere in Africa, the implementing government of the SAPs had to demonstrate enough 'political will' (the coded word for repression) in order to impress its benefactors. But with the fall of the Berlin Wall in 1989 the World Bank, which had been the main sponsor of the SAPs and its associated 'political will' agenda, had itself had a rethink and changed course on governance issues. The World Bank Report (1989) *Sub Sahara Africa: from Crisis to Sustainable Growth* became the flagship document that focused on the calibre of governance in Africa and its ramifications on development. With this conviction, the World Bank and other Western donor institutions began to add political conditionalities to the pack of economic ones. The political conditionalities simply demanded of the recipient countries to liberalise their polities for democratic participation. In Ghana, the PNDC government initially hesitated but had to succumb to external and domestic pressures for a change in the governance style (Ninsin, 1998). It was this change to redefining the mode of governance that has created a new democratic system, which has worked reasonably well so far. As already alluded to, when the global third democratic wave reached Ghana in the early 1990s it conjoined with domestic forces to demolish the power monopolisation system that was in vogue. It demanded the liberalisation of the political space and a reintroduction of liberal democratic form of governance (Gasu, 2010).

The PNDC, which previously was obdurate to liberal democracy, having considered it imperialist and an alien form of government, had now learnt to bend to meet the popular requests for democratisation. Against the backdrop of the many years of unfruitful political experimentation and authoritarianism, it became apparent that the confluence of internal and external democratic streams had also emboldened the hitherto battle-fatigued civil society to become vocal about the way they were governed. The population then began to demand transparency and accountability from their state managers. The emergence of these demands coincided with the global push for democratisation and similar quests that became so manifest across Africa (Nwabueze, 1993; Edozie, 2009). During this period, the situation in Ghana began to reflect the general African scenario in which political conversions began to occur; as the autocrats found new ways of meeting demands from the people (Diamond, 1996). In Ghana, this took the form of the

PNDC government, which had never hidden its aversion to liberal democracy, trying to reconstruct itself by changing its political language through speaking in tongues that were in consonance with the global democratisation drive. But due to its authoritarian history, the opposition never trusted that the government was genuine in returning the country to liberal democracy.

Thus, the political transition from authoritarianism to liberal democracy in Ghana was done within the context of mutual distrust between the incumbent and the oppositionist groups. The incumbent was very calculative in ensuring that it did not lose the grips on power, for the eager oppositionists to take advantage of. This led to a slow process that allowed the incumbent to micro-manage the whole transition proceedings, virtually leaving the opposition to only second-guess the intents of the government (Nwabueze, 1993; Gasu, 2011). In this way, Ghana's transition avoided the element of a hijack by an over-zealous opposition, which could thereby disrupt the process. The government led the process even in the drafting of the Constitution, which was largely a re-adoption of the presidential system, albeit with a slight moderation of the third Republican Constitution. The constitutional arrangement that has made this possible is a presidential one, to which we turn attention in the next section.

Separation of powers under the fourth republic

The fourth Republican Constitution of 1992 incorporates aspects of the previous abrogated ones. It also put in measures to forestall abuses associated with the authoritarian systems of the past. Article 58(1) of the Constitution is unambiguous about where the locus of the executive power of Ghana lies. And it states that the 'executive authority of Ghana shall vest in the President and shall be exercised in accordance with the provisions of this Constitution'. In the performance of his/her duties as the president of Ghana, the Constitution also assigns subsidiary executive roles to a number of state institutions like the Council of State, the Legislature, the Courts and the Commission for Human Rights and Administrative Justice (CHRAJ). The performance of the ancillary institutions is to serve as points of oversight on the executive, and for holding the president in check.

The presidential system under the Constitution is, however, considered hybridisation; in so far as the composition of the ministers of state are concerned. This is captured in Article 78(1), which provides that:

Ministers of State shall be appointed by the President with the prior approval of the Parliament from among the members of Parliament or persons qualified to be elected as members of Parliament, except that the majority of Ministers of State shall be appointed from among members of Parliament.

This provision is a departure from the 1979 Constitution as the ministers of state under the 1992 Constitution are to be double sourced: that is from the parliament and outside it.

In like manner, the legislative powers of the state are vested in the parliament. It is stated in Article 93(2) of the Constitution that the ‘... legislative power of Ghana shall be vested in Parliament and shall be exercised in accordance with this Constitution’. And in Article 95(1) it is provided that ‘[T]here shall be a Speaker of Parliament who shall be elected by the members of the Parliament from among persons who are members of Parliament or who are qualified to be elected as members of Parliament’.

To further indicate the separation of powers among the key arms of government the Constitution provides in Article 125(1) that ‘Justice emanates from the people and shall be administered in the name of the Republic by the Judiciary which shall be independent and subject only to the Constitution’. It is stated in Article 125(3) that the ‘judicial power of Ghana shall be vested in the Judiciary; accordingly, neither the President nor Parliament nor any organ or agency of the President or Parliament shall have or be given final judicial power’. And to insulate the head of the judicial institution, the Constitution in Article 125(4) states that the ‘Chief Justice shall subject to this Constitution be the Head of the Judiciary and shall be responsible for the administration and supervision of the Judiciary’.

Thus, with only a minor overlap in the nature of the composition of the ministers of state, the 1992 Constitution is founded on the concept of separation of powers. In the presidential arrangement the Constitution also provides for points of contact between the various organs that allow for the implementation of organic checks and balances system. This is most visible in the relationship that exists between the executive and the legislature. It is the way this relationship is exercised that the issues of horizontal accountability and good governance can be realised.

Institutional horizontal accountability in practice between the legislature and the executive

Ghana’s democratic dispensation since its re-establishment has largely withstood the reversal waves that have undermined democratic consolidation in many other African polities. Driven by its political history, it is apparent that Ghanaians are no longer accommodative to authoritarian rule (Afrobarometer, 2005). Misgivings that were associated with the transition process were quickly resolved (Asante, 2002; Frempong, 2008). This was achieved through the perspicacity of the political actors, in taking advantage of the opportunities that emerged. This led to the formation of political parties once the ban was lifted on 1 May 1992 (Aye, 1997; Jonah, 1998). The political parties, as it is found elsewhere, were poised to win power. And given the democratic hiatus that had existed in the Ghanaian political situation, the passion that accompanied the political party activities became a vigorous one. With the incumbent military leader Jerry John Rawlings still interested in staying in power, by becoming a democratic convert, the competition was skewed in favour of the incumbent. Hence by the time the presidential election was held in November 1992, the oppositionists became

apprehensive about their chances in the whole electoral process. The opposition parties deemed the electoral process as a fiddle meant to demand their participation in a process that would legitimise the protracted dictatorial rule of the PNDC. The presidential election was conducted; and it was won by the candidate of the National Democratic Congress (NDC), Jerry John Rawlings.³ The detest for the Rawlings' authoritarian regime that lasted for 11 years; and his Machiavellian approach to politics were enough grounds for the opposition New Patriotic Party (NPP)⁴ and a horde of smaller oppositionist parties to feel cheated in the presidential elections and as such decided to boycott the parliamentary election that was slated for December 1992 (Jonah, 1998; Ninsin, 1998).

The boycott caused some uneasiness about the prospects for the new democratic experiment. Subsequently, the NPP (1993) authored *The Stolen Verdict* to register the party's disgust about the alleged shortfalls of the presidential elections. The initial teething problems were resolved by the intermediating efforts of civil society organisations that were committed to peaceful resolution of the differences (Ninsin, 1998). The role of the National House of Chiefs, and faith-based organisations especially of the Christian and Islam persuasions, helped in deflating the tensions (Jonah, 1998; Frempong, 2008). The Interim National Electoral Commission (INEC) that managed the 1992 elections came under severe criticism, as the oppositionist parties accused it of doing the bidding of the incumbent. The electoral body was subsequently reconstituted as the Electoral Commission (EC) to enhance its autonomy, as enshrined in Article 46 of the Constitution. This was done to ensure the trust of all stakeholders in the management of future elections. To push the agenda of promoting mutual trust and respect among the stakeholders in the electoral process, the EC acted to foster a platform of Inter-Party Advisory Committee (IPAC), which though an informal body allowed the registered political parties to address outstanding electoral matters (Ayee, 1997). The relative success of the resolution of the electoral matters contributed significantly to getting Ghana out of the Africa's democratic bog of electoralism. This was to subsequently redirect the attention of the people to the critical issues of good governance. And once electoral management issues were no longer matters of high politics, the political discourse in Ghana began to refocus on issues of ensuring accountability and transparency in governance that are the critical concerns for good governance.

It needs to be reiterated that the adoption of the presidential system was meant to ensure cross-institutional checks and balances. The constitutional responsibility imposed on the autonomous state organs to oversee each other so as to restrain institutional abuse of power is what is entailed in our discussion of horizontal accountability. However, the effectiveness of institutional horizontal accountability as a weapon against the abuse of power hinges very much on the cultural context within which such a system operates. It is in this regard that we examine the capacity of Ghana's parliament under the fourth republic in fulfilling its constitutional role of guaranteeing the interest of the people by checking the abuse of power that executive arm of government is easily susceptible to.

Ghana's parliament, like all legislative branches of government in liberal democratic arrangements, is the most representative in the governance structure. Parliamentarians, therefore, carry the burden of projecting and protecting the national interest, as they collectively represent the whole nation. Nonetheless, the route to parliament in liberal democracies is competitive and oftentimes a hotly contested one. The vehicles on which the candidates ride to parliament are more often than not provided by political parties. As indicated, the political landscape in Ghana is a keenly contested one between the two main political parties – the NDC and the NPP. Even though the ultimate aim of the political parties is to win the presidential elections, it is never lost on the contending parties that a victory that translates into parliamentary majority is a valuable asset that facilitates the exercise of executive power. The two political parties that had been able to win elections, and formed government, under the fourth republic have been keen to maximise the political leverage, which the umbilical linkage between the presidency and the majority caucus in parliament provides. The play out of these political calculations whereby the majority in parliament is used as a *vigilante* group against any incursions from the opposition tendentiously distorts the corporate coherency of the parliament and its superintendence role over the executive.

The zest that drives parliamentarians to either offer unwavering support to the presidency or to treat same with disdain is the desire to acquire power and retain it; for the sake of protecting the accruals that power provides. The role that the majority and minority caucuses' play in this political matrix depends on which side a given caucus is located in relation to the power dispensing grid, which certainly radiates from the presidency. The political calculations for power acquisition, and its retention, have become so overpowering that MPs often have no difficulty sacrificing the national interest for political expediency. The loyalty to one's political party is kept alive by the premium that is placed on the activities of the parliamentary whips. Consequently, for the MPs in the majority, their task in parliament tends to be made easy; as they voluntarily cede their expected critical roles to pursue a patronising mission to the presidency (Asante, 2002).

Some bizarre consequences have emerged out of the unrestrained partisanship to issues that the executive places before parliament for consideration. One of such embarrassing cases cropped up in July 2002 when President John Agyekum Kufuor through his Finance Minister, Yaw Osafo-Maafo, brought to parliament for consideration a loan facility of US\$1 billion between a supposedly financing company known as the International Finance Consortium (IFC) and the government of Ghana. The Memorandum of Understanding (MoU) for the loan was rushed through parliament without due diligence. The misgivings of the minority in parliament that the government was engaged in a stratagem to fleece the nation were dismissed by the majority. The indications from the minority that the company IFC was a phantom one were brushed aside by the majority in parliament as being born out of envy. The argument that flowed from the MPs on the side of the government was that in a democracy the minority can have its say; and the majority its way. Such unrefined majoritarian posturing of the

majority caucus, which only saw their task in parliament as one of being in a pliant relationship with the executive led to the approval of the deal (Ghanaweb, 2002). As the case dragged on, it became apparent that the government, notwithstanding the active support of its majority in parliament, could not continue with the deceit and on 26 November 2002 announced the abandonment of the IFC loan deal.⁵

Similarly, in December 2009 the NDC government under President John Evans Atta Mills signed a supplier's credit agreement worth US\$10 billion with STX Korea for the construction of 200,000 housing units. The project was to be carried out in five years. To implement the project, the government in May 2010 introduced into parliament an initial MoU for supplier's credit agreement between the government of Ghana and STX Engineering and Construction Ghana Limited for an amount of US\$1.5 billion for the construction of an initial 30,000 housing units, out of the overall 90,000 units that the government would off-take for the security agencies. The initial off-taker agreement that was sent to the Parliament for consideration sparked uproar as the minority questioned the terms and conditions regarding the agreement (NPP, 2010). The terms of the credit agreement were that there will be a grace period of five years; a repayment period of 15 years; a maturity period of 20 years; an interest rate of 2 per cent fixed; an arrangement fee of 0.75 per cent; and a management fee of 0.5 per cent. All the risk bearing is placed on Ghana and STX Engineering and Construction in performing its role as the provider of the services was free riding (NPP, 2010). In the agreement, the government of Ghana was also expected to ensure that all land designated as sites for the housing project were free from any and all encumbrances. While the minority were vociferously pointing out the deficiencies in the agreement, and indicated that the country would be fleeced, the majority paid no heed. The majority in parliament was bent on supporting the government to carry out what was going to be the largest housing project in post-colonial Ghana. The political mileage the NDC as a party was going to cover in the 2012 general elections benumbed their sense for due diligence. The expected sources of funding did not materialise, even though the government provided Sovereign Guarantee cover to assist the search for funds. The project did not see the light of day and government had to abrogate the contract, amid boardroom wrangling between the Korean and Ghanaian partners that were to undertake the task.

Just as it was in the IFC loan case in 2002 when the NPP government and its parliamentary majority rubbished protestations from the minority and civil society against the scam deal of IFC, so it was with the NDC in 2010 regarding the STX contract. In both cases avoidable gross mistakes were made. The difference between the two scenarios, however, was that the roles of majority and minority caucuses had alternated in tandem with the power dynamics that the electoral outcomes had generated. The NDC, which was in minority in 2002, was in the majority in 2010; and vice versa. Clearly a patronising political culture in which the parliamentary majority places itself at the behest of the presidency seems to be institutionalised.

The power tussle logic that has defined the relationship between the presidency and the legislature is found to be the motivation that propels the activities of the parliamentary minority. The oppositionist parties tend to be in an eternal fault finding mission against the presidency. That attitude renders the opposition hard put in finding anything positive with government policies. An unrelenting combative posture of oppositionists is celebrated as an assured way of regaining power. While such political attitudes may be applauded by party hawks, such pugilistic engagements with the executive have rather produced a backlash on the opposition, in respect of guaranteeing horizontal accountability. In the circumstances, the common position of minority parties in reacting towards government policies is predictable, in the form of boycotts, and in the holding of press conferences, to propagate the counter viewpoints. The effects of these predictable reactions of opposition parties instead of strengthening accountability have rather attenuated it, as the objective for doing so is one that is driven by eternal campaigning.

Another arena, in which partisan cleavage is shown in parliament's relationship with the presidency, occurs during the vetting of nominees for ministerial positions. As stated, the 1992 Constitution provides in Article 78(1) that ministers of state shall have the prior approval of parliament. This provision is apparently meant to ensure that the nominees meet the basic qualifications as stipulated in the Constitution; and also to ensure that the nominees have the competence and integrity to run the respective offices that are designated them by the president. This constitutional provision has, evidently, placed a huge responsibility on the legislature in ensuring that the state is managed by competent people. Nonetheless, the vetting processes are often debased by attempts at scuttling and embarrassing the nominees. The vetting of Dominic Fobih who was nominated by President John Kufuor as the Minister for Ministry of Lands, Forestry and Mines degenerated into an embarrassing spectacle when the minority leader Alban Bagbin demanded of Dominic Fobih to recite the national pledge. The motivation for asking the question was to humiliate the nominee, and to cause the party he represented a political damage as being constituted by a bunch of unpatriotic people (Modern Ghana, 2005).

The effort by the opposition elements of the Appointments Committee to embarrass ministerial nominees took exaggerated proportions in 2009. After a keenly contested general election in 2008, in which the incumbent NPP government lost to the opposition NDC, the vetting process in parliament was used maximally by the losing party to get their own back. This was especially the case involving ministerial nominees whose previous political activities were deemed to have caused the defeat of the party that was in power. The vetting of Fifi Kwetey in March 2009 was a classic case. In his capacity as the Propaganda Secretary of the NDC in opposition, Fifi Kwetey was very critical of the NPP government. In the run up to the 2008 election, Kwetey erected a propaganda platform against the NPP government under the banner the *NDC Forum for Setting the Records Straight*. This platform was used by the NDC zealots to project the Kufuor administration in the most despicable terms. The

disaffection and political damage this group caused the NPP as a party was huge.

The defeat the NPP suffered was therefore thought to be the handiwork of the propaganda machine of the NDC, of which Fifi Kwetey was in charge (Modern Ghana, 2009a). Subsequently, the vetting of Fifi Kwetey shifted away from the core issue of examining his capacity as a nominee for the finance ministry to rather turn into a protracted veiled tribunal session. The minority MPs, especially those from the NPP, used the opportunity to wage a psychological warfare against the nominee by questioning even his nationality on the grounds that he undertook part of his education in Lome, in the Republic of Togo. While the minority was bent on denting his image, the majority provided the necessary shield he needed by voting for his acceptance when the Appointments Committee failed to reach a consensus and referred the case to the House for a plenary decision to be taken (Modern Ghana, 2009a). The extreme partisan character of this vetting process created doubts in the public mind as to whether the MPs actually appreciated the responsibility the Constitution had placed on them.

Such political attitude as has been exhibited by parliament, and in its dealings with the executive, has significantly gnarled the corporate coherence of the legislature as an institution in the scheme of national governance. Being subjected to the apron strings of political parties and/or the presidency, the MPs have largely rendered parliament a disjointed body. As a body, it is only able to mobilise around a common goal when such matters touch on their collective class interest. For instance, there have hardly been any dissents within the ranks of the parliamentarians when issues that relate to upward adjustment of their salaries and their liberal conditions of service are being discussed. In the matter of interest convergence, the promotion of shared accumulative goal takes precedence over partisan altercations. The Constitution in Article 71 created an exclusive class of public office holders that are preponderantly rewarded over and above the rest of the working folks in Ghana. The common accumulative interest that is created by the provisions of Article 71 tends to erase conflicts when the time is due for such discussions and payments. It is important, therefore, to quote *in extenso* Article 71 to illustrate the position of the Constitution on this case. It is provided that:

- 1 The salaries and allowances payable, and the facilities and privileges available, to:
 - a the Speaker and Deputy Speakers and members of Parliament.
 - b the Chief Justice and the other Judges of the Superior Court of Judicature.
 - c the Auditor-General, the Chairman and the Deputy Chairmen of the Electoral Commission, the Commissioner for Human Rights and Administrative Justice and his Deputies and the District Assemblies' Common Fund Administrator.

- d the Chairman, Vice-Chairman and other members of:
 - i a National Council for Higher Education; howsoever described;
 - ii the Public Services Commission;
 - iii the National Media Commission;
 - iv the Lands Commission; and
 - v the National Commission for Civic Education;

being expenditure charged on the Consolidated Fund; shall be determined by the President on the recommendation of a committee of not more than five persons appointed by the President, acting in accordance with the advice of the Council of State.

- 2 The salaries and allowances payable, and the facilities available, to the President, Vice President, the Chairman and the other members of the Council of State; Ministers of State and Deputy Ministers, being expenditure charged on the Consolidated Fund shall be determined by Parliament on the recommendation of the committee referred to in clause (1) of this Article.
- 3 For the purpose of this Article and except as otherwise provided in this Constitution, 'salaries' includes allowances, facilities and privileges and retiring benefits or awards.

The functioning of this arrangement is such that the president, on receiving the recommendations of the committee, would approve the entitlements of the MPs and would thereafter submit the recommendations for the entitlements of the executive to be approved by the parliament. This arrangement is meant to establish the basis for horizontal accountability between the executive and legislative arms of government in terms of judicious use of state funds. However the operationalisation of the scheme has turned into a sort of 'scratch-my-back' arrangement. The workings of this arrangement have been devoid of the partisan vituperations that occur between the minority and the majority; or even between the parliament as an entity and the executive. The generous conditions of service that this class enjoys is often criticised by the general public as being a drain on the national purse. But such criticisms get ricocheted by the unity of purpose on the matter, by its beneficiaries. What this portrays, in effect, is that partisan truce can be fostered between the fractions of the political class if their collective accumulative interests converge.

In a developing country like Ghana, the executive is the most visible arm of government as it is the institution responsible for providing development projects of all kinds. In many cases, the actual reason for electing leaders is to make them bring projects that would improve the quality of life in their communities. But MPs do not control the requisite resources to do exactly what the executive can provide, in terms of social amenities. It is for this reason that the idea of the MPs Share of the Common Fund came into existence in 1997 (Ahwoi, 2010). The MPs Share of the Common Fund is meant to make available 4 per cent of the Common Fund to the local government units (i.e. Metropolitan/Municipal/

Districts Assemblies) through MPs to deal with development issues in their respective constituencies (Ahwoi, 2010). However, this could only be done under the supervision of the chief executives of the local government units who, by virtue of their appointment, are the direct representatives of the president (Ahwoi, 2010). The success of the MP is thus linked to his/her lobbying ability with the executive.

Because the executive is at the forefront for the provisioning of development projects, which invariably provides a political leverage, MPs, especially those on the side of the ruling party, find it rewarding if they are appointed ministers of state. The hybrid presidential system, which allows for double sourcing of ministers from within and without parliament thus has the inherent danger of blunting the efficacy of the MPs, especially those from the party in power, to be critical about policies or bills brought before it by the executive. It was, for instance, clear in 2009 when the NDC regained power that its majority leader in parliament, Alban Bagbin, was peeved with the situation of not being made part of the executive. The disgust he carried for being left out of the executive, which would have guaranteed him more visibility and influence in the public domain, began to manifest in September 2009. The majority leader openly denigrated the ministers in President John Evans Atta Mills's government as being mediocre and called for their reshuffle (Modern Ghana, 2009b). The vitriolic attacks he launched on the ministers as being 'sycophants, bootlickers and fair-weather friends' suddenly disappeared from his lips once President John Mills 'rewarded' him with the Minister of Works and Housing portfolio (Ghanaweb, 2013a). The strategy of 'attack-and-get-rewarded' was again deployed by Alban Bagbin in November 2013, when again he unleashed attacks on President John Mahama for surrounding himself with sycophants and inexperienced people (Ghanaweb, 2013a). This time around, the gamble did not translate into ministerial appointment. He was, however, moved from the political fringe as a 'wise man' to retake the position of majority leader in the parliament (Sankofa, 2013).

One other source of weakness of Ghana's parliament in its oversight responsibility on the executive emanates from the extreme resource deprivation that its members encounter in the discharge of their responsibilities (Asante, 2002; Amanfo, 2007). The long absence of an institutionalised legislature in the scheme of running government has not only affected the human capacity of this body but also its infrastructural base. Certainly, the two situations have produced a vicious feedback effect on the capacity of the legislature as an organ of government, thereby diminishing its capacity and prestige. The renovation of the infrastructure, generally referred to as Job 600, was started in 2007 by President John Kufuor, however work on the project was delayed until May 2015 when it was completed. The unavailability of office accommodation for the MPs until recently affected their performance as they could not have permanent supporting staff to assist in administrative and research duties. The lack of office space for MPs leaves them with little room to research on matters that are brought to the legislature. This is often reflected in the low quality of debates on the floor of

parliament. On the other hand, the executive is well catered for, with office staff and research team (Asante, 2002). It is in this context that we should understand why engagements between the two organs of government are always skewed in favour of the executive.

The Constitution demands in Article 67 that the ‘President shall at the beginning of each session of Parliament and before the dissolution of the Parliament deliver to parliament a message on the state of the nation’. This has become a ritualistic exercise that is carried out every year but without much scrutiny of the content by parliament for reasons that have to do with low capacity. The MPs are disabled by the lack of office space and qualified research staff to assist in the proper scrutiny of the content of the messages that presidents deliver to the parliament in the state of nation address. Similarly, budget proposals placed before parliament on behalf of the president are pushed through, due to the binary constraints of partisanship and capacity deficiencies that confront the MPs (Amanfo, 2007). The Constitution seeks to fortify the position of the legislature as they deal with the executive in providing for the power of censure for the legislature; and it is to this that we turn.

A constitutional remedy?

It must be said that there is a constitutional caveat meant to ensure the parliament is not ridden over roughshod by the executive. This is catered for in Article 82(1) that allows parliament to pass a vote of censure on ministers and deputy ministers of state. The provision of Article 82(1) of the Constitution provides expressly that ‘Parliament may by a resolution supported by the votes of not less than two-thirds of all the members of Parliament, pass a vote of censure on a Minister of State’. It is elaborated in Article 82(2) that a motion for the resolution of the matter in question shall not be moved in Parliament unless

- a seven days’ notice has been given of the motion; and
- b the notice for the motion has been signed by not less than one-third of all the members of parliament.

The provisions further indicate in Article 82(3) that the ‘motion shall be debated in Parliament within 14 days after the receipt by the Speaker of the notice for the motion’. For the sake of natural justice, it captured in clause 4 of Article 82 that a minister in respect of whom a vote of censure is debated during the debate is entitled to be heard in defence. And when a vote of censure is passed against a minister by the parliament then the president would withdraw the appointment of the minister if he/she fails to resign. The provisions in Article 82 apply to deputy ministers as well.

These provisions could be an effective tool for holding ministers accountable or in checking the abuse of power; but the assumptions that underpin the constitutional provision that the MPs would be independently minded enough do not show in reality. Such an effort to censure a minister would be difficult to realise;

due to the implications that such a measure could have on the political fortunes of the party in power. Certainly in the electoral calculus that is continually being worked out by contending parties, with allegations of corruption thrown out as political missiles against opponents it would be extremely difficult for any party to allow its leading members, who invariably are the ministers, to be slaughtered by a vote of censure.

Notwithstanding these handicaps in ensuring horizontal accountability that the situation in Ghana is not really one of absolute *delegative* democracy as Guillermo O'Donnell *et al.* (1986) applied to the Latin American situation. This is because there is some eagerness on the part of the opposition parties to uncover shortcomings in the performance of government. The MPs are themselves aware of the limitations they encounter in the performance of their duties and thereby act to court the support of civil society organisations in redressing some of the limitations. Civil society organisations and think tanks have stepped in to assist in strengthening the capacity of parliament in the delivery of responsibilities assigned it. For instance, the Institute of Economic Affairs (IEA) led the way by engaging all the stakeholders in preparing the bill that developed into the Presidential Transition Law (Act 845) of 2012. The power alternations that occurred in 2001 and 2009 were done with a 'coup mentality', which was accompanied with confusion and the victimisation of members of the departing group of politicians. The experiences and the apprehensions that emerged were not to be repeated and hence the pre-emptive effort of the IEA – a think tank steeped in governance issues – to avert such reoccurrences (Ofori-Mensah, 2011). The passage of the Act brought about some orderliness in the transition process, even though some fine-tuning is still needed.⁶

Another pro-democracy think tank, the Centre of Democratic Development, Ghana (CDD-Ghana) in a study carried out in 2002 found the parliament as the weakest link in the democratic governance process. The report of the study indicated that notwithstanding the Constitution giving parliament an important oversight role in the administration of the state, the emergence of a political culture characterised by a hegemonic executive has kept parliament weak and ineffective in its check on the executive (Ghanaweb, 2002). This finding has committed CDD-Ghana to embark on a number of capacity building projects for parliamentarians at the beginning of each parliamentary session. CDD-Ghana in the run up of the 2012 election also assisted in the capacity building of parliamentarians and those aspiring for parliamentary membership. As a think tank interested in promoting democratic governance in Ghana, CDD-Ghana continued in its effort by organising debates for contending parliamentarians across the country. This was done with the support of Open Society Initiative for West Africa (OSIWA) with the aim of affording the electorate the opportunity of making informed choices (Ghana News Agency, 2012). The involvement of civil society organisations in the promotion of democratic governance has helped in keeping alive the democratic spirit, even as flaws exist regarding the efficacy of the parliament.

Conclusion

The initial hurdles that confronted Ghana's electoral management were largely transcended to enable the country to redirect its political discourse to issues pertaining to good governance. As the modes of ensuring horizontal accountability is one of the pillars of good governance, how this was to be carried out between the legislature and the executive became a matter of concern. It is argued that the institutional effectiveness of the legislature in its oversight responsibility over the executive under Ghana's current democratic dispensation has been a compromised one. The exhibited institutional weakness of the legislature in its relationship with the executive, it is posited, is derived from a variety of sources which have occurred over the years.

The adoption of single party system and the latitude granted to an imperial president under the 1960 Constitution contributed to the loss of potency of the legislature in checking the executive. The legislature under that kind of political dispensation acted mainly as a rubber-stamping machine at the service of the executive. The political seesaw game that followed in the aftermath of the Nkrumah's monolithic regime weakened further the potency of the law making arm of government, as the legislature became the most battered institution of state. These developments were to set the stage for a culture that rendered the legislature a weakling under the political dispensations prior to January 1993.

The reintroduction of democracy under the fourth republic in 1993 brought about a constitutional arrangement of a hybridised presidential system. This went with the expectations that the legislature would be an effective institutional check on an overweening executive. But this has not really happened. The weight of existing political tradition and culture tends to undermine the efficacy of the legislature, thereby whittling away its capacity to live up to its constitutional responsibilities. The subservience of the legislature to the executive, it is identified, springs from such sources as extreme party loyalty of the MPs such that bills introduced by the executive into the legislature are not given the required scrutiny. Party loyalty contributes to the debasement of debates in parliament, as the whip system works to ensure that party interests supersede that of the national. The embarrassment this system has caused the country is a pointer to the limitation of placing party loyalty above one's own convictions. It is also stated that the capacity deficiency of the legislature emanates from the lack of physical infrastructure and support services that would facilitate the work of the law makers.

It is also seen that the problems associated with the feebleness of the legislature in its relationship with the executive partly emanates from the 1992 Constitution itself, that provides that the majority of ministers of state should come from the parliament. The executive, which is the main dispenser of development projects, provides more opportunities for political visibility than is the case with legislators who do not benefit from ministerial authority. Given this reality, the MPs, especially those who belong to, or associate with the party in power, are always eager to please the president for ministerial appointments.

Finally, it is concluded that the interventionist roles of civil society organisations in ensuring that the capacity of parliamentarians is strengthened may be helpful in reducing the high level of partisanship and other forms of deficiency that currently minify the effectiveness of parliament in their superintendence over the executive. The sustenance of the democratic polycentric space would help in generating the necessary culture for transcending the difficulties that the legislature faces. Such efforts at institutional strengthening would help in enhancing democratic governance processes in Ghana.

Notes

- 1 The petition by the losing presidential candidate of the NPP, Nana Addo Dankwa Akufo-Addo, his running mate Mahamudu Bawumia and the Chairman of the NPP in the case of the election of the NDC candidate John Dramani Mahama as the winner of the 2012 presidential election was dismissed by the Supreme Court of Ghana on 29 August 2013. However, Akufo-Addo won the presidential election in December 2016.
- 2 The tribal champions of the period were Komla Agbeli Gbedemah of the National Alliance of Liberals (NAL) that represented the Ewes and Kofi Abrefa Busia of the Progress Party (PP) that represented the Akans.
- 3 The National Democratic Congress (NDC) was formed by the incumbent Provisional National Defence Council (PNDC) to contest the 1992 elections. The Chairman of the PNDC Jerry John Rawlings became the presidential candidate of the NDC, who won the election.
- 4 The New Patriotic Party (NPP) was formed to project the ideals of the political tradition that ascribes to the liberal democratic tradition, which was championed by Kofi Busia and Joseph Danquah. This tradition had been in the forefront in fighting undemocratic tendencies in the past.
- 5 The botched IFC loan deal did not deter the government from attempting yet another suppliers' credit facility from the CNT Construction Investment (CNTCI) of US\$300 million. This deal was decried by the minority as a scam but the MoU passed through parliament. The address to the CNTCI Holdings Company Ltd was traced to a hair salon in London.
- 6 The transition issues would be properly tested when there is alternation of power from one political party to the other. The transition that occurred in 2013 was intra-party handing over so the 'coup mentality' that characterises inter-party transitions did not occur.

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4 The presidency and democratic developmentalism in Southern Africa

George Klay Kieh, Jr.

Introduction

The presidency is one of the major public institutions that is critical to the promotion and consolidation of democracy and development in any region of the world including Southern Africa. This is because the presidency has the overarching responsibility for providing leadership in various areas of development governance, including the formulation and implementation of development vision and the resulting policies. Importantly, in order to play its various roles in development governance well, the presidency in Southern African states requires a particular institutional design. In turn, the institutional design would position the presidency to promote human-centred democracy and development.

Against this background, the chapter interrogates the specificities of the institutional design of the presidency in Southern African states in the context of the promotion and consolidation of democracy and development in Southern Africa. In other words, what should be the portrait of the presidency in Southern African states that would provide leadership in the construction and operation of a democratic developmental system that can promote broad-based and equitable development in the context of what Robinson and White (1998:) refer to as “legitimized, and inclusive democracy”? Democratic developmentalism connotes a democratic system that can facilitate and accelerate the process of development in a country.

Theoretical issues

Literature review

Background

The literature review for the study is based on two major sets of studies on the presidency. The first cluster consists of studies on the presidency in Africa in general. The rationale is to provide a broader continental context for understanding the nature of the presidency. The other set focuses specifically on the Southern African states, both in general, and specifically on the countries in the

region that have presidential and semi-presidential systems of government. In this vein, three countries in the region are excluded: Lesotho (parliamentary system with a constitutional monarchy with limited powers, amid the seemingly unending conflict about the country's power arrangements); Mauritius (parliamentary system with a ceremonial president, although there are efforts currently underway to rethink the presidency); and Swaziland (the country has an absolute monarch). The purposes are to examine the specificities of each presidential and semi-presidential system (country-based), and to tease out the regional patterns.

Africa

Kieh (2013) examines the travails of the presidency on the African continent using two major epochs: the era of authoritarianism (1950s–1990), and the post-authoritarian or “third wave” epoch (1990–present). In the case of the former, he argues that the overwhelming majority of the states on the African continent had what he terms a “hegemonic presidency” that “exercised unbridled power in virtually every sector of the state, including political, economic and social” (2013: 5). He cites presidential control of the electoral processes, the access to state resources, and employment opportunities in the public bureaucracy as major examples of the ubiquity of the institution. In the case of the latter era, he asserts that although the “political space” in several African states has been liberalized, this has not fundamentally altered the nature of the “hegemonic presidency”. And this has profound adverse implications for the establishment of democratic governance.

Treading along the same path, Prempeh (2008: 761) interrogates the impact of the “third wave of democratization” on what he refers to as the “imperial presidency”. His central finding is that the transition from authoritarianism to democracy has not caged the dominant presidency on the continent, even in countries that have made laudable progress in terms of democratization. In other words, the “imperial presidency” has remained ensconced in the political landscape of the overwhelming majority of the African states. Importantly, he attributes this to several major factors, including the continual centralization of powers in the presidency by the constitutional design, the weaknesses of the parliament, the courts, and other public institutions, and presidential monopoly over the control of public financial resources (2008: 820).

Southern Africa

Ndulo (2002) probes the use of the constitutional approach as a trajectory for taming the overly powerful presidency in Southern Africa. He found that the emergent regional pattern is that constitutions have failed to restrain the unbridled exercise of presidential power. That is, although, in theory, the constitutions of the various Southern African states divide the powers of government between and among separate branches of government – legislative, executive, and judicial – the reality is that, with few exceptions, “the other branches of government, the legislature and the judiciary, end up subordinate to the executive”

(2002: 771). He cites a major case in Zimbabwe in 2001, in which President Mugabe “dismiss[ed] judges and forc[ed] parliament to pass legislation in violation of the fundamental rights such as the right to free speech and assembly protected in the Zimbabwean Constitution ...” (2002: 769).

Morais (2012) argues that political liberalization in Angola has not significantly changed the dominant role of the presidency. As he asserts,

Since the establishment of a multiparty system in 1991, the President [of Angola] has continuously eroded the collegial decision-making process and bodies within his own party, as well as the constitutional guarantee of checks and balances in the governance of the country.

(2012: 5)

Furthermore, he maintains that the ultimate objective for this unconstitutional exercise is to consolidate presidential power. Morais provides two major cases as the evidential base. The first was the decision of the president to unconstitutionally abolish the position of prime minister, and to subsequently usurp the powers of that office. Second, in 2010, the president imposed a new constitution to his liking that, among other things, insulates the presidency from parliamentary oversight.

In the case of Botswana, Bodilenyane (2012) asserts that in spite of the accolades the country has received for its democratic system, the expanding powers of the executive presidency could undermine the gains made. This is because the expansion of presidential powers is an anathema to “checks and balances”, among others. Bodilenyane lays the primary responsibility for the phenomenon at the doorsteps of Section 47 of the country’s constitution. Under the provision, for example, the president can single-handedly appoint several major officials of government, such as the chief justice and the attorney-general without parliamentary participation. In addition, in 2011, “teachers, veterinary services, and diamond cutting and polishing employees were classified under the essential services, without engaging or let alone consulting the parliament” 2012: 194).

Msisha (2012) posits that the Malawian Constitution privileges the presidency over the other institutions of government such as the parliament and the courts, in terms of the distribution of powers. In other words, the presidency is the dominant institution by law. Similarly, Msisha contends that presidential suzerainty is also manifested in practice – in terms of the operation of the government. As a panacea, Msisha suggests the need for a “re-evaluation of the assumptions that were made during the drafting of the Constitution about the presidency” (2012: 63).

Similarly, Dinerman (2006: 158)) contends that Mozambique has a “strong form of centralized presidentialism”. One of the major manifestations is that the president has expansive appointive powers at the various levels of the government. For example, the president appoints a substantial number of executive and judicial officials, who are solely accountable to him. A major resulting effect is the weakening of parliamentary oversight.

Namibia and South Africa do not fit the regional pattern of the unbridled exercise of presidential powers. In the case of Namibia, using executive–judicial relations as focus, Ruppel (2008) asserts that presidential appointment of the major judicial officials is checked by the Judicial Service Commission. For example, the president appoints the chief justice, and the judges of the High and Supreme Courts, based on the recommendations of the Judicial Service Commission. In other words, the president cannot single-handedly appoint these major leaders of the judiciary (2008: 6). However, he cautions that it would be good to see if this system of “checks” continues. If it does, according to him, then it would help establish both the centrality of the rule of law, as well as the independence of the judiciary. In the case of South Africa, Klug (2010: 16) posits that presidential powers in the country are shaped by two major currents: the “constitution and legislation”. Importantly this means that the president cannot exercise any power that is outside of the parameters set by both the constitution and statutes. In addition, he argues that the country’s constitutional design ensures that there are various checks on presidential powers by the parliament, the judiciary, and other executive agencies through the process of the diffusion of powers to various independent institutions. In other words, there are various centres of power in the constitutional design of the country. Therefore, this militates against the unchecked exercise of presidential powers.

As for Zambia, it fits the regional pattern of the dominant presidency. Christensen *et al.* (2011) examine a major dimension of the ubiquitous exercise of presidential power: the access to land. They argue that the President of Zambia has a “powerful role in the distribution of land” (2011: 35). In the performance of this function, the president privileges the elite and foreign investors, while marginalizing the poor. One of the major spin-offs of the unchecked exercise of presidential power in this major area of development resources is that various executive officials and agencies jockeyed for power over land distribution. This is because it provides vast opportunities for the engagement in rent-seeking behavior.

In the case of Zimbabwe, it provides a major form of what can be referred to as “monarchical presidency” and its absolutist core. This is because in spite of the recent efforts to reduce presidential powers, the institution of the presidency continues to wield hegemonic powers in the country. Consequently, Sachikonye (2009) observes that institutions like the parliament and the judiciary continue to experience the diminution of their powers and autonomy (2009: 4). Similarly, the public bureaucracy is subjected to extensive presidential control.

Matters arising

Four major issues have arisen from the review of the literature, and they have implications for both theory and praxis. The first issue concerns the constitutional allocation of presidential powers. In this vein, in countries like Angola, Botswana, Malawi, Mozambique, Zambia, and Zimbabwe, their respective constitutions give the president expansive powers that are relatively unchecked by the parliament and other public institutions.

Second, in the cases of Namibia and South Africa, efforts were made to design the constitutions in ways that ensure the balancing of the distribution of powers between the presidency, on the one hand, and the other institutions like parliament and the courts, on the other. Importantly, one of the major benefits of this approach to constitutional engineering is that parliament and the other institutions are empowered to provide checks on presidential powers.

Third, there is the critical issue of constitutionalism or praxis. In other words, there is the issue of the actual exercise of presidential powers. In the cases of Angola, Malawi, Mozambique, Zambia, and Zimbabwe, the presidency is dominant both in law and practice. That is, the presidents in these countries actually exercise tremendous powers that have made them hegemonic. On the other hand, in the case of Namibia and South Africa, parliament and the other state institutions do constrain the exercise of presidential powers in practice.

Fourth, Botswana provides an interesting case, because in spite of its powerful presidency, it has been consistently classified as a democracy (Freedom House, 2015a). In other words, it is quite interesting that expansive presidential powers have not adversely affected the citizens' exercise of their political rights and civil liberties. Thus, the issue arises concerning the need to examine the factors that have militated against expansive presidential powers translating into authoritarianism in the country. So, broadly, does the actual exercise of presidential powers matter more than the allocation under the constitutional design of a country, including in Southern African states?

Historicizing the presidency in Southern Africa

Background

Like in the rest of Africa, the presidency in Southern African states with presidential and semi-presidential systems of government has been shaped and conditioned by three major historical currents: the pre-colonial, colonial, and post-colonial eras. In this part of the chapter, each of these currents will be discussed in terms of their nature, dynamics, and the resulting implications for the development of the presidency.

The pre-colonial epoch

The pre-colonial epoch, the chieftaincy model of leadership and its attendant fulcrum the "Big Man" has shaped the development of the presidency in several many ways. A major one is the legacy of the leader wielding expansive powers, spanning the broad gamut of policy spheres. That is, the chieftaincy as the lead executive institution acquired ubiquity, including the chief's involvement in economic, political, religious, and social matters, among others. In addition, the chief also intervened in family and personal matters as an arbiter.

Another element was the personalistic nature of power. That is, the chief could not separate the office from his person. In this vein, the chieftaincy was

treated as an offshoot of the person of the chief. Drawing from this tradition, the presidency in the post-colonial era is treated as the personal province of the incumbent over which he or she has proprietary rights. Based on this mindset, the incumbent has developed the orientation that he or she is not accountable to either the people or any countervailing institution such as the parliament.

Also, there was the development of a mythology about the chief as omnipotent, omniscient, and omnipresent, the role of the council of elders notwithstanding. And citizens were socialized to internalize this myth as part of the political culture. The major resulting adverse consequence was that the chief was deified; hence, his edicts were obeyed without question from the citizens (Nwabueze, 1974; Ndulo, 2002). However, only in extreme cases of the abuse of power was the chief reprimanded.

In addition, there is the traditional practice of citizens demonstrating, except in extreme cases, uncritical obeisance to the president (Nwabueze, 1974; Ndulo, 2002). In turn, this has undermined the development of a political culture based on, among other things, critical inquiry and discussion, and the centrality of “checks and balances” hoisted on the pillars of “horizontal accountability”, “vertical accountability”, and transparency (O'Donnell, 1998).

The colonial era

The colonial current was anchored on what Ake (1996: 2–3) calls the traditions of the “totalistic state” – a construct that exercised unbridled power over virtually every sector of society. The “totalistic state” had several major characteristics. A major one was its governor–general leadership model. Under this tapestry, the governor–general, the chief representative of the colonial power, had expansive unchecked executive, legislative, and judicial powers. For example, he simultaneously performed the functions as the framer of repressive laws, the enforcer and the arbiter.

Another major feature was the use of repression as the dominant instrument for mediating state–societal relations. Within this context, the colonial state regularly visited violence on the colonized Africans, as the dominant method for cowing them into submission. A related element was the suppression of political rights and civil liberties. For example, the colonized Africans did not have the right to vote, and to exercise the freedom of assembly, association, and speech. Those Africans who violated these restrictions were subjected to sundry punitive measures, including arrest, imprisonment, exile, and death.

Furthermore, the development model was based on the exploitation and plunder of the resources of the various African colonies for the purpose of using the dividends to promote socio-economic development in the colonial powers. In other words, there was a dialectical tension between the underdevelopment of the African colonies and the development of the colonial powers: the latter was done at the expense of the former. The resulting effect was the neglect of the basic human needs of the colonized Africa.

The post-colonial epoch

The end of colonialism and the dawn of the post-colonial or post-independence era heralded the eruption of ecstasy among the colonized Africans. This was because the African peoples in Southern Africa, and Africa in general, entertained the hope that independence would bring about the construction of human-centered democratic states that would, among other things, promote and respect their political rights and civil liberties, and invest in their basic needs such as job creation, education, health care, housing, and food security. Ramsay (1993: 3) captures the tenor of the era, when he observes;

The times were electric. In country after country, the flags of Britain, Belgium, and France were replaced by the banners of the new states, whose leaders offered idealistic promises to remake the continent and the world. Hopes were high, and the most ambitious goals [seemed] obtainable. Even Africans spoke of the resource-rich continent as being on the verge of a development take-off. Some of the old, racist myths about Africa were [at] last being questioned.

But, the exuberance that greeted the demise of colonialism quickly turned into a “struggle for survival” (1993: 3). This was because in countries like Lesotho, Malawi, Swaziland, and Zambia, that were part of the second wave of independence that swept across Africa in the 1960s, the post-colonial state became a replica of its colonial progenitor. In essence, there were no substantial economic, political, and social changes. That is, new African ruling classes simply replaced the colonial ones without transforming the state – nature, character, mission, political economy, and policies. However, the two exceptions in the Southern African region were Botswana and Mauritius that set into motion the processes of state transformation. For their part, Namibia and South Africa were in the throes of apartheid, and its associated political economy of racism, discrimination, exploitation, and plunder. Interestingly, when Angola and Mozambique gained their independence in 1975, and Zimbabwe in 1980, there were great expectations that these three states, owing to their liberation struggle traditions, would have joined Botswana and Mauritius in serving as models of real democracy (Ake, 1996), and human-centered development (Kieh, 2013). Regrettably, these states joined the club of the emergent repressive states in both the region and on the continent.

Overall, the first phase of the post-colonial era (1950s–1990) was the era of authoritarianism (with few exceptions) in both the Southern African region and Africa. The overarching contour of the period was the establishment of one-party systems in Angola, Malawi, Mozambique, Zambia, and Zimbabwe, as well as the dominance of monarchies in Lesotho and Swaziland. In the former category of states, there was the emergence of the “hegemonic presidency” as the anchor of the institutional architecture. The resulting unbridled exercise of unchecked powers found expression in these presidents serving simultaneously as the chief

administrative officer, the chief legislative officer, and the chief procurement officer of the government (Sawyer, 2005: 20–22). Interestingly, the defenders of the “hegemonic presidency” in these Southern African states, and Africa in general, argued that socio-economic development required a strong presidency that was unfettered by democracy. In other words, democracy was framed as antithetical to development. By the close of the first phase of the post-colonial era in 1990, with the exception of Botswana and Mauritius, the other countries had neither achieved development nor democracy (United Nations Development Program, 2014; Freedom House, 2015b).

The “third wave of democratization”, the second phase of the post-colonial era, commenced in 1990. It was primarily driven by the exasperation of the peoples of Southern Africa and Africa in general with authoritarianism and the poor state of human development. In Malawi and Zambia, for example, civil society organizations, student movements, and political elites – including so-called “born again democrats”, and opportunists – pressured the Banda and Kaunda regimes to liberalize the “political space”, as the commencement of the quest to establish liberal democracy. Later, the Stalinist regimes in Angola and Mozambique were also forced by the confluence of internal and external pressure to set into motion the process of liberal democratization. Subsequently, during the decade of the 1990s, the cumulative effects of the internal struggles led by the Southwest People’s Organization (SWAPO), and the African National Congress (ANC) and other national liberation groups, the apartheid system lost its stranglehold on Namibia and South Africa, respectively. Significantly, given their stellar history of national liberation struggles against the apartheid South African state, there was the expectation from both internal and external democratic forces that the newly independent state of Namibia, and the post-apartheid state in South Africa, would set into motion the twin processes of people-centered democracy and development.

Overall, the “third wave”, with the exception of Mauritius and Botswana (Mauritius has established a social democratic developmental system, while Botswana has established a liberal democratic developmental system), is pivoted on two major axes: liberal democratization and neoliberal development. The former revolves around the political aspects of democracy, such as political rights and civil liberties. The latter is anchored on the central pillar of “rolling back the state” – the creation of a “minimalist state” that is on the periphery of the development process. Alternatively, “market forces” are the engines of development. Linked to the neoliberal ideology is the imposition of the notorious “Structural Adjustment Program” (SAP) that is designed and enforced by the Bretton Woods institutions – the International Monetary Fund (IMF) and the World Bank. Essentially, under SAP, various conditionalities were imposed, including the removal of trade and investment barriers, currency devaluation, the privatization of state enterprises, and the termination of the “social safety net” – e.g. subsidized or free education, health care. For example, Zambia experienced the SAP regime.

So, under presidential leadership, how have Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Zambia, and Zimbabwe fared in terms of

human development? In terms of human development, as Table 4.2 shows, Angola, Botswana, Namibia, South Africa, and Zambia have achieved medium level human development (tier 3. Tier 1 is the highest level of human development, tier 2 is high level, tier 3 is medium level, and tier 4 is low level).

In addition, as for the two parliamentary systems, Mauritius, which has a weak presidency, has achieved the highest marks in the Southern African region in terms of democracy and human development (see Tables 4.1 and 4.2). As for Lesotho with its constitutional monarchy, and history of political instability, it has made laudable strides in terms of democracy (it is classified as a democracy), but has performed poorly in the human development domain (it is ranked in the low category – tier 4). In the case of Swaziland, it operates a monarchical system, but has achieved the medium level in terms of human development.

Table 4.1 The democratization index for Southern African states, 2014

<i>Country</i>	<i>Political rights score</i>	<i>Civil liberties score</i>	<i>Composite status</i>
Angola	6	5	5.5 Authoritarian
Botswana	3	2	2.5 Democratic
Lesotho	2	3	2.5 Democratic
Malawi	3	4	3.5 Hybrid
Mauritius	1	2	1.5 Democratic
Mozambique	4	3	3.5 Hybrid
Namibia	2	2	2.0 Democratic
South Africa	2	2	2.0 Democratic
Swaziland	7	5	6.0 Authoritarian
Zambia	3	4	3.5 Hybrid
Zimbabwe	5	6	5.5 Authoritarian

Source: Freedom House, *Freedom in the World*, 2015 (Washington DC: Freedom House, 2015b).

Table 4.2 The Human Development Index for Southern African states, 2013

<i>Country</i>	<i>Human Development Index (HDI)</i>	<i>Country rank (N = 187)</i>
Angola	0.526 (medium level)	149
Botswana	0.683 (medium level)	108
Lesotho	0.486 (low level)	163
Malawi	0.414 (low level)	174
Mauritius	0.771 (high level)	63
Mozambique	0.393 (low level)	179
Namibia	0.624 (medium level)	127
South Africa	0.658 (medium level)	119
Swaziland	0.530 (medium)	148
Zambia	0.561 (medium)	143
Zimbabwe	0.492 (low)	156

Source: United Nations Development Program, *Human Development Report*, 2014 (New York: Oxford University Press, 2015).

Weaving together the threads of the presidency, democracy, and development in Southern Africa

The presidency and democracy nexus

There are two major patterns of the presidency–democracy nexus in Southern Africa: the “hegemonic presidency” (expansive presidential powers both in law and practice), and the balanced presidency. The hegemonic presidency–democracy pattern has three major sets of threads: democratic, authoritarian, and hybrid. The democratic thread conditions the exercise of expansive presidential powers in Botswana. Significantly, the pivot is the consensus among the members of the country’s political class that the country would be a liberal democracy. Hence, the elite consensus constitutes the bedrock of the political culture, and serves as check on the exercise of presidential powers. Against this backdrop, the powerful presidency in the country has not led it in the authoritarian or hybrid direction.

What is to be considered an authoritarian one adorns the political landscape of Angola and Zimbabwe. That is, in these two countries, presidential powers are both expansive in law, and unchecked in practice. Hence, in the absence of strong countervailing forces, the powers of the presidency seem pervasive, with implications for the promotion of civil and political rights.

The hybrid thread laces Malawi, Mozambique, and Zambia. In these three countries, the exercise of expansive presidential powers is checked in limited ways principally by other institutions such as the parliament and the courts. In other words, in some cases, the “hegemonic presidency” is restrained, while in others, it is not.

Namibia and South Africa constitute the pattern of the balanced presidency. In these two cases, presidential powers are constrained by an artful constitutional design in which there are several “veto players” (Tsebelis, 2002; Shen, 2011). Each of these players – the parliament, the courts, and other state agencies – is allotted specific powers that can be used to check the presidency. In other words, there is a dispersion of powers. Similarly, in terms of praxis, the other “veto players” help to constrain the exercise of presidential powers.

The presidency–development nexus

Similarly, the presidency–development nexus has produced two major patterns: medium and low levels of human development. Angola, Botswana, Namibia, South Africa, and Zambia have divergent patterns of presidential powers with medium level of human development respectively. For example, Angola, Botswana, and Zambia have “hegemonic presidencies” with medium level of human development. On the other hand, Namibia and South Africa have balanced presidencies with medium level of human development as well. In other words, although the presidency plays a major role in development, it is not the sole determinant of the outcome.

However, Malawi, Mozambique, and Zimbabwe have a shared genre of the presidency with low level of human development. Again, this result suggests that the type of presidency is not the only determinant of development outcomes. This means that a similar type of presidency and the attendant leadership can produce either similar or different development outcomes.

Lessons in promoting democratic developmentalism in Southern Africa

Several lessons can be learned that can be used to design a presidency in Southern African states that can provide the critical leadership in the construction and consolidation of democracy and development in the region. First, democracy and development are mutually reinforcing: either one cannot be sustained without the other. For example, democracy cannot thrive and ultimately succeed without development (human development). In other words, political rights and civil liberties, among others, would become abstract and irrelevant, if they are not linked to the advancement of the material conditions of the citizens. Further, it is only economically well-off, educated, and healthy citizens that can fully exercise their political rights and civil liberties. Similarly, the progress in human development cannot be sustained without democracy. This is because the latter provides the basis of legitimacy for the former. In sum, both democracy and development have a seamless relationship necessary for promoting overall development in Southern African states.

Second, the constitution, which provides the legal architecture, should be designed in an artful manner in terms of balancing the allocation of powers to the presidency and other state institutions such as the parliament and the courts. In this vein, the dispersion of powers would provide effective checks on the exercise of presidential powers. This means that it is preferable to limit presidential powers by law.

Third, it is important to complement the legal restraints on the allocation of presidential powers with practical ones – the essence of constitutionalism. That is, other methods outside of the constitutional tapestry should be employed as well to help limit the exercise of presidential powers. This would include the political culture, and its associated pantheon of values, and practices. In other words, the constitutional architecture is not sufficient to restrain the exercise of presidential powers.

Towards the reconstitution of the presidency in Southern African states

The legal–constitutional contours

Appointive powers

Presidential appointive powers should be limited to a small corps of state employees, who are involved in development governance. For example, the

president should be given the authority to appoint the ministers of finance and development planning, commerce, education, and the ministers of other development-oriented ministries and their deputies. However, these appointees should be subjected to parliamentary confirmation. This would mean, for example, the parliament will have the authority to hold confirmation hearings for these nominated officials for the ostensible purpose of ensuring that they possess the requisite qualifications and character.

In addition, the auditor-general and the ombudsperson should also be appointed by the president based on certain conditions: (1) the appointments should be confirmed by the parliament; (2) given the nature of these positions, terms of office should be established for them and their tenure should be renewable; and (3) if the president wants to remove them from office prior to the expiration of their terms of office, the president should provide the parliament with the cause or causes; and a parliamentary vote either based on plurality or majority should be required to remove them from office.

On the other hand, the technocrats, who are involved in development governance, should be recruited on the basis of merit. In addition, they should be given the security of tenure, attractive salary and benefit packages, and autonomy in the performance of their various responsibilities. Such arrangements would help empower the technocrats, and enable them to provide the skills and know-how that are critical for the promotion of democracy and development including the delivery of public goods such as education and health care.

The formulation and implementation of development policies

The presidency, the parliament, and the development-based agencies and technocrats should be collectively involved in the formulation and implementation of development policies. In the case of the former, the presidency should provide the development vision that would frame the policies. Then, the development-based agencies and technocrats should design the policies. Subsequently, the policies, along with the financial costs, should be reviewed and approved by the parliament, including the holding of public hearings.

As for the implementation phase, the primary responsibility should rest with the various development-based agencies and technocrats. They should report to the president on a periodic basis. In turn, the president should report to the parliament.

Financial management

The responsibility for the management of the financial resources for development should also be dispersed among the presidency, the office of budget, the ministry of finance, the parliament, and the office of the auditor-general. For example, under such an arrangement, the presidency, with the assistance of the office of the budget should prepare the development budget, based on the inputs from the various development-based agencies and technocrats. The development

budget should then be approved by the parliament, after public hearings. Importantly, the expenditures should be based on the budget and the associated allotments that are approved by the parliament. Any new request for funding should be submitted to parliament by the president. And the parliament will then review and approve such request. For its part, the office of the auditor-general will conduct periodic audits of the presidency and the various development agencies, in order to ensure that the funds are used for their intended development-related purposes.

Oversight

The oversight for development should be provided by various institutions, including the presidency, and at various levels. For example, the presidency should supervise, monitor, and evaluate the implementation of the various development projects, as well as the relevant development-based state agencies. This can be done through the submission of periodic reports to the presidency, and the holding of meetings, among other things, between the presidency and the various development-based state agencies. In essence, these will provide the channels for keeping the president informed.

In turn, the presidency would make periodic reports to the parliament on the state of the various development projects. Based on its assessment, parliament can use both its general law-making powers and primary control over the state financial resources to help ensure that the interests of the citizens are served. For example, the parliament can withhold funding for a particular development project, until the presidency provides it with information it may need to effectively perform its oversight functions over development governance.

The office of the ombudsperson will be responsible for adjudicating the grievances of the merit-based technocrats, who are employed in the various development agencies. This would help protect technocrats from politically based and motivated recriminations. Essentially, this would mean that the presidency would have no role to play in the grievance process involving the technocrats. Clearly, this sense of security would help sustain morale, as well as a high level of performance.

The judiciary will have the primary responsibility for adjudicating legal cases that are related to development governance. For example, if a conflict between the presidency and the parliament cannot be resolved through compromise, and an impasse ensues, the courts would have major role to settle such matters.

The practical contours

The political culture

The political culture should be based on several planks. A major one concerns democratic values, including the centrality of debates, the tolerance of divergent views, and parameters for the lawful exercise of legal and constitutional powers

by the president, as part of the national ethic – what the society deems “right” and “wrong”. For example, if the president engages in an act of *ultra vires*, it would be repudiated by the parliament, the citizens, and civil society.

Also, mass political socialization should be undertaken throughout the various Southern African states by social movements, civil society organizations, and others. The thrust should be to help educate the populace about the democratic values that anchor the political culture. In addition, the process should include the development of political consciousness as well. This is because it would develop in the citizens the interest in the monitoring of the exercise of presidential powers.

Another major element is the indispensability of public opinion. Public opinion should serve as the “watch dog of the country’s ethic” (Nwabueze, 1974: 106). Specifically, for example, the citizens must be dedicated to, and prepared to defend, the democratic values that set the parameters for the lawful exercise of presidential powers. The citizens can do this by undertaking one or more actions spanning from public condemnation to the holding of demonstrations.

Furthermore, there must be a consensus among the members of the political class concerning acceptable political behaviour, including the exercise of presidential powers. In other words, the political elites should help enforce the democratic values that underpin the political culture by establishing an agreement, and the resulting tradition that it is unacceptable for the president to abuse his or her powers. In the event, the president abuses his or her powers, these political elites should then individually and collectively express their disapproval and hold the president accountable. Ultimately, the fear of being sanctioned by his or her peers for the abuse of power would help serve as an effective deterrent for checkmating the president.

The citizenry

As has been discussed, the citizenry can provide the most effective check on the exercise of presidential powers. In order for this to be done, several major pre-conditions have to be met. The citizens must develop interest in the welfare of the country, rather than resigning themselves to allowing the president to exercise unbridled powers. This is because the citizens will be ultimately affected by both the legal and illegal exercise of presidential powers. Central to the development of interest by the citizens is their commitment to the development of political consciousness, and the investment of time and energy in researching and paying attention to the matters of the state.

Another requirement is that the citizens should organize themselves into various groups, including social movements and civil society organizations. The overarching purpose of these groups should be to engage in collective action in matters concerning the exercise of presidential powers. In order to do this, citizens would need to be fully committed to the goals of these groups, including the performance of their membership responsibilities, including the attendance of meetings.

Also, the scourge of mass abject poverty and socio-economic malaise would need to be addressed, so that citizens can have socio-economic independence that would militate against their dependence on presidential largess, and its associated vulnerability. This would mean that citizens would have to pressure the president and other state managers to make the required investments in basic human needs such as job creation, education, health care, and food security.

Social movements

Social movements would constitute major cluster of actors in helping to restrain the development and operation of the “hegemonic presidency”, especially its adverse effects on democracy and development. There are various approaches to the organization of these social movements. A major one is the establishment of various sectorial-based social movements. For example, a social movement could be established in the educational sector. If this is the preferred approach, then it would be important for these various sector-based social movements to develop synergy through the establishment of coordination. In turn, this would help bolster their capacity to engage in collective action. Another approach would be to establish one or more national social movements that transcend sectors. Under this arrangement, the national social movement or movements can establish chapters throughout the country, and also affiliate with various groups that may be outside of its direct control. Again, this would help enhance the capacity to engage in collective mass action.

Irrespective of the approach that is taken in the organization of social movements, the organization should be committed to, among other things, ensuring the legal exercise of presidential powers, as part of its broader agenda of helping to promote democracy. In order to play this role effectively, the social movement should develop a strong membership base, develop its expertise, establish a strong economic base, and have logistical and other resources that are essential to the performance of its “watch dog” function.

Civil society

Similarly, various civil society organizations should be established in the different sectors, and at the national, regional, and local levels. Among their objectives should be to serve as “watch dogs” over the exercise of presidential powers, as part of the broader project of promoting democracy and development. For example, various media-based organizations can be established for the ostensible purpose of monitoring, informing, and educating the public about the exercise of presidential powers.

Like the social movements, in order to be effective, these civil society organizations must develop their capacity, including financial and logistic resources. In turn, this would help insulate them from the vulnerability to the offer of bribes from the presidency, as a way of silencing them. In other words, civil society organizations cannot be effective “watch dogs”, unless they are independent economically and in other ways.

The functioning of countervailing public institutions

Although, the constitutional design of a Southern African state that is anchored on the dispersion of powers among the presidency and other public institutions is important to curtailing the emergence of the “hegemonic presidency”, the functioning of these institutions as countervailing forces to the presidency in practice is even more critical. This is because there is a great difference between the legal–constitutional allocation of powers (on paper) between the presidency, on the one hand, and other public institutions such as parliament and the judiciary, on the other hand, and the practical application or praxis – constitutionalism. Against this backdrop, the actual functioning of strong public institutions is a more effective way of restraining the presidency from the illegal exercise of power.

Importantly, in order for these public institutions to effectively play their role as checks on the abuse of presidential powers, they must have certain major resources. A key one concerns officials, who are committed to the welfare of the country, rather than their personal economic interests. In other words, the members of parliament, for example, must be patriotic men and women, who believe that the country is more important than the president. Another major requirement is that these officials must have the requisite academic and other skills that are relevant to the performance of the various responsibilities. Also, these officials must have integrity, based on the commitment to principles. This is quite important, because it would minimize their vulnerability to presidential manipulation, based on, among other things, the offer of, and receipt of bribes or other forms of inducements that are designed to influence the performance of their responsibilities in checking the exercise of presidential powers.

Conclusion

Undoubtedly, the presidency is critical to the promotion and consolidation of democracy and development in Southern Africa. In order for this to be done, the presidency must be reconstituted. The reconstitution process should be based on the combination of legal–constitutional and practical means for ensuring that presidential power will not be abused by any incumbent. In other words, the ultimate purpose is to develop a portrait of the presidency that would regulate the behaviour of any incumbent, and ensure the effective and efficient functioning of the polity and economy. In terms of the legal–constitutional modalities, at the vortex should be the crafting of the allocation of powers to the presidency and the other public institutions such as the parliament that would ensure a balance. In essence, the ultimate purpose is to create multiple “veto players,” including the presidency. Importantly, the other “veto players” would then serve as checks on the exercise of presidential authority.

Significantly, artful constitutional engineering is not enough to ensure that the presidency would not abuse the exercise of powers. In this vein, a culture of constitutionalism needs to be established, and scrupulously observed by all,

including the president. In order to do so, several major steps would need to be taken. First, a political culture needs to be established that is based on several major pillars, including democratic values that constitute the national ethics. In turn, these values should be principally enforced by a vibrant, engaged, and politically conscious citizen through public opinion. Second, independent, strong, and functional social movements and civil society organizations need to be established. Third, the various public institutions such as the parliament and the courts need to function in practice as countervailing forces to the presidency. This is a much effective way of curtailing the abuse of presidential powers than the legal distribution of governmental powers.

Finally, the exercise of presidential powers should be situated within a context that treats democracy and development as twin processes, rather than as separate. In this vein, the resulting portrait of the reconstituted presidency should exercise power in such a way that democracy and development are promoted. For example, presidential leadership would be required in helping to ensure that the political rights and civil liberties of all of the citizens are respected and protected. Similarly, presidential stewardship would be critical in the formulation and implementation of a development vision, and its associated policies.

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5 Explaining the mixed fortunes of African opposition parties in their quest for state power

An institutional and strategic analysis

Issaka K. Souaré

Introduction

The end of the Cold War led to or coincided with the (re)establishment of multi-party political systems across Africa. In the early 1990s, almost all the African countries adopted new constitutions providing for multiparty democratic systems and the holding of competitive elections at regular intervals. Only a few countries (e.g. Botswana, The Gambia, Mauritius, Senegal) had this system before 1990. In the timeframe targeted by this chapter (1990–2013), Swaziland was the only African country with no multiparty system.¹

This wind of political liberalisation ushered in ways of leadership change not experienced before on the continent. Reference is particularly being made here to leadership alternation due to the electoral defeat of a ruling party in favour of an opposition one. For in the period from independence to 1990, there was only one effective alternation of power, through opposition electoral victory, recorded, and two aborted ones. The single electoral victory recorded was in Mauritius following the June 1982 general elections in which a coalition led by Anerood Jugnauth's Mauritian Militant Party (MMM) defeated the Labour Party of Prime Minister Seewoosagur Ramgoolam. Ramgoolam had led Mauritius to independence in 1968 and remained its leader until this electoral defeat (Simmons, 1982; Bowman, 1991: 81;). The aborted opposition victories occurred in Sierra Leone in 1967 (Fisher, 1969; Hayward and Dumbuya, 1985; Kandeh, 2008, 1998) and Lesotho in 1970 (Macartney, 1973; Matlosa, 1997: 143–144).

But since 1990, this situation has dramatically changed. For as many as 23 opposition victories were recorded in 16 African countries between January 1990 and December 2013.² This record appears impressive in comparison to opposition performance prior to this date. But analysed against the number of peaceful leadership turnovers on the continent in the same period (above 70) and the high hopes aroused by opposition parties in the early 1990s, their performance appears disappointing.

There have been many studies on African political parties, but the majority of those have dealt with ruling parties. There have not been a sufficient number of systematic studies trying to fathom the 'misfortunes' of opposition parties in

their quest for state power beyond the usual allegations of vote rigging by ruling parties as the main or only explanation. But do ruling parties always rig elections to win? If so, what explains the victory of 23 opposition parties in 16 African countries in the period under consideration? Are ruling parties more popular than the opposition? Is the poor performance of the opposition due to some structural or organisational weaknesses on their part? How did the above 23 opposition victories occur? What lessons can other opposition parties learn from this?

In a voluminous study on political parties and democratic transition in Sub-Saharan Africa, Diop (2006) provides very interesting insights about the role that political parties play in democratic processes, but says little about the strategies that political parties, particularly opposition ones, use to gain power. A volume edited by Mohamed Salih (2003) also offers very interesting readings, but little if any on opposition strategies to get to power. Following an elaborate discussion about the role of patronage and electoral manipulation in perpetuating incumbent regimes in many African countries, Gyimah-Boadi (2007: 30) observes that notwithstanding this state of affairs, ‘a number of incumbent patrimonial regimes ... have been dislodged in elections in recent times’. This leads him to pose a number of questions as to how this happened. In particular, he asks: ‘Can we research and model the conditions under which opposition parties are able to dislodge incumbents?’ He does not provide an answer, apart from a few remarks on the 2000 general elections in Ghana. He instead leaves it as a challenge and a proposition for serious empirical testing of a huge amount of research, analysis and reflection drawing from national and cross-country data on parties and elections in cotemporary Africa (Gyimah-Boadi, 2007: 30–32).

The chapter seeks to provide a tentative answer to this challenge. Based on an in-depth analysis of results of general elections (presidential in presidential systems and legislative in parliamentary ones) in Africa between 1990 and 2013, I posit that coalition building is a determining factor and the key strategy that opposition parties have and can use to conquer power in Africa in countries that do not have a two-party system. This postulate is based on the second hypothesis advanced by Duverger (1963: 302) regarding power alternation between two different parties. Coalition building is however a complex enterprise, the easiness or difficulty of which depends on many other issues, including the electoral formula, the level of internal democracy in and relations between the leaders of the various opposition parties in a country. But while there is an abundance of studies on alliance formation and coalition building, particularly in game theory (Gamson, 1961; Riker, 1962; Chertkoff, 1966; Mazur, 1968), the notions and conclusions obtained from these studies have seldom been applied to African opposition parties, a notable exception being a study undertaken by Van de Walle (2006).

This is where the contribution of the present chapter lies in understanding the performance of African opposition parties in their quest for state power. I define ‘state power’ here as the presidency in presidential systems, which is the case in the majority of African countries, or the prime ministerial position in parliamentary systems whose governments are led by an executive prime minister,

such as Ethiopia and Mauritius.³ The chapter proceeds in four main sections. The first section provides an overview of leadership changes on the continent between 1990 and 2013 with a special reference to opposition victories. The second one presents the theoretical framework that is used, in the third section, to test the hypothesis regarding the determining role of coalition building in opposition victories. The concluding section takes stock of the preceding discussions and offers some complementary points to help further elucidate us on the subject matter.

Leadership changes in Africa, 1990–2013: what share for opposition parties?

There are two main ways to assess leadership changes in a given region: one is to see how leaders ‘came’ to power; and the other one is to establish how leaders ‘left’ power. Adopting either of these two approaches leads to different results, including the total number and categories of changes. For example, if we were to adopt the ‘exit’ approach in Africa, we would have such categories as (natural) death in office, assassination, military coup (being overthrown), resignation (voluntary or forced) or electoral defeat. But if we adopted the ‘entry’ approach, we would have neither death nor resignation as no one comes to power through these means. We would however have such categories as military coup (coming to power through this), electoral victory and designation (either by parliament, a military junta or by a hereditary arrangement). It is this latter approach that is adopted in this chapter, for it allows for a clearer assessment of opposition victories, since those can only best be observed by looking at the ‘way in’ rather than the ‘way out’.

My dataset is based on leadership changes in 43 of the 55 African countries (54 members of the African Union plus Morocco). Somalia and South Sudan are excluded for the exceptional political situation in the former since 1991 and the fact that the latter only became an independent state in mid-2011. The remaining ten countries (Angola, Burkina Faso, Cameroun, Equatorial Guinea, Eritrea, Sahrawi Arab Democratic Republic (SADR), Sudan, Swaziland, Uganda and Zimbabwe) never saw any change of their leaders in the period of our concern, as they came to power prior to 1990 and did not fall with December 2013. With this in mind, the data bank shows a total of 139 leadership changes on the continent in the target period.

Some leaders are included more than once, as they came to power in various ways, but they are only counted twice if there was an interregnum – even a short one – between the two tenures. For example, in April 1999, Azali Assoumani came to power in the Comoros through a military coup. But following negotiations under the aegis of the African Union (AU), he resigned his position in January 2002 to allow for Hamada Madi to lead a transitional government and for him to run for the presidential elections scheduled for May of the same year. He won these elections and assumed office as an elected leader. Albeit in different forms and with varying durations of the interval, this is also true for

Amadou Toumani Touré of Mali (1991–1992 and 2002–2012), Navichandra Ramgoolam of Mauritius (1995–2000 and again in 2005) and Mohamed Ould Abdoulaziz of Mauritania (2008 and 2009).

As it can be seen in Table 5.1 above, these changes include 23 opposition victories, 13 victories of ruling party candidates, six victories for independent candidates (that were in the main from the opposition) and a total of 25 post-transition changes that benefited ruling parties (two), opposition parties (17) and independent candidates (six). Parliamentary designations refer to instances in which a leader assumed office as the constitutional successor of a deceased or resigning leader, or as part of a standing power-rotation arrangement, as it was the case in Liberia from 1990 to 1997 and again from 2003 to 2005. They also include the appointment of a leader, even by the departing one, if this was approved by or not objected to by the country's legislature, as it was the case in Nigeria in August 1993 when Ibrahim Babangida left power to be succeeded by Ernest Shonekan.

The share of the opposition (22) appears very high in comparison to that of ruling party candidates (13). A façade reading could therefore lead one to dismiss the suitability of the subject matter for a research effort as this. But the 13 ruling party victories do not include the multiple re-elections of ruling party candidates, including in some of the ten countries where leaders came to power before 1990, as well as opposition-cum-ruling parties. In fact, it is only in Cape

Table 5.1 Aggregate of leadership changes (entries) in Africa, 1990–2013

<i>Mode of change</i>	<i>Number</i>	<i>Remarks</i>
Military <i>coup d'état</i>	25	
Electoral victory of ruling party candidate	13	Not including re-elections/designations
Electoral victory of opposition party candidate	23	
Electoral victory of independent candidate	6	Mainly from opposition ranks
Post-transition electoral victories:		
a ruling party candidate	2	
b opposition candidate	17	
c independent candidate	6	
Designation:		
a by parliament	32	Chiefly from ruling party ranks
b by a military council/junta	4	
c other ways	2	Hereditary: Morocco (1999); rotational presidency in the Comoros (2011)
Other	9	
TOTAL	139	

Source: author's database.

Verde (2001 and 2011), Ghana (2008) and Mauritius (2000 and 2005) that the defeated former ruling party or members of its coalition returned to power. In all other cases, the opposition-cum-ruling party established itself as the new long-lasting ruling party and its candidates continued winning elections (Souaré, 2010: 2). This share does not include maintenance of incumbents in power without elections, such as has been the case in Angola (until the 2012 presidential elections), Morocco, SADR and Swaziland.⁴ It does not also take into account the fact that the overwhelming majority of the 32 leaders that were designated by parliaments to lead transitional governments were from ruling parties.

Nevertheless, the 23 victories' score attributed to the opposition is only for partisan opposition and excludes 'opposition' wins that happened through 'independent candidates' or after transitional governments whose members were not allowed to stand in elections. For in the latter case, the winning party was not an opposition one but just a political party among others. Regarding independent candidates, the majority of them are from the opposition ranks and most of them – particularly in Benin where only independent candidates have won presidential elections since 1991 (Souaré, 2011b) – are supported by some political parties and movements. They are however excluded here for at least two reasons. On the one hand, my concern is about 'partisan opposition' for which they do not qualify. On the other, the mere fact that they chose not to stand on the platform of a specific political party raises research questions about the adequacy or lack thereof of political parties as a vehicle for conquering state power, at least in their view.

A theoretical framework for understanding opposition victories

While discussing regime alternation as part of his broader discussion of strengths and alliances of political parties, Duverger (1963: 299) contended that regime turnover 'exists primarily in dualist countries [where the system] is like a pendulum movement, each party moving from opposition to office and from office to opposition'. The two-party system referred to here is not a *de jure* one, but a system in which two political parties, among others, effectively dominate the political scene in the country on a more or less equal basis in consecutive elections. Examples of such a system include the United States with the Republican and Democratic parties, the United Kingdom (UK) with the Liberal or (since 1945) Labour and Conservative parties and, since 1990, Ghana with the National Democratic Congress (NDC) and the New Patriotic Party (NPP). His argument was based on the empirical data available at the time on elections mainly in the UK, the United States, Canada, Australia, New Zealand, Belgium until 1884 and Holland until 1912, which were chiefly two-party states (Duverger, 1963: 299–302).

To explain why alternation is more frequent in two-party systems, Duverger thought that the electoral system in a given country constitutes the main

explanatory factor, albeit in an indirect way. Through what has since become known as Duverger's Law about party systems (Taagepera and Grofman, 1985; Benoit, 2006), he argued that the single-majority single-ballot or first-past-the-post (FPTP) system tends to produce dualism of parties, and this (dualism) in turn tends to produce alternation (Duverger, 1963: 301). But this is clearly not a sufficient explanation. In my view, there is some wisdom in this regard in the explanation of Hatschek (1913, cited in Duverger) that Duverger dismisses as inadequate. To this German author, writing on the English political system in the nineteenth century, dualism leads to frequent alternations based on two laws. First, the exercise of power compels a party to adapt its programme to the realities of power politics rather than to fulfil completely the promises made to its electors, which leads to voter disaffection and the possibility of voting for opposition party. Second, the activity of government naturally gives rise to disagreements within the governing party, whereas the opposition remains united (as cited in Duverger, 1963: 301).

While the latter clause of Hatschek's law is debatable, as it seems to apply more to coalition governing parties, the first one is very pertinent. I would add to the disappointment of a portion of those that voted for the ruling party the fact that a two-party system often means the existence of two 'credible' parties in the eyes of the majority of the electorate. Thus, as the mistakes of the ruling party are brought to the open through public scrutiny and people want change, baring ideological differences, they have a credible alternative in the other party, which they opt for either in support of it or in an act of sanction against the ruling party. This process might not be readily obtainable in a system dominated by more than two parties.

In any case, Duverger does not confine his theory to dualism even though it carries more weight for him. He acknowledges that 'there is no absolute coincidence with the two-party system; alternation may be encountered in a system with electoral coalitions' (Duverger, 1963:301). Indeed, but Duverger's conception of coalition here is more durable than the formula I would like to highlight and which has been best theorised by other authors. For as time passed and opposition victories came about in countries that had more than two representative political parties – such as Denmark, Sweden, West Germany and even France in 1981 – particularly from the 1950s, other analysts expanded this second hypothesis and called it the 'bipolarised' system. This is then considered as an alternative to the two-party one, while maintaining the latter (Quermonne, 1988: 11–15). The bipolarised system is a situation where many opposition parties come together to form a coalition against the ruling party to create an ad hoc two-party system.

My data on African elections in the period considered largely conforms to these two foregoing hypotheses. The first one, favoured by Duverger, relates to the institutional framework of a given country, since it emanates from the party system; whereas the bipolarised system relates more to the strategies used by opposition parties. For these two main theoretical frameworks will be used in this chapter in order to understand various aspects of the subject matter and to

test the two hypotheses. The first one is the neo-institutional theory as presented by authors such as James March, Johan Olsen, Peter Hall, Rosemary Taylor and Mamoudou Gazibo. The second one is the theories of coalition formation or games theory – which are related to rational choice or strategic theories.

The neo-institutional theory

The institutional theory is neither a unified school of thought nor is there consensus about the number of its variants. The prefix ‘neo’ used in this subheading suggests the existence of an old or classic institutionalism, which was overshadowed by behaviourism after the Second World War (March and Olsen, 1984; Gazibo, 2002). But Hall and Taylor (1996) contend that there are three variants of neo-institutionalism: historical institutionalism, rational choice institutionalism, and sociological institutionalism. The discussions about these different variants shall be spared here, even though one can deduct the so-called rational choice institutionalism from the three variants of Hall and Taylor. This variant is better treated in the strategic theory than the institutional one, for the latter, in all its variants, presumes the primacy of institutions over individual behaviour and action, which is the main point of rational choice and strategic theories.

March and Olsen (1984) acknowledge the importance of both the social context of political events and the motives of individual political actors, but insist that institutions play a more autonomous role in a polity. To them, the state is not only affected by society, but also affects it. In their words:

Political democracy depends not only on economic and social conditions but also on the design of political institutions. The bureaucratic agency, the legislative committee, and the appellate court are arenas for contending social forces, but they are also collections of standard operating procedures and structures that define and defend interests. They are political actors in their own right.

(March and Olsen, 1984: 738)

For Hall and Taylor (1996), institutions are not only autonomous, but they also influence the strategic calculations of individual actors. To them, institutions often shape the preferences of individual actors more than rational choice theorists would want to admit.

As noted above, the first hypothesis advanced by Duverger falls squarely under this approach. Thus, in trying to explain our subject matter through the lenses of this theory, emphasis should be placed on electoral modes and party systems and the possible impact of these on strategies adopted by political actors in both opposition and in office. Already, in their study of regime transformation in Sub-Saharan Africa in the 1990s, Bratton and Van de Walle (1997: 41–43) tended to favour this approach, arguing that institutions are more than intervening variables in these changes, but that they played an essential role in shaping the political processes in the countries studied.

But while institutions are important in political processes, there seems to be some exaggeration in their autonomy in understanding these processes, including the subject matter of this chapter. For while it is true that the behaviour and strategies of individual actors are influenced by the institutional arrangements in which they find themselves, including the social context, one should avoid any insinuation of 'structural determinism'. Besides, the fact that individual actors react to these institutional constraints in different ways suggests they have some room to manoeuvre. After all, the institutional arrangements are made, amended and changed by the collection of individual actors of a given system, an issue that most institutionalists avoid discussing (Pederson, 1991), hence the need for the strategic theory as a complementary one to the institutional school of thought.

The strategic or rational choice theory

Like the institutional approach, the strategic theory is not a unified school of thought and its multiple variants have different appellations, some of which are used here interchangeably. Bratton and Van de Walle (1997: 24–25), on their part, prefer the term 'contingent approach', but this does not seem to have any substantial difference from the strategic or rational choice approaches. This is very clear from their definition of this contingent approach: 'This approach has reached its fullest expression in the discipline of microeconomics and in rational choice approaches to the study of political behavior and public decision-making' (p. 24), they contend. They also admit that 'the emphasis throughout is on the strategies and tactics of the principle players and processes of struggle and accommodation through which they interact' (p. 25).

The central postulate of the different variants of the strategic theory is a belief in the importance of the motives and calculations of individual social and political actors in our understanding of social and political phenomena, a presumption 'that individuals behave purposively' (Fiorina, 1995).

Many criticisms have been levied against strategic theories, particularly the rational choice approach. Perhaps one of the most virulent of them all is the study of Donald Green and Ian Shapiro titled 'Pathologies of Rational Choice Theory' (1995). As it can easily be surmised from its title, this book surveys the most important works of Rational Choice Theory (RCT) and systematically criticises them, focusing on what the two authors consider to be the lack of systematic empirical applications of the abstract and 'arresting propositions' of RCT. They blame this on a purported tendency of RCT to be more 'method-driven' than 'problem-driven' (Green and Shapiro, 1994: 17–30). Another criticism against strategic theories, coming especially from institutionalists, is that they tend to exaggerate the degree of rationality ascribed to individual actors, without taking into account the institutional and social constraints in which they find themselves (March and Olsen, 1984: 738–741).

But Green and Shapiro themselves admit that they do not suppose that every RCT proposition is doomed to fail, nor do they regard the methodological

deficiencies they identify as inevitable features of RCT (Green and Shapiro, 1995).⁵ This suggests that most of the criticisms against RCT are in fact directed at some theorists rather than at the theory itself. Indeed, while some theorists remain attached to the 'universalist ambition' of the theory (e.g. Ferejohn and Satz, 1995; Schofield, 1995), the majority of rational choice theorists have a moderate approach to the idea of the rationality of the individual actors, acknowledging that his actions are somehow constrained, even though he has an ability to manoeuvre within these constraints (Fiorina, 1995; Kelley, 1995; Lohmann, 1995).

It is this relative approach of the strategic theory that is applied in this chapter in a bid to explain the strategies that opposition parties adopt in trying to overcome the apparent advantages that incumbent candidates have in electoral competitions. Of particular relevance in this regard are the works on coalition formation, which is a variant of the strategic theory.

Gamson (1961: 374), who is considered as one of the pioneers of the coalition theory, defines coalitions as 'temporary, means oriented, alliances among individuals or groups which differ in goals'. Based on his observation that 'a coalition requires tacit neutrality of the coalition on matters which go beyond the immediate prerogatives', he concludes that the pursuit of power – which is our main concern here for opposition parties – is an ideal basis for coalition formation since it is an instrument for the achievement of widely ranging and even incompatible goals (Gamson, 1961: 374). Departing from a pure game theory perspective, another variant of the strategic theory, Haeringer (2003: 177) introduces the notion of 'full cooperation' (or full coalition) and 'partial cooperation'. The former occurs when the members of the coalition agree to cooperate on all matters related to the subject of the alliance. The latter happens when they decide to cooperate on some aspects of this matter but not on all.

This is an important element, which is very useful for understanding our subject matter if we enlarge the notion of partiality from the coverage of the cooperation (aspects covered) to also include the steps of the subject of cooperation. For example, in many African countries where the electoral system is a two-round majority system, opposition leaders tend to compete the first round in solo act while agreeing to rally behind the one that emerges the strongest for the second round. But this strategy runs the risk of dispersing the votes of the opposition in the first round, which often allows the incumbent candidate to win – either fairly or with some twist – outright without needing a run-off poll.

The main objective of coalitions is to allow members of the alliance to unite their efforts and strengths in order to maximise the rewards of their specific course of action, hence the emphasis put by some coalition theorists on the rationality of members of the coalition (Riker, 1962). But how do coalitions come about? What motivates actors to join or remain in certain coalitions? In answering this question, Reisinger (1986) has emphasised the role played by the context in which a given coalition is formed, which he argues influences what a

rational actor should do. To him, 'a model created to explain coalitions in one type of setting may be inappropriate for another' (Reisinger, 1986: 552). He therefore warns against and finds it misguided the search for a single, universally helpful assumption about motive, however complex (Reisinger, 1986: 553).

This notwithstanding, it is possible to deduct from the existing literature four principal explanatory factors (not exhaustive) that would then have to be contextualised as suggested by Reisinger. Those are (i) the pay-offs expected by the actual or prospective members of the coalition; (ii) the required contributions from each member; (iii) personal or socio-political links between members of the coalition; and (iv) the coalition's probability of success (Gamson, 1961; Chertkoff, 1966, 1975; Cassidy and Neave, 1977; Reisinger, 1986). Regarding the first explanatory factor, Reisinger (1986: 553–554) notes that pay-offs take different shapes based on various settings. He argues that a pay-off can involve either a distribution among some or all of the members of the coalition of some valued good or the selection of a particular course of action among a finite number of choices.

But Gamson (1961: 375) and Mazur (1968: 198) rightly note that not all benefits are quantifiable 'utilitarian' pay-offs, but rather include also such considerations as personal preferences based on interpersonal or emotional attractions and ideological preferences. Indeed, and the ethnic and regional considerations must be taken into account in dealing with political parties in Africa. With the theoretical framework thus clear, I shall now look at opposition victories on the continent in the period under examination and try to make sense of these victories.

Understanding opposition victories

Based on the above hypothesis and with the aid of the aforementioned theoretical frameworks, I shall now undertake an examination of these theories on the empirical data already generated on regime changes on the continent, focusing on the 23 opposition victories (see Table 5.2). As it will be clearer below, all the 23 instances of opposition victories occurred in countries that (a) have a two-party system (i.e. Cape Verde, 1991, 2001, 2011; Ghana, 2000, 2008; Sierra Leone, 2007) or (b) when the opposition parties formed a coalition (e.g. Zambia, 1991; Senegal, 2000, 2012; Kenya, 2002, 2012; Côte d'Ivoire, 2010). There are only three exceptional cases in which opposition parties won elections without having to form a coalition and without their countries being two-party states. But as we will see below, two (Malawi, 1994; Côte d'Ivoire, 2000) of these cases can easily be explained; the September 2011 Zambian elections being therefore the only true exceptional case.

Recalling our theoretical frameworks above, I posit that the data on African elections conform, largely, to the two aforementioned hypotheses of Duverger with regard to factors facilitating opposition victory – that is having a two-party system or forming a coalition. It should however be made clear that they are taken as two *necessary* but *not sufficient* conditions for opposition win.

Table 5.2 Electoral victories of the opposition, 1990–2013

<i>No</i>	<i>Alternation in power</i>		<i>Victorious leader: party</i>	<i>Electoral coalition?</i>	<i>Party system</i>
	<i>Country: year</i>	<i>Defeated leader: party</i>			
1	Burundi: 1993	Pierre Buyoya: UPRONA	Melchior Ndadaye: FRODEBU	Yes	Multiple
2	Cape Verde: 1991	Aristide Pereira: PAICV	Antonio M. Monteiro: MpD	No	Bipartisan
3	Cape Verde: 2001	Carlos Veiga: MpD	Pedro Pires: PAICV	No	Bipartisan
4	Cape Verde: 2011	Manuel Inocêncio Sousa: PAICV	Jorge Carlos Fonseca: MpD	No	Bipartisan
5	Central African Republic: 1993	André Kolingba: RDC	Ange-Félix Patassé	Yes at 2nd round	Multiple
6	Congo: 1992	Denis S. Nguesso: PCT	Pascal Lissouba: UPADS	Yes at 2nd round	Multiple
7	Côte d'Ivoire: 2000	Robert Guéi	Laurent Gbagbo: FPI	No	Multiple
8	Côte d'Ivoire: 2010	Laurent Gbagbo	Alassane Ouattara: RDR	Yes at 2nd round	Multiple
9	Ghana: 2000	John Atta Mills: NDC	John Kufur: NPP	No	Bipartisan
10	Ghana: 2008	Akufo Ado: NPP	John Atta Mills: NDC	No	Bipartisan
11	Kenya: 2002	Uhuru Kenyatta: KANU	Mwai Kibaki: NARC	Yes	Multiple
12	Kenya: 2013	Raila Odinga: ODM*	Uhuru Kenyatta: KANU	Yes	Multiple
13	Madagascar: 1993	Didier Ratsiraka: MMSM	Albert Zafy: UNDD	Yes at 2nd round	Multiple
14	Malawi: 1994	Hastings Banda: MCP	Bakili Muluzi: UDF	No	Multiple
15	Mauritius: 1995	Anerood Jugnauth: MSM/MMM	Navinchandra Ramgoolam: PTM/MMM	Yes	Multiple
16	Mauritius: 2000	N. Ramgoolam: AS	A. Jugnauth: MSM/MMM	Yes	Multiple
17	Mauritius: 2005	Paul R. Béranger: MMM/MSM	Navinchandra Ramgoolam: AS	Yes	Multiple
18	Senegal: 2000	Abdou Diouf: Socialist Party	A. Wade: PDS	Yes at 2nd round	Multiple
19	Senegal: 2012	A. Wade: PDS	Macky Sall: APR-Yakaar	Yes at 2nd round	Multiple
20	Sierra Leone: 2007	Solomon Berewa: SLPP	Ernest Bai Koroma: APC	No	Bipartisan
21	Zambia: 1991	Kenneth Kaunda: UNIP	F. Chiluba: MMD	Yes	Multiple
22	Zambia: 2011	Rupiya Banda: MMD	Michael Sata: PF	No	Multiple
23	Lesotho: 2012	Pakalitha Mosisili: DC	Tom Motsoahae Thabane: ABC	Yes	Multiple

Source: adapted from Souaré (2010: 201).

Note

* Raila Odinga's party is considered as ruling party because he was part of the ruling coalition, albeit he did not benefit from the full range of incumbency advantages.

Bi-partisan systems

In studies of party systems in Africa, there is a tendency in the existing literature to complain about the ‘plethora’ of political parties on the continent (Doorenspleet, 2003; Mozaffar and Scarritt, 2005; Erdmann and Basedau, 2007). But this is neither unique to the continent nor is it to be generalised to all the African countries. Indeed, there are bi-partisan countries on the continent and it is in three of those that six of the 23 opposition victories occurred, in accordance with the first hypothesis already identified. The three countries are Cape Verde, Ghana and Sierra Leone.

In the period of our interest, opposition candidates won thrice in both Cape Verde (1991, 2001 and 2011) and twice in Ghana (2000 and 2008), and once in Sierra Leone (2007). There is an effective two-party system in all of these three countries, at least since 1990. In Cape Verde, power alternates and is more or less equally shared between the African Party for the Independence of Cape Verde (PAICV) and the MpD or Movement for Democracy (Meyns, 2002). In Ghana, it is between the NDC and the NPP (Nugent, 2001; Morrison, 2004; Whitfield, 2009), while the All People’s Congress (APC) and the Sierra Leone People’s Party (SLPP) have dominated the political scene in Freetown since independence in 1961 (Kandeh, 1998, 2008).

Coalition victories

The first coalition win happened in Zambia in October 1991. In this historic poll, almost all opposition parties stood behind Frederick Chiluba’s Movement for Multiparty Democracy (MMD) against the incumbent Kenneth Kaunda and his United National Independent Party (UNIP), which was then defeated in the poll. It was the same for the role of the Sopi coalition for the election of Abdoulaye Wade in Senegal in March 2000 (Coulibaly, 2003; Havard, 2004; Niang, 2005). It was an even broader Benno Bokk Yakaar coalition of almost all the main opposition parties and several civil society and non-governmental organisations and professional bodies that saw Macky Sall defeat Abdoulaye Wade in the March 2012 run-off presidential election in the same country. The story is the same for the National Rainbow Coalition (NARC) in the victory of Mwai Kibaki in the 2002 general elections in Kenya (Kagwanja, 2005). In the November 2010 run-off presidential election in Côte d’Ivoire, Alassane Ouattara, leader of opposition Rally of Republicans’ party, defeated incumbent president Laurent Gbagbo thanks mainly to his coalition, at the second round, with the former ruling Democratic Party of Côte d’Ivoire (PDCI) and other parties assembled around the name and political heritage of the late Félix Houphouët-Boigny. This underscores the importance of personal and – to some extent – ideological affiliations between members of his coalition.

The latest opposition coalition victory in the period under review was registered in Lesotho in June 2012. This is a very clear case that cannot be

attributed but to coalition building. With a constitutional monarchy, the prime minister is the head of government in Lesotho, who is elected by the 120-member National Assembly from within the majority party or coalition of parties. In the actual election of 26 May 2012, incumbent Prime Minister Pakalitha Mosisili led his newly created Democratic Congress (DC), a splinter party from the Lesotho Congress for Democracy (LCD) party, to a significant win of 48 parliamentary seats, but short of the required majority (60+) to form a government. The All Basotho Convention (ABC) party came second with only 30 seats. However, its leader, Thomas Thabane, managed to team up with the LCD (26 seats) and the Basotho National Party (BNP) that had garnered five seats to accumulate the required majority and eventually win the prime ministerial position (Motsamai, 2012).

Perhaps the most ingenious opposition victory through a coalition is what was engineered in Mauritius in 2000. This was a coalition between two opposition parties, one led by Paul Béranger, from the minority ethnic group of European descent but represented in parliament as the main opposition party, and the other one by Anerood Jugnauth, from the majority Hindu ethnic group but not represented in parliament. Because Hindus form a majority of the population and a non-Hindu had never been elected prime minister in Mauritius, Béranger did not have any realistic prospect of wining alone. Thus, the two leaders accepted to form a coalition following the victory of which the Hindu leader would become prime minister for the first three years of their five-year term, after which he would be elected by parliament to become the president while Béranger succeeds him as the executive prime minister. By so doing, the coalition got votes from both the majority Hindus and minority groups, and won the poll, a deal that led to the coming to power in 2003 of the first-ever and so far only non-Hindu prime minister in Mauritian politics (Oyugi, 2006).

It should be noted that in the process of creating a bipolarised system, opposition political parties have sometimes benefited from the support of civil society and non-governmental organisations as well as professional bodies. In the early 1990s, because they generally had the same struggle against authoritarian one-party regimes, opposition coalitions invariably included civil society organisations if they had not metamorphosed from them. In recent years, because requirements of independence of civil society organisations and other professional bodies from political parties, the former seem to take its distance from the latter. However, certain situations still bring them together, or when opposition parties manage to convince their most likely allies that they are fighting for a common cause, as it was the case in the 2012 grand coalition against incumbent Abdoulaye Wade in Senegal. This is what led to the victory of Macky Sall's Alliance for the Republic (APR) party in the second round.

In light of the coalition theory presented above, one could see various motivational elements for these parties to come together in view of defeating the candidate of the incumbent party. The objective of winning and the realisation that unity was necessary for this is very evident in all these cases. Expected pay-offs played an equally crucial role in all the cases, as the members of opposition

coalitions were assured of some government positions in case of the victory of their coalition. But another element that also becomes clear also from the table is the influence of the electoral mode on coalition formations. In almost all the countries where the voting formula is majority two round, the coalition only came about at the second round, and this could somehow explain the dearth of opposition wins in these countries, only six in the table above.

There are understandable factors that account for it. One is the fact that without a long history of elections and in the absence of reliable opinion surveys, a good number of opposition candidates genuinely believe in their popularity, as stadia are full during their campaign gatherings. But what most of them do not take into account is that a good proportion of these crowds are youths that do not vote, while others are curious onlookers or those that came for the t-shirts and other handouts distributed at these rallies. In any case, such shows tend to deceive some leaders into believing that they can indeed make it. But of course some opposition leaders are aware of their true political weight but insist on standing for elections in the first round in order to exchange their votes at the second round for some government positions should their preferred ally emerge victorious. Yet in those countries that have a single round, simple majority system, otherwise known as FPTP, they do not have the luxury of such calculations, so they must coalesce at the very beginning. Coalitions in these contexts thus tend to be formidable. Lesotho, where coalition formation does not end in the pre-election period, offers an exception here. As evidenced in the May 2012 election above, parties can still team up after the results of the election in order to form a governing coalition if no single party managed to win a majority in the polls.

To further test this hypothesis, one could look at some recent opposition losses in light of this proposition or theory. For example, in the August 2009 presidential election in Gabon, the candidate of the ruling party, Aly Bongo, was declared winner with 41.7 per cent of the votes, against 25 per cent for each of his two closest rivals, who ran as independent candidates. With a FPTP system, a coalition between these two individuals would have landed them victory with at least 50 per cent of the votes, 8 per cent clear of the share of Bongo.

Likewise, in the December 2001 presidential elections in Zambia, the late Levy Mwanawassa carried the flag of the ruling party against some ten opposition candidates. The latter failed to unite behind the most serious challenger among them – United Party for National Development's (UPND) Anderson Mazoka. As a result, Mwanawassa won with a mere 29.15 per cent, against 27.2 per cent for Mazoka. Yet, the third candidate bagged 13.1 per cent; the fourth one 10.12 per cent and the fifth one garnered 8.9 per cent of the votes. Clearly, the coalition of any of these candidates with Mazoka would have given him more than the 1.96 per cent that he needed to beat the ruling party's candidate.

This is not to suggest that voting is a mere number game, particularly numbers obtained retrospectively. One could expect that other competitors of the opposition coalition, particularly the ruling party, are likely to adopt a

different strategy if they realise the potential weight of the opposition coalition. While it should be recalled and stressed that coalition formation is not taken here to be a 'sufficient condition' for opposition win, the sociology of voting suggests that formidable opposition coalitions can have a psychological effect that could disrupt or dissuade the ruling regime in some of its counter-strategies, including rigging and eventually land them victory. One reason for the low turnout in most African elections in recent times could be that many people do not want to vote for the ruling party yet do not want to 'waste' their vote on a fragmented opposition that does not stand any realistic chance of winning. Opposition coalition building can therefore restore the hope of such voters in the process and persuade them to vote. Seeing such popular support for the opposition, the ill-intentioned ruling regime may then be discouraged from rigging.

Two exceptional cases

It was noted above that out of the 23 opposition victories recorded in the period under consideration, only three appear inexplicable through the lenses of the theoretical frameworks chosen in this chapter. Of the three cases, it is the victory of long-time opposition leader, Michael Sata, in the September 2011 presidential elections in Zambia that is truly exceptional. As already highlighted, Anderson Mazoka's UPND was the runner-up party in the 2001 elections (27 per cent), just behind the incumbent MMD party (29 per cent) and well ahead of the newly formed Patriotic Front (PF) party of Sata, with 3.4 per cent. This ranking began to change in the September 2006 elections when the PF jumped to the second place with a 4 percentage points of margin ahead of the UPND, now under the leadership of Hakainde Hichilema. In the anticipated October 2008 election, the PF established itself as the main opposition party, with some 38 per cent of the votes, well ahead of UPND's 19 per cent. But given the fluctuating 'fortunes' of the two main opposition parties, and the fact that there has not been a consistent wide margin between the three top parties, it is clear that Zambian party system is not yet a bi-partisan one.

It was probably a recognition of this fact and, because of this, of the need to form a coalition in order to have a realistic chance of defeating the incumbent candidate in the 2011 elections that Sata's PF entered into a pact with Hichilema's UPND as early as 2009 (*Mail & Guardian*, 2009). But the alliance was beset with several difficulties that eventually led to its collapse a few months before the polls. The two parties took time to decide who would be the unique candidate of the coalition. In the meantime, it seems that the rank and file of each party expected that it would be their candidate that will be chosen to lead the coalition. Coming to the point of intrigues and exchange of insults between members of the two parties in the first quarter of 2011 (*Lusaka Time*, 2011), the coalition soon fell apart. But despite this, Sata's PF managed to win single-handedly with 42 per cent, ahead of the incumbent MMD party's 36 per cent, and of its former ally's 18.5 per cent.

Some have tried to explain this victory with reference to the electoral strategies of Sata (Sishuwa, 2011). But it is hard to see how different were these strategies in 2011 compared to what they had been in the previous two elections or how they can be generalised to form the basis of a theory. Humility therefore commands the acknowledgement that this case is obdurate to our theoretical framework.

Regarding the other two cases, however, both can easily be explained. In Côte d'Ivoire, the erstwhile ruling PDCI party had boycotted the October 2000 election in question, and the military junta that organised the poll had not allowed the popular Alassane Ouattara to run for the poll, on the pretext that he was not Ivorian. This meant that Laurent Gbagbo's Ivorian Popular Front (FPI) party only had one serious but an unpopular challenger in the military junta and, as such, did not need a coalition to win the poll. But even then, he had to force his way to the presidential palace when it appeared that the military junta was intent on hanging onto power (Souaré, 2006: 49–53). Gbagbo himself tried to do the same when he lost the 2010 election (Zounmenou and Souaré, 2010).

In the case of Malawi in 1994, Bakili Muluzi's United Democratic Front (UDF) won the poll with 47 per cent of the votes, against Malawi Congress Party (MCP)'s long-term ruler, Hastings Banda (33.45 per cent), and despite the presence of a popular third party, Alliance for Democracy (AFORD), of trade union leader, Chakufwa Chihana, who got 19 per cent of the votes (Chirwa, 1994; Van Donge, 1995; Kalipeni, 1997). At least three factors can explain this. First, Malawi operates a FPTP electoral system, which means that a candidate can win with a simple majority, as was the case in this instance. Second, this historic vote was heavily characterised by ethno-regional voting, based on the provenance of the main candidates.

Yet, the Northern region, which was the stronghold of AFORD, represented only 11 per cent of the electorate, with only five of the 24 constituencies, while MCP dominated the Central region, which makes up for 39 per cent of the electorate, and nine of the 24 constituencies. The South, which represents the remainder of the electorate, about 50 per cent in total and ten constituencies, was the bastion of UDF. Third, in addition to this dominant role in ethno-regional politics, UDF also benefited from supports in other regions, particularly the Central region, as many of its cadres, including Muluzi, were former MCP members and thus had followings in the Central region (Posner, 1995; Van Donge, 1995; Kalipeni, 1997; Tsoka, 2009).

Conclusion

This chapter attempted to provide some explanatory elements for our understanding of the electoral victories of opposition parties in Africa in the period from January 1990 to December 2013. A sufficient body of electoral data has been accumulated over this two-decade or so period that allowed for a rigorous comparative study. This study revealed that opposition parties have benefited from 23 out of 139 leadership changes on the continent that happened in this

period and which did not occur after a transitional period or through a violent means. Closer analysis of these 23 opposition victories shows that six of them happened in two-party systems while the remainder happened when a number of opposition parties coalesced against the ruling party. There are only three exceptions, two of which were easily explained. This leads to the conclusion that bipartism or bipolarised systems have at least so far been necessary but not sufficient condition for opposition victory in Africa. This conclusion ties with identical hypotheses advanced by Duverger in his seminal book on political parties and verified by others after him.

The institutional and strategic theories were used to guide our analysis of the subject matter. The appeal of the former is in the analysis of the institutional and social environment in which opposition parties operate, including electoral models, which have some influence on their strategies that were analysed through the lenses of the strategic theory. Both the institutional framework and strategies of political actors influence one another, which highlights the need to avoid any reductionist approach in analysing such matters.

But while opposition victories appear disappointing in comparison to the total number of peaceful leadership changes and the immense hopes that opposition parties raised on the continent in the early 1990s, it must be acknowledged that patterns of power alternation have dramatically shifted since the end of the Cold War and for the better, a situation that is likely to continue improving. This is so particularly that almost all African countries have come to accept constitutionalism and multiparty elections as the only acceptable and legitimate way to leadership change, even if this is so far more in formality than in practice. North Africa had so far been regarded as an exceptional region on the continent in this regard. But popular revolts that started there in December 2010 and which saw the downfall of Tunisia's Zine el-Abidine Ben Ali on 14 January 2011, Egypt's Mohamed Hosni Mubarak on 11 February 2011 and Libya's Colonel Muammar Qaddafi in October 2011 are likely to change this state of affairs. The King of Swaziland must be royally strategising within the institutional labyrinths of his no-party kingdom.

Notes

- 1 It should however be noted that since late 2011, Swaziland has been faced with serious popular challenges calling for the establishment of such a system, albeit there was no happy end in sight in this regard. Libya was the other country in this regard, but the July 2012 multiparty elections for the General National Congress (Constituent Assembly) marked the beginning of the change in that country.
- 2 Regarding the time series of this study, it was easier to take a two-decade slot from 1990 to 2010. However, bringing it to 2013 was made necessary in order to account for important developments recorded between 2010 and 2013.
- 3 Going below these levels (to include for example opposition victories in national, parliaments and state/regional and local assemblies/councils) would have been very ambitious at this stage.
- 4 It should be noted that there are regular parliamentary elections in Morocco since the late 1980s that produce new prime ministers. But the country is considered here as not

having elections because the King is never elected and – like his Swazi counterpart but unlike the Lesotho one – remains an executive monarch overseeing much of the day-to-day running of the Kingdom. I'm aware of the constitutional amendments of July 2011, but this did not change this remark (see Souaré, 2011a).

- 5 These views are contained in a rejoinder that the two authors made in response to the reactions of some RC theorists, all published in the same special issue of *Critical Review*, 9 (1/2), 1995.

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6 Political parties and democratic development in Africa

Nigeria and South Africa in comparative perspectives

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After many years of exclusive political regimes and authoritarianism fostered by the apartheid system and the military, South Africa and Nigeria returned to majoritarian multiparty democracy in 1994 and 1999 respectively (Carbone, 2007; Booysen, 2011; Obi, 2011). Over the same period, one dominant political party, that is, the African National Congress and the Peoples' Democratic Party (PDP) won all successive elections at the national levels in the two countries.¹ This scenario has been examined under the discourse on dominant political party in new democracies (Southall, 2005). Even though Nigeria and South Africa's democracies operate constitutions that are based on multiparty democracies, the majority of the political parties are nothing but portfolio political parties that were formed to access grants or used as decoys for gaining political relevance. Consequently, their effects on democratic development have been minimal, if any (Omotola, 2009; Obi, 2011).

Existing literature on political parties have focused essentially on some traditional roles that political parties perform such as 'nation-building' (Randall, 2007: 633), interest aggregation, interest articulation, and general 'modernisation' functions, especially in newly independent countries (Huntington, 1968; Carbone, 2007). Of late, there has also been an upsurge of scholarship around the core issues of 'institutionalisation of political parties' and how this feeds into deepening or consolidating democracy in Africa (Leftwich, 2005; Lynch and Crawford, 2011). Lynch and Crawford, (2011: 286) identify five major problems associated with multiparty democracies in sub-Saharan Africa to include 'their fluidity or lack of institutionalisation, the dominance of ruling parties, the unrepresentative nature of political parties, the absence of issue based politics and patterns of ethnic voting'. A pervasive tendency or orientation towards collapsing political parties into the state machinery and how this has 'transformed' the character of political parties has also been mentioned (Turdooff, 1988; Suttner, 2004). The role of opposition political parties in promoting democracy in sub-Saharan Africa as well as the forces hindering their efficacy have been examined by the trio of Uddhammar, Green and Soderstrom (2011).

A missing link in the above discourses is the focus on the role that political parties play in democratic development, especially under the 'third wave' democracies in Africa. As Nigeria and South Africa continue to grapple with the

challenges of democracy and its consolidation, what roles have political parties played and continue to play in the democratic development of the two countries? To what extent have the political parties fostered internal democracy, agenda setting and institutionalisation of democratic ethos such as conduct of free and fair elections, representation of divergent interests, nation-building and improvement in the living conditions of the people? What are the links between political parties and democratic development? How can political parties be strengthened to foster democratic development in the two countries?

This chapter fills the lacuna by examining the roles of political parties in the development of democracies in relation to framing clear-cut ideologies upon which the programme of action of the party is based, ensuring credibility of the election process, allowing relevance and space off/for opposition parties, ability to keep executives or parliament members appointed or elected through the party in check, internal democracy, promotion of civil liberties, constitutionalism and facilitating overall improvement in the standard of living of the electorates in Nigeria and South Africa. In the next section, I examine the conceptual and theoretical underpinnings of political parties and democratic development within the context of the two countries. The following section analyses the roles of political parties and democratic development in the two countries, drawing out areas of similarities and contrast, while the final section concludes with recommendations on how political parties can enhance democratic development in Nigeria and South Africa.

Political parties and democratic development: conceptual and theoretical clarifications

Ideally, political parties are associations made up of members who share similar political orientations with the sole objective of acquiring and sustaining political power in a given country. In his conceptualisation of political parties, Agbaje (1999: 195) sees political parties as ‘a group of persons bounded in policy and opinion in support of a general political cause, which essentially is the pursuit, capture for as long as democratically feasible, of government and its offices’. Political parties have been identified as one of the central ingredients of a functional democracy (Diamond, 1997; Elischer, 2008). According to Elischer (2008: 180), ‘parties are posited at the interface between citizens and political competition’.

The relevance of political parties to the practice of democracy is underscored by the roles they perform in form of ideological orientation, interest articulation, interest aggregation and recruitment of members, setting policy agenda for the parties in form of manifestoes and providing a veritable platform for contesting elections.

To date, activities of political parties are limited to territorial states, though; ideological orientations may cut across countries as in the case of communism in the defunct Communist Party of the old USSR. The importance of political parties to democracy has been emphasised by Larry Diamond. According to Diamond (1997: xxiii):

Political parties remain important if not essential instruments for representing political constituencies and interests, aggregating demands and preferences, recruiting and socializing new candidates for office, organizing the electoral competition for power, crafting policy alternatives, setting the policy making agenda, forming effective governments, and integrating groups and individuals into the democratic process.

When political parties are in government, they 'provide an organisational base for forming government', but when they are in minority, they serve as a 'viable opposition or an alternative to the government' (Kelly and Ashiagbor, 2011: 3). Democratic development on the other hand is a process through which democracy becomes deepened both in form and content. It is an all-encompassing process that facilitates democratic consolidation, where democracy becomes the 'only game in town' (Diamond, 1997). While they may have some similarities, democratic development is different from political development, which was one of the core elements of modernisation theory that was very popular in the 1950s and 1960s in the context of the newly independent countries.

Carbone (2007) illustrates the differences between the two concepts by highlighting the goals and the focus of each. He notes that modernisation theorists such as Huntington (1968), La Palombara and Weiner, (1966), and Coleman and Rosberg, (1966) see political development as consisting 'differentiation' of political structures, the construction of state capacities that would make authority more effective, and the 'institutionalisation' of organisations and procedures' (Carbone, 2007: 2–3). In interrogating this perspective, Carbone contends that democracy was not the top priority as these theorists such as Huntington (1968) and Finer (1962) see the one party systems and military regimes as necessary political arrangements to foster order and stability. Democratic development on the other hand makes democracy a priority, a goal and a value, which then necessitates focusing on such issues as internal democracy, the extent of civil rights, public opinion on the importance of democracy, internal democracy and institutionalisation of core democratic ethos.

The new wave of democracies in the 1980s to the current period has necessitated the application of different theoretical models for interrogating political parties and the roles that they play in democratic development in Africa. For instance, Diamond (2003 cf. Carbone, 2007) proposed a typology based on three criteria – formal organisation, programmatic commitments, tolerant–pluralist versus proto-hegemonic strategy) that incorporates different types of political parties. By forms, functions, orientation, differentiations and contents, these parties include the following types – elite-based parties, mass-based parties, nationalist parties, religious, ethnicity-based, electoral and movement parties. Within the context of this chapter, political parties in Nigeria and South Africa can be grouped under one or two of the above categories. Although Carbone (2007) argues that the African National Congress in South Africa falls under ethnic parties in Diamond's typology, I would argue that the party would rather fall under the movement and mass-based categories. This is because of its

historical role in facilitating the end of apartheid and the fairly mass appeal that it still commands, especially among the old citizens of black South Africans.

On the other hand, political parties in Nigeria can be grouped under elite-based and ethnicity-based parties. On the elite configuration of political parties in Nigeria for instance, Obi (2011: 367) argues that despite the ethnic differences among the political elites, they have managed to unite together in ensuring that Nigeria experience 'political transition without a democratic transformation' since 1999. Yet, he also notes that the political elites in Nigeria do not constitute a 'coherent group' as they have remained divided along personal, ethno-regional and regional lines (p. 375). A further clearer illustration of the ethnic inclinations of the political parties in Nigeria can be seen in the performances of the leading opposition parties such as the Action Congress of Nigeria (ACN), All Progressive Grand Alliance (APGA) and All Nigeria Peoples Party (ANPP) in elections. Before the merger of these political parties into the All Progressives Congress (APC) in 2013, their electoral successes and bases of support have been the ethnic and regional bases of their founders in the South-West, South-East and North-West part of Nigeria, respectively.

Another theoretical perspective to understanding political parties in Africa is the liberal political economy approach that examines the 'clientelistic' networks. Clientelism operates on patron–client relations that involves the use of state resources for patronage in the form of sharing resources and giving political appointments to secure political support. Both in Nigeria and in South Africa, this approach applies to how the ruling political parties use state resources to curry favour and support. Although Cheru (2012: 279) argues 'that the Confederation of South African Trade Unions (COSATU) has so far managed to be part of the ANC/SACP (South African Communist Party)/Cosatu tripartite alliance government while acting simultaneously as an independent and autonomous force with some political clout'. Moses (2012) counters that the oppositional or corrective roles that these two organisations play in the ANC government are limited. This is because, whereas COSATU is not a political party, SACP 'benefits from its alliance with ruling party and its leading members occupy their parliamentary seats thanks to the alliance' (Moses, 2012: 4).

Political parties and democratic development in Nigeria and South Africa

Certain functions in the democratic process are supposed to be performed by political parties. This is because they are the core of the democratic project. However the ability of political parties to perform the mandatory functions of deepening democracy and fostering its development is a function of 'their political institutionalisation in terms of structure, internal democracy, cohesion and discipline as much as their autonomy' (Saliu and Omotola, 2006 cf. Omotola, 2009). This section examines some of these functions and the extent to which political parties in Nigeria have been able to perform them. The first is crystallisation of ideology that should form the basis of policy formulation and

implementation by the political party in the event that they win elections. Even when the parties are in opposition, ideology provides them with a strong basis for countering failures of governance of the ruling political parties. A clearly defined ideology also forms the basis of campaigning for elections.

There is a near consensus among scholars that political parties in Africa, with very few exceptions have not been operating on the basis of any given clear-cut ideology (Randall, 2007; Cheru, 2012). As Cheru (2012: 284) contends, 'despite the phenomenal growth of resistance groups and *political parties* (emphasis mine), across Africa, social forces remain weak, fragmented and lacking any clear alternative political agenda for transformative change'. He argues further that 'political parties in particular are led by opportunistic individuals whose primary motive is capturing the highest office in the land rather than a genuine desire to bring about structural change in society'. In her intervention on this issue, Randall (2007: 639) argues that 'in practice, in developing countries today, all political parties will say they favour development, but they are typically short on specifics, and this is not party leaders concern'. The concern of the party leaders is essentially to capture political power, most time for the sake of it.

In other words, there are wide differences in what is obtained under the third wave of democratisation and the nationalist movements of the 1950s and 1960s. The nationalist movements had a clear focus of dislodging the colonialists from power. This focus provided a platform for full mobilisation of the citizens and to a large extent, subjugated ethnic cleavages, divisions and tensions to achieve a common objective (Suttner, 2004). Nigeria presents a classic case of the political parties without ideology. Although leading post-independence political parties like the Action Group (AG), Northern Peoples Congress (NPC) and the National Council of Nigeria Citizens had some clear ideologies that defined their political activities and influenced their programmes (see Sklar, 1963), this cannot be said of the political parties that came into existence since 1999.

Until the Independent National Electoral Commission (INEC) started the process of de-registration of parties in 2012, Nigeria had 63 political parties (Obi, 2011). However the main political parties in the country are the former ruling Peoples' Democratic Party (PDP), All Nigeria's Peoples Party (ANPP), Alliance for Democracy (active till 2007), Action Congress of Nigeria (ACN), All Progressive Grand Alliance (APGA) and from 2011 till 2013 Congress for Progressive Change (CPC). Three of the four political parties (ANPP, CAN and CPC) and a faction of the fourth, APGA, merged to form the APC in 2013. One can argue that there are no major differences in the programmes of these political parties. Virtually all of them have ambitious plans to solve the problems associated with energy, unemployment, insecurity, poverty and inequality. They are however short on specifics on how these problems will be solved.

A clear evidence to support the argument that political parties in Nigeria are essentially bereft of ideology is the ease with which politicians move from one political party to the other. Governors, parliament members and even party founders and presidential aspirants move from one political party to the other

without a wimper. For example, Atiku Abubakar, former Vice President to Olusegun Obasanjo and one of the founders of the former ruling PDP had moved in and out of the PDP twice since his ambition to contest for the office of the president was truncated by his boss in 2007. Atiku left the PDP for the then ACN but returned to the PDP just in time to contest again for the PDP ticket as a presidential candidate of the party in 2011. Having failed to achieve his desire, he joined about seven other governors and parliament members elected under the PDP to form the New Peoples Democratic Party (n-PDP) on 15 September 2013 (This Day, 15 September 2013).²

While Atiku Abubakar and five of the governors that joined him to form the n-PDP has since joined the APC, two, out of the initial seven governors, namely, Dr Aliyu Babangida of Niger State and Sule Lamido of Jigawa State returned to the old PDP. These horizontal and vertical movements within and outside political parties only go to show that there is no binding ideological commitment of an average politician in Nigeria to any of the parties. What is at stake is access to power and the benefits that accompany it rather than a commitment to certain developmental ideals and policy that can positively affect the people. This trend contrasts sharply with developed democracies where membership of a political party can be for a lifetime, with incidences of shifting party membership being as rare as the eyes.

Although the newly formed APC has rolled out its manifesto with focus on job creation, social support, fight against corruption and free education (*The Punch*, 16 March 2014), the manner of the merger, the character that became leading members of the party and the ease with which the party accepts members from the members of the ruling PDP that it accuses of incompetence, corruption and total failure leaves no one in doubt as to its ideological deficit. This lack of commitment to any defined ideology by both former ruling political parties and those in the opposition in Nigeria constitutes serious disincentive to democratic development in the country. It also affects the capacity of the political parties to make meaningful contribution to the overall development process as they confirm what Randall and Cheru describe as absence of alternative development options (Randall, 2007; Cheru, 2012).

Institutionalisation

Political parties are expected to contribute to institutionalisation of democracy to further its entrenchment and development. While admitting that there are varieties to institutional forms of electoral democracy, Leftwich (2006: 695) notes that:

whether federal or unitary, presidential or parliamentarian, whether based on proportional or majoritarian electoral systems, or whether dominant-party, two-party or multi-party patterns of competition predominate, there appears to be certain irreducible, formal institutions which define the minimal operational requirements for electoral democracy.

Following Leftwich (2006), I look at the formal institutional characteristics of electoral democracy advanced by the Freedom House. These features include competitive and multiparty political systems; universal adult suffrage for all citizens; regularly contested free and fair elections with secret ballots; and effective public access by political parties to the electorate through the media and through generally open political campaigning. To a great extent, political parties, particularly the ruling PDP, in Nigeria have ensured only a semblance but not the substance of the operation of some of the characteristics over the past 15 years. While there have been multiparty elections, they have not been competitive, neither have the elections been free or fair. Although the general opinion of local and international observers has been that the elections generally fall below regional and international standards with the ruling party rigging them in its favour, Obi (2011) provides an interesting insight that shows that the opposition parties are not better as they also rig elections in their areas of strength and dominance. To elaborate on the dysfunctionality that has defined the post-1999 conduct of electoral democracy in Nigeria, Obi explains thus:

Perhaps nothing explains the perversion of the party system and the electoral democratic process in post-1999 Nigeria more than the increase in the phenomenon of the 'political godfather' and the instrumentalization of political parties by 'political entrepreneurs'. This trend towards 'party machine politics' has meant that mainstream political parties rather than fulfil their roles of creating political structures to aggregate the views and demands of the electorate, campaign on the basis of providing viable alternatives, clear ideologies and visions of social transformation-tend to have only one mission: to become structures for ensuring victory at the polls, using whatever means possible.

(p. 376)

Despite the low institutionalisation of political parties in Nigeria, other arms of government such as the national assembly has at one time or another demonstrated commitment to constitutional provisions to safeguard the new democratic project. For instance, the national assembly, comprising the Senate and the House of Representatives, successfully truncated the clandestine manoeuvring of former President Olusegun Obasanjo to change the constitutionally guaranteed two term limit so that he can run for a third term in 2006. Citing Posner and Young (2007), Lynch and Crawford (2011: 283) argue that 'formal institutions are coming to matter much more than they used to be, and has displaced violence as the primary source of constraints on the executive behaviour'. The fact that the leadership of the national assembly as well as the majority of members of the parliament were members of the then ruling PDP when this 'democratic coup' was nipped in the bud, bear out the argument of scholars who are optimistic that 'political liberalisation has prompted the strengthening of formal institutions other than the presidency' (Lynch and Crawford, 2011: 283). To a great extent, the national assembly in Nigeria seems to have maintained this pattern of

independence from executive meddlesomeness and recklessness since 2011, thus strengthening an important aspect of presidential system of government, which is separation of power. This independence is evidenced in the various probes that have been launched into the activities of the executive branch of government. The most glaring was the decision of the assembly members to pitch their tent with the electorates when President Goodluck Jonathan increased the price of petroleum products in January 2012.

Internal democracy

Another very important aspect of democratic development and the roles that political parties play in it is the extent of internal democracy in the parties. Since the return to democracy in 1999, lack of internal democracy has been an issue plaguing the main political parties in the country. The problem has been made worse by the big man presidentialism, which the president symbolises as well as the incidences of godfatherism (Van de Walle, 2003; Omotola, 2007; Onwuzuruigbo, 2013). Although Onwuzuruigbo (2013) tried to justify and even stress the cultural imperative of godfatherism to politics in Nigeria, I argue that it is part of the factors limiting the contributions of political parties to democratic development in the country.

In Nigeria no president epitomises the ‘big man’ presidency more than Chief Olusegun Obasanjo who ruled Nigeria from 1999–2007. Popularly revered and venerated as ‘Baba’ (a Yoruba name for father), President Obasanjo’s influence in the PDP was akin to that of an emperor who has no rival. His influence looms large from the national level to the state levels in the hierarchy of the ruling party. As a former military man, he brooked no opposition or dissent from party members. In a recent public admission, Chief Olusegun confessed that he single-handedly masterminded the substitution of Rotimi Amaechi with that of Celestine Omehia as the governorship candidate of the PDP in Rivers State in the run up to the 2007 elections (*The Punch*, 16 February 2014). It took the Supreme Court to rule that Rotimi Amaechi as the winner of the primary elections of the PDP in the state was the governor – this is notwithstanding his disqualification to contest for the position of the governor of the state during the elections.

Political godfatherism is another strong factor that hinders internal democracy in Nigeria. According to Obi (2011: 376) it ‘is constructed on the belief that certain individuals possess considerable means to unilaterally determine who gets a party’s ticket to run for an election and who wins in the electoral contest’. Godfathers use any means possible to ensure victory for the ‘godsons’ and ‘daughters’. Consequently, the idea of internal democracy, which should ordinarily ensure that the best candidates with the highest intra-party vote emerge as party flag bearer, is subverted right from the highest echelon of the parties to the lowest level. As Omotola (2009) argues, lack of internal democracy limits the ability of political parties in Nigeria in resolving intra-party conflicts and entrenchment of the culture of democracy. Interestingly, the ‘rebel governors’ and their counterparts consistently cited lack of internal democracy, intimidation

and excessive use of power by the president and the national chairman of the PDP as the reasons for leaving the party to form the n-PDP.

The opposition parties are not different in the deployment of the politics of the 'big man' and 'godfatherism' to scuttle internal democracy. For instance, Asiwaju Bola Ahmed Tinubu, the former governor of Lagos state was the leader of the defunct ACN before it was merged with other political parties to form the All Progressive Congress in 2013. Asiwaju Tinubu exercises the power of a 'godfather' over the party and the states that it controls on such issues as selection of who contests for which position. A clear exercise of his power was the selection of the former governor, Babatunde Falola, to replace him as the governor in 2007 and also that of the incumbent governor, Mr Ambode as the flag-bearer in the 2015 general elections. Despite many of his party members jostling to succeed him, Tinubu single-handedly handpicked Fashola, who was his chief of staff until he left office in 2007. Similarly, Tinubu's wife sought to contest for a senatorial seat in Lagos state under the APC in the 2015 general elections, and she was returned unopposed during the party primaries as the other party candidates had to step down for her candidature. This lack of internal democracy affects the capacity of the political parties to field the best or the most popular candidates for elections in the country. Such practices also have implications for the delivery of public goods to the electorates.

Civil liberties and constitutionalism

As a result of their functional and instrumental roles as critical stakeholders in democracies, political parties are expected to ensure the promotion of civil liberties and adherence to constitutionalism. Since 1999, the former ruling Peoples' Democratic Party (PDP) in Nigeria always advanced the rhetoric of adherence to the rule of law and constitutionalism. However at various critical junctures, the party and the government that it formed demonstrated scant regard for constitutionalism. Although both the PDP and other political parties in the country have adhered to the constitutional requirement which places demand on political parties to display 'federal character' by including members from two-thirds of all states on their executive council and ensuring that the name, motto or emblem of the party do not have ethnic or religious connotations (Reilly and Nordland, 2008), nonetheless, the constitution has not been respected or followed. Starting with the PDP, virtually all the political parties have refused to conduct elections to Local Government Councils as required by the constitution.

The refusal of the PDP to comply with the various provisions of the Electoral Act of 2006 and 2011 as amended to ensure transparency and fairness in the conduct of elections is one strong manifestation of the failure of the party to promote constitutionalism as a vital ingredient of democratic development in the country. Cases of disobedience to valid court orders are rife within the PDP, especially under the Chief Olusegun Obasanjo administration from 1999–2007. Although there was a little respite from this regime of lawlessness during the Yar'adua administration from 2007–2010 when he died in office, his successor

and former President Jonathan did not live up to the expectation of ensuring that the PDP and the government that it controlled fostered constitutionalism.

The case of the now retired Justice Ayo Salami of the Court of Appeal provides a clear case of failure of the former PDP-led government to promote civil liberty and constitutionalism in the country. For instance, whereas the former president acted with dispatch and suspended Justice Ayo Salami on the recommendation of the National Judicial Council (NJC), the president prevaricated and eventually rebuffed the recommendation of the same NJC to recall the suspended judge after a committee that it had set up to investigate the case found out that the man acted within the law in refusing his appointment to the Supreme Court of Nigeria by the then Chief Justice of the Federation, Justice Katsina. While the president was perpetrating this unconstitutional act, the PDP stood solidly in his support.

Accountable governance and transparency

Apart from their representational, integrative and aggregative functions, political parties are also expected to foster both vertical and horizontal accountability in old and new democracies (Randall and Svasand, 2002). While the vertical function is focused on ensuring that the demands of the people are well channelled to the government, thereby keeping government in check, horizontal accountability relates to how opposition parties monitor the activities of the ruling political party and provide alternatives to the programmes and policies of the government. Randall and Svasand (2002) argue that,

through their participation in competitive elections, *ideally* (emphasis mine), parties act as a conduit through which popular demands filtered and aggregated into programmes, provide some input into what government does ... voters know to whom to give credit or blame and can retrospectively register their judgement.

To what extent have political parties in Nigeria facilitated accountable governance and transparency? To the extent that the character and the composition of the political elites rub off on the political parties that they belong to, political parties in Nigeria are fundamentally incapable of engendering accountable governance in the country. Various scholars have pointed out the roles that money plays in Nigerian politics and its elections; the influence of corrupt individuals who benefited from various military regimes on contemporary political process; the centrality of oil to the political equation and the desperation of politicians to 'capture' power at all costs as well as the expectations of return on investment made in politics (Obi, 2002, 2011; Obadare and Adebawwi, 2010). The PDP harbours and condones politicians who have various allegations of corruption hanging on them. Although such cases drag on for so long in the courts, it is instructive that the prosecutions are done by the same agencies that the former PDP-led government established to fight corruption.

The ease with which the PDP paraded and engages some of the politicians left no one in doubt as to the deficit in its capability at promoting accountability and transparency. It is even more despicable that convicted members of the party, such as the former governor of Bayelsa State, Alamesegha, are not just given a state pardon but are integrated into the political process. While the opposition parties have generally remained a lame duck, the ACN, which has now changed to become the All Progressive Congress (APC) (and is now in power at the federal level), was performing the role of keeping the PDP in check. However, allegations of misappropriation of state resources are not uncommon among the opposition parties. For instance, the former Speaker of the Lagos State House of Assembly, Honorable Ikuforiji, was accused by the Economic and Financial Crimes Commission of misappropriating money belonging to the state. What this shows is that regardless of the political parties in the country, corruption is an all-comer affair.

Credible elections and electoral process

Elections are critical to democracy and its consolidation. It is also part of the functions of political parties not just to mobilise voters for elections but also to ensure that the process is free of intimidation, fraudulent practices and uncertainties. Political parties in Nigeria have been generally adept at manipulating the electoral process in their favour, especially in the areas of their comparative advantages (Obi, 2011). The fraud and irregularities that accompanied the elections of 2003 and 2007 in Nigeria have been well discussed by various scholars on elections in Nigeria (Omotola, 2009). In what Omotola calls ‘garrison democracy’, the ruling PDP deployed the police, INEC and thugs to massively rig the elections at various levels. Although the election tribunals reversed some of the election results, and declared the petitioners as the authentic winners of the elections, it was a tortuous process that cost a fortune for the petitioners. Rigging also hinders the learning experiences that come with conduct of elections over a period of time. The next section examines the extent to which political parties have facilitated democratic development in South Africa.

Political parties and democratic development in South Africa

Since the end of apartheid in 1994, South Africa has been ruled by the African National Congress (ANC). The unique role that the ANC played in the struggle for independence effectively predisposed the party to a hegemonic and dominant one after the democratic elections of 1994. In particular, the successful electoral victory of the party since 1994 has helped to establish its supremacy above all other political parties in the country (Southall, 2005; De Jager and Meintjes, 2013). Although the ANC has gone through some tumultuous moments such as the ousting of the former President Thabo Mbeki at the Polokwane election in 2007, constant wrangling among the alliance members, especially on issues of economic policy, the revolt of the ANC Youth wing under the leadership of

Julius Malema and a series of service delivery protests, the party has been able to put in some strategies and an internal mechanism that will ensure what Susan Booysen calls 'regeneration of power' (Booyesen, 2011: 5; Habib, 2013). The ANC as the dominant political party is a product of a tripartite alliance in which the South African Communist Party and the Congress of South African Trade Unions are important partners.

When compared with Nigeria, political parties and their roles in fostering democratic development in South Africa, rather than ethnic, race relations and identity, have had more of an influence on party formation and voting pattern. Although the Inkatha Freedom Party (IFP) has always appealed to ethnic loyalties of the Zulus, from where it has its base (Randall, 2007), ethnicity has not been the deciding factor in electoral victories of the various parties. Rather, race has been a deciding factor. Notwithstanding the above, Camara (n.d: 17) has argued that 'most political parties in South Africa are highly fractious and suffer from extraordinary high levels of factionalism'. He attributes the factionalism to the adoption of the Proportional Representation (PR) closed list system of election, which leads to winners take all. However, given the peculiar circumstances under which the transition programme was negotiated, the PR system seems to be the best to ensure that the interests of the various races that make up the rainbow nation are fully represented and protected, especially in parliament. I examine the role of the political parties in fostering democratic development in South Africa.

Ideology

Ideology is central to the measurement of the relevance of political parties in any democracy. As I mentioned earlier, the ANC rode on the back of its popularity as a social movement to emerge as the dominant political party in post-apartheid South Africa. Although the party formed a government of National Unity with the National Party in 1994, its ideological core as a left-wing political party with inclination towards socialism is not in doubt. This ideological orientation is reinforced by the inclusion of the South African Communist Party in the alliance. It also reflected in the National Democratic Revolution, which was the first socio-economic blueprint that the party launched after gaining power in 1994 (Terreblanche, 2002; Habib, 2013). However, events in the international environment, especially the triumph of capitalism over communism and the hegemony of neoliberal economic ideas under the hubris of globalisation, hamstrung the implementation of the socialist ideas that are encapsulated under the developmental states.

The fusion of the National Party (NP) or the New National Party (NNP) with the ANC presents its own ideological challenges if not pollution. The failure of the party in substantially addressing these problems in almost 20 years of democratic rule, especially its wholesale embrace of neoliberal economic principles under the Growth Employment and Redistribution Strategy (GEAR) is not unconnected with the ideological diffusion that arose out of the alliance that the party has with the NP.

The party was however clear in its mission of redressing the injustices of the past through various socio-economic transformation programmes. Although there are about 190 registered political parties in South Africa, only a few such as the African Christian Democratic Party (ACDP), African National Congress, (ANC), Economic Freedom Fighters (EFF), Democratic Alliance (DA), Inkatha Freedom Party (IFP), the United Democratic Movement (UDM) and Congress of the People (COPE), which broke away from the ANC in 2008, have been noticeable in national elections. Yet these parties witnessed a decline in their electoral support from 1994 to 2011 (Moses, 2012). The DA is generally seen as a party of the whites, which ordinarily predisposes it to a conservative ideology with large followership from the white voters. However, it is increasingly getting supporters from black voters, especially from the middle class, who are disenchanted with the performance of the ANC. The poor governance performance of the ANC is eroding its electoral base as attested to by the 2016 municipal elections, which is creating new dynamics in race relations among political parties and reconstituting party support base in South Africa.

Internal democracy

The extent to which political parties in South Africa respect the principle of internal democracy is a function of their history and the influence of the founders on such parties. Besides, respect for internal democracy is also defined by the constitutions of the political parties. Given the little influence of other political parties in South Africa, the ANC lends itself to the major party under which the issue of internal democracy can be examined. While various scholars have written on the ANC and its democratic credentials, an analysis of internal democracy can be best understood in the context of what Booysen (2011) calls 'participation and power through cooperation, complicity and cooptation'. Although the party has managed to put in place a programme of succession, it has not been spared the internal wrangling and contestations for power, influence and privileges that characterise political parties in Nigeria and elsewhere in Africa.

Civil liberties and constitutionalism

The adoption of the 1996 Constitution in South Africa serves as the platform under which political parties promote civil liberties and constitutionalism. Both the ruling and opposition political parties have been promoting civil liberties and constitutionalism in the country. While the ruling party is guided by the constitution to perform these roles, the opposition parties, especially the DA, has been serving as a watchdog to ensure that the ruling party keep to the spirit and letters of the constitution. The relative independence of the judiciary and active citizenry have also acted to check arbitrariness on the part of the ruling party. However, cases such as the Marikana massacre of 2012, in which protesting

miners were shot dead by the police, leave a sour taste in the mouth of any discerning citizen. As Pillay (2013: 1) contends, ‘Marikana has shown how, in the final instance, the state apparatus acts on behalf of a “power elite”, with the aid of subordinate classes beholden to its network of patronage, and with the aid of the mainstream media’. The subordinate classes that Pillay mentioned include the police and the black managers who, on account of class alliances with the white capitalist group, attack the protesting workers so violently (see also Marais, 2011).

With the particular involvement of the ANC and its complicity in the Marikana as a classic case of a rape on civil liberties, Pillay (2013) argues that ‘the ANC itself is implicated from beginning to end – on behalf of the transnational capital, against workers, many of whom were still members of the ANC’s biggest supporter within the Congress of South African Trade Unions (Cosatu), the NUM’. One can draw a parallel here with the manner in which the former PDP-led government in Nigeria sent soldiers to disperse members of the public who were protesting against the removal of subsidy on petroleum products in January 2012.

With varying degrees, there are striking similarities between Nigeria and South Africa on how the political parties have responded to allegations of corruption against their members, the only difference being the higher degree of independence of the judiciary and citizens’ activism in South Africa than Nigeria. Corruption is increasingly having a corrosive effect on public governance in South Africa with public enterprises assuming financial waste pipes and senior officials of government accused of corruption.

On the electoral score, political parties in South Africa, especially the ruling party, have to a certain degree ensured a level playing ground for all political parties. While rigging of elections is minimised in South Africa, it is more or less the rule rather than exception in Nigeria (Obi, 2011). However, there are also similarities in the assumption of the ruling parties in both countries that there is an element of divinity in election matters. Despite the secular posturing of the ANC, the party and its leaders have gone spiritual in seeking or affirming divine support for the ambition of the party, not just to win the 2014 elections but to rule the country ‘till Jesus Comes’ (*Mail and Guardian*, 2014). The PDP in Nigeria has also formed the habit of seeking divine assistance for winning elections at various levels, but especially at the centre.

Conclusion

This chapter examined the roles of political parties in the development of democracy in Nigeria and South Africa. It establishes the inexorable link between political parties and democratic development, especially in the light of the horizontal and vertical functions that political parties perform in democracies. In order to play more relevant roles in deepening democracy in the two countries, political parties must be based on clear-cut ideologies, the overall aim of which is to advance human development. Making general statements and intentions of

what to do is not enough. Political parties must formulate ideologies that will serve as the guide to policy for the winning parties or alternative policies for the parties in opposition. Although the ANC is theoretically based on an ideology that promotes citizen's welfare at the expense of the corporate interests, its fusion with conservative parties like the defunct NP and the romance of its founding rulers with corporate capital (see Terreblanche, 2002) has made it difficult for the party to follow up on its declared ideology. It is therefore pertinent for political parties in the two countries to maintain what I call 'ideological purity' which is rooted in the peasantry and the middle class. A party that caters for the interest of these two groups has strong potential to win elections at all times. This is because the group form the bulk of the voters both in terms of demography and political consciousness.

Cheru (2012) argues that democracy can only be meaningful in Africa if it leads to economic empowerment and improvement in the well being of the generality of the people. Political parties must aim to meet these goals both in their ideological and policy prescriptions and adoption. This may require a reconceptualisation of democracy and critical interpretation of the current neo-liberal version that is only beckoning to the interests of the market and the corporate capital. There is therefore a need for radical democratic reform in both countries that will ensure productive redistribution of income and citizens' empowerment as a starting point for reducing the current level of unemployment and inequality.

Against the background of the rising cases of corruption in governance in Africa, political parties must develop ethical guidelines and build new political cultures that promote accountability and transparency at all levels (Southall, 2008). Such guidelines should be binding codes of behaviour for political office holders across all levels of government. Political parties must also strive to promote internal democracy in selecting candidates for elections. This will ensure it is only the best candidates that emerge to contest elections with other parties. In this regard, the issue of godfatherism must be recontextualised to diverge from its current use as a means of accumulation. Even though I don't agree with the view of Onwuzuruigbo (2013) that godfatherism is necessarily a cultural imperative, experienced politicians could guide younger ones in the art of politics. Based on their knowledge of prospective candidates, they can also recommend but not impose potential aspirants on the parties.

Political parties must also ensure that the elections and its processes are credible at all times. As elections are critical to democracy, political parties in government and out of government must appreciate and ensure that votes count. This will also require active citizenship. The role of social media in ensuring close monitoring of election results has been documented. Suffice it to say that social media such as Facebook, Twitter, Whatsapp and so on now provide voters with unique opportunities to monitor election results and post the same simultaneously for a wide audience. This will make post-election rigging difficult if not impossible. Political parties in government must also ensure that there is a level playing ground for all political parties during elections. Besides, the supremacy

of the constitution must be held sacrosanct at all times with critical stakeholders such as the judiciary, the media and the security agencies playing their vital roles in sustaining democratic rules, impartially. Lastly, institutionalisation of political parties' processes must be encouraged and sustained. Rather than building political parties around big men of power, political parties must be institutionalised to make them relevant in deepening democracy.

Notes

- 1 This was before the 2015 general elections in Nigeria, which was won by the opposition, All Progressives Congress (APC).
- 2 Atiku left the new PDP to join the newly formed All Progressives Congress and Obasanjo, who ruled Nigeria on the platform of the PDP from 1999–2007, left the political party and openly campaigned for General Mohammadu Buhari, who was the presidential candidate of the APC in the General elections of 2015.

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7 Promoting accountable governance in Africa

Issues, challenges and policy reforms

Said Adejumobi

Introduction

The narrative and discourse on accountable governance can be captured by three different scenarios of political reality in Africa:

Scene I: Nigeria – at the inception of the Buhari civilian administration in Nigeria (May 2015), a major object of the regime was to promote probity and accountability in governance, hence it embarked on an anti-corruption crusade. A shocking disclosure in that process was that the chief security adviser (Sambo Dasuki) to the former President, Jonathan Goodluck allegedly collected over \$2 billion, which was earmarked for the military to fight the Boko Haram insurgency. Rather than being used for state security purposes, the money was turned into a slush fund for political patronage and electoral mobilisation. It was disbursed to political cronies, party members and loyalists, and used as a ‘Greek gift’ to buy electoral support across the country in the March 2015 general elections. Several questions arise on this: How did the chief security adviser, a non-statutory public official, not heading the defence ministry or a signatory to its account, access defence funds? How did the ministry of finance and state treasury approve and disburse those funds? How were the funds to be accounted for?

Scene II: South Africa – a raging discourse in the country under the leadership of President Jacob Zuma is about the construction of the president’s country home in Nkandla, which has become in a sense, the ‘Nkandlagate’. The public protector, Thuli Madonsela, in March 2014, disclosed in her report that public resources were unduly used in upgrading some parts of the president’s private home and recommended that the president should pay back some of those funds. A long and unwinding, if not bitter, political debate ensued on the issue on several platforms including in parliament, all of which were logjamed. On 31 March 2016, the Constitutional Court in South Africa upheld the report of the public protector, noting that the president had acted inappropriately and directed that he should pay back the money. The president in his response remarked, ‘I apologize on my behalf and behalf of government. I urge all parties to respect the judgment and abide by it.’¹

Scene III: Senegal – the president of Senegal, Macky Sall, had called for a referendum, to, among others issues, reduce the tenure of office of the president

from seven to five years with a maximum of two terms. The referendum, which took place in March 2016, saw 63 per cent of the votes cast supporting the proposal. Other reforms in the referendum package include limiting the age of presidential candidates to 75 and allowing independent candidates to run, the granting of more powers to local councils and new rights for the citizens.²

What is the importance of these three different narratives? Scene I – Nigeria, suggests a virtual breakdown of democratic and institutional accountability in which financial malfeasance was ostensibly sanctioned and approved at the highest level of government, and state institutions that should provide counter-checks were in acquiescence. Scene II – South Africa, depicts institutional capacity in redressing challenges of accountability. Scene III – Senegal, captures proactive leadership that privileges vertical accountability to the citizens through timely and regular elections as a fundamental element of democratic governance. These differing scenarios show the variegated nature and dynamics of governance accountability in Africa.

Accountable governance is at the centre of democratic stability and consolidation. It underpins the nature of the social pact between the state and citizens, rulers and the ruled, and defines the ethical values that drive state management. Wherever and whenever there is a deficit in governance accountability, there is likely to be an erosion of public trust and confidence, and this may adversely affect the performance of governments and public institutions. As Melvin Dubnick and George Frederickson (2010) noted, ‘democracy is just an empty exercise if those in power cannot be held accountable in public for their acts and omissions, for their decisions, their policies and their expenditures’ and as Paul Chadwick (2000: 38) rightly observed, ‘no public power is legitimate unless it is accountable’.

The chapter interrogates the issue of accountable governance in Africa. It examines the notion of accountable governance, its typology and dimensions; the genealogy of the problem of unaccountable governance in Africa; the limitations of elections in promoting accountable governance; and proposes some elements and variables that should be considered in promoting accountable governance in Africa. The chapter argues that accountable governance may relate to, but is not synonymous with, liberal democracy and the architecture of accountable governance can differ in time and space, and across countries. Further, it contends that the issue of ethical behaviour in public life, the nature of the state and the capacity of its institutions, and party and electoral processes may play crucial roles in facilitating the culture of accountable governance in Africa.

Accountable governance: towards a meaning

The notion of accountable governance derives essentially from accountability, which in itself can be conceptually imprecise. The word ‘accountability’ has its roots in the Latin phrase, ‘*accomptare*’ (to account),³ and has been used more in the commercial and business fields than in politics and governance.

Accountability, though an age-old phenomenon in the governance space, has recently assumed renewed importance. The idea of the ‘social contract’ of the renaissance era embeds in it the notion of political accountability. The social pact between the state and citizens, of the latter surrendering some of their powers and freedom to create the ‘sovereign’, underscores the notion of accountability. The state owes its existence and powers to the people and, thereby, is accountable to them. That is the ontological premise of the social contract theory.

Accountability can be conceived from three major perspectives – from transactional, procedural and ethical dimensions. In the transactional conception, accountability denotes a principal–agent relationship in which the latter is responsible and accounts to the former (Normanton, 1971; Scott, 2000; Miller, 2005; Bovens, 2007). The former could be citizens, parliament, judiciary, a forum etc. But what is important is that the power bearer also has a responsibility to account; a power/responsibility mix. As a classic definition in this stream of thought, Normanton (1971: 311) notes that accountability is a ‘liability to reveal, to explain, and to justify what one does; how one discharges responsibilities, financial or otherwise, whose several origins may be political, constitutional, hierarchical, or contractual’.

From a procedural and institutional perspective, accountability is that which restrains and ensures that officials – public and private – use power and authority properly and responsibly through the systems, procedures, institutions and mechanisms created that provide incentives for appropriate behaviour and actions (Brinkerhoff, 2001). From an ethical viewpoint, accountability is about managing expectations; of social encounters involving mutual expectations by actors based on ethical values and principles defined by society (Darwall, 2006; Dubnick, 2014). As Melvin Dubnick (2014) argues, since individuals and decision-makers are subject to multiple, diverse and conflicting expectations, the underlying basis of their actions tend to be that which is more satisfying to society and morally plausible.

The three perspectives to accountability are complementary rather than contradictory. The first conception relates to the human and social dimension, the second to the design complex and the third to the ethical values that undergird the whole notion of accountability. The literature on accountability emphasises two major elements of it: *answerability* and *sanctions*. That the power bearers have to be answerable for their actions or inactions, and in the event of which they err, there should be consequences for such.

Table 7.1 Accountability interface

<i>Accounter</i>	<i>Accountee</i>
Power/authority	Obligation
Responsibility	Control
Actions/inactions	Answerability – reward or sanctions

Accountability can be a *process* and *outcome* issue or what Peter Burnell (2008: 11) paraphrasing it in legal terms calls, *ex ante* and *ex post* accountability. Process in terms of ensuring procedure, rules and transparency in decision processes, while outcome refers to performance results that accrue from that process. Both may not necessarily be organically interlinked. A well accountable process may not necessarily produce the required performance results. This constitutes a major dilemma in the accountability paradigm. For instance, a dictatorial regime that hardly follows procedure or is not transparent in character may produce good results in terms of social welfare for the citizens, which at a macro-level is a form of governance accountability, while a democratic regime that is transparent, follows procedure of parliamentary deliberations and discussions, etc. may not necessarily deliver public goods efficiently and adequately to the citizenry. Indeed, the transaction cost of the democratic process in spite of procedural adherence may negatively affect performance outcomes.

Accountable governance therefore is about how public officials (elected and bureaucratic) and key institutions of the state are responsible to, and answerable for, their actions and inactions and are appropriately rewarded and sanctioned for their conduct in public life. It constitutes a restraining force on power that compels it to act in a rational, ethical and utilitarian way in the public interest and for the public good. Accountable governance is not a form of political regime, but a modality for managing power and institutions. Accountable governance as Joy Moncrieffe (1998: 392) observed must not only focus on the relationship between the rulers and the ruled, but also on the relations among groups or factions, and institutions and their responsibilities to elected officials and the people. As such, political accountability must deal with what he calls, 'high' and 'deep' politics, which may otherwise derail the goal of accountable governance.

Accountable governance as used in this sense is different from the technicist perspective, which was the World Bank perception of it in the 1990s (World Bank, 1989). Accountable governance is not only a technical but also a political process. It does not also approximate the notion of 'good governance'. The notion of 'good governance' as used in the 1990s as the effective management of state institutions is also very technicist in character, subjective and normative in nature, laden with ideological bias of what is 'good' and what is 'bad'. Western liberal democracy was held up as the ideal type of 'good governance', which developing countries should aspire to recreate. Accountable governance may exist in different forms of political formations so long as the *process* and *outcome* dimensions are considered.

In a democratic political system, vertical and horizontal forms of accountability have been identified in the public sphere (O'Donnell, 1994; Bratton and Logan, 2014). Vertical in terms of elected officials as agents of the citizens elected by them and responsible to them; and horizontal, where institutions of the state provide checks and balances on each other and compel each other to account for their deeds.

Accountability in the governance terrain may assume sectoral or institutional dimensions. There is, for example, financial accountability, bureaucratic

Table 7.2 Matrix of democratic accountability

<i>Who is accountable</i>	<i>For what?</i>	<i>To whom?</i>	<i>To what end/outcome</i>
Executive	• Public policies • Electoral commitments • Service delivery • State resources • Diversity management	Parliament Citizens Audit Institutions	Public trust in government Government performance Judicious use of state resources
Parliament	• Law making • Executive oversight • Articulation of citizens' demands • Oversight on public purse	Citizens Executive Judiciary	Citizens voice/empowerment Good laws Participatory governance
Judiciary	• Conflict adjudication • Law interpretation • Executive oversight	Citizens Parliament Executive	Rule of law/due process Ethical governance Stability in state and society
Public Bureaucracy	• Service delivery • Public funds • Law and order	Executive Parliament Citizens	Efficient and affordable public services Financial probity Public order and harmony
Civil Society	• Articulating citizens' demands • Watchdog on public institutions	Citizens	Participatory governance

Source: author.

accountability, political accountability and performance accountability. Political accountability as Derick Brinkerhoff (2001: 5) noted is a measure of the quality of democracy, and necessary for democratic systems to be sustainable. It extends beyond holding leaders accountable through elections to touch upon the administrative machinery of government that elected leaders direct to achieve public purposes, while financial accountability deals with the control and monitoring of resources.

Public accountability in a democratic system, as Mark Bovens (2003) argues serves four major functions or purposes. These are democratic control, enhancing the integrity of public governance, improving performance and enhancing legitimacy. In improving performance, Bovens (2003: 14) notes,

public accountability is meant to foster institutional learning. Accountability is not only about control, it is also about prevention. Norms are (re)produced, internalised, and where necessary, adjusted through accountability. The manager who is held to account is told about the standards he must hold to and about the fact that in the future he may again (and in that case, more strictly) be called to account in connection with his conduct.

But for accountability to serve these four functions will depend on how well rooted it is in state institutions and adhered to by all constituent elements in society.

Unaccountable governance: genealogy and dimensions

In most African countries, in spite of the introduction of liberal democracy, accountable governance remains a major challenge. Elections are still being rigged with impunity denying voice and power to the electorates (Adejumobi, 2000, 2015a, 2015b; UNECA and UNDP, 2013), corruption remains rife, while a marked distance exists between the people and their leaders, and among communities and groups, with both horizontal, and vertical accountability in question. In an extensive survey by the ECA and UNDP through the *African Governance Report* (AGR) project that covered 40 African countries in 2012, a question was focused on government accountability thus; ‘to what extent do the people perceive the government to act in a publicly accountable manner?’ It was only in five⁴ out of 40 African countries that 50 per cent of the respondents regard the government to ‘mostly and always act’ in a publicly accountable manner (UNECA and UNDP, 2013).

But the problem of unaccountable governance in Africa is not merely a post-colonial phenomenon, but the Janus-face of an entrenched colonial practice. Colonialism in its origin was constructed on the edifice of unaccountability and a distorted foundation, which informs and ruptures post-colonial governance systems, politics and culture. Colonialism in terms of logic, philosophy, structure and operations was antithetical to accountability. Colonialism as a governance mode abrogated the rights of the local people to participate in

their own affairs and transformed them from being citizens into subjects. Subjects have no rights, but only obligations, and no legal status to compel the alien rulers to be responsive and accountable. The domain of rights and privileges was for the colonisers and the constitution was formulated to protect minority alien interests and rights. Accountability in a narrow sense was to the metropole authorities of the colonising state and to the privileged foreign minority population. The local people were delinked from the governance space.

As Mahmood Mamdani (1996) argues, the policy of decentralised despotism adopted by all the colonial regimes, either British, French, German or Portuguese, facilitated the recasting and transformation of indigenous social structures, in which all elements of civility existing in pre-colonial African societies, like a general philosophy of humanism, individual and community rights, participation and access to land, were all obliterated. Decentralised despotism or a bifurcated colonial state created a new logic of chieftaincy rule at the local level through which local tyranny was institutionalised. Unlike in pre-colonial societies where political power and the task of governance were relatively diffused with various layers of authority, checks, control and participation, the new local structure was predicated on a tight fusion of power of legislative, executive, judicial and extractive functions in the native authorities manned by the chiefs. Most of those chiefs had no legitimacy and were simply colonial creations. It was a case of power without responsibility and governance without accountability. Control and accountability of those structures were exogenous, not by the people, but the colonial authorities.

The process of decolonisation did not radically alter the entrenched state structures of the colonial regime. Although launched mostly on a nationalist platform, the preoccupation of the educated elite who formed the social base of political nationalism in Africa was to negotiate their inclusion into the civil domain, by winning concessions of civil and political rights. This social group (i.e. educated elite) were in a sense caught up in an identity crisis, having transcended the domain of native authority rule, they were not readily accepted by the colonial rulers into the civil society, a domain of the 'civilised', with no political and social rights extended to them. The objective of the group therefore, as Leopold Senghor noted in 1967, was not so much with independence, but 'the abolition of prejudice, of all superiority complex in the mind of the colonizer and also of all inferiority complex in the mind of the colonized'.⁵ The implication of this for the decolonisation and post-independence project, especially in British West Africa where the transfer of power was peacefully negotiated, was that the nationalist movements as Ade-Ajayi (1994) rightly noted became collaborators with the colonial regimes in the process of political reforms. No one (i.e. the nationalist movements) emphasised structural changes or a revisit of the arbitrary fusion of African societies by the colonisers. They simply interposed themselves on the political scene, undertook cosmetic political changes and reinforced extant contradictions of colonial rule. Ade-Ajayi (1994: 224) puts it poignantly;

Thus decolonization failed to advance the cause of African freedom and development. Instead of promoting independence, it deepened dependence. Instead of terminating colonialism, it initiated neo-colonialism. The illusion of legitimacy in the new states soon paled. There remained among the populace an inherent disbelief in the equality of all citizens and the virtues of individualism on which the new states were based. The ballot box has regularly failed to reflect the will of the people at elections, and is, by no means evidence of popular participation. Hence, the continued crisis of the state.

Although new constitutions were proclaimed at independence, which enunciated the powers of the new leaders and granted citizenship in a formal sense to the people, the laws, conventions and practices governing most of the state institutions, which include the bureaucracy, military, police force and judiciary, remained colonial in nature and content. As such, the orientation and operation of those institutions remained colonially routed. For instance, the security apparatus of the military and the police, rather than being an ally and accountable to the people, continued to demonstrate hatred and extreme coercion against them. The judiciary, rather than being the bastion of the rule of law, remained the citadel of injustice and corrupt practices. The consequences were twofold. First is that citizenship is only juridical and not grounded in meaningful rights and privileges for the people. This often promotes the rise of oppositional sub-national identities (of ethnic, racial, religious, civic) against the state, whose counter-actions may be disruptive of peace, stability and orderly processes. Those new groups assumed the basis of social support and identity for the people, as a result of state inertia. This is the main background to the intractable political conflicts that enveloped many African countries in the post-colonial era.

Second, post-colonial states in Africa operating in a neo-colonial context, in which neither meaningful institutional and political changes nor endogenous economic reforms were encouraged, were rendered largely unaccountable to the people. Right from independence until recently, it is the donor countries who have largely influenced the direction of change and policy design in Africa, and not the people or their leadership. In the 1960s and 1970s, when Keynesian economic logic held sway, a statist economic project was actively promoted in Africa by agencies like the World Bank, but when this was abandoned by the West in the 1980s, African countries were compelled to make a turnaround in the new direction of the market. Also, during the era of the Cold War, what mattered in order for leaders to retain political power was not to reconstruct state institutions or promote accountable governance, but to be an ally of either of the two power blocs. Any meaningful attempt at reconstructing governance and society by progressive African leaders was easily branded with ideological labels by either of the two power blocs, with various strategies deployed to stultify it. To retain political power, it was politically expedient, prudent and less costly for the leaders to be unaccountable to their people, but responsible to a power bloc. Global ideological politics during the Cold War was contradictory to, and significantly undermined local efforts towards, accountable governance in Africa.

The argument is that there is a discernible historical thread and trajectory in the course of political events in Africa. The object is not to absolve African leaders of their mostly apparent political misrule, but to situate the problem of unaccountable governance in a wider context of both history and a complex interaction of internal and external factors.

Accountable governance: are elections enough?

Elections have assumed the 'game in town' in many African countries as part of the formalism of liberal democracy. Ten African countries held either parliamentary or presidential elections (or both) in 2016, while 15 were held in 2015. From 2005–2007, 26 presidential and 28 parliamentary elections were held, while in 2011 and 2012, 15, 10, 20 and 13 presidential and parliamentary elections were held respectively in Africa. The predilection of the people for elections as a mode of leadership selection and change has been affirmed in Africa through several surveys conducted.⁶ In the Afrobarometer 5th Round democracy survey, no less than 71 per cent of respondents across 34 African countries indicated a preference for elections and democracy, although with apparent disconnect between the demand and supply of democracy on the continent (Bratton and Houessou, 2014: 3).

Elections provide a major form of vertical accountability in which the people exercise the power of sanctions or reward, either in voting out an erring government or re-electing it back to power. It is a period when the people take stock of the activities and achievements of elected governments and either choose to punish them by voting them out or reward them with another mandate. The electorate also consider the options available to them through the programmes of the parties competing the electoral space. In theory, elections constitute a major accountability instrument. But the reality differs in practice in many countries. Some argue that the nature of representative government in which political parties have assumed the intermediating force between the people and governments compromise the potency of elections as instruments of political accountability. The elected officials, rather than being responsive and responsible to the people, are more accountable to the parties that put them forward for elections. The parties have become the *accountees* and not the people. In addition, the funding of parties, which require colossal sums beyond what the state gives to parties as subventions (in countries where the state does so), makes the parties put unnecessary pressure on their elected leaders in government in peculating national resources or succumbing to big interests and lobby groups, which easily compromise the goal of financial accountability and accountability to the citizens. Parties have also become propaganda outfits that undertake grand marketing of their parties during elections and often confuse or mislead the electorates in their voting choices, depending on how much resource they can deploy for electoral propaganda. Parties, therefore, as some contend, have become inimical to the goal of democratic accountability.

However, elections have been useful in changing the dynamics of state–society relations in Africa (Adejumobi, 2015a), in which associational groups in civil society are influencing the agenda and political discourse in election periods, and calling aspiring leaders to account. In many contexts, those groups are supporting the electoral process in ensuring that the votes and voices of the people count in elections; that elections are free, fair and transparent and reflect the wishes and aspirations of the people. They have been involved in political education, voter registration campaigns, organising public debates among candidates of different political parties, and supporting the process of counting, collation and tallying of election results. Indeed, many have used social media in transforming the election landscape, especially in creating alternative platforms for the collation and informal release of election results to check the manipulation of the process (Adejumobi, 2015a). This has significantly enhanced the quality of elections in Africa and the notion of accountability that accompanies it.

But this has been rather limited in terms of success. As Bratton and Logan (2014: 1) poignantly noted, *‘so far, elections have proven an uncertain mechanism for guaranteeing the political accountability of the political leaders. After all, African voters do not always eject corrupt incumbent rulers, instead re-electing them to multiple terms in office’*.⁷ Bratton is right, but the cup is rather ‘half full than half empty’. As the *African Governance Report III* noted, there was the alternation of presidential power in 27 African countries between 2007 and 2012, and 35 African countries have adopted presidential term limits by 2013 (UNECA and UNDP, 2013: 73 and 38–39). Those gains constitute remarkable shifts in the demand for political accountability, which did not come through political concessions by the leadership but the concrete struggles of the people.

Promoting accountable governance: key variables and reforms

Quality elections are important for democratic accountability but they are certainly not enough. More often, elections have become episodic events, even when they are of good quality, in that they rarely serve as a means of holding political leaders to account. In between elections, when the institutions and citizens are passive, political leaders tend to exercise powers with little accountability and a large dosage of impunity. Hence, promoting accountability in Africa will have to assume both structural and human dimensions; the engagement of both the state and citizens in a dynamic yet complex way will determine how the goal of democratic accountability is achieved. The state, its relative autonomy and capacity, the expression of citizenship both in the legal and substantive sense, the capacity and presence of civil society, a culture of ethics in public life or public morality and an environment of peace and stability are crucial variables in promoting democratic accountability.

Reconfiguring the state and its institutions

The state in Africa in the 1980s and 1990s came under severe attack from academics and the multilateral institutions like the World Bank and the International Monetary Fund (IMF). Various adjectives were used to describe the state in Africa, ranging from 'patrimonial', 'collapsed', 'hanging', 'failed', 'lame' and 'roguery'. The tendency was to vilify the state and insist that a renewed hope for democracy and development in Africa lies not within, but outside, the state. The market ideology promoted in the neo-liberal era reinforced the perception that the state was of little relevance in development, and that the market would be the driving force of economic recovery and transformation. The Structural Adjustment Programme (SAP) was the policy expression of the market fundamentalist ideology of the neo-liberal era, which significantly decapitated the state and weakened public institutions (Adejumobi, 1995; Mkandawire and Olukoshi, 1995; Mkandawire and Soludo, 1999).

The lesson of history and experience is that both the state and society, and also the state and market, do not exist in binary opposition; they are complementary and mutually reinforcing. The market cannot function optimally if the state is defective, and so is the state, if the market is in failure; both must interact in a dynamic, but sometimes contradictory way. The challenge is that the two decades of SAPs, which some describe as Africa's 'lost decades', left African states emaciated, diminished and more ineffective. As Thandika Mkandawire (2014: 174) observed, Africa now has the lowest number of civil servants per 100 citizens in the world, which has implications for the outreach of the government to the citizens. But the misguided advice of the 1990s was that the public service in Africa was over-bloated, over-sized and too parasitic. The African public service is still reeling in the crisis of the adjustment years. With a weak state and institutional capacity, horizontal accountability becomes tenuous.

The issue is not whether reform is needed for the African state; the question is what kind of reform? In order to revitalise the state in Africa and make it developmental and at the same time accountable, it must be imbued with autonomy and legitimacy. Autonomy involves the capacity of the state to process inputs from different stakeholders in the decision process, but act ultimately in the public interest, without being captive to special interests or forces either in the economy or politics. Accountability must be to all, not special interests alone. Autonomy also involves the capacity of the state to initiate, formulate, and implement economic and social policies effectively in response to the needs and demands of the people and for there to be strong internal mechanisms to check abuse and ensure procedure in decision processes and the implementation of state policies. On the other hand, legitimacy suggests an acceptance and support of the constitutional order, which underpins the state. As Adejumobi (2015b: 19) noted;

State capacity and autonomy are central to democratic performance and accountability. The reform of the African state is therefore an imperative

necessity. Such reforms need to make state institutions strong, capable, efficient, and accountable, and its managers must be bound by the ethics of public morality rather than the politics of primitive accumulation that largely characterize political competition in Africa.

Central to the reform of the state is the constitutional order and the legal framework upon which many institutions are established in Africa. The constitution in many countries is either a colonial relic or elitist contrivance of the post-colonial era. It mostly does not reflect the peoples' voices, hopes and aspirations. As such, elite interests and the colonial political culture of domination and control tend to feature prominently in the constitution. Reforming the constitution to assume an instrument of democratic accountability will have to take cognisance of three elements – ownership, implementation machinery or institution, and what some refer to as constitutional culture. A participatory process of constitution making is essential in terms of choices made, the knowledge base of society on it, and consequently, the ownership by the people (Igbuzor, 2002; Ghai and Galli, 2006). This is essential in formulating what is generally referred to as a 'peoples' constitution'. But people's participation in authoring a constitution is good but certainly not enough to guarantee democratic accountability. As Peter Burnell (2008: 13–14) noted,

constitutions do not implement themselves, any more than certain rights are enshrined in a constitution or accompanying bill of rights will guarantee that those rights can be exercised. Constitutions are implemented by and through the actions of the institutions that they create.

Yet, the institutions themselves are accountable to the constitution. A constitutional culture or what some call 'constitutionalism' allows none to be above the law and for a culture of constitutional behaviour and deference to take root in society. On the value of the constitution to accountability, Burnell (2008: 13–14) avers;

A constitution then is an instrument for making government accountable.... Constitutions clearly do provide for and authorize institutions of accountability; they ground the powers of such institutions, most notably those that are supposed to hold the executive to account.

Accompanying the issue of constitutional engineering and implementation is the reform and indigenisation of the laws and practices governing state institutions including the bureaucracy, military, police, judiciary, and other key agencies and institutions of the state, some of which are still being governed by old colonial laws, which are largely rigid, illiberal and less reflective of local peculiarities. The process of reform, like that of the constitution, should be through broad consultation and dialogue among stakeholders and those with expertise and informed knowledge about the operation of those institutions. The objective should be to

evolve new laws and operational norms that make for 'openness', 'public scrutiny' and 'accountability' in their affairs.

Strengthening institutions of horizontal accountability is germane to democratic consolidation, survival and accountable governance. These institutions include the judicial system, parliament, audit system, anti-corruption and human rights bodies, and the internal processes that promote checks and balances in government and prevent arbitrary behaviour by public officials. While most of the horizontal democracy and accountability promoting institutions derive their existence from the constitution and are meant to be fairly autonomous, the reality is that they are 'still fragile and often constrained in performing their mandates by cultural, human resource, financial and logistical problems, which may relate to economic underdevelopment and residual, but serious anti-democratic political tendencies among the political elite' (UNECA and UNDP, 2013: 42). The issues of appointment, funding, capacity, internal control mechanisms, relations with the executive and reporting authority are central to the effective functioning of horizontal accountability institutions which need be addressed.

Making citizenship meaningful

The second dimension in promoting accountable governance is the issue of citizenship. Citizenship is a form of social pact in which the citizens enjoy those rights and benefits from the state which no other form of social organisation affords, and they in turn give political obligation and loyalty to the state (Tilly, 1996; Adejumobi, 2001). It is through the tie of citizenship that the state derives its authority, legitimacy, sovereignty and commitment from the people. While the rights embedded in citizenship have differed in time and space and can also be culturally situated, there is emerging consensus that the three dimensions of rights identified by T. H. Marshall (1964) are worthwhile for citizens in a modern society. These are civil, political and social rights. These include the right of association, expression, due process and equality before the law, franchise and social welfare.

Citizenship tends to create a status of civic, but not class equality. The order in which those rights are likely to evolve will differ from society to society depending on the concrete political struggles of the people, and the balance of social forces in the different contexts, and need not follow the historical order of the European society that T. H. Marshall used as his departure point. What is important is that citizenship must evoke a status of civic equality for all citizens in the state, guarantee fairness, justice and equity among people and make it possible for them to determine their life chances through their involvement in governance and the policy process. All these are quite crucial if the rulers are to be accountable to the ruled and the people are to be effectively incorporated into the governance process. Meaningful citizenship provides a strong structural framework in promoting state accountability as the rights, benefits and obligations of the citizenry are well spelt out and protected. But the notion of citizenship requires active citizens. Even

when rights and privileges of citizenship are granted in a juridical sense, they still have to be claimed by the citizens – active citizens who ask questions, make demands and claim accountability from the state.

Virile civil society

The third dimension to accountable governance is the issue of civil society. The neo-liberal doctrine has over the last three decades put civil society and the private sector at the heart of political liberty and economic transformation in Africa, hence, an unabashed support has piled up for them. In that context, civil society narrowly conceived as elite and urban-based non-governmental organisations (NGOs) assumed the ‘beautiful bride’ of the donor community. It would be fair to acknowledge that some of those groups have contributed tremendously to the fairly improved state of governance in many African countries by demanding accountability from the state. Areas in which they have performed fairly well include budget monitoring and performance tracking of governments, exposing corruption and rights abuses, making representation to parliament for public scrutiny of key issues and support in strengthening the capacity of state institutions in promoting accountability. Indeed, those groups have been central to facilitating what some refer to as social or societal accountability. However, there are areas for further action for civil society. First, is the expansion of the social base and activities of civil society to include associational groups in rural areas. Given the fact that the majority of people in Africa still live in the rural areas and are governed by local authorities, accountable governance in Africa will depend on the extent to which virile associational groups exist in those areas and serve as a check on local authorities. The task for associational groups in the rural areas is more arduous than that of their city counterparts. The level of literacy, information flow and political participation is relatively low in rural communities. In addition, customs and tradition of patriarchy also constrain, in many cases, the urge to demand accountability from local elected officials and traditional authorities. Evolving virile civil society life in rural areas supportive of accountable governance will not require urban-based civil society groups to speak for rural communities but for those local groups to speak for and represent themselves. In that lies the process of rural empowerment.

The issue of internal accountability remains a nagging problem for many civil society organisations. When civil society groups are not accountable themselves to the local people, either on financial or representative agenda, then questions arise as to their moral legitimacy and claims to demand such from the state. The fact that many NGOs in Africa are foreign funded and without a social base often questions their credentials as purveyors of governance accountability. There have also been instances of corruption and financial mismanagement in civil society organisations, with few sanctions for it. As such, the architecture of civil society must be such in which they themselves are accountable both in their finances and operation to the people and their financial records are made open not only to the donors who mostly fund them, but also the people that they serve.

Public morality

Public morality is that restraining force on human behaviour based on personal or social values and ethics that shapes the conduct of public officials in the public sphere. It is not a legal or institutional issue, but of normative and behavioural dimension, which if it permeates the public arena may assume institutional culture. Tero Erkkila (2007: 15) refers to it as personal accountability, while Dubnick (2014) calls it the ethical basis of governance. For Erkkila, personal accountability refers to those personal values and ethics as guidelines for acting in the public interest, which may complement institutional arrangements in enhancing public behaviour. Adam Smith in his *Theory of Moral Sentiments* (1759) argues that a 'moral being is an accountable being'. According to him,

An accountable being, as the word expresses, is a being that must give an account of its actions to some other, and that consequently must regulate them according to the good-liking of this other. Man is accountable to GOD and his fellow creatures.

(cited in Dubnick, 2014: 17)

In a classic study of 'Morals, Morality and Ethics' Harold Lee (1928: 450–466) contends that morality denotes a kind of evaluated conduct, a body of 'accepted' conduct. Morality is, more or less, systematic sanction of conduct, whereas conventional morality is 'that body of conduct which is sanctioned by custom or habit of the group of which the individual is a member' (Lee, 1928: 453). However, Amelie Rorty (2012: 1–13) reminds us that morality is of a vagerited nature, which is socially defined. As he puts it, 'as it lives and breathes, morality has many faces, each speaking in a different voice, with distinctive maxims and purposes. Each of them represents – and redresses – a different aspect of our condition and situation' (p. 4).

The importance of the foregoing is that morality is a social construction, and not a natural state, which can be defined and redefined based on the prevailing values of society. But the function of morality is to 'address our vulnerability, redirect our aggression, refine our affections, consolidate our constructive cooperation, acknowledge and respect one another's integration and integrity' (Rorty, 2012: 7). In the public arena, morality in a broad sense suggests how public officials act with a personal sense of integrity, sanctimony, self-restraint and respect for public interest and the law. It is how public resources are used with probity and accountability, how political power is exercised with humility and decency, and how the interest of the citizens take precedence over that of an oligarchy few. York Willbern (1984: 102–108) identifies six levels of public morality. These are, basic honesty and conformity to the law, conflict of interest, service orientation, procedural fairness, the ethic of public policy determination, and the ethic of compromise and social integration. These six levels are no doubt relevant, but there may sometimes be tension in their adherence.

In analysing the nature of political morality in Africa, some have argued that immoral public conduct tends to assume the norm rather than the exception, which undermines the notion of public accountability (Bayart, 1993; Chabal and Daloz, 1999). The culture of peculating public funds, rigging elections and denying voice to the people are all embedded in the informalisation of politics and public life in which a clientelist transaction network of patrons, clients and communities prevails. In other words, the culture of political immorality assumes more than an elite phenomenon; it is part of the social culture in Africa. Evidently, as I argue elsewhere (Adejumobi, 2015c), those arguments amount to what can best be described as ‘culture talk’, which are not only biased but ethnocentric and racially defined. There are as good political conduct as are bad in Africa as elsewhere in the world as attested to be the three contrasting narratives at the beginning of the chapter.

What is important is that there is need to address the issue of political morality in Africa, which is largely in deficit. The culture of political power, which in many countries is ostentatious and grandiose, and often times disconnected from the realities of the ordinary people, makes leaders clinch on to power and while being largely unaccountable. There is need to casualise power, connect it with the realities of the people, and take public decisions with the restraining force of moral values and ethics, that implies government acting in the best interests of the citizens.

Peace culture

The final issue with regard to accountable governance is engendering a culture of peace and stability in Africa. It is a truism that accountable governance is possible only in an environment of peace and stability. The latter constitutes a minimum condition in achieving the former. Some of the factors that have been discussed earlier, such as the notion of citizenship and relative autonomy for state institutions in order to act independently and promote public morality, will go a long way in removing the plague of social injustice, gross inequality and a sense of insecurity which permeates the public arena and continues to fuel conflicts and civil wars on the continent. Also, a culture of tolerance and cooperation must be fostered by the political elites in Africa that makes political accommodation and consociational politics possible.

Conclusion

Accountable governance provides a major step forward in the process of economic development, democratic stability, and consolidation and social transformation in Africa. It could ensure the prudent use of scarce resources, curtailment of corruption, abuse of power, and collective reasoning and vision on development agenda and priorities. Wherever governments are accountable, it is mostly likely that state performance will be fairly good, if not better, public services will be well provided, social welfare will be guaranteed and the people

will participate in decisions that affect their life chances. Indeed, the notion of democratic accountability demands that the people are the main reference for any decision made by the state and its institutions.

Promoting accountable governance will require that genuine efforts must be made to strengthen state institutions, like the parliament, judiciary, public bureaucracy and electoral body, while non-state actors like the press, rural associational groups, trade unions, professional groups and the NGO community must be given a new lease of life. The latter group, that is, non-state actors, must not only demand accountability from the state, but must in themselves also internalise the virtues of accountability, transparency and internal democracy. This is the only way they can be on a high moral pedestal to insist on those values from the state.

Notes

- 1 For the full details of the president's comments, see, ENCA News online, 1 April 2016, www.enca.com/south-africa/zuma-apologises-nkandla-debacle, accessed 5 July 2016.
- 2 For details on the referendum, see, BBC News online, 23 March 2016, www.bbc.com/news/world-africa-35885465, accessed on 5 July 2016.
- 3 See, Wikipedia, the Free Encyclopedia – Accountability, <http://en.wikipedia.org/wiki/Accountability>, accessed on 29 January 2014.
- 4 The five countries are: Cape Verde, Rwanda, Algeria, Seychelles and Benin Republic, with the survey indicating less than 20 per cent rating for government accountability in countries like Nigeria, Lesotho, Kenya and Uganda.
- 5 Cited in S. Adejumobi, 'Traditional Rulers and Democratization Process in Nigeria' in A. Gboyega (ed.), *Corruption and Democratization in Nigeria* (Lagos: Fredrich Ebert Foundation, 1996).
- 6 See ECA (2009), *African Governance Report II* (Oxford: Oxford Press), ECA and UNDP (2013) *Elections and the Management of Diversity: African Governance Report, III* (Oxford: Oxford University Press). Also, Afrobarometer Round 5 Survey (2011–2013), which covered 34 African countries.
- 7 Emphasis mine.

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8 Rethinking organised labour's engagement with the political process in Nigeria

Issues in alliance building and popular participation

Funmi Adewumi

Introduction

Ambivalence, opportunism and betrayal are three words that best describe organised labour's engagement with the political process in Nigeria. Although there appears no consensus on the issue of political engagement and how best to go about it, the organised labour movement in Nigeria has been involved in the political process. Political parties have been formed; alliances have been struck while numerous political actions have been undertaken by, and in the name of, the trade union movement. It would appear that the involvement has not really yielded desired results. Rather only a few labour leaders and their paymasters/collaborators have succeeded in using the platform of organised labour to pursue personal interests.

Regarded as an organisational platform for people in paid employment for the protection and advancement of their common interests both within and outside the employment nexus, it is evident that trade unions should be involved in the political process both directly and indirectly. As such, the controversy regarding the place of trade unions in the political process should go beyond its desirability or otherwise. Rather we should be more interested in the mode of involvement or engagement. One fact that has emerged from the history and development of trade unions and trade unionism is that they emerged as a direct response to the challenges and deprivations thrown up by the realities of capitalist employment relations (realities which have not changed substantially in present times) with the role of protecting the interests of their disadvantaged members against predatory employers who are backed by the might of state power (Adewumi, 1995). The unions are essentially involved in organising workers in a struggle to improve their economic conditions. However, it is important to note that economic policies that determine the context and content of work/employment relations are taken by political authorities and are dictated by class interests. As such, it amounts to idle talk to question the basis for organised labour's involvement in the political process.

It is important to point out from the beginning that trade unions are basically political in nature; they are political institutions operating in the economic terrain

of industry or the world of work. The decision of the early workers to form trade unions was a political one. This is to the extent that they were formed to contest the control of both the labour process and employment relations with the factory owners and their managers and this (contestation of power) is what politics is all about. The fact of countervailing power that is inherent in the idea of trade unionism makes trade unions political institutions. Besides, as argued by Taylor and Fyrth (1979), simply joining a union involves the worker in politics since all issues that are related to employment relationship depend on various government policies.

The point made by Taylor and Fyrth is quite interesting because part of the debate on the role of trade unions deals with the scope of trade union activities. The attempt in mainstream bourgeois scholarship is to distinguish between what is considered 'pure' trade union action and those that are considered 'political' or outside 'normal' trade union action (this much is implied in the Webbs' conceptualisation of trade unions). Yet there is no way one can draw a clear line between politics and economics. Even then, if unions are to fulfil their economic role, it is necessary for them to participate in the political process and engage policies of government at all levels of the polity. Needless to say, union members are not just workers but citizens of nation states. The need for unions to be involved in the political system is more expedient in a country like Nigeria. As argued elsewhere (Adewumi, 1994), 'in a developing country like Nigeria, labour cannot afford to do otherwise as it is about the only disadvantaged group that is naturally organised'.

It is equally important to stress the point that even from the very beginning trade unions did not limit themselves to economism. Apart from addressing problems faced at work, which included fair wages, working hours (as far back as the 1830s both in England and the USA workers were pressing for an eight-hour and ten-hour working day respectively, see Hutt, 1975 and Rees, 1962), job insecurity, injustice, dependence and the inhuman conditions under which work was carried out, they also addressed broader issues of election of candidates representing working men and free public education as early as the 1820s in the USA.

From the foregoing, the question of apolitical trade unions is out of it. Of course, across the world, including Africa, the trade union movement has demonstrated that it is in a position to engage the political process. The involvement of trade unions in the second wave of democratisation across Africa in the 1990s as well as in the 'Arab Spring' movements in North Africa confirm this. However, the problem is that in quite a number of cases, it would appear that union members have not reaped bountifully from the involvement of organised labour in the political process.

It is against this background that the chapter examines the engagement of organised labour with the political process in Nigeria, arguing that there is an urgent need to rethink the mode of engagement such that the overriding interests of all members of the movement would determine what to do and the appropriate structures to use in engaging the political process. The chapter analyses how

best to ensure a more rewarding involvement for Nigerian workers and not just a few middle-level benefit captors who parade themselves as labour leaders. In examining the question of labour involvement in politics, we have to look at the essence of trade unionism. This has to be done within a theoretical model or framework of the trade union movement.

The essence of trade unionism and the imperative of labour's political engagement

Just like the industrial revolution that precipitated its emergence, the origin and development of trade unions were quite phenomenal. The factories, which emerged as centres of production, ensured that activities associated with production and distribution of goods and services were moved outside the immediate confines of the home and family systems.

There was a sense of job insecurity that came with industrial work since workers were at the mercy of the factory owners. The independence enjoyed by the craftsmen of old which allowed them to pack their tools and move on to another town in search of a livelihood (tramping), was no longer there. In addition, workmen no longer owned the tools of their employment; neither could they boast of any special skills they could sell to the general public (no thanks to the process of division of labour). To crown it all is the exploitative character of industrial capitalism, which was a function of the profit motive of the factory owners.

The fact of their common predicament and individual vulnerability made it imperative for the new factory recruits to think of presenting a common front against their common 'enemy', the employer. The move by those early recruits into the factory system was to challenge the unpleasant and debilitating conditions of work in the new centres of production. It was essentially a resolve to resist what amounted to slavery, oppression and dehumanisation in the world of work.

The earliest origins of trade unions have been traced to local trade clubs and 'friendly societies' of craftsmen that had become prominent in England by the end of the eighteenth century (Hutt, 1975; Mulvey, 1978). These clubs met in public houses (pubs) and addressed issues of workers' welfare and mutual benefits. Initially, membership was drawn from artisans, 'the skilled handicraftsmen whose methods of work and condition, had been left substantially unaffected by the industrial revolution; the compositors, coopers, carpenters and joiners, cabinetmakers, shipwrights, papermakers and so forth' (Hutt, 1975). According to Hutt, by 1792 membership of these clubs had spread among new factory workers, the Lancashire cotton spinners. In spite of the repression, including using troops to put down strikes while union leaders paid with their lives, workers remained undaunted in their resolve to confront their situation.

While the first trade union was formed in 1912 (the Southern Nigeria Civil Service Union or SNCSU), the earliest indication that Nigerian workers were ready for collective action was the strike action by artisan workmen in the Public

Works Department (PWD) in 1897. It was a three-day strike to protest the arbitrary change in their hours of work. The action was strongly countered by the then colonial governor, who threatened to deal with the striking workers if they continued with their action. The workers were undaunted and the governor agreed to negotiate (Fashoyin, 1980). This singular act strongly gives the lie to the argument that trade unionism in Nigeria was superimposed by the British colonial administration on an indifferent work force.

It is apparent that unions arose largely on account of the inherent strength of the collectivity as opposed to the weakness, if not vulnerability, of the individual worker vis-à-vis the employer. Consequently, trade unionism would appear to follow the logic that irrespective of their placing within the work hierarchy, lack of ownership of the means of production puts all employees at a disadvantage within the employment relationship.

In capitalist employment relations, the employer enjoys a lot of power, which is backed by various legal instruments limiting the control, which the individual employee can exercise within the work situation. Since workers constitute the largest single force in industry, it is when they come together that they can meaningfully challenge the dominance of capital (Hyman, 1975). Through such a challenge, workers would be promoting their own interests, which are basically economic. In this regard, issues such as wages, overtime rates, hours of work, holiday and sundry conditions of work attract the attention of unions. The fact that workers have to struggle over these issues is a reflection of the inherent contradictions within capitalist industry and society at large. These contradictions are the products of the antagonistic interests of labour and capital as epitomised in the continuous accumulation on the part of the employers at the expense of the worker. It is in the context of this accumulation that the interests of workers are subordinated to those of capital. Herein lies the necessity for a united front on the part of workers if they are to improve their lot. The beauty of trade unionism is that 'one man can be ignored, but the entire workforce cannot be ignored' (Whitehead, 1977). In other words, trade unionism can be regarded as an investment in the collective strength of workers within the employment relationship.

It follows, therefore, that the major justification for the existence of trade unions is to champion the cause(s) of workers (however defined) and to varying degrees; this is what unions all over the world have been doing. Essentially trade unions developed as countervailing powers to the awesome powers of capital within the employment relationship and the support, which they enjoy from the state. It is important to come to terms with the idea of countervailing power in order to appreciate the oppositional stance of trade unions. The odds against workers was captured by Harold Laski thus, 'both the law and administration of capitalist society are directed essentially to the support of the employers ... the scales are weighted against the interests of the workers' (cited in Otobo, 1986: 15). Unions thus emerged to challenge the unilateral control of the labour process by the employer, thereby getting involved in the contestation for power in the workplace. Since power relations at work mirror and reflect power

relations within the larger society, trade unionism also entails the contestation for power within the polity directly and indirectly.

Like in any class society, government policies are always meant to serve the interests of the ruling class. This cannot be otherwise since the ruling class controls all the state apparatuses. In fact, Lenin (1970) defines government as the executive committee of the modern state. This is so because all members of the ruling class cannot be in charge of the state apparatus at the same time, a few have to be selected to run the day-to-day activities of the state.

It follows from the above that various policies would be geared towards protecting the interests of capital. Any action of labour that threatens or challenges the hold of capital would be viewed with all seriousness. Laws have to be passed to regulate the activities of trade unions. For instance, there are laws that lay down the process for the formation of unions in the first place, and the limits of their actions. The law on strikes, for instance, sets out clearly the circumstances under which labour can withdraw its services. All the processes of mediation, conciliation and arbitration are such that they intend to minimise the 'damaging effects' of trade union actions. It is instructive to note that trade unionism is tolerated as far as it does not pose any fundamental threat to the hegemony of capital in industry. Given the obsession of capitalist industry with maximising profit in the same dialectical process of reducing costs, including the cost of labour, the adversities of the capitalist economy is always visited on labour. This is such that in a depressed economy, such as that which Nigeria has been witnessing for the past three decades or so, workers are always faced with the threat of reduction in wages and outright loss of jobs as could be seen in the retrenchment, lay-offs and rationalisation of workers. This situation puts labour perpetually at the mercy of capital.

Labour, both as the human capacity to work and as a collectivity of workers, constitutes a most vital factor in national development efforts. This is because without the efforts of workers, reflected in their labour power and output, we cannot talk of productivity, which in economic terms translates into national development. It is ironic that this same group that contributes significantly to national development efforts is being consciously excluded from any meaningful involvement in the political process. It is our contention that if governance is characterised by a system of competing elites and if politics is all about advancing/protecting group interests, then every group, including organised labour, should endeavour to be actively involved without let or hindrance.

The prevailing plight of Nigerian workers and other disadvantaged groups within the polity contrasts sharply with the expectations which prompted their involvement first in the struggle for independence in the latter part of the colonial project and later in the struggle for a return to democratic rule, after a long spell of military interregnum, in 1999. A major justification for the involvement of trade unions in the decolonisation process was the hope that independent nationhood would correct all the shortcomings of white colonial/minority rule. Workers and their unions had come to view their plight as arising directly from the colonial situation (see Adewumi, 1993). They consequently embarked on a

series of industrial actions, which were politically motivated to undermine the colonial government. In actual fact these actions that became very pronounced as from the 1940s could be said to have encouraged politicians in the nationalist movements, many of who had strong attachment, if not affiliation, to the trade unions.

Organised labour's involvement in the political process: the experience thus far

There are two levels of involvement that are worth examining here. These are direct political involvement in the political process, incorporating political actions and engagement with official policies of government, or the policy making process itself. The Nigerian trade union movement's involvement in the political process dates back to the colonial period. The involvement of labour in the decolonisation process has been well documented. Scholars such as Ananaba (1969), Cohen (1974), Offiong (1983), Coleman (1986) and Otobo (1988) have adequately addressed this. The interest of organised labour in the decolonisation politics was predicated on the belief that the termination of foreign rule was a necessity since workers were convinced that their low wages, poor working conditions and indignities at the hands of white employers, both public and private, arose directly from the colonial situation (Offiong, 1983). It was realised, for example, that the workers' plight was not the result of bad management alone but also due to the nature of colonial administration. Thus it can be said that right from the very beginning, labour had realised the need to undertake political actions if the problems facing workers were to be tackled effectively. The mood of labour was reflected both in the nature of their demands as well as the accompanying actions and the collaborative actions with the progressive wing of the nationalist movement. Those collaborative efforts were made because of labour's hope for a better deal that was, however, betrayed almost immediately after independence. In the first instance, the emergent indigenous political class inherited all the privileges of the British colonialists, thereby perpetuating the colonial situation characterised by oppression and repression. That was why the new political class reacted to the demands of labour that the colonial salary structure be modernised with arrogance and contempt. The mood of frustration within the rank of labour was best captured by Gogo Chu Nzeribe, a former General Secretary of the Labour Unity Front, when he said that:

The only real action for independence came from the trade union movement and that people (politicians) who had done nothing took over the country and the workers were relegated to background.

(quoted in Offiong, 1983: 154)

Unlike its robust involvement in the de-colonisation project, organised labour in Nigeria has engaged the post-independence political process in a rather episodic manner with a lot of ambivalence and opportunism displayed by the leadership.

This was particularly so from the late 1980s when the Babangida military junta decided to take Nigerians on a wasteful circus show in the name of political transition. In spite of the ambivalence and opportunism of the leadership of the Nigerian trade union movement, members of the Nigerian working class were still able to play an active role, using the platforms provided by other civil society groups, in bringing about the present democratic dispensation.

It is important to recall here the response of organised labour to the transition programme of the Babangida military junta in the late 1980s and early 1990s. In response to the call for party formation, the Nigeria Labour Congress (NLC) was part of the efforts at forming the Nigerian Labour Party (NLP), which was one of the 13 political associations that sought registration as political parties. Of course, the party was not registered. Instead of contesting the decision of the military junta not to register any of the associations along with other affected groups, labour leadership

also joined the indecent scramble to find accommodation in the 'synthetic' government parties (the Social Democratic Party and the National Republican Convention). The best thing in the circumstances would have been for the affected parties to refuse, in a principled manner, to have anything to do with the parastatals that are mistagged political parties.

(Adewumi, 1994: 173)

The NLC officially had an alliance with the Social Democratic Party (SDP). On the alliance, Fashina (2009: 50) has this to say;

the alliance between the NLC and the SDP has become an essentially contested issue in the history of the labour movement. The alliance has generally been declared unprincipled, and fruitless given the transition programme that produced it was fake.

Perhaps more intriguing was the fact that after the refusal of the Babangida's junta to register the NLP, 'the trade union movement almost turned into a government agency charged with opposing the radical struggle of the labour movement and pro-democracy movement' (A. A. Abiodun cited by Fashina, 2009: 49).

Under the present political dispensation, the NLC chose the option, in 2001, to midwife 'a political party of the working class, with the goal of ending ruling class monopoly of the political terrain' (Fashina, 2009: 57). As laudable as this appears, there is nothing, thus far, to suggest a serious commitment to its realisation by the NLC. In the first place, in spite of the existence of this platform, a former president of the NLC chose to contest the governorship of his home state on the platform of a mainstream political party with doubtful progressive credentials. Paradoxically, it is the platform of the Labour Party (originally called Party for Social Democracy (PSD)) that a mainstream politician used to secure the governorship of another state. The Labour Party is increasingly becoming a

haven for many mainstream politicians who were schemed out or failed to secure tickets of their former political parties. What happens then is an effective conversion of an organisation meant to advance workers' interests into an instrument that may ultimately work against them or at best to serve the selfish interest of a few. Given the character of capitalist society this is not totally strange, for as P. Anderson argues:

It is a rule in a capitalist society that any institution or reform created for or by the working class can by that very token be converted into a weapon against it – and it is a further rule that the dominant class exerts a constant pressure towards this end ... the working class is only concretely free when it can fight against the system which exploits and oppresses it. It is only in its collective institutions that it can do so, its unity requires disciplined organization, it becomes the natural objective of capitalism to appropriate it for the stabilization of the system.

(quoted in Hyman, 1975: 67–68)

Today, there is a Labour Party that is far removed from Nigerian workers and whose leadership uses the party platform for political horse trading, rather than using it to advance the cause of workers. Perhaps, things could not have been otherwise given the processes that led to the formation of the party. According to an official of the NLC: 'This idea and formation of the party passed through three organs of NLC: the Central Working Committee, the National Executive Council and a Special Delegates' Congress. As is customary with mainstream political parties, it was essentially an attempt at building the party from above. Even though a substantial workers' membership of the party is claimed, 'the rank and file are not involved in any systematic manner presently' (source: field interview with a member of the National Executive Committee of the Labour Party, Abuja, April 2011). This scenario makes the Labour Party amenable to serving interests other than those of workers. For instance, during the 2011 general elections, the Labour Party did not field a presidential candidate; instead the party adopted Dr Goodluck Jonathan of the Peoples' Democratic Party (PDP) as its own candidate. This was the same president who only reluctantly agreed to a new minimum wage on the eve of the general elections and even that took the threat of a general strike by the NLC. This was also the candidate of a party that had held political power for 12 years during which the lot of workers worsened. This is the same party that virtually privatised public enterprises without addressing labour concerns. Interestingly, it was only after the elections, which returned Dr Jonathan as president, that the Labour Party presented its agenda to the president. The other issue of concern has to do with engagement of labour with official policy, that is, the intellectual response of organised labour to challenges posed by the development process. It can be argued that such responses are informed by labour's understanding of the issues relative to its expectations. The trade union movement has been fairly consistent in mobilising public opinion against backward policies of government since the attainment of political independence in 1960. As argued elsewhere;

The first move was made in 1960 when the Trade Union Congress of Nigeria (TUCN) issued what it called the 'Independence Manifesto' in which the labour centre addressed itself to problems within the national economy and the attendant sufferings inflicted on workers. In a similar vein, the United Labour Congress in 1963 addressed an open letter to all political leaders, all legislators and all the governments of the federation, concerning some dangerous moves of the Balewa administration. Both political and economic issues were addressed by the ULC such as the state of the economy, the Preventive Detention Act and proposals for the formation of an all-party government. It is to the credit of the United Labour Congress that the moves were later jettisoned.

(Adewumi, 1993: 48–49)

In 1980 the NLC came up with the 'Workers' Charter of Demands', which was a very comprehensive, articulate and coherent response to the challenges of neo-colonial development in Nigeria. The charter represents an ambitious document proffering an alternative path of development, actually calling for the enthronement of a 'democratic welfare state' (see Adewumi, 1993 for more on this).

The NLC continued in this illustrious tradition up to the mid-1980s. According to Adewumi (1993: 50), although addressing specific issues, the NLC released similar documents in 1984, 1985 and 1986. In January 1984 and in response to the military take-over, the NLC issued a position paper on 'Nigerian Workers: Socio-Political View-point in the Situation of Military Take-Over of the Government of the Federation', in 1985 it was 'Towards National Economic Recovery: Nigeria Labour Congress's Alternatives' and in 1986 the NLC made its views on the political future of Nigeria known in 'Towards a Viable and Genuinely Democratic Political Future: Nigerian Working Class Position'. One thing common to all these documents is that they demonstrate a clear perception of the crisis of development (or under-development) facing the country.

Needless to say, the Nigerian state was not comfortable with the oppositional stance of organised labour, which also incorporated organised protests with students' and other civil society groups (the famous anti-Structural Adjustment Programme (SAP) (neo-liberal) protests across major cities in Nigeria in the late 1980s and early 1990s). The principled opposition of organised labour to the regime's policies incurred the wrath of the Babangida regime. It was just a question of time before the divergent orientations of labour and the government blew into the open. The formal imposition of the SAP in 1986 provided that opportunity.

Based on the refusal of labour under the leadership of Ali Chiroma to 'cooperate' with the Babangida administration, it ensured that Chiroma did not get a second term in office as president of the NLC. A stalemate was contrived at the Delegates' Conference scheduled for Benin City in February 1988 thus paving the way for the state to intervene in the internal affairs of the Congress. The rest, as they say, is now history. A sole administrator was imposed for a

10-month period after which Babangida ensured that his 'boys' assumed labour leadership. The Nigerian trade union movement has not really recovered from this development to date.

Under the Pascal Bafyau-led leadership of the NLC, from 1988–1994, organised labour easily capitulated. The response of organised labour to state policies and developments within the polity became incoherent. It was the incoherent response of organised labour to the political crisis that followed the annulment of the 1993 presidential election that provided the opportunity for the Abacha administration to dissolve the executive committees of the NLC, the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) who were frontally involved in the attempt to force a de-annulment of the results of the 1993 presidential election in 1994. The remaining unions were forced into submission and could not even ensure that workers secured better working conditions. Under Abacha the unions were practically demobilised (Adewumi and Adesina, 1999; Adewumi, 2000).

The situation of the trade unions since the return to civilian rule in 1999 has not changed significantly. Like its predecessors, the Obasanjo's administration would not brook any opposition; rather the regime preferred a collaborationist labour leadership. As usual, Nigerian workers continue to bear the adverse consequences of economic reform packages, which after ten years do not show any sign of success. The response of organised labour to various government policies remains incoherent. Government and private employers find it very convenient to breach agreements freely entered into with the unions. The inconsistency of a labour leadership that blows hot and cold and openly flirts with an anti-workers regime has not helped matters at all. The robust contestation of, and engagement with, development issues by organised labour in the pre-1988 era have virtually disappeared. All those mobilisation documents such as booklets, pamphlets, leaflets and posters are now a rarity.

It would appear that the Obasanjo regime took advantage of the inconsistency and opportunism of labour leadership to deal with organised labour, the same thing that has continued to date. In spite of unilaterally imposing policy measures and terms on workers, the trade unions could not compel government to implement the same measures. The economic reform policies, incorporating privatisation and commercialisation of public enterprises, and public sector reforms which led to massive loss of jobs, dealt a fatal blow on workers and their organisations (for a full analysis of the performance of the Obasanjo government in the area of industrial relations as well as some components of the public sector reforms, see Adewumi, 2006 and 2012). The negotiation of minimum wage has been a nagging problem since the inception of the fourth republic. While it took the Obasanjo government almost three years to reach an agreement with the NLC, it was not until the tail end of the Yar'Adua/Jonathan government's tenure that it reached an agreement with labour. The only statutory organ for accommodating labour input into labour policies, the National Labour Advisory Council (NLAC), is hardly used.

From the foregoing, the clear picture that emerges is that of a Nigerian trade union movement that cannot defend or promote even the economic interests of its members. Even the Webbs (as conservative as they were) recognise that a trade union should 'maintain and improve the conditions of members' working life'. It is deriving from this that we examine the imperative of alliance building as a way of repositioning the Nigerian trade union movement.

The Nigerian trade union movement and alliance building: some considerations

The Nigerian trade union movement, as presently constituted, is too weak to take on the might of the state. This weakness is a function of both internal and external developments. Some of the internal developments include weak organisational structure and capability, lack of committed leadership and indifference of union members. The leadership problem is further compounded by the fact that many trade union leaders have been enmeshed in an untoward process of embourgeoisment, craving and lusting after the indulgences of their taskmasters.

The economic regime (neo-liberalism) in place and a rapacious ruling class as well as hostile employers constitute the external. This reality makes it expedient for trade unions to look for allies within the larger society in order to secure a fairer deal for their members. The ultimate goal of such an alliance is to work towards a genuine transformation of the existing social order. This is in line with the argument of Gapasin (2010: 252) that 'our labour movement is about democracy. It is only through collective action that regular working folks have a voice'. After all, trade union members belong to the larger social class identified as working class, which is one of the disadvantaged social classes in society.

The fact that the majority of Nigerians are badly affected by sundry government policies makes alliance building a viable option. They all have a common enemy in the Nigerian state managed by a ruling class that is totally subservient to the operators of what is mischievously referred to as 'a global economy'. As argued by Saul (2005), disadvantaged social groups in the Southern hemisphere have to contend with 'global structures and domestic elites that have come to inherit much of the power and privileges of the erstwhile beneficiaries of the old colonial and settler dominated orders'. The ultimate aim is, as further argued by Gasapin (2010: 252), to "build cultures of solidarity", thus expanding the scope of civic responsibility ... an essential building block for making possible an alternative worldview'. In building alliances, the interests of members of the trade union movement should be paramount. Along this line, building alliances should be based on a labour agenda that must have the input of the rank and file members and not just what labour leaders consider good for members. Workers should identify their needs within the scheme of things and how best to secure them. Drawing up what can be described as a labour agenda should not be difficult largely because membership of trade union is fairly homogenous since it is based on those

who sell the labour power or expertise in return for wages and salaries. The agenda is necessary to guide the actions of trade unions so that workers get their legitimate entitlements, irrespective of their ideological persuasion.

In drawing up the labour agenda, there is also the need to situate the plight of workers and other disadvantaged social groups within its proper context, which is the dynamics of a class society as well as the ideology of the ruling class. In this regard, it becomes important to re-ideologise trade union struggles in Nigeria. The circumstances that prompted the formation of unions make it impossible for them to be ideologically neutral. The beauty of this is that trade union struggles would be better focused. The problems workers are contending with today are created by capitalism. As such, confronting them requires a counter-ideology, which cannot be the same capitalist ideology. The World Federation of Trade Unions (WFTU) confirms this reality thus;

Our times are characterised by the barbarity of capital at the expense of the working class and the imperialist barbarity at the expense of nations who resist. These two elements comprise capitalist globalisation. The results are: huge profits for the few, poverty for many and new phenomena of colonialism, racism and neo-fascism.

(WFTU, 2008)

The position of the Industrial Workers of the World (IWW) also buttresses the need for trade unions to be ideological. Part of the Pre-amble to the IWW Constitution reads:

The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of working people and the few, who make up the employing class, have all the good things of life. Between these two classes a struggle must go on until the workers of the world organise as a class, take possession of the means of production, abolish the wage system, and live in harmony with the earth.

(cited in Thompson and Bekken, 2006: iv)

In other words, ideological undertones cannot be removed from trade union activities if they are to be meaningful. In the context of a neo-colonial dependent satellite economy, in so far as the capitalist relations of production prevail, ideology would still be relevant in defining the responses and programmes of trade unions to developments not just within the employment relationship but also within the polity as a whole. Class interests dictate government policies. As such, workers 'should realise the political and class character of the various economic policies of government and respond appropriately' (Adewumi, 2008).

Having taken care of the above, a re-appraisal of labour's involvement in the political process becomes imperative. As argued earlier, there is no way trade unions can be apolitical as this would be a negation of not only the essence of trade unionism but also the very circumstances of their emergence. Unions arose

as an alternative locus of power to contest workplace relations with the employers, and this in itself is political.

In the circumstance in which the unions are today, a non-partisan involvement in the political process may be more rewarding. With this approach, the unions should not align wholesale with any political party but rather address political issues from the perspective of how such would profit the workers. The ease with which Nigerian politicians cross from one party to the other makes it imperative for the trade unions to immerse themselves in any of the mainstream political parties. This is in addition to the ethnic/sectional colouration of the parties that may impact negatively on trade union solidarity. In the same vein, political causes or candidates seeking elective offices can be supported based on negotiated benefits for workers. In the period between elections, organised labour should be willing to strike strategic alliances with other organisations in the interests of members. This is what Ross and Trachte (1990: 212) refer to as 'occasional combination of the forces of labor and community-based groups, and forging of class unity around a common political agenda'. This is what has been witnessed in the past, with particular reference to mass struggles against the deregulation of the downstream sector of the petroleum industry.

Given the low level of consciousness (both trade and political) among workers and the absence of a massive programme of workers' education targeted at the rank and file members, a wholesale union political involvement may be disastrous or end up benefiting only union officials. The critical issue is how the political involvement is managed in the overall interest of union members. The suggestion here is that the unions should embrace, at least for now, the idea of social movement unionism, which is not totally strange to the trade union movement in Nigeria (Adewumi, 2010).

The engagement of the trade union movement with other civil society actors, at any point in time, must be based on a well thought out programme that takes into consideration the interests of the members. Of course this should also reckon with the multiple identities of union members as workers, as citizens, as parents and guardians, as tax and rate payers, as ethnic minorities, etc. Based on the programme drawn up, it becomes easier to identify other civil society groups and stakeholders with similar interests and aspirations. Joint and collaborative actions, which may take varying and diverse forms, can be undertaken. Such actions can be issue-specific (such as the need to amend the constitution) and without the collaborating groups losing their identities. Collaborating with others in mass actions means that group members must be mobilised around such issues identified in the charter of demands drawn up as well as the need for joint actions with other stakeholders.

It is important to stress that trade unions should only strike strategic alliances and partnership that would add value to their work. Such alliances and networks may ultimately form the basis for the emergence of new political formations, depending on the assessment of the collaborating groups. Alliance with a ruling party falls under a different category. While such alliances are not out of place, they should be based on the strategic interests of labour and should provide the

options of influencing the content and direction of government policies from both within and without. What this means is that if government should pander too much to some narrow and parochial interests from both within and outside the polity, then labour should not be encumbered from using other platforms available to mobilise against such moves. This is one way of dealing with opportunistic politicians who are only interested in using labour for their own convenience. The relationship of the Congress of South African Trade Unions (COSATU) with the African National Congress (ANC), the ruling party in the Republic of South Africa is worth studying in this regard.

Based on built alliances, the trade union movement can then engage the process of governance with a view to ensuring broad-based popular participation. The point of departure is that for too long the business of governance has been left solely in the hands of the professional politicians and their collaborators in the public service. This has resulted, according to the World Bank, in 'the appropriation of the machinery of government by the elite to serve their own interests' (quoted in Ihonvbere, 1995: 9). This is the context in which development planning takes place without the slightest input from the people who are supposed to be the beneficiaries of development projects. During electioneering campaigns, politicians promise what they think the people need while on assumption of office actual projects initiated and, or, implemented may have little or no bearing on the actual needs of the people. Rather it is what personal benefits would accrue to those who initiate them that constitute the motive force and, even at that, people are still made to feel grateful to government or the office bearers for doing what they are constitutionally expected to do.

It is, therefore, necessary to insist that development policy formulation, planning, implementation, monitoring and evaluation must involve the target beneficiaries at all times. In other words, people themselves must identify what they need and how to go about meeting the needs. Of course what is available in terms of resources should be made known to the people so as to help this process. This would put a stop to a situation in which projects that have no immediate relevance to the people are foisted on them. In the case of Nigeria, there are many such projects. Presently programming and budgeting are at best bi-lateral relationships between the executive and legislative arms of government. Budget preparations and programme planning are almost always shrouded in utmost secrecy, becoming public knowledge only at the point of public presentation. Lack of popular participation in all aspects of governance encourages lack of transparency and accountability. There can be no excuse for this in a democratic polity. At every level, people, especially target beneficiaries, must be part of project design, planning, implementation, monitoring and evaluation. This is the essence of popular participation in the development process that is in line with the spirit and letters of the African Charter for Popular Participation in Development (The Arusha Declaration).

Beyond project planning, implementation and monitoring committees should also be set up to ensure the faithful implementation of projects. Similar committees can be set up at the state and federal levels with state and federal constituencies

respectively constituting development zones. Once the framework is agreed upon, the people themselves should enjoy the liberty to choose their own representatives. If people can secure the development agenda at the grassroots level, the chances that people would profit from the development process are higher. The amount of money that comes to each local government is such that, if judiciously spent, the lot of the people would be much better than what it is presently.

The minimum that should prevail for now is that at all levels of governance in the country, budget and development proposals from government, should be presented to people through their elected representatives (either councillors, members, state house of assembly or members of the national assembly) before final debate and approval by the various legislatures and members of the general public can make written submissions in respect of the issues at stake. The final approved budget must be made public with all approved projects and their locations clearly spelt out. This would allow members of the public who may not belong to monitoring committees to get to know programmes/projects being proposed by government over a specified period of time.

Trade unions can, and should, play a leading role in ensuring that popular interests are well served by those in government. The plight of Nigerian workers today, such as irregular payment of salaries and starvation wages, are partly due to the failure of organised labour to confront the inadequacies of governance. In playing an active and productive role in the development process, organised labour can work with existing platforms and structures. These include the numerous cultural associations, community-based associations and organisations (CBAs and CBOs), cooperative and mutual aid societies, artisanal groups as well as professional associations. Since these associations have a certain level of organisation, they only need to take on issues of governance as 'additional' responsibilities at no extra cost to the organisation. During regular meetings development issues of interest to members should be discussed and positions taken on them as a prelude to public advocacy and campaigns. The platform provided could also be used for advocacy on issues of public interest.

Since it is almost certain that the predatory Nigerian state is not committed to a democratic agenda of development, organised labour and its allies in the civil society need to undertake a robust programme of advocacy geared towards sensitising the people themselves on the need to confront and engage the process of governance as active participants in order to ensure that they are not short-changed by those who claim to be representing them. They need to go beyond mere rhetoric and transcend the agenda of donors who often are part of the problems militating against the well-being of the poor and disadvantaged in society. They should engage in what Walter Rodney calls 'grounding with my people', and act as what the French would call 'animateur', to mobilise the people to demand for, and exercise their rights to participate in the development process. This was the point emphasised by Rasheed (1996) in the following words:

Thus, CSOs and NGOs have an historic role to educate the poor about their democratic rights, convince them of the value and benefits of exercising

these rights-particularly the linkage between political and economic gains-and assist them in practicing these rights.

(p. 64)

The trade unions are well placed to be at the centre of this drive to ensure popular participation in development as they have the advantage of organisation and strategic placing within the economy to make a difference.

Conclusion

There is no doubt that organised labour has not had a fair deal since the return to civilian rule in 1999. This is in spite of their enormous contributions to the economic well-being of the country as creators of the national wealth as well as the contribution to the termination of military dictatorship. Workers have suffered a lot of indignities at the hands of the political elite who do not care much about workers' well-being. Massive job losses, low wages, disappearing social services and collapsed infrastructures are all we can show for over a decade of civilian rule. The Obasanjo government in particular simply treated organised labour with contempt and disdain (for a detailed discussion of this, see Adewumi, 2006, 2008 and 2012) and so have subsequent governments after the regime.

The plight of organised labour as well as other disadvantaged groups in Nigeria today flows from the logic of class rule and the realities of a dependent satellite economy. As argued elsewhere (Adewumi, 1993: 51),

until a new path of development which gives pride of place to those whose labour creates societal wealth is charted, society would continue to be run in the interests of the few who constitute the ruling class and their imperialist masters.

There is, as such, a need for a rethink of the past involvement and engagement of organised labour with the political process with a view to ensuring that workers reap the benefits of independent and democratic polity. To be meaningful, the mode and extent of involvement of organised labour should be determined by members of the trade union movement themselves. For reasons mentioned earlier, organised labour on its own cannot take on the Nigerian state. This is where alliance building and collaborative actions come in. If workers and the masses of the Nigerian people are to benefit from the development process and reap the immense dividends from their investment in the democratic project, it is imperative for the trade union movement to forge a sustainable strategic alliance with organisations of civil society to ensure responsive and responsible governance. Governance is about how our lives are structured, it is about how our common resources are deployed, it is about good life for everybody and it is about the common good. It is therefore in the interest of the trade union movement and its members to ensure that politicians do not continue to arrogate to themselves the sole prerogative to govern.

This is one sure way of ensuring the survival of democracy. The trade unions as well-organised groups have a duty to continue to be in the vanguard of the coalition of civil society groups.

The larger labour movement, incorporating progressive intellectuals and activists, must drive the process. This should be done out of enlightened self-interest at least. As argued by Lozovsky (1972), the trade unions are the 'organizing centres of the working class'. A virile labour movement may make up for the shortcomings and inadequacies of the trade union movement and possibly save the trade unions from themselves and their official leaders.

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9 Political representation in the Mauritian democracy

Analysing the gender deficit

Ramola Ramtohul

Introduction: gender and democratisation

Towards the end of the twentieth century, many African nations experienced a wave of democratisation, which included an expansion of political rights and civil liberties, the introduction of multi-party systems, freedom of the press, and greater civil rights and liberties for the population. Political space was also opened up for non-state associations and women's organisations (Tripp *et al.*, 2009). Many of the new African democracies are still adjusting to the new freedom and system of governance, and still hold some patterns of illiberal democracy. Tripp *et al.* (2009) note that in a number of semi-authoritarian African states, violations of civil and political liberties persist. Democratisation has catalysed the improvement in women's status in most of the new African democracies. At the level of political representation, increasing numbers of African countries boast some of the highest rates of women's legislative representation in the world. Currently, Rwanda, Burundi, Mozambique, South Africa, Tanzania and Uganda women hold as much as or more than 30 per cent of parliamentary seats. Women's enhanced presence in these African parliaments is linked to a number of factors: the influences of domestic and international women's movements, the introduction of electoral quotas for women, opportunities emerging in the process of ending major armed conflicts after 1986 in some countries, and pressures from regional bodies such as the Southern African Development Community (SADC) and other pan-African organisations (Tripp *et al.*, 2009). Moreover, some semi-authoritarian African states such as Rwanda and Sudan have adopted quotas that increased women's presence in parliament.

Other recent studies have nonetheless highlighted a potential link between democratisation and the adoption of women's rights policies. For instance, in their study of 70 countries, Inglehart *et al.* (2002) observe a global trend towards a higher level of gender equality that is strongly linked with democratisation and cultural change. The authors contend that economic development leads to social and economic transformations that are important to democratisation. They observe simultaneous cultural shifts which are reflected in increases in gender equality, and argue that democratic countries have higher rates of female representation, not directly because of democracy, but rather because democratisation

leads to cultural shifts that result in such changes. In fact, Inglehart *et al.* (2002) contend that one change that occurs with democratisation is the change in the perception that men make better leaders than women, arguing that democratic societies have higher rates of female parliamentary representation. Inglehart *et al.* (2002) only included five sub-Saharan African countries in their study and drew on survey data that focused on multiple waves from 1981 to 1997. Democratisation in much of Africa is however a more recent happening and many African nations have not yet experienced the economic and social transformations that Inglehart *et al.* (2002) mentioned in their study. Yet, for a few African nations such as Mauritius and Botswana which have had sustained democracy since independence and experienced significant social and economic growth, the findings of Inglehart *et al.* (2002) would be relevant and interesting to test.

This chapter analyses the Mauritian democracy, examining whether the economic and social transformation that the country experienced since the early 1980s has led to greater gender equity at the level of parliamentary representation. Following from the introduction, the chapter comprises four main sections. The first section introduces readers to the dynamics of the Mauritian democracy whereas the second section discusses the current state of affairs with regard to gender and political representation in Mauritius. The third section analyses the factors that marginalise women's presence in the Mauritian parliament, following which, the next section examines the actions taken by women's groups on this issue. Data for this research was obtained from semi-structured interviews carried out with women politicians, some of whom are members of parliament (MPs) and former ministers, as well as women activists in social movements and women's organisations.

The Mauritian democracy: a brief introduction

Mauritius is a small island of 720 square miles, located in the south western Indian Ocean with a population of approximately 1.29 million inhabitants.¹ The island of Mauritius has experienced successive waves of colonisers from the Dutch to the French and finally the British. Mauritius gained political independence in 1968 and became a Republic within the Commonwealth in 1992. Its political system is a unicameral multi-party parliamentary democracy based on the Westminster model. It has a legislature consisting of 62 elected members and a maximum of eight members appointed from a list of 'Best Losers', which is based on ethnic minority representation, but is not a gender sensitive system. The elected president of Mauritius is Head of State and commander-in-chief of the Armed Forces. However, full executive powers are vested in the prime minister as head of government. Nine general elections have been held since independence, each characterised by a series of political alliances. From the perspective of a small developing country endowed with limited resources, Mauritius has made commendable progress. It has gained a reputation as a highly consolidated democratic and development model within the SADC region (Breytenbach, 2002). The island ranked 64th in the 2016 Human Development

Report with a Human Development Index (HDI) value of 0.781,² almost at 'high human development' level. Mauritius also had a Gender Inequality Index value of 0.380, ranking 82nd out of 188 countries surveyed in 2015.³

The Mauritian nation is often referred to as a rainbow nation although in reality, it remains very fragile with a semblance of unity in diversity. The population of Mauritius is entirely composed of descendants of migrants who came to the island willingly and unwillingly, from France, Africa, India and China. The French were the first permanent settlers, whereas Africans were brought as slaves. Following the abolition of slavery in 1835, Indians were brought as indentured labourers to replace the slave labour in the sugar plantations. Chinese were initially brought as indentured workers but they moved into trade at the end of their contracts (Ly Tio Fane-Pineo and Lim Fat, 2008). The population is presently composed of four ethnic groups and four major religious groups, namely, the Franco-Mauritians and Creoles⁴ who are Catholic; the Indian community, Muslim and Hindu; and the small Chinese community, either Buddhist or Catholic. Hindus make up 52 per cent of the population, Muslims 16 per cent, Creoles 28 per cent, Sino-Mauritians (Chinese) 3 per cent and Franco-Mauritians are slightly less than 1 per cent of the population (Eriksen, 1998: 15).

Despite being a plural society, Mauritius did not face the type of political and social unrest experienced by many newly independent African nations. Mauritian political institutions have ensured representation of the different ethnic groups, thereby fostering a feeling of justice and equity in terms of representation of diverse interests. This has been a major factor that has enabled the country to maintain peace and political stability despite the prevalence of ethnic fragmentation in Mauritian society. Mauritius indeed has a remarkable attainment in terms of its ability to preserve basic democratic rights for every citizen in a society consisting of different religions, ethnic backgrounds and languages. According to Carroll and Carroll (1997), one of the key ingredients of the Mauritian democratic and developmental success has been the presence of a strong state. All political leaders, parties and alliances have shared a national consensus on core issues including religious and linguistic tolerance, parliamentary democracy and a developmental strategy based on an integrative mixed economy.

During the colonial and immediate post-independence periods, the economy of Mauritius was totally dependent on the performance of the sugar industry and world price of sugar.⁵ The country experienced major economic difficulties in the late 1970s and had to implement Structural Adjustment Programmes (SAPs) which entailed devaluation of the currency, rise in interest rates, price controls, limits on bank credit, budget deficit reduction, new taxes, a reduction in the rice subsidy and limits on wage increases. The implementation of these measures were nevertheless spread out over time and successive governments maintained welfare state provisions despite budgetary constraints thereby enabling access to basic social services of health and education to the vulnerable and shielding them from absolute poverty. The adoption and implementation of such social measures also maintained the legitimacy of the state. The comprehensive welfare

package⁶ introduced by the post-independence government led to a rise in literacy rates for girls and a near complete eradication of illiteracy in the country.⁷

In the post-independence period until the early 1980s, the government sought to diversify sources of revenue by embarking on a path of industrialisation aimed at fostering economic development through import-substituting industrialisation, export-oriented industrialisation, agricultural diversification and tourism. The textile industry integrated in the Mauritius Export Processing Zone provided significant employment opportunities for women and paved the way for many of them to move out of the confines of the private sphere and step into the public sphere. The success of export-oriented industrialisation led the country to experience growth rates that reached a high peak of 8 per cent (Alladin, 1993). There has been reference to the 'Mauritian Miracle' with Mauritius being considered as a model of development and as Africa's only 'tiger' economy because of its East-Asian style growth (Alladin 1993; Brautigam, 1999a, 1999b). Bunwaree (2010: 40–41) elaborately sums the factors leading to high levels of economic growth and industrial development in Mauritius as follows:

These factors include an industrial policy based on an export-led diversification strategy, a national bourgeoisie, a committed and competent bureaucracy, the absence of conflicting ideologies, a strong welfare state, human faced structural adjustment, successful demographic control, tapping of preferential arrangements, economics of ethnicity and cultures and a habitus for institutional engineering.

Yet, Bunwaree (2010: 41) also notes that the highly praised development achieved by Mauritius has not been gender equitable. Mauritius now enjoys the status of a Newly Industrialising Country (NIC) and it is attempting to further diversify the economy by promoting investment in new sectors, such as services, to develop the island as a regional financial centre and cyber island. Government is also trying to modernise the manufacturing sector by shifting to more capital-intensive high-value commodities. With the erosion of preferential trade agreements in the textile and sugar sectors in the face of globalisation, Mauritius is facing intense competition from low-cost producing countries in both sectors.

The chapter argues that despite being one of Africa's successful models of developmental democracies, the Mauritian democratic model remains deeply flawed at the level of gender equity in decision-making and political representation. This state of affairs has led to Mauritius having one of Africa's lowest figures for women's presence in parliament. The Mauritian democracy needs to attribute greater consideration to gender equity to be truly democratic.

Gender and the Mauritian democracy

Mauritian women's access to formal power began with the proclamation of female suffrage under British colonial rule in 1948. Women's presence in politics has, however, remained marginal despite the prevalence of consolidated

democratic governance and a distinct improvement in the status of women in Mauritius since independence. In this context, Chiroro (2005: 1) observes that Mauritius' only democratic deficit lies in its failure to put in place mechanisms that enhance the increased participation of women in politics. Patriarchal norms and institutions are still very much an impediment to women's emancipation in Mauritius. Hence, despite the existence of very little *de jure* discrimination operating against women, economic, social and cultural barriers continue to hinder women from realising their full potential (Patten, 2001). Statistics from all elections held since 1967 reveal a high participation of eligible voters, thereby testifying to the keen interest of men and women in the political life of the country.

With 52 per cent of voters being women, they hold significant potential to influence electoral results. Women have so far not exercised their right to vote in a strategic manner to fit the collective interest of women. The Majority Party, established in 2005 and the only women's party in Mauritius, had campaigned for women to vote for women, but its dismal performance at the 2005 election shows that this strategy did not work. Voting in Mauritius is a family affair, where the whole family votes for the same political party or coalition. Voter education becomes important for women to use their vote in a strategic manner.

Women's persistent marginal presence in parliament indicates that the overall political system attributes a secondary status to women where the role of women in politics is considered more as a support mechanism for male political leaders. The figures in Table 9.2 reveal that very little space has been made for more women to become actively involved in positions of authority in political structures.

The long-standing low percentages of women on the Mauritian political scene reflect the surface of a deep-rooted pattern of exclusion of women from public life. When expressing his views women's presence in the Mauritian parliament, former Prime Minister, Paul Berenger stated the following:

I am ashamed when I compare our figures to other SADC countries.¹¹

Table 9.1 Voter turnout at national elections⁸

<i>Election year</i>	<i>Registered voters</i>	<i>Turnout (%)</i>
1967	307,683	88.9
1976	460,100	88.0
1982	540,000	87.3
1983	552,800	81.8
1987	639,488	85.5
1991	628,000	84.5
1995	712,513	79.7
2000	779,431	80.87
2005	817,305	81.52
2010	879,897	77.0

Table 9.2 Elected members by type of election and sex, 1985–2012⁹

<i>Type of election</i>	<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Both sexes</i>	<i>% female</i>
National Legislative Assembly ¹⁰	1983	66	4	70	6.7
	1987	66	4	70	5.7
	1991	60	2	66	3.0
	1995	60	6	66	9.1
	2000	66	4	70	5.7
	2005	58	12	70	17.1
	2010	50	13	69	18.8
Municipal Council	1985	119	7	126	5.6
	1988	118	8	126	6.3
	1991	119	7	126	5.6
	1995	115	11	126	8.7
	2001	109	17	126	13.5
	2005	110	16	126	12.6
	2012	27	32	90	35.5
Village Council	1989	1,124	16	1,140	1.3
	1992	1,340	18	1,358	1.2
	1997	1,429	38	1,467	2.6
	2005	1,390	86	1,476	5.8
	2012	873	297	1,170	25.4

Women's marginal presence in the Mauritian parliament is clearly a source of embarrassment to the Mauritian government. The Commission on Constitutional and Electoral Reform (Sachs *et al.*, 2002: 26) also highlights this issue, stating that whereas Mauritius can be proud of the admiration that its democratic life enjoys internationally, the figures on women's representation in governance are nonetheless a cause of shame. Although some advances have been made, the pattern of male advantage in the Mauritian elite still prevails. At the level of general elections to the National Assembly, there has been a slight rise in the number of women elected to parliament since 2005. In fact, on the eve of the 2005 elections, a number of women's organisations campaigned for a higher presence of women in parliament.¹² The impact of these campaigns is reflected in the rise in the percentage of women in parliament which for the first time, reached 17 per cent. However, this momentum and trend was not sustained for the 2010 elections. Only ten women were elected to the National Assembly and three obtained Best Loser seats¹³ in 2010 whereas in 2005, 11 women were elected and one obtained a Best Loser seat. Political parties did not make any special effort to nominate more women. At the level of local elections, in January 2012, Mauritius adopted the 'New Local Government Act 2011' which provides for a gender neutral quota of a minimum of 33 per cent or one-third representation of either sex in municipalities and village councils. The adoption of this quota has indeed led to a significant increase in the presence of women in local government in 2012. Such a measure has not yet been adopted at national

level, as talks and consultations on electoral reform are still ongoing. Political leaders in Mauritius are very cautious on the issue of spearheading reforms of the political institutions, especially the electoral system or the Constitution with regard to political representation. This has to do with the strong communal identities still prevalent in the country and which exert strong lobbies for political presence.

Political leaders in Mauritius are very cautious and also hesitant to implement measures that introduce affirmative action at the level of general elections and for seats in parliament. The ethnic divisions and competition for representation on ethnic and religious criteria make it difficult to incorporate gender. As such, the Mauritian state did not ratify the SADC Protocol on Gender and Development¹⁴ in August 2008. The principal aims of the SADC Gender Protocol are to provide for the empowerment of women, to eliminate discrimination and to achieve gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects. The protocol is legally binding and contains a clause (Article 5) that makes provision for the implementation of affirmative action measures to enable women to participate fully in all spheres of life. Although Mauritius did not oppose the protocol, it did not ratify it because of the clause that calls for affirmative action to reach 50 per cent representation of women at all levels of government and decision-making by 2015. The reason given by the Mauritian all-male delegation for not ratifying the protocol was that the clause on affirmative action was in contradiction with sections of the Constitution.¹⁵

Factors leading to women's marginal presence in the Mauritian parliament

This section analyses the factors that explain women's persistent marginal presence in the Mauritian parliament. It largely draws from primary data from qualitative interviews that were carried out in 2007 with women politicians and women political activists. The names of the women politicians who were interviewed have been withheld to protect their privacy. These women are members of the main political parties in Mauritius: Mauritius Labour Party (MLP), Mouvement Militant Mauricien (MMM), Mouvement Socialiste Mauricien (MSM) and Parti Mauricien Sociale Democrate (PMSD). Data was also sourced from the press and other published interviews of women politicians. These factors have been grouped under two major subheadings: cultural factors and political factors.

Cultural factors

Mauritius does not have a national study or comprehensive research on the evolution of cultural values in the country. However, a research project on the 'Evolution of Women and Gender Development over Three Generations in Mauritius'¹⁶ included a survey which analysed gender equality and compared the

goals and aspirations of men and women. This survey provided a good indication on the cultural norms and beliefs in contemporary twenty-first century Mauritian society. The results show that with modernisation and development, there has been improvement in the conditions, status and relations between men and women.¹⁷ However, the data also highlights the fact that macho attitudes are still prevalent in present day Mauritian society with 76 per cent of respondents believing that men were naturally superior to women. Moreover, 56.4 per cent believed that women were too indecisive to become good leaders and 67 per cent supported the view that it was fair to give preference to men in job recruitment processes because men were superior. There was also strong support for women to care for the children and family at home and to go out to work only in cases of economic hardship. This survey therefore indicates that current cultural beliefs and attitudes in Mauritius are still largely male-biased despite increased support of greater opportunities for women both in terms of education and career. The authors concur that while some women had made progress and balance their domestic roles with productive work in a holistic manner, the majority of women are still struggling to achieve a balance in their domestic and economic roles and are caught up between norms of gender equality and the traditional norms of femininity into which they have been socialised.¹⁸ The 2005 report on the status of the elimination of discrimination against women presented to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by the Mauritian government confirmed these findings with the following statement:

The traditional patriarchal norms that associate women with the family, or rather, that accords the women prime responsibility in matters of the family still restrict women from participation in activities beyond their homes.¹⁹

Conservative norms and values that govern notions of respectable femininity are major impediments to women taking up public roles, especially active politics, which is seen to tarnish the family reputation and not be appropriate for women. These norms and values hinder women's 'autonomy' and freedom to engage in active politics. They therefore affect the supply of women, i.e. the number of women able and willing to engage in active politics, and manifest as covert and overt discrimination against women politicians. For instance, according to the former President of the Republic of Mauritius, Mr Cassam Uteem,

the political emancipation of women has been limited due to the insignificant participation of women in political activities. This state of affairs is attributed to the conservative perception of the role of women in our society.²⁰

Senior politician and former Minister of Gender Equality, Sheila Bappoo also explains that women who wish to engage in active politics are often discouraged by their fathers, brothers and husbands, because politics is not viewed as a

proper and noble activity for women, especially when women have to stand in a lorry when holding a rally.²¹ She noted that she was able to pursue a political career because she had the support of her father who was also a politician. It is however much more difficult for women who do not have such political connections and support to be actively engaged in politics.

The absence of an egalitarian gender culture discourages aspiring and current women politicians from pursuing a political career. Conservative norms and values also deter political structures from making space for more women. Women's participation in active politics transgresses conservative notions of femininity that are dominant in the country and which define politics as a strictly masculine domain. This situation manifests as male bias in the recruitment of political candidates and allocation of responsibilities at party level. A major indication of the patriarchal culture on the Mauritian political scene is the degree of responsibility given to women MPs where the latter are slotted into ministries dealing with women's affairs and social security that are reminiscent of the feminine stereotyped professions. Moreover, Sheila Bappoo also highlights the fact that no male MP wants to take on the Ministry of Gender Equality, Child Development and Family Welfare portfolio. She states that when she was overseas on mission and one of her male colleagues replaced her as Minister of Gender Equality, his male colleagues teased him and told him to 'wear a skirt'.²²

While stereotypes about women's supposed inabilities as leaders hinder women's political presence, at the same time, women's multiple social roles creates a 'time poverty' for them. Women have an acute sensitivity to the pressures of time and a political career is very demanding on the time of politicians. According to Susan Moller Okin (1980: 278), if women were to be politically equal, they would have to spend a considerable amount of time in political meetings and other public activities. This is largely true in the Mauritian context where taking up a political career is very demanding on a person's time and energy. A senior woman MP explains:

You no longer belong to the family, you belong to the public, to the population. You need to be available to them 24 hours out of 24. The telephone has to be on 24 hours out of 24.²³

Another senior woman MP adds:

There are not many women who want to become engaged in politics because doing politics is not easy.... It is a 24 out of 24, 365 days over 365 days engagement. There is no private life, no family, you completely lose that aspect of your life ... and the way in which politics is done in Mauritius makes it harder. If you need to be in the field, you have to go to different areas of the country at night ... 3 to 4 times a week, I reach home at 10 or 10.30 at night. Almost every Sunday I am not with my family. Hence, it is not easy for women to do politics.²⁴

Mauritian society is still largely family oriented and social norms require women to be home early or not to drive alone during late hours.²⁵ This makes campaigning more challenging for women. Apart from being physically tiring, these political tasks require women to break social norms and prove to be more difficult for women than men. The gender division of labour in the family still assigns the reproductive role to women across all sections of society. Consequently, it becomes difficult for women to combine work, political activity and family commitments unless they have strong family support and are financially secure. This state of affairs comes out strongly in the interviews of women politicians, especially those who have a family with children. One woman MP states:

Politics is equally difficult for a man and a woman because it is very demanding, it is very time consuming. For the woman it is more difficult maybe because in Mauritius, we have not reached a state of affairs where it is considered normal for the husband to share family responsibilities or where it is acceptable for women to give their careers priority over their family. Having to choose between her career and taking care of her family, it is these things that make politics more difficult to engage in.²⁶

Another woman politician states:

There is no real sharing of responsibilities in the family, there is a little. It has started improving ... but men still think, and women also still think that the family is their responsibility, this is their role, to be with the family and mentalities will take a long time to change.²⁷

Unless women have a solid financial or family base to help them, the triple burden of reproductive, productive and community work leaves them very little time to pursue a dynamic and successful political career. These circumstances affect women's autonomy and freedom to engage in formal politics and ultimately have a bearing on the quality of democracy prevalent in the country. Phillips (1991) argues that when most women are overburdened with responsibilities for children, parents, husbands and the house, they tend to settle for the less arduous democracy of casting the occasional vote. Indeed, voting seems to be what the bulk of Mauritian women have contained their political participation to. In the Mauritian context, Sachs *et al.* (2002) suggest a more equitable sharing of family responsibilities, with backup support where appropriate, to enable women to take their rightful place in public life. The unequal gender division of labour in Mauritian families and the conservative culture therefore lead to time poverty which largely limits active political engagement to women from privileged backgrounds, where families are either more liberal or can afford to employ caregivers to reduce the burden of family responsibilities.

Moreover, Mauritian politics is very male dominated and male politicians are not willing to alter the status quo. The work of women MPs draws less attention

in the male-dominated parliament, revealing a strong male-biased culture which marginalises women's work. Sheila Bappoo states that often when a woman MP stood up to speak in parliament, many of her male colleagues went out to smoke or to have a cup of tea.²⁸ The experiences of women politicians interviewed also reveal the prevalence of male bias on the political scene. A senior woman MP mentions:

When we ask the men to consult the women representatives, it is as if – oh, no need to bother, they are there just to vote! Of course, what these men do not realise is that through women, a lot of work can be done.²⁹

She notes that at party level, men tend to marginalise the important political groundwork done by women and are reluctant to accept and acknowledge women's high level of political interest and activism. That men do not consider women as a serious political force, is a strong indicator of the fact that politics is still very much considered to be a 'man's world'. If women and their political opinions are not taken seriously at party level, this will affect women's chances of being viewed as viable contestants and of eventually being nominated as candidates at elections.

Cultural biases against women in leadership positions remain predominant in Mauritian politics and some of the most serious forms include smear campaigns and sexual harassment. Aspiring women politicians are often victims of smear campaigns during elections, strongly affecting them and their families even to the extent of discouraging them from standing for election.³⁰ Although smear campaigns affect both male and female politicians, women are often the victims of the most degrading forms of smear campaigns which depict them as sex objects or portray women's sexuality in a degrading manner in order to undermine their chances of success in politics. Such smear campaigns also occur as explicit forms of sexual harassment. During the 2005 elections for example, there were a number of demeaning images of women candidates, some with their legs cut up, surrounding the body of current Prime Minister Dr Navin Ramgoolam who was then leader of the opposition, as well as images of these women depicted naked or as prostitutes wearing miniskirts and dancing with him (Chiroro, 2005: 37). There were also symbols that portrayed women as the weaker sex and lacking the required stamina to be a politician. A woman politician from the MMM stated that she was not offered a ticket for the July 2005 elections because, according to her party, 'she did not have the right profile' and her party claimed to be in possession of 'indecent pictures of her with an old man'.³¹ The party leader therefore did not nominate her as a candidate. Such smear campaigns heavily affect women, as a woman MP and victim of such a campaign explains:

For us women, it is much easier to simply stick a label on our backs, and in Mauritian society, once you have a label on your back, it is very difficult to shed it off.³²

The use of demeaning smear campaigns against women has persisted since the 1980s, when women entered politics in larger numbers. A former MMM MP explains how when she was a candidate in very difficult and predominantly Hindu rural constituency in 1983, she was the victim of a smear campaign because her party was presenting Paul Berenger, a Franco-Mauritian, as future prime minister. In her opinion, the idea of having a non-Hindu prime minister and to have a Hindu woman campaigning for him was not accepted in the constituency. She states that:

All the walls were covered with terrible things about me. It was very difficult. I just wanted this campaign to be over, I just wanted to lose, I just wanted to hide. Every day I would wake up and think my God how many days have I got.³³

This lack of respect for women candidates in the everyday context makes electioneering a daunting task for women. Men are also victims of smear campaigns, but for them such campaigns have a completely different undercurrent; through the use of names, images and stories of inefficient governance, bribery and corruption linked to these men. Unlike women, smear campaigns against men do not focus on their sexuality. Women candidates therefore suffer greater discrimination and insult based on their gender, through the depiction of their sexuality in a derogatory manner.

These cultural impediments to women's political participation and parliamentary presence indicate that despite the commendable modernisation and development the country has experienced, there has been little change in cultural norms and values, which have yet to genuinely support gender egalitarianism. The latter hinder women's autonomous political activism and their latitude to focus on feminist politics. The slow change on the cultural front has been largely caused by the high focus attributed to the preservation of ethno-religious identities in the multi-cultural Mauritian society where men are considered the key political representatives. As such, the different communities or cultural groups have been hanging on to patriarchal conservative values. Cultural groups also receive state support in the form of government grants to socio-religious organisations, the majority of which are headed by men. Given such a situation, any cultural change promoting gender egalitarian values in the everyday context is difficult.

At the cultural level, communalism has also led to resistance towards change in the Mauritian political system. In fact, the strong influence of religious and ethnic factors in Mauritian politics impacts strongly on women's chances of obtaining an electoral ticket and becoming a member of parliament. In their research report on women in Mauritius, Gunganah *et al.* (1997: 31) note that:

Gender has never been an important variable in political representation because ethnicity and communal interests have always taken priority.

Candidates are nominated in different constituencies according to religion, ethnic background and caste, and in some constituencies, gender. Religion

affects the nomination of women candidates in certain constituencies, especially in the Muslim community. For example, in Constituency No. 3, which is in Port Louis and is mainly inhabited by Muslims, a senior woman MP³⁴ states that no political party will field a woman candidate as this will be risky for the party due to the cultural and religious specificities of the area.

In its report on July 2005 general election, the Electoral Institute of Southern Africa (EISA) Election Observer Mission notes that:

The selection of candidates by the two alliances follows a very complex process. This involves negotiation as to the number of candidates for each partner, the ethnic and sub-ethnic allotment and positioning by constituency, gender factor and the specific choice of candidates for individual constituencies by the opponent, amongst others.³⁵

Party leaders tend to prioritise the nomination of representatives of social, religious and ethnic groups and ignore gender. These nominees are mainly male candidates and they benefit from strong lobbies and wide support of socio-cultural or socio-religious organisations and have a higher probability of being elected than newcomers. Sheila Bappoo highlights the male bias of these lobbies, in the following statement:

The lobbies, be it on terms of ethnicity, culture or religion, are very strong and women do not form part of these lobbies.³⁶

Women are marginalised because they are very rarely leaders of socio-cultural organisations. The few women who are nominated and eventually elected often come from families that have a history of active political involvement or have been working as social workers and have strong support in their region. The men however, have the support and sponsorship of socio-cultural organisations in addition to familial support. The bulk of socio-cultural organisations are from the Hindu community and some are also from the Muslim community. The Hindu organisations exert pressure on political parties to have representatives of their groups on the list of candidates for elections based on caste and linguistic group.³⁷ A woman MP explains how these organisations affect the choice of electoral candidates:

You know, I learnt this in politics, I was shocked to see that they consider the Raviveds, Rajput, Babouji, Maharaj, Vaish, etc. And it is really sad and when you see that someone is nominated as minister, even the colleagues say that it was not easy, it is a shame. But what could we do, we needed to put a Revived there.³⁸

It is important to note that socio-cultural organisations are patriarchal bodies and woman activist Dulari Jugnarain had the following description of the functioning of these organisations:

The men only nominate men, it is as though women do not belong to a caste, women do not belong to a community.³⁹

Similarly, a senior woman MP explains that men are mainly involved in socio-cultural organisations and that:

When they make demands for certain candidates hmmm, the demands are for male candidates, not female candidates.⁴⁰

Another woman MP states:

I have seen a case where we had a woman candidate, they came, they said no, no, no, no, no, we do not want this representative, here is our representative, and it was a man.⁴¹

These candidates are either sponsored by these organisations or have gained popularity or a position with the help and support of these organisations. Since the lobby of socio-cultural associations mainly affects the Hindu community, which is the largest demographic group, it will impact on those constituencies where Hindu candidates are nominated and not constituencies where candidates belonging to other religious groups are nominated. In this context, a woman MP explains:

In Constituency No. 1, we will put three Creoles, but there is no socio-cultural organisation which will put pressure to nominate a Hindu there.⁴²

Another senior woman MP⁴³ also explains that given the smaller number of women politicians, often these women do not meet the criteria of socio-cultural organisations with regard to religion, ethnicity and caste. This leads to the nomination of fewer women candidates at elections. Hindu and Muslim women thus compete against greater odds than women from other sections of the population because they have to face strongly entrenched patriarchal religious and cultural bodies which monopolise the political arena. The specificities of the Mauritian political system which makes space for representation on religious, ethnic and caste grounds, therefore has an acute gender dimension as women are marginalised in the competition for tickets by the different groups mainly represented by male-dominated organisations.

Political factors

Political factors discussed in this section pertain to the political institutions of the country, namely the electoral system and its reform, and political parties. These factors have a major impact on women's political participation and presence in parliament and the quality of the Mauritian democracy.

Delayed electoral reform and lack of women's agency

Electoral systems are known to exert significant influence on women's presence in parliament. The use of proportional representation (PR), multi-member constituencies and party lists have been found to be more conducive to higher levels of female representation than simple majoritarian electoral systems (Squires and Wickham-Jones, 2001). In Mauritius, the nature of the electoral system in operation emanates from a combination of colonial legacy and a definite concern for ethnic representation. In this context, the 1997 World Development Report states that in Mauritius:

The designers of the electoral system, anxious to avoid creating institutions that might exacerbate the country's ethnic divisions, structured the system to force the main parties to seek support from all communities.⁴⁴

The structure in place is the block vote system, which is the application of the first-past-the-post system in multi-member rather than single-member electoral districts.⁴⁵ The highest-polling candidates fill positions regardless of the percentage of the vote they actually achieve. In order to have a higher chance of winning, party leaders tend to appoint candidates belonging to specific ethnic groups to stand for election in specific constituencies, depending on the ethnic composition of the population in the different constituencies.⁴⁶ Candidates compete for the 60 seats and each elector can vote for three candidates. Although votes can be divided among any of the competing candidates, experience has shown that except in the cases of charismatic politicians carrying high appeal, Mauritians tend to vote along party lines or party coalitions, rather than for candidates. The three candidates obtaining the highest number of votes in each constituency are eventually elected. Through the Best Loser System,⁴⁷ the Constitution of Mauritius provides for adequate representation of all ethnic groups. Its main purpose is to correct any imbalance in the representation of the various communities that may result from the direct election. Thus, besides the 60 elected seats, the Best Loser System provides for eight additional seats to be allocated to 'Best Losers' or defeated candidates in order to ensure representation from all the country's ethnic groups.

It is now widely accepted across the Mauritian political spectrum that the country needs a new electoral system that would more adequately represent the results of the ballot box. The current electoral system produces a gross under-representation of the opposition in parliament which weakens democracy.⁴⁸ The issue of electoral reform in Mauritius has in fact occupied a prime position on the agenda of the various governments since 2000. Although the main aim of government was to correct the unfair nature of the current electoral system which led to significant disproportional representation between the percentage of votes and the number of seats in parliament, women's under-representation was highlighted as 'a grave democratic deficit' (Sachs *et al.*, 2002: 26). Electoral reform is therefore a major opportunity to increase women's presence in the Mauritian

parliament. At the celebrations of International Women's Day in March 2004, the former prime minister and current leader of opposition, Paul Berenger, stated that electoral reform represented a historical occasion to increase the number of women in parliament.⁴⁹ In an interview to the press, Sheila Bappoo⁵⁰ also stated that the debate on electoral reform was an opportunity for women politicians and women engaged in social and community work to speak out. Electoral reform will lead to the adoption of a new electoral system and is an ideal opportunity for Mauritian women to push forward their demands and proposals for a more significant and balanced representation of women in parliament.

Constitutional and/or electoral reforms in terms of a mixed first-past-the-post/PR system were proposed to enable a more rapid change of situation for Mauritius to be able to reach the agreed SADC target of a 30 per cent representation of women in politics. Meetings and discussions on this issue have however so far only involved leaders of political parties and have been an 'all male' debate where women are left out of key political debates. Political parties and their leaders have been hesitant to implement proposals on electoral reform and consultations have been ongoing since 2002. The delay in forging a consensus over electoral reform is delaying any action that could improve women's political presence in parliament. According to Karam (1998), it is simpler to change the electoral system of a country via institutional reform than to alter the culture's view towards women. Electoral reform is therefore a golden opportunity for Mauritian women to claim their space in parliament as it opens the issue to debate, criticism and change.

However, throughout the long debate and wide-ranging consultations on the issue that have been ongoing since 2002, there has been a marked absence of a strong 'women's position' on the issue in terms of a women's lobby or proposals for the new electoral system from a women's platform. In her research on governance, gender and politics in Mauritius, Bunwaree (2010: 107) also mentions the silence of women's groups/associations with regard to challenging the monopoly of political space held by men. The lack of solidarity between women has so far hindered the formation of a strong women's lobby on the issue of electoral reform. Although some women's organisations, namely MediaWatch Organisation and Women in Networking are indeed lobbying for a greater presence of women in parliament, these organisations do not command membership of the majority of women in Mauritius and they do not represent the bulk of the female population of the country and women's organisations as well. Communal identities hold greater strength than gender identities in Mauritius, which explains women's marginalisation from the debates and consultations on electoral reform. In this context, Bunwaree (2010: 141) states:

Expunging the Mauritius electoral system of ethnic, communal and racist consideration is no easy task but expunging it of its gender biases may be even more difficult in a society as patriarchal as Mauritius.

Partisan politics and the stress over ethnic representation complicate the issue of electoral reform leading to hesitation on the part of political leaders to take

action for fear of losing electoral popularity. There is also no consensus on the issue of reforming the Best Loser System as some sectarian groups⁵¹ campaigning against the abolition of the Best Loser System have attracted wide audiences. A MLP Minister of Muslim faith openly spoke against the abolition of the Best Loser System. A Christian association called L'Union Chrétienne has been lobbying for a re-definition of electoral constituencies to provide for a higher number of Christians to be elected and also communal representation in parliament.⁵² Concerns about ethno-religious representation are thus prioritised over women's representation.

Political parties

Political parties exert a determining influence on the presence of women in politics and parliament. In the Mauritian context, Sachs *et al.* (2002: 28) note that 'the major responsibility for correcting the massive gender imbalance rests with the parties'. However, in Mauritius, there appears to be a normative commitment towards relegating women to perform less recognised work such as laying the groundwork to garner support for the party at the grassroots. Women are largely excluded from decision-making levels of political parties. Testimonies mostly from women, received by the Commission on Constitutional and Electoral Reform, indicate that political parties are male dominated and lack due sensitivity to the needs and concerns of the female half of the population (Sachs *et al.*, 2002). A major issue that arose was that parties made no serious attempt to encourage women to stand for office or to find seats for women in safe constituencies (Sachs *et al.*, 2002). As such, political parties function as gate-keepers of male-dominated systems of power and approach female vote banks in an opportunistic manner through their women's wings.

The current rhetoric of the main political parties is to increase women's political representation and reserve positions for women at all levels. In its Constitution, the MMM has a provision for 20 per cent of electoral candidates to be women.⁵³ The MLP amended its party Constitution to provide for 30 per cent women in all structures of the party.⁵⁴ The MSM and the PMSD do not have a specific figure for women's representation in their Constitutions and women politicians from these parties did not mention the existence of reserved positions for women. Neither the MMM nor the MLP respected their constitutional quota for women's candidature in the July 2005 elections. Thus, even when parties have neglected women's interests, they gained from employing rhetoric and gendered imagery, drawing on women's votes and using women in electioneering. These patterns can only be challenged when women's movements in civil society are strong enough to pressure parties to represent women and women's interests more significantly.

Party leadership has consistently been a man's preserve in Mauritius. The main political parties are also controlled by certain powerful families which have historical ties with the parties, such as the Ramgoolam, Boolell, Bunwaree, Jugnauth, Kasenally, Deerpalsing, Duval and Berenger families. Paula Atchia,⁵⁵ leader of the Majority Party⁵⁶ explains:

We are looking at a system where the party leaders are setting the agenda and in each party you've got certain families who are powerful ... family means extended family hmmm, friends and the supporters, their personal people and not anybody else. So, where do women come in here, given the party leaders and their families and their friends and the people who fund-raise for them, where are the women? Women are not going to get tickets, they will never get any!

Leadership of some of the main political parties (MLP, MSM, PMSD) has largely arisen from a dynasty of political leaders within the same family. Members of the familial political dynasties take up key positions in the party and are also nominated in leadership positions of parastatal bodies after elections. Women from these families often have a better chance of obtaining electoral tickets than women who run as individuals. According to women activists,⁵⁷ the practice of nominating family members limits women's presence in parliament as fewer electoral tickets are available to women. It also makes it very difficult for feminist political activists to obtain an electoral ticket.

Most women currently assume secondary roles in political parties because of the feminine culture which does not challenge men's dominance of leadership positions.⁵⁸ There is a considerable amount of both vertical and horizontal positional male gender bias operating in the country with women in minority at the level of executive positions.⁵⁹ When it comes to the elite political positions, women hit against a glass ceiling as their numbers get filtered at this level and the bulk of these positions are reserved for men. Although women undertake important work for political parties, they remain under-represented at the level of decision-making positions of these political structures. Consequently, much of women's political participation remains 'hidden' because they are active in the 'background', especially at grassroots level.⁶⁰ A senior woman MP states:

Women do a lot of invisible work which is not tangible, even at home as housewife which is not acknowledged. The women militants do work which is not visible. I won't say not acknowledged, the party acknowledges this work, but it is not visible.⁶¹

All the women politicians interviewed highlighted women's significant interest in politics and their active political participation at grassroots level, particularly as campaigners and political agents. Women play a major role in organising meetings, attending meetings even till late at night.⁶² Women MPs also point out that women tend to be present in large numbers in political meetings and that these women are responsible and serious in the sense that they keep up their commitments to attend meetings.⁶³ Moreover, during electoral campaigns, it is largely women who go door to door to distribute the party manifesto and pamphlets, and at the same time, convince people to attend political meetings.⁶⁴

Men are, however, not willing to make space for women at the level of party leadership and nomination as political candidates.⁶⁵ Sheila Bappoo who has been

a member of the three principal political parties (MLP, MMM, MSM), argues that men do not make much of an effort to include women at decision-making level of the party.⁶⁶ A woman MP explains that the allocation of tickets to women candidates is often perceived as a favour for these women. She states:

Men till today have great difficulty in making place for women. They find it difficult and when a woman occupies a certain position in politics, they try to make it appear that they did her a favour, they gave her a place, you see, as if she does not have a place for herself, but ok we have been very generous in giving her a place.⁶⁷

One senior woman MP⁶⁸ from the MSM said that the problem of the allocation of few seats to women does not emanate from the party leader because the goal of the leader is for his candidates to be elected. If a woman is perceived to have a good chance of winning a seat for the party, the leader would not have any problem in allocating her a ticket. Problems arise however when male members of the party intensify pressure on the leader at the time of the nomination of candidates for elections. This has even led to lobbies by male politicians who block the nomination of women candidates in constituencies where these women could have been successful. A MLP woman MP⁶⁹ also mentions that supporters of male members of her party who had not obtained an electoral ticket used violence, vandalising her car as an intimidation tactic. A woman MP from the MMM nevertheless argues that women politicians need to be more assertive and claim their place in high political positions. She states that it should not appear that the woman is taking the place of a man, but rather she has earned the right to this place.⁷⁰

Electoral alliances between political parties

The formation of coalitions and alliances between political parties to contest elections as a 'stronger body' has an acute gendered dimension. This practice limits the number of seats available to individual parties in the coalition, thereby increasing the competition for the few seats available and often leads to the marginalisation of women. According to Sheila Bappoo, women are automatically sacrificed for men when electoral tickets are being allocated and strong male lobbies insist upon this sacrifice.⁷¹ A senior woman MP explains this issue:

In Mauritius with our system of coalitions, alliances all the time, we have to make concessions all the time and what happens in a political party is that when it nominates a candidate, it considers the chances of getting that candidate elected. Hence, when a candidate is already popular in a constituency, they won't remove him to put a woman because each political party wants to have the maximum number of candidates elected ... its role is to nominate candidates in places with regard to their chances of being elected.⁷²

This system disadvantages women especially if they are newcomers to active politics. During a difficult election, parties will not risk placing new candidates who might not have gained popularity with constituents at grassroots level. A senior woman MP from the MSM mentions that at the time of the 2005 general elections, the MSM would have nominated more women as candidates but due to the alliance formed, they were not able pursue this endeavour. She states:

I must tell you that we were going to put more women, we experienced problems with our alliance partner at that time because they had their criteria.⁷³

She explains that the women's wing of the MSM had another three qualified women candidates who could have been nominated. However, when the party contracted an alliance with the MMM, fewer seats were available to the MSM, which complicated the allocation of electoral tickets. There was also a need to respect the specificities of the different constituencies in terms of ethnic, religious and caste criteria with regard to nomination. The smaller number of seats available to each individual party, intra-party lobbies by long-standing members or powerful political families, the divisive nature of women's wings and the communal politics dictating the allocation of seats all hinder the nomination of an increased number of women in Mauritian politics.

Financial requirements

In their research on political parties in Mauritius, Bunwaree and Kasenally (2005: 31) note that once candidates were offered seats, they had to be ready to dig deep into their pockets to finance certain aspects of their campaigns. Very few women politicians, especially those who are currently members of parliament, are open to discussing the financial requirements of a political career. In the process of my research, only two women politicians, one who was not elected and one who is now retired, discussed this issue. Some independent women activists also talked about financial considerations in active politics that constitute a major obstacle to the nomination of women. According to Paula Atchia, men consider electoral seats as their 'personal property' because they 'paid' for them. She states:

These seats cost Rs3 to 4 million. You have to go and fundraise if you want to have a ticket. You have to go and get the money. You have got to go and find someone to sponsor you.⁷⁴

The high cost of seats is prohibitive and excludes women from nomination. A former senior woman MP explains:

In party politics there is a very strong hierarchy, very strong control. There is money you know which is another very important aspect. There is going

to see people to get money and so on and women are not very good at this. I can't imagine ... it is very difficult for women who are in politics, in party politics who have to collect funds for example, for elections. I find it very difficult for women to go out and ask for money. Maybe later, maybe just because they haven't been in politicians' shoes long enough.⁷⁵

Some women politicians argue that women experience greater difficulties in collecting funds for the party because unlike men, they are less willing to take bribes.⁷⁶ Women also do not have the sponsorship of male-dominated socio-cultural organisations. Another woman politician explains that she was unable to stand as a candidate in the 2005 election because she did not have the money to contribute for an electoral ticket. She states:

I was not a candidate in 2005 because I did not have money. I am telling you frankly, I did not have money ... and money is an important factor.⁷⁷

She states that it is easier for men to find sponsors compared to women and so, men have a much stronger lobby for electoral tickets than women. The fact that very few women politicians are engaged in high-profile occupations and many are housewives and thus not earning an income, makes it difficult for the bulk of aspiring women political leaders to finance their campaigns.⁷⁸ Moreover, in Mauritius, male politicians have had much more political experience over a longer period and exposure to the public and different interest groups. As such, they are able to find sponsors more easily than women, most of whom are newcomers to the political world. A woman politician explains:

The men, they have sponsors, it is easier for them to finance (the party). But us, what will we do? Which door do we knock on?' ... The men's lobby is very strong. It is a man's world! If it is a man's world, it will be easier for men. They come, they are here to put pressure, but us? We, as women, we won't put so much pressure. OK, we are more likely to bow and acquiesce.⁷⁹

A successful political career requires considerable financial resources, which many aspiring women politicians do not possess unless they come from powerful and wealthy families or are able to find sponsors. The majority of women however have limited access to the amount of financial capital necessary for political participation and influence, which obstructs efforts to increase the number of women in the Mauritian parliament.

The women's lobby for political space

It was primarily from the year 2000 onwards that some women's organisations began to overtly lobby for a greater representation of women in the Mauritian parliament. Such action on the part of women's organisations was largely guided and motivated by the regional trend with the rise in women's parliamentary

presence on the African continent, and the commitments taken by the Mauritian government to enhance women's parliamentary presence with regard to the different international conventions that had been ratified, especially the SADC Declaration on Gender and Development (1997). Two women's organisations – FederAction and the Majority Party – were formed on the eve of the 2005 elections, with a specific focus on lobbying for a greater presence of women in the Mauritian parliament. Actions included a public march organised by FederAction, where women demanded that political parties adhere to the SADC 30 per cent mandated presence of women in parliament. Another women's organisation (MediaWatch Organisation) organised a workshop on women and politics, where political leaders were invited to explain their strategies on women's representation. The Majority Party put women candidates to stand for election in all the constituencies where political parties had not nominated any woman. This was to ensure that women had the opportunity to stand for election and to be present in all constituencies of the island, with the goal of reaching a 30 per cent presence of women in parliament. However, the Majority Party received very little support and help from the existing women's organisations and the women population at large. Paula Atchia, the founder, acknowledges that the main weakness of the party and its strategy was the failure to 'get all the women together'.⁸⁰ Another women's organisation, Women in Networking (WIN) set up in 2006, has been lobbying for a greater presence of women in parliament through its affiliated branch called Women in Politics (WIP). WIP has also been organising training courses to train women to assume leadership positions in greater numbers and to participate in active politics. Despite all their concerted action, the results of the 2010 election indicate that very little was done by political parties to increase the number of women nominated to reach the 30 per cent initially mandated by the SADC Declaration on Gender and Development. Communal nomination and the lobbies of socio-cultural organisations were much stronger especially for general elections. Inroads have nonetheless been made for women's representation in local government.

Moreover, while the few women's organisations mentioned above have indeed been lobbying for a greater presence of women in parliament, they did not have the support of the bulk of the population of women in the country which would have made the issue a national concern. Moreover, the results of the elections also show that women do not vote strategically in Mauritius. Additionally, there is insufficient collaboration between women politicians and women's organisations on the issue of political representation of women. In this context, a woman politician states that 'there is no consensus in the fight' and that it is only on the eve of elections that some women's organisations lobby for a greater number of women in parliament. But, as soon as elections are over, these organisations become silent and the whole issue is forgotten.⁸¹ Another woman politician states that after elections,

Nobody talks about proportional representation, nobody talks about increasing the number of women in parliament – but this is hypocrisy! Actions

have to be consistent. There is a need to continue exerting pressure on government to introduce proportional representation ... if it had been genuine, it would have been a constant fight.⁸²

The lack of mutual trust between women politicians and representatives of women's organisations prevents them from forming a long-standing collaborative relationship, which is a major cause of the weak women's lobby on political representation.

Conclusion

This chapter shows that although Mauritius has experienced significant progress on the economic, social and educational fronts, gender equality remains largely at the level of rhetoric and gender equity is still a dream at this point in time. In fact, despite the long-standing democracy and economic progress, Mauritius has not experienced the 'cultural shift', which according to Inglehart *et al.* (2002) would lead to gender equity. The strong influence of ethnicity and religion at the level of political representation has led to greater resistance to change and political leaders are hesitant to introduce major changes to the electoral system because of ethnic lobbies and fears of losing popularity. Therefore, culture has remained relatively static and women's presence in positions of power in politics and parliament has experienced low progress at the level of national government. The political culture has remained very masculine and very little space is made for women at the upper echelons of the political sphere. Apart from culture, even the political institutions have not made more space for women. Moreover, unlike many of its African neighbours, Mauritius has also rejected affirmative action in the form of quotas to increase women's parliamentary presence. Hence, to this day, despite its progressive economic and social indicators, the Mauritian democracy remains flawed with regard to gender equity and little action is being taken to remedy this problem.

Concerted action and major policy changes are essential for this situation to change. First and foremost, there is a need for women's organisations to group together and lobby as a movement for change. Here, awareness campaigns at the grassroots level becomes necessary for women and men to identify with this issue, namely the importance of having more women in parliament as well as the difference women can make as parliamentary representatives. So far, such action has been sporadic and largely divisive due to the different political parties competing for women's votes. Mauritius needs a national women's platform where women activists and women politicians speak and work on this issue in a unified voice towards the empowerment of women and for women's political citizenship and rights in the country. Cultural change is a long-term process, but gender equality needs to be made a national issue especially through education and awareness campaigns as well as legal measures with follow-up mechanisms established to monitor progress at institutional level.

Furthermore, affirmative action becomes necessary to catalyse the process of making space for women in the Mauritian parliament. This may require legal

measures at the level of national elections with the setting up of a quota system as was done for local elections, or for political parties to reserve 30 per cent of electoral tickets for women internally. Electoral reform is a slow and complicated process because of concern and disagreement over representation on ethnic and religious grounds. As such, the issue of gendered representation has been marginalised and without a strong lobby at national level and from the women population, very little progress will be attained.

Notes

- 1 Resident population of the Republic of Mauritius as at 1 July 2013. Source: Central Statistical Office Population and Vital Statistics January–June 2013, <http://stats.mauritius.gov.mu/English/StatsbySubj/Pages/Populationjanjun13.aspx> (accessed on 3 February 2014).
- 2 The United Nations Development Programme (UNDP) classifies countries having a HDI score of 0.758 and above as being at ‘high human development’ level. Source: Human Development Report 2013, <http://hdr.undp.org/sites/default/files/Country-Profiles/MUS.pdf> (accessed on 3 February 2014).
- 3 The Gender Inequality Index is a composite index reflecting gender-based inequalities in three dimensions of human development: reproductive health, empowerment and labour market – due to inequality between genders. Value of 0.380, ranking 82nd out of 188 countries surveyed in 2015. Source: Human Development Report 2015, <http://hdr.undp.org/composite/GII> (accessed on 10 June 2017).
- 4 Creoles include the descendants of African slaves and ‘gens de couleur’ or Coloureds who are a mixed race group, often the offspring of African women slaves and their Franco-Mauritian masters.
- 5 Mauritius was a supplier of sugar to the British metropolis and remained a net importer of manufactured goods.
- 6 This included free education and health services, and a subsidised food scheme.
- 7 According to the 2000 census, the literacy rate of the population aged 12 and above was 88.7 per cent for men and 81.5 per cent for women. EISA, www.eisa.org.za/WEP/mau2.htm (accessed in July 2006).
- 8 Lodge, T., Kadima, D. and Pottie, D. (eds) (2002) *Compendium of Elections in Southern Africa*. Johannesburg: EISA. For 2005 and 2010 election data – Office of the Electoral Commissioner, www.gov.mu/portal/site/eco/menuitem.37ba32a3c4783128d6c8662948a521ca/?content_id=630b9dbfa1158010VgnVCM100000ca6a12acRCRD (accessed on 4 February 2014).
- 9 Government Gazettes 1985–2012.
- 10 The figures include the Best Loser seats, which are over and above the 60 elected seats.
- 11 Statement of Paul Berenger cited by Virahsawmy in *Amalungelo* Vol. 5: 86 March–April 2004.
- 12 These include: the Majority Party, FederAction, Media Watch Organisation-Gemsa.
- 13 Best Loser seats are eight additional seats in parliament that are allocated to ‘minority communities’ to ensure an adequate representation of these groups in parliament, given that Hindus are demographically the majority community in Mauritius. Minority communities include: Muslims, Sino-Mauritians and the General Population.
- 14 SADC Protocol on Gender and Development (2008), www.genderlinks.org.za/page.php?p_id=265 (accessed on 11 December 2008).
- 15 L’Express (19 August 2008) ‘Maurice pas signataire du Protocole sur le Genre’.
- 16 Hawoldar *et al.* (2004), MRC (2003).

- 17 Of the respondents, 82 per cent believed that girls and boys were equally intelligent and 76 per cent were of the opinion that women could be equally good political leaders as men and that more women should be employed in positions of leadership.
- 18 Hawoldar *et al.* (2004), MRC (2003).
- 19 UN/CEDAW (2005: 44).
- 20 Woman No. 4 (2000: 2).
- 21 Interview with Sheila Bappoo in *Weekend* (5 March 2000).
- 22 *Weekend* (22 February 2004) – translated from the French article.
- 23 Interview with woman MP – 18 July 2007.
- 24 Interview with woman MP – 10 July 2007.
- 25 Interview with woman MP – 30 January 2007.
- 26 Interview with woman MP – 14 January 2007.
- 27 Interview with woman politician – 10 July 2007.
- 28 Interview with Sheila Bappoo in *Weekend* (22 February 2004).
- 29 Interview with woman MP – 14 January 2007.
- 30 Interview with woman MP – 27 January 2007.
- 31 Interview with Lovena Sowkhee in Colleen Lowe Mona and Susan Tolmay (eds) (2007) *At the Coalface: Gender and Local Government in Southern Africa*. Johannesburg: Gender Links, p. 102.
- 32 Interview with woman MP – 27 January 2007.
- 33 Interview with former woman MP – 30 January 2007.
- 34 Interview with woman MP – 14 January 2007.
- 35 EISA (2005c: 3).
- 36 Interview with Sheila Bappoo in Colleen Lowe Mona and Susan Tolmay (eds) (2007) *At the Coalface: Gender and Local Government in Southern Africa*. Johannesburg: Gender Links, p. 114.
- 37 The Hindus are divided into linguistic groups, the main ones are: Hindi-speaking Hindus, Tamils, Telegus and Marathis. The Hindi-speaking Hindus are further subdivided by caste: Brahmin, Vaishya, Ravived and Rajput. Most Hindus are of the Vaishya caste and the Hindu prime ministers the country has had (Sir Seewoosagar Ramgoolam, Sir Aneerood Jugnauth and Dr Navin Ramgoolam) are all of the Vaishya caste.
- 38 Interview with woman MP – 30 January 2007.
- 39 Interview with Dulari Jugnarain – 20 February 2007.
- 40 Interview with woman MP – 18 January 2007.
- 41 Interview with woman MP – 10 July 2007.
- 42 Interview with woman MP – 18 July 2007.
- 43 Interview with woman MP – 14 January 2007.
- 44 World Bank (1997: 113).
- 45 For electoral purposes, the island of Mauritius is divided into 20 three-member constituencies, with approximately half in rural areas where Hindus are the majority of inhabitants, and the other half in urban areas where most of the other sections of the population live.
- 46 For instance, more Hindu candidates will stand for election in rural areas, whereas a greater number candidates belonging to the General Population category would be posted in the urban constituencies.
- 47 Section 5 (1) of the Constitution of Mauritius states that:

in order to ensure a fair and adequate representation of each community, there shall be 8 seats in the Assembly, additional to the 62 seats for members representing constituencies, which shall so far as is possible be allocated to persons belonging to parties who have stood as candidates for election as members at the general election but have not been returned as members to represent constituencies ...
- 48 Sachs *et al.* (2002), Uteem (2008).

- 49 *Le Mauricien* (08 March 2004).
- 50 *Weekend* (22 February 2004).
- 51 These include Federation de Creoles Mauriciens and Hizbullah (*L'Express*, 5 May 2008).
- 52 *L'Express* (20 June 2008), *Le Mauricien* (21 June 2008).
- 53 MMM website: www.mmmonline.org (accessed on 23 June 2007).
- 54 MLP website: <http://labour.intnet.mu> (accessed on 23 June 07).
- 55 Interview with Paula Atchia – 5 July 2007.
- 56 The Majority was the first women's party in Mauritius that was set up to enable a greater number of women to be elected in the 2005 general election. It was however not successful in its endeavour and is not active at the moment.
- 57 Interview with Linsey Collen – 11 January 2007, interview with Paula Atchia – 5 July 2007, interview with Dulari Jugnarain – 20 February 2007.
- 58 Interview with woman politician – 17 February 2007.
- 59 PriceWaterhouseCoopers (2003) *Women at Executive Level in Mauritius*. Available at www.winmauritius.net/Userfiles/file/ReportonWomen.pdf (accessed on 4 November 2008).
- 60 Interview with former woman MP – 30 January 2007.
- 61 Interview with woman MP – 18 July 2007.
- 62 Interview with woman MP – 30 January 2007.
- 63 Interview with woman MP – 14 January 2007, interview with woman politician – 17 February 2007, interview with woman MP – 30 January 2007, interview with woman MP – 22 January 2007.
- 64 Interview with woman MP – 18 July 2007.
- 65 Interview with woman MP – 14 January 2007, interview with woman MP – 30 January 2007.
- 66 *Weekend* (22 February 2004).
- 67 Interview with woman MP – 30 January 2007.
- 68 Interview with woman MP – 14 January 2007.
- 69 Interview with woman MP – 21 January 2007.
- 70 Interview with woman MP – 30 January 2007.
- 71 *Weekend* (22 February 2004).
- 72 Interview with woman MP – 10 January 2007.
- 73 Interview with woman MP – 14 January 2007.
- 74 Interview with Paula Atchia – 5 July 2007.
- 75 Interview with former senior woman MP – 30 January 2007.
- 76 Interview with woman politician – 17 February 2007, interview with former senior woman MP – 30 January 2007, interview with woman MP – 14 January 2007, interview with woman MP – 10. July 2007, interview with woman MP – 30 January 2007.
- 77 Interview with woman politician – 17 February 2007.
- 78 Interview with woman politician – 17 February 2007.
- 79 Interview with woman politician – 17 February 2007.
- 80 Interview with Paula Atchia – 5 July 2007.
- 81 Interview with woman politician – 17 February 2007.
- 82 Interview with woman politician – 17 February 2007.

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10 From the newspaper to Facebook

New media, intermediality and political participation in Africa

Akin Iwilade

Introduction

The fall of dictators across the Arab world and the continued challenge to the hold of others, like Assad of Syria, will no doubt go down in history as one of the most remarkable and perhaps even unexpected events of the first two decades of the twenty-first century. As unprecedented, at least in the Arab world, as these events are however, their most peculiar feature is not so much the challenge of decades old dictatorships, but the role played by new media. It is difficult to imagine the uprisings in North Africa and the Middle East as possible without the critical contributions of new media technologies. Apart from providing important validation of the immense potentials of new media as a tool for social mobilisation, they present fresh evidence of the imperative of studying its dynamics, particularly its implications for the framing of the public sphere and, ultimately, the interactions of power within that sphere. The ability of civil society formations to use new media is obviously growing within Africa. It appears the implication of this is not lost on states as efforts aimed at confronting resistance within virtual space are also intensifying.

As noted by Clay Shirky (2011: 28), the threat of new media technologies is in fact not limited to Africa or the Middle East. He documents reports of the role played by new media like text messaging, social networking and blogging in either the ouster or serious challenge of governments in the Philippines, Spain, Belarus and Iran. Citizen journalists have contributed critical voices to the governance and accountability agenda in many countries. Global diplomacy and government business all over the world also faces serious threat from sites like Wikileaks that challenges what it regards as official secrecy and double dealings.

Advances in the technology(ies) of communication and the growing complexity of the modern world thus appear to be changing the way in which media research and discourses are framed. In a globalising world, there are three key perspectives of media, which distinguish it from the old forms, and which have to be taken into account in any analysis. The first relates to the rapidly expanding and increasingly fluid spatiality of media forms. Research on media cultures had hitherto, according to Andreas Hepp (2009: 1), operated in a national-territorial frame. Beck (2000) referred to it as a container theory of international

communication. Thus, media cultures are considered as national culture and are therefore not investigated in their de-territorialised frames. This perspective of media is coming under increased pressure by the transformations being imposed by a changing global system. By breaking down national barriers and diffusing the interactions of power and the control of media information, new media forms like the internet and mobile telephony and media cultures like social networking, professional journalism, Diasporas and celebrity cultures, have clearly changed the way media issues are investigated. These new forms have de-territorialised media research and imposed a globalised perspective of mediatisation and have also globalised the conception of media as an agency of political action. In simple words, these changes have broadened the political, economic and social space of media, thereby undermining its erstwhile statist territorial frame.

A second related perspective is in the perpetual presence of new media. Again, we must locate this in technological advances that have transformed ponderous telephone boxes into wireless hand-held devices capable of providing its owner with perpetual real time contact with people from all over the world. Of course even that amazing device is being transformed before our very eyes into not only a mobile phone but also an internet modem, music/video player, calendar, timer, computer and many others. The social impact of the mobile phone, of video calls, and of the internet has been immense. By being perpetually present, new media has guaranteed a hitherto unknown fluidity and speed of information delivery that has impacted significantly on the social relevance of media. In any case, these new media forms are always there, so much so that news creation, casting and consumption are continuous. This bewildering speed is continually fed both by a public in constant demand for information and the availability of technologies to deliver it.

The growing linkage between various media forms, both old and new, has also opened up new possibilities and complexities in the way media acts as an agency of political action and mobilisation. This, of course, also has implications for the way media is understood and located in the architecture of democracy. This connection between media forms and their growing interdependence is what is referred to as intermediality. At the heart of the intermediality concept is the often mutually reinforcing relationship between different media forms and a recognition of how this tends to strengthen the utility of media as an agency of politics. The print media, even in developing world climates like Africa, has found, for instance, that its presence in the public sphere can be magnified immensely by an effective combination of traditional outlets with the internet. For instance, the Associated Press reported that social media like Facebook, Twitter and MySpace are increasingly influencing not only the discussions about news items but also what specific news items are even read.¹ Social networks are interfacing with online platforms of traditional news sources like newspapers and are thus driving public attention and debate towards specific events and trends. Indeed, actual political discourse relating to prevailing socio-political and economic issues put out by the print media seems to be increasingly conducted on the web rather than on the hard pages. This is not unconnected to the

increased popularity of the internet among millions of educated youth all over the continent with all its implications for the nature and tenor of political participation and the concept of citizenship. This perhaps informs increasing research into what the European Commission for Information Society and Media (2006) referred to as the appropriation of new media by youth.

The three areas of media research identified above are reflective of widespread transformations going on within both the national (territorial) and international (de-territorialised) contexts. In addressing the problem of the media's role in democratisation, through its setting of the agenda and providing a platform for social discourses, it is therefore critical that our analysis straddles the complex and yet emerging spaces created by new media and intermediality.

This chapter examines the impact of new media and intermediality on political participation in Africa in the last two decades. It focuses on how new media forms and intermediality appear to be deepening the growing disconnection between a young and more educated population and the old structures of statehood. It also addresses the impact of intermediality on democratic participation. How does the use of multiple media forms promote and broaden debate? Is there a distinct political value for debate going on in the virtual world? How well does this engage the democratic deficit in Africa? The chapter also looks at the potential of intermediality contracting rather than broadening debate on democracy in Africa. In this regard it examines the future of democratic participation for a generation where new media forms like the internet can increasingly replace direct participation in the political process. Where state democratic institutions do not move with the dynamics of new media, what are the possible impacts on democratic participation? By using broad empirical surveys that demonstrate the connection between media forms and political participation, the chapter concludes that the emergence of new media and the intermediality that it both allows and encourages is significantly reconfiguring conceptions of political participation in Africa. However huge this potential is, the chapter recognises the need for caution in the way we understand the nature of new media. Even though it has a certain liberating potential, its location within the intersection of class, youth and neoliberal economic processes of change marks it out as a highly contested space within which hegemonic and counter hegemonic forces compete.

Deconstructing the intersections: new media, intermediality and political participation in Africa

The media's role is to set and/or aggregate the agenda and provide the platform for public discourse over issues. In this way, the media strengthens political participation. Political participation in the modern sense cannot be fully optimised without a strong mass media, capable of reaching out to the largest possible number of people. This is where the mass media's need for intermediality and the conscious evolution and use of new media forms becomes imperative. The media, in this analysis, is therefore primarily important for its contributions to the construction and sustenance of the public sphere. As described by Habermas

(1996), the public sphere is a virtual or imaginary community that does not necessarily exist in any identifiable space. Ideally, it is the source of public opinion needed to legitimise authority in any functioning democracy (Rutherford, 2000). While these perspectives, without doubt, capture the nature and role of the public sphere in the architecture of democracy, they say nothing of the way the public sphere is constructed or manipulated; neither do they say much about the dynamic changes that result from such manipulation. In studies of identity for instance, the way it is constructed is often seen as being as important as its ultimate uses. These studies also interestingly include analyses of the role of the media in this construction process (Stryker, 1980; Jenkins, 1986; Giddens, 1991; Cerulo, 1997). These studies place into perspective our conception of the media as an agency for political action and change and the emphasis on the importance of its enabling role for a public sphere to exist. That is a view of media rooted in its ability, according to Katz and Aakhus (2002: 3), to spur and coordinate the actions of the masses for political change.

There can however be no spurring of masses or indeed any class without some form of political participation. The critical interface between political participation and the mass media needs no reiteration. But it may be important to examine the concept of participation and contextualise it in the light of objective conditions in Africa. According to Claude Ake (1993: 240), 'the democracy movement in Africa is a powerful, objective, historical force in that it expresses the desire of ordinary people to gain power and material improvement'. This movement, based on the disappointments of independence and post-independence plans, has configured the conception of participation in very objective terms. For the African, according to Ake (1993: 243),

participation is linked to communality. Africans do not generally see themselves as self-regarding atomized beings in essentially competitive and potentially conflicting interaction with others. Rather, their consciousness is directed towards belonging to an organic whole ... participation is as much a matter of taking as of sharing the rewards and burdens of community membership. It does not simply enjoin abstract rights, but secures concrete benefits.

The long periods of dictatorship, occasioned by the inability and/or refusal of the immediate post-independence elite to reform the structures of the state, intensified the development crisis in Africa and deepened mass frustration about these failures. By its very nature, the development crisis raises questions about the ability of the media to reach the majority of the population. Indeed, the emergence of new media, with the requirements of new infrastructure development and remodelling, further compounds the media's challenge of providing a public sphere that is inclusive. The rural populations in Africa are often compelled to cling on to old media at a time that new media like the internet, mobile phones, computers and so on are gaining increasing centrality in the construction of the public sphere. These have implications for the scope, depth, tenor

and intensity of political participation and of course for the legitimization of the democratic process itself.

Indeed, there cannot be democratisation without widespread political participation. At the heart of the call for democratisation in Africa is the need to increase political participation and to encourage a culture of social inclusion. This level of participation in the political process and the very framing of a public sphere that is socially inclusive cannot happen without a virile mass media, aided, of course, by technologies and media forms appropriate for the complexity and size of a modern state. It is however important to note that this social constructionist role of the media is not immune to the patterns of dominance and the interactions of power that determine the character of economic reproduction in the state. Therefore, the role of the press in constructing the public sphere can be, and is in fact often, reflective of existing power structures and may serve purposes that deepen conflict, shrink public debate and promote primordial sentiments. The ethnic composition and/or leaning of the Nigerian press has, for instance, been reported (Haruna, 2005; Iwilade, 2010). The role of the Radio Television Libres des Mille Collines (RTLM) in the Rwandan genocide that cost almost a million lives in 1994 (Kezio-Musoke, 2008) is also instructive of the perverse role the press can play in its construction of the public space.

In the specific case of new media forms, it is important to note that it has not developed outside of the material conditions of society. The very question of access, control and inclusion are fundamentally shaped by the structures of power and material production that govern social relations. The problem of access, often conceptualised as the digital divide, has been broadly articulated as the troubling gap between those who use computers and the internet and those who do not (Mehra *et al.*, 2004: 782) or, according to Wilson *et al.* (2003: 133), as 'the concept developed to describe the gap between those who are reaping the advantages of this new technology and those who are not'. It is assumed of course that those who 'are not reaping the advantages' of new media are generally not doing so because they face constraints to their access and not necessarily by choice.

One indication of this is the causal linkage that many have established between historical marginalisation and the digital divide (Bimber, 2000; Wilson *et al.* 2003; Hargittai, 2008). Thus, it appears the digital divide is not new but merely reproduces forms of marginalisations, disempowerments and exclusions that have existed long before the digital age. It is therefore important to see and understand the realities of marginalisation in which internet use is embedded and the complex tapestry of socioeconomic crisis that frames it (Lentz *et al.*, 2000). The so-called 'digital divide' in Africa must thus be understood within the broader context of social exclusion and economic crisis. In this regard, research should focus on issues of social exclusion, income disparities and general economic crisis within which the use of internet platforms and infrastructure take root, rather than simply homogenising the use and implications of social media since it cannot have meaning on its own outside of the crucial variables, both dependent and independent, that frame questions of access and use.

The above shows that all three concepts are inextricably linked to one another, they are mutually reinforcing and bear a dialectical relationship. Literature is rich in attempts to demonstrate the importance of the media to the political process. Across all cultures and development stages, there is ample evidence that the availability and accessibility of information and the depth, intensity and scope of free debate on public policy is crucial to the deepening and survival of democracy. This deepening process must of necessity involve the leveraging on new media and intermediality to the extent that they provide increased opportunities and incentives for public discourse. New media's growing power can no longer be contested; neither can its potential to strengthen even further (Bennett, 2003). The emergence of a virtual public space, competing with or complementing the 'real' world however brings with it new challenges. These new challenges can call to question the nature of participation. They can also encourage us to think about the reproduction of familiar patterns of marginalisation and exclusion, for instance gender and class, and what it means for democracy when a new public sphere is emerging that threatens to leave behind the rural poor and strengthen the urbanising middle class.

While new media spaces are important arenas of contest between citizens and the state as well as among other competing social interests like identity and class, its influence on the ability of citizens to participate in the making or unmaking of specific political orders is our main concern here. There are two critical areas that have been particularly crucial to new media's role as both an enabler and disabler of public participation. The first is in the area of youth protest cultures. The voice of youth has suddenly become harder to ignore as a consequence of their appropriation of the new media space. This has yet to translate into concrete political power as the ultimate adult winners of youth-initiated protests in Egypt show, however, as alternative sites of discourse, social media has made it possible for young people to participate in the debates about the nature of power and what it means for democracy on the continent. In specific cases like the fuel subsidy protests in Nigeria in January 2011, social media played a significant role as a mobilising platform. It also expanded the debate in ways that indicated that the context within which youth dissent and resistance is generated and expressed is rooted primarily in questions surrounding their role and place in the production process and the opportunities that exist for them to play that role. The nature of new media however also ensured that this was a highly class-based and exclusive discourse framed by broader questions of access to the basic technologies and infrastructure required to be able to participate in this debate. This pattern is observable in the food protests of Mozambique in 2009 and indicates the need to be cautious in the way we think about new media as an inclusive public space.

Another crucial arena within which the potential of new media for shaping political participation, and ultimately democracy, is obvious is electoral governance. The growing ability of citizens to shape electoral governance through the instrumentality of new media has been reflected perhaps best by innovative applications like *Ushahidi*. This violence mapping application was developed in

Kenya to aid citizen reporting of electoral violence and malpractices. This put immense power in the hands of ordinary people who were able to use mobile phones, gadgets that could not be excluded from polling booths, to report violence thereby putting pressure on electoral managers to clean up their acts. The widespread violence of the Kenyan elections of 2008 however indicates that wider political and social cleavages often mask the transformative potential of new media spaces. However, the unprecedented ability of everyday people to report violence in an effective and very public way is an indication of how much new media can serve as a tool through which interactions of power can be renegotiated.

The virtual and 'real' spaces of participation

As the above indicates, it is obvious that new media forms like the internet and mobile telephones have had the effect of diffusing the power centres of information significantly. For one, they have reduced the ability of the state to control the flow of information and have dramatically provided relatively cheap ways through which ordinary citizens can set the agenda of news. The use of YouTube videos, text messages, e-mails and the like have had widespread impact on the construction of the public sphere and the way it redefines the conceptions of political participation. As was reported by Hezron Ngunde (2008), these media forms, particularly text messages, have been so successful in places like Kenya that they have grown to become indispensable platforms for social mobilisation. While these new media forms have undoubtedly given unprecedented power to autonomous social forces to frame the public sphere, they have also provided a hitherto unavailable window through which the state may determine the most intimate thoughts, preferences and plots of citizens. This ability to be both an asset and a liability is a defining character of new media. Indeed, as autonomous social forces become increasingly adept at using these media, the state is also plugging into the technologies and shows a willingness to appropriate, as much as is possible in the circumstances, of this space.

For instance, in September 2010 there were widespread protests against rising food prices in Mozambique. The Mozambique case is instructive because it not only provides evidence of the growing power of new media (in this case, text messaging in particular) to mobilise people for specific political action, but also of the equally growing ability of the state to clamp down on it. The protests were largely organised through text messages that called for Mozambicans to turn out en masse for anti government rallies. Some of the text messages reportedly read 'Mozambican, prepare yourself to enjoy the great day of the strike. Let's protest the increase in energy, water, mini-bus taxi and bread prices. Send to other Mozambicans' (Berger, 2010). This message and the unrest that ensued not only underlines the organisational power of new media as a tool for social mobilisation, but also demonstrates the extent to which it can empower the middle class to frame the issues in the public sphere. The Agence France-Presse (AFP) also reported that the National Communications Institute of Mozambique sent a letter

ordering state cellphone operator mCel and the private operator Vodacom to suspend text messaging on the afternoon of the protest. The two carriers reportedly obeyed the instruction because it had been given by the government as a decision framed in terms of national security (AFP, 2010). Furthermore, nine people were arrested after text messages trying to spread the protests to hitherto peaceful areas were traced to their phones in Nampula in Northern Mozambique (Cammillo, 2010). This shows that even though new media technologies offers some sort of anonymity, they can still provide the state a hitherto unavailable window into private lives that can be exploited to clamp down on public dissent (Iwilade, 2013).

New media also hold the possibility of replacing actual participation with virtual participation or simply redefining what the concept of participation means and how it is articulated in the everyday engagements of the middle class with the political process. This has serious implications for democracy as more engagement online and inevitably more political awareness may ironically actually translate to less political power. Democracy, as Naastrom (2003: 808), notes, falls back on a community of citizens who are collectively self-governing. It requires a 'people'. Without a clear notion of political community, of who the citizens are, therefore, democracy would be inconceivable. Because of what we had earlier recognised as the expanding and increasingly fluid spatiality of media, or its de-territorialisation, new media challenges established conceptions of citizenship and can indeed undermine its very value. Non-nationals can, for instance, play a significant role in framing the public sphere through the diffused and near unrecognisable borders of the internet. This ability to frame discourses in foreign lands is quite unlike the deliberate propaganda of the pre-new media era. In that era, the state, as part of its foreign policy initiatives, issues its own reading of events and attempts to influence public perception in other states, including that within its own territory. This era is described by James Rule (2002: 242) as that in which the civil populations were 'constantly at risk of manipulation from remote, powerful government and corporate organizations' and in which the medium of control is mass communication. A serious drawback of this type of opinion framing is that it is widely recognised for what it is: a deliberate manipulation of information. It can thus be rejected or stained by a simple appeal to nationalism, sovereignty or cultural purity. New media, on the other hand, provides a different sort of platform through which public opinion may be framed and influenced. This platform is unique in that its dynamics are determined largely by autonomous publics in competing societies. Rather than the state, new media lends itself primarily to influence by individuals, corporations and a host of other non-state actors. These new actors can claim to be dispassionate critics of issues. But perhaps more significantly, they can be concealed in the impersonal and anonymous web of the internet, so much so that the line between citizens and non-citizens is blurred. This particular nature of new media raises questions about its impact on democratisation. In a broad empirical survey of 19 African countries in 2008 by Afro Barometer for instance, it was found that new media play a very significant role in constructing the

‘cosmopolitan’ African. It was also found that this rapidly expanding ‘cosmopolitan’ mindset, was having significant impacts on ‘how individuals think and act as citizens and, possibly, as democrats’ (Afro Barometer, 2009: 1). In a similar vein, Hannerz (2007) argues that access to new media enables individuals to engage with practices and ideas outside their immediate geographic and cultural space and also facilitates connections with global ideas as well as behaviour. Connections to transnational migrants, according to the Afro Barometer survey, also permits many people to experience life in other parts of the world vicariously through contact with friends or relatives living abroad (Afro Barometer, 2009: 2). These factors appear to be contributing significantly to changing notions of citizenship and thus political participation. How can new media be considered an agency of democratic consolidation when it blurs the line between citizens and non-citizens in the way it redefines public participation? Or can there perhaps be a democracy without a citizen?

As Richard Bellamy (2008) noted, citizenship is defined essentially by political participation. It was once indubitable that citizenship required some form of commitment to public responsibility. But new conceptions of citizenship are increasingly private at the same time that globalisation is imposing the cosmopolitan ideal. This shift in the conception of citizenship must be seen within the context of a neoliberal advance that privileges the private sphere even in ‘public’ issues like citizenship. It may also be traced to the way new media promotes impersonal participation, a form of political involvement that is uninvolved, distant and anonymous. In this way, new media may be undermining the very essence of democracy, which is political participation.

How do these challenges impact on democracy? Where citizens cannot be easily recognised in ‘national’ public discourse, participants cannot be expected to fulfil the kind of exclusively national stakeholder perspectives that once drove sovereignty. To further complicate the problematic, the impersonal nature of new media forms like the internet guarantees that participation is largely virtual; a series of one-off, even if passionate, comments and exchanges on items in the news. This view however ignores a very critical feature of the media: its utility as an agency of political action. Recent events in North Africa and all over the world have shown that those supposedly one-off political exchanges can serve as catalysts for mass action. The widespread use of text messages to promote certain viewpoints during the Jos riots in 2008, 2009 and 2010 in Nigeria, and the food price riots in Mozambique and the use to which the internet, particularly social media like Facebook, Twitter and MySpace, were put to in the Iranian and Kenyan election crises show that new media is as much an agency of social action as the old. Of course, the place of new media was even more central in the ‘Arab Spring’ of protests that ousted established dictatorships in Egypt, Libya and Tunisia and which now threaten Syria. Their increasing popularity among youth is a potent sign of what utility they might have for the evolution of the public sphere and participation in it.

The Internet World Statistics (IWS) data shows a massive explosion in internet usage and penetration for Africa. At a penetration rate of 8.7 per cent, about

87 million Africans as at 31 December 2009, have access to the internet. Of this number, 11 million are Nigerians (IWS, 2010). This huge number is indicative of the increased popularity of the internet, read new media, as a source of private and public exchange. In fact, it masks an even more dramatic increase in the actual growth of internet penetration between 2000 and 2009. In that period, the IWS reported a massive 1,809 per cent growth in internet usage in Africa. For Nigeria, between 1999 and 2009, the growth rate is at an astronomical 5,500 per cent (Press Reference, 2000; IWS, 2010). Even though there is clearly a world-wide trend towards new media, Africa seems to be catching on amazingly fast. Interestingly, the old media appear to be paying the price for this growth. For a country with 11 million internet users, daily newspaper circulation is a mere 2.7 million copies (Press Reference, 2010). This is for an industry that had existed for decades. What this indicates is that new media are far more accessible and their increasing salience to public discourse cannot be denied. Many other similar empirical studies of the growing role of new media in other African countries show that these results can be safely generalised (Afro Barometer, 2003, 2009; Chikwanha *et al.*, 2004; Bratton, 2006; Tettey, 2008; Shirky, 2011). The question then is no longer whether new media will be important but how well the democratic institutions of state will adapt to this emerging dynamic. It is to this that I now turn.

State, new media and democratic institutions

In this section, I intend to examine to what extent democratic and policy institutions have adapted to the emerging dynamics of new media and intermediality. If new media is to be as important as many predict it will be in the coming period, the way democratic institutions deliberately attempt to adapt to this emerging public space may be indicative of the depth of democracy. In most African countries, a search through the internet revealed that except at the level of central government, the use of official websites to disseminate information and receive feedback from the public is extremely low. Even at the centre, where many parastatals now have .gov websites, the sites are more a platform for propaganda, private appropriation of power and ego trips than genuine spheres of public debate. As Ochonu (2004: 27) once noted, even in a supposedly democratic Nigeria for instance, the theatrics of power mirrors a dangerous escalation of abuse that is so entrenched that it renders alternative forms aberrant. This theatrics of power is reflected in the way the state uses new media forms, a sign that its advantages for promoting public debate is lost.

Public debate clearly seems not to be the concern of government websites in Africa. Many sites do not even have interactive platforms, and for those that do, usage is extremely low. To find out the popularity of government websites, we asked if respondents had ever used any government-owned site. In our survey, only 18.18 per cent reported having ever used a government website. Even of this very low number, no single respondent reported using government websites to communicate with officers on policy issues or even to complain about specific

treatment. The general use to which they put government sites was to pay fees or for academic research. If placed in the context of widespread youth use of the internet and their expectations of feedback and debate earlier noted, this indicates a disconnection between the societies' movement towards new media and the government's response. It raises the question of the overall ability of the African state to understand and develop the capacities required to plug into the emerging dynamics of the African public space.

The disconnection that our field data indicates is a reflection of not only the political economy of Nigeria, particularly in the context of weak state capacity, but it also reflects on the shallow depth of the ongoing democratic experience. This is reflective of the situation in many other states across Africa as results from the earlier described Afrobarometer surveys have shown. What then are the implications of this disconnection for political participation in Africa?

Imagining the future of political participation in Africa

How will democracy look in the near future in Africa? There is as yet no definite answer to this question that may determine the very survival of many states in Africa. It is a bit easier searching for the possible futures for new media in Africa's democracy. I presume that there are three alternative futures for African democracy and its interaction with new media. None of these three alternative futures exclude the increasing relevance of new media in serving as platforms for social mobilisation. What is in doubt is whether qualitative political participation will improve with new media or whether new media will merely mask declining interests in the public sphere.

The first future I foresee is that new media will continue to redefine our conception of political participation. By increasing the accessibility of information and the means with which to contribute to the debates generated therefrom, new media will continue to enlarge the public sphere and intensify debates within it. This will provide a window through which public opinion may be gauged and policy generated. This situation can only deepen our democratic experience and consolidate a future of public debate and tolerance.

The second possible future is that the African public sphere will be taken over by foreigners. In this, given the extreme porosity of the internet, Africans lose cultural control of the virtual public sphere and this is translated into loss of control in the 'real' world. The westernisation of youth, who appear to have effectively appropriated the internet and other new media platforms, seems to justify this perception. In an analysis of the impact of social construction of identity on what has been described as 'mass behaviour', William Kornhuaser (1959: 60) notes that 'people are available for mass behaviour when they lack attachments to proximate objects. When people are divorced from their community or work, they are free to unite in new ways'. The new ways in which African youths seem to unite in the virtual communities created by new media is of the type that challenges the very heart of our conceptions of citizenship and political participation. It appears that given widespread alienation from the central identity of the state in Africa, a

condition that is not unconnected to what Peter Ekeh (1975) described as the two publics problematic in Africa, the new communities being formed are far from being national ones. This means that not only is new media to be even more de-territorialised, but political participation may also be denationalised. The implications for African democracy are dire. While this does not necessarily suggest that there is no inherent democratic value to cosmopolitanism, it remains to be seen how democracy can develop in Africa, or indeed in any other state, without a clearly defined perspective of citizenship and with it, the rights and responsibility of political participation. The literature on the importance of citizenship to political participation and on the relevance of a statist or perhaps even nationalist conception of the idea is quite definitive on this (Whitehead, 1989; Naastrom, 2003; Pratt, 2004; Went, 2004; Bellamy, 2008).

The last future is the possibility of the public space developing in such a way that it leaves the state behind. It is, at the moment, quite inconceivable that there can be a public space without the state. For after all, what best aggregates the public and its interests if not the state? On the other hand, we may have to look at the literature on state alienation to see how disconnected the state can indeed be to the society. That the state is being alienated is not as the works of Ake (1985, 1993) indicate. What may be new is the way new media will deepen that alienation. If the public space will increasingly go virtual, as it appears set to be doing, and the state does not provide the environment for engaging the public in its preferred space, then counter publics or perhaps even indifferent publics will be the result. It is in this context that I envisage the evolution of a public sphere that excludes the state.

These futures are deeply immersed in the development crisis being faced by Africa in the post adjustment and neoliberal age. The certainty of any of these emerging cannot be tested with any empirical certainty, they are indeed theoretical conjectures. What though is certain is that a future without new media, cannot, for now, be imagined.

Conclusion

In this chapter, I examined the way new media and intermediality have affected and can affect the democratic process in Africa. In doing this, I located the two concepts within the changes going on in both the domestic and international contexts. These changes, I argued, relate in so many ways to the pressures on the state both from above and below that appears to be strengthening autonomous social forces vis-a-vis it. New media appears to be, among other things, undermining the ability of the state to frame its public sphere. This has implications for political participation. With private citizens, corporations and social movements holding, for the first time, the vast majority of platforms through which public information, discourse and debate are conducted; the state inevitably loses its control. This is generally good for democratisation.

I also noted that by their very nature, given the role of technology, new media may provide the state with an otherwise unavailable window through which the

most intimate thoughts of citizens may be gleaned. It can be expected that debate about the privacy of the internet and telephones will intensify significantly. This will be framed largely by the state's perceived need, for reasons of national security, crime fighting and so on, to monitor private exchanges over these fluid media; and the society's inevitable resistance to its intrusion. This scenario is already playing out in varying forms in the developed world.

In examining the potential of new media to redefine our conceptions of political participation and challenge the role of citizenship in it, I pointed out that, by its very nature, new media can so enlarge participation that it de-nationalises the 'national' sphere and imposes cosmopolitanism. In the context of a neoliberal advance that denies the specificities of societies in the periphery, this may spell the death of what remains of the African state and, more ominously, prevent the erection of a reformulated one.

Given the disconnection I established between the youth and democratic institutions in their use of new media in Africa, it becomes difficult to be overly optimistic about the future of democracy. It is clear that political participation will be key to the deepening of the democratic culture in the continent. This participation, as has been established by a good number of analysts, goes beyond occasional voting (Adejumobi, 2000; Ake, 1993, 2000; Fawole, 2005). If, between the next generation and the state, the preferred platform for policy and political discourse does not find a way of coalescing, then a disconnect occurs that will reflect in decreasing participation in the political process and thus, greater alienation of the state. The consequences of this for stability need not be restated.

It is important that effort is made to deepen the African state's presence on the internet in such a way that generates public interest in its activities and stimulates widespread debate about its very essence. By participating in and actively promoting these discourses, the state will be guaranteeing its survival, albeit in a reformulated form.

The jury is however still out about how this emerging process will impact on democratisation in Africa. It is not clear for instance, how well new media can avoid its appropriation by dominant forces of society, the same way the civil society appears to have been appropriated. It is also not clear how the questions of technology transfer, with all its underlying themes of underdevelopment and dependency, and the nature of a peripheral political economy, will impact on intermediality that appear to always accompany the evolution of new media. I am convinced that further research will well benefit from the examination of these critical questions.

Note

- 1 The Associated Press report was based on the findings of a study by the Pew Research Centre for Excellence in Journalism, which was in turn based on data compiled by Nielson Co. during the first 9 months of 2010. It notes, among other things, that social media like Facebook empowers people to rely on their online social networks to point out interesting content (Associated Press, 'Facebook sharing sending readers to big news sites', news.yahoo.com/s/ap/20110509/ap_on_fb.html, accessed 9 May 2011).

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11 The role of access to information for democratisation and governance in Africa

Fola Adeleke

Introduction

Central to translating the values of democratisation and governance into effective strategies to promote transparency and open government in Africa is the issue of access by citizens to government and in some cases, privately held information. My objective is to establish the importance of Access to Information (ATI) to the governance process in terms of public participation and the accountability of institutions to the general public. One of the ways this can be achieved is no doubt through the right of ATI and the enactment of ATI laws by African governments is central to that.

Given the continued campaign by non-state actors and the successful adoption of laws by African states relating to the right to information, a review of the current trends on the African continent relating to the strengths, weaknesses and opportunities of these processes with a view to plotting the prospects of using this right to advance democracy and governance in Africa, determine emerging trends and outcomes as well as the identification of good practices is necessary. The understanding of ATI laws needs a rethink in terms of its ability to give effect to the constitutional right to information and meet the objectives of transparency norms and standards.

As emerging constitutions on the African continent introduce the right of ATI and other countries pass ATI laws, the role of government institutions in implementing these laws and meeting the demand for information by the public is central. The call for transparency in government has dominated the debate within academic and civil society circles for a while. In contributing to this debate, I identify various features that should govern information disclosure to the public and my focus is to identify a form of transparency standard that should change the understanding of ATI in African governments.

Conceptual understandings of transparency

Transparency is becoming a field of knowledge on its own. Measures to improve the system through new rules on transparency are being adopted by various governments. Rawlins defines transparency as the deliberate attempt to make

available all legally releasable information, whether positive or negative in nature, in a manner that is accurate, timely, balanced and unequivocal, for the purpose of enhancing the reasoning ability of the public and holding organisations accountable for their actions, policies, and practices (Rawlins 2009: 4). Embedded within Rawlins' definition is the idea that transparency is closely linked with information disclosure, the elements that should guide that disclosure, the importance of information for reasoned decision making and the relevance of information for ensuring accountability.

Transparency is often linked with the disclosure of information. Central to the notion of transparency then is the quality of information released to the public. Michener and Bersch argue that 'information is most useful and most easily verified when it is presented in the rawest form possible, is verified by a third-party mediator, and contains a simplifying device, such as a label or score' (Michener and Bersch 2011: 2). According to Michener and Bersch, 'just because something is public does not mean it is visible. To be visible, information must reflect a high degree of completeness. Visibility also incorporates a second characteristic: the likelihood of finding information' (Michener and Bersch 2011: 8). The likelihood of finding information relates to the records management potential of governments, something that is lacking in most African states (Darch and Underwood 2009). The problem of lack of adequate record keeping originates from the culture in most states where archival practices have little or no relevance since decisions are not informed by precedents. Records management is central to measuring the quality of transparency in any given system. Accessing records that are inaccurate or incomplete without the knowledge that some information might be missing or inaccurately recorded means that inaccurate conclusions will be drawn from such information made available.

Embedded within the idea of finding what the ideal transparent system should be is what has been termed the 'moral hazards' that consists of the possibility of manipulating the disclosure of information by the discloser which is informed by a motive to meddle with the inferability that can be drawn (Michener and Bersch 2011: 11). According to Sproull and Kiesler,

if groups send and receive accurate and complete information, they potentially compromise their strategic positions and threaten the balance of control in the organisation. Senders, knowing this, misrepresent information. Recipients, knowing this, discount information. Simply increasing the rate and scope of information sharing might only increase the number of misleading and discounted communications.

(Sproull and Kiesler 1995: 117)

Embedded within this suggestion is the cynical idea that information is demanded and disclosed based on motives which have little to do with transparency and the outcomes of accountability.

Transparency has been described as 'a moving target shaped by the interpretations, negotiations and enactments by legislators, regulators and other

agenda-setting stakeholders, in other words, an arena of communication where ideals, expectations and demands are continuously formulated, enacted and contested' (Flyverbom *et al.* 2011: 12). This supports the idea that transparency is driven through motives and it is important that the motives for the drive for transparency is about the people and ensuring accountability by government to the public. Though the values identified by Rawlins are certainly relevant for the quality of information released, O'Neill believes such prescriptive approaches to transparency as a simple matter of information provision detaches information disclosure from communication and a mere act of transferring content from one person to another (O'Neill 2006: 81). This he believes discounts the importance of the reception and use of information, and of the process of communication. (O'Neill 2006: 81). This process of communication is important for the principle of public participation central to an open democracy.

Viewed in the light of these sentiments by O'Neill, there are three important considerations that will be discussed in this chapter. The first is the effect of the contestation for ATI in Africa, the second is the emerging trends and outcomes, and the third is the good practices emerging from the success in the various struggles.

The contestation for ATI in Africa

In the wake of various ATI laws being passed on the African continent, it becomes easy to set the standard for optimal transparency as the quality of the legislation that has been passed and the extent to which this law enables citizens to access records from government. According to Darch, this tells us

nothing about context, nothing about levels of use of the right, and nothing about levels of satisfaction with outcomes. Correlation is not causality. It is easy to see that in a country with an already secretive government, the number of ATI requests might be high; in a country with broadly transparent behaviours, the number might be low. Hence, a flood of requests may tell us many different things about the politics of a particular state. The mere handing over of documents does not necessarily mean that a citizen's needs have been met.

(Darch 2011: 11)

Despite this, there has been an explosion of developments in relation to ATI legal framework in Africa. The right to information is recognised in six African Union treaties including the African Charter on Human and Peoples Rights.¹ The African Commission on Human and Peoples' Rights in 2013 also adopted a Model Law on Access to Information for Africa to guide states in the passage of ATI laws.

Twelve African countries, South Africa, Nigeria, Zimbabwe, Angola, Uganda, Ethiopia, Liberia, Niger, Guinea, Tunisia, Rwanda and most recently Sierra Leone have adopted ATI laws. Five of these countries (Sierra Leone,

Liberia, Guinea, Niger and Nigeria) passed ATI laws in recent years. Both Mali and Senegal also currently have public administration laws that allow for access to administrative documents. The origins of the passage of these laws are quite varied. There has been a strong civil society campaign for the passage of these laws and in countries like Nigeria, the campaign for an ATI law lasted 18 years. Zimbabwe, Angola, Guinea and Niger adopted ATI laws independent of the democratisation process with no clear indication on what motivated this. Zimbabwe's law is designed to control ATI and contains provisions that give the government extensive powers to control the media by requiring the registration of journalists and prohibiting the 'abuse of free expression' (Sendugwa and O'Connor 2013: 16–17).

At the national level, 17 countries recognise the right of ATI, with Kenya being the most recent country to do so. However, while the recognition of ATI rights and the passage of laws is a positive development, the failure to effectively implement these laws has not led to the intended outcomes of transparency, public participation in governance and holding government accountable.

The history of Africa's colonial rule left a lasting legacy of a culture of secrecy, largely maintained in post-colonial governance (Sendugwa and O'Connor 2013: 16–17). Also, the liberation movements in Africa that operated 'underground' made secrecy a way of life and this was carried into government and the continued presence of many liberation movements as present-day governments in Africa presents a unique challenge for ATI advocates (Sendugwa and O'Connor 2013: 16–17). Closed and secretive governments have also created a perception among citizens that there is no right to know about the actions of government. (Sendugwa and O'Connor 2013: 16–17).

Despite the passage of ATI laws, the enforcement mechanisms and the development of governmental capacity to implement has been very poor largely as a result of inadequate political will in governments. For example, regulations to aid the implementation of the Ugandan ATI law were passed six years after the passage of the law. In Ethiopia, no such regulations currently exist and in South Africa, the country with the oldest ATI law, despite the existence of the right for 13 years, annual reports of the South African Human Rights Commission, the body tasked with monitoring compliance with the law, shows that compliance with ATI obligations by government departments has been consistently below 40 per cent.

Given the prevailing norm of the passage of ATI laws, the importance of this mechanism in seeking transparency ideals is important. The bureaucracy that comes with ATI laws can resist openness in a number of ways. These include failure to provide manuals to allow public friendly use of the law, inappropriate fees to access information, difficult requirements for processing requests, failing to ensure the supremacy of ATI laws and adopting ineffective enforcement mechanisms (Bribbey *et al.* 2011). These ways constitute means through which the government can resist transparency either actively or passively. A failure to provide manuals for how to access information, inappropriate fee arrangements and complicated requirements for processing requests are said to constitute a

form of passive resistance because these hurdles can discourage usage of the law. On the other hand, failing to ensure the supremacy of ATI laws in the face of other legislation that restricts the disclosure of information and weak enforcement mechanisms when ATI laws are violated can allow the government to actively resist the release of information (Bribbey *et al.* 2011).

The implementation challenges show clearly that the adoption of ATI laws is hardly the end of the road in demanding accountability from government through transparency. There are different possible ways to ensure transparency in government. The first is ensuring compliance with the obligations in ATI laws through training for public sector officials, developing records management systems, adequate budgetary allocations and a political commitment to ensure the effective implementation of ATI laws that ultimately leads to responding to requests for information from the public. Second, transparency should be seen from a voluntary perspective because ATI is a human right and should be seen as an issue of strategic importance. Transparency is an instrumental value to ensure accountability, equality and justice because these are values that transparency helps to achieve.

Currently, there are 115 national ATI laws globally, with a majority of those laws from new democracies (www.rti-rating.org/country-data/, accessed 15 April 2017). According to Calland, the mobilisation at a community level for an information request for records that exposes corruption is possible because ATI can fundamentally be a matter of politics and political economy (Calland 2013: 15). The rapid activity in this area has been explained in earlier academic works to include the role of international organisations and the influence of foreign governments (Darch and Underwood 2010: 52). While there have also been attempts to define what constitutes ATI and why it is invoked and preached as the all-encompassing solution to many shortcomings of governments, clear alternatives to the well-documented challenges faced by advocates of ATI to the attempts made by other social forces to scuttle transparency norms and standards have not been fully developed. While ATI is increasingly being explicitly recognised as a human right in emerging African constitutions as is the case with South Africa, Uganda and Kenya, the indirect recognition of this right under the broader freedom of expression principle is also well entrenched. However, the strongest argument in favour of ATI cannot be its recognition as a human right but rather, its value in the realisation of other socio-economic needs.

The emerging jurisprudence in Nigeria suggests that users of the ATI law have made information requests that are geared towards exposing corrupt practices in government. It remains to be seen to what extent this strategic approach will aid or hurt government responsiveness to information requests or increase the enthusiasm of the public in making use of the law. This approach in other jurisdictions has not been particularly successful and it tends to marginalise poorer citizens of society who are more concerned with their daily living than exposing corruption through active citizenship. Darch cautions that in environments where political systems are patrimonial, bureaucracies have low capacities and politicians are largely not accountable to the citizenry, the rights character of

ATI might not advance its cause (Darch 2013: 46). Two cases in South Africa are worth discussing to highlight the value of pitching ATI as a 'right to know, right to live' mantra as was the case in India as opposed to a tool to realising other benefits which Darch and Underwood have successfully debunked as false claims (Darch and Underwood 2010).

The Vaal community in South Africa has been at loggerheads with Arcelor Mittal, South Africa's largest steel producer, for several years. The community had made requests for information to the steel producer in an attempt to close a disposal site owned by the company where it was alleged that hazardous waste was being illegally dumped. The community wanted to know the impact of the steel producer's conduct to their environment and health. In a ruling by the court granting access to the documents requested by the community, the court held that:

a community based, civil society organization ... is entitled to monitor, protect and exercise the rights of the public at least by seeking information to enable it to assess the impact of various activities on the environment ... and must be encouraged to exercise a watch-dog role in the preservation and rehabilitation of national resources.²

Since the request for ATI was directed to a private entity, in terms of South Africa's ATI law, the condition for the release of those records is to satisfy a condition that the record sought is required for the exercise or protection of a right. The community had sought access to the records from the steel producer on the basis that they were seeking their right to an environment that is not harmful to their health or well-being. The court held that reliance on this constitutional right satisfied the threshold that the community had to meet and also encouraged public campaigns similar to that which the community had mobilised itself for.³

Taking the case study above, the value of ATI in realising other socio-economic rights is clearly demonstrated and, second, the importance of extending the constitutional and statutory scope of the right of ATI to the private sector also comes to the fore. The extension of this scope to private entities rendering public services is uncontroversial and the case study above highlights where a private entity operates in a wholly private space, the scope nevertheless still needs to be extended to private power. The future of the right of ATI is moving towards not only reliance on a constitutional and statutory regime but also towards voluntary strategies that advances transparency such as the Extractive Industries Transparency Initiative (EITI), the Construction Sector Transparency Initiative (CoST) as well as Open Contracting. The value in these initiatives ensures that private sector players take ownership and responsibility for these transparency initiatives and they appreciate the strategic importance of embracing transparency principles. As Darch argues, the mere existence of a rulebook such as an ATI law tells little about how accountable a regime actually is in practice as is the case with Angola and Zimbabwe where ATI laws exist but transparency is non-existent (Darch 2013: 29).

The second case study from South Africa relates to the *Mail & Guardian*, a popular newspaper in South Africa that sought access to records that would expose the misuse of state funds by the government to rebuild the President's private residence under the guise that they were fixing the residence to upgrade the security features.⁴ The request for information was denied on the grounds that the records requested contained national security information that is exempted from disclosure. The matter is currently being litigated in court and while there is a likelihood of the court directing the information to be released in the public interest, the resistance to request for records by the government is not unusual since the default position to requests for information where the records requested relate to controversial issues often result in passing the buck which leads to either a blanket refusal of the requests through reliance on a broad exemption or simply ignoring the requests. The mobilisation at a community level for an information request for records that exposes corruption is possible because ATI can fundamentally be a matter of politics and political economy (Calland 2013: 15) and depending on the social context of a country, grassroots mobilisation around such issues can be achieved. An example of this is the Right to Know Campaign in South Africa, an existing campaign that was formed four years ago and which constitutes a broad church of various organisations to oppose the passage of the Protection of State Information Bill (Sendugwa and O'Connor 2013: 18).⁵ The passage of this Bill was objected to on the grounds that a Bill that restricts ATI on grounds of national security and creates a broad ground for classification of information creates a loophole to restrict access to records that could potentially expose wrongdoing. The campaign made a direct connection between the costs of corruption and its effect on the ability of government to deliver social services. While the campaign focuses broadly on transparency issues, what this campaign highlights is the importance of a different conceptual understanding of ATI where information is rather proactively and voluntarily made available online where huge amounts of information is readily made available as opposed to the one requester, one record approach that ATI laws typically offer.

The right of ATI is sometimes perceived as an elitist right that has little relevance for the economic hardships in Africa that have led to the sacrifice of human rights agendas and the prioritisation of economic issues. It is important to therefore theorise and establish ATI as important for the realisation of more tangible socio-economic rights if the public will use it as a tool for demanding service delivery from government and demanding accountability. A minister in Rwanda recently noted that if ATI is viewed as a tool that can be used to achieve poverty reduction, food security and economic development, no African government will oppose it (Sendugwa and O'Connor 2013: 16–17).

Much writing on ATI embeds the freedom of information concept firmly and without question within the universal ideology of human rights. In an earlier work, I explore Darch and Underwood's proposition that questions whether the location of the right of ATI in a wider human rights' framework is because it is genuinely some kind of human right (Darch and Underwood 2010: 130). In

Darch and Underwood's work, they argue that the function of the right to information is based on the interest theory, which maintains that the function of a right is to advantage holders in some way by advancing their interests (Darch and Underwood 2010: 140). As a result, a person requesting information can use it to leverage the realisation of other socio-economic rights. There is evidence of this realisation of socio-economic rights in South Africa as discussed in the first case study above. This is however only possible with a citizenry with the self-awareness, skills and resources necessary to confront the machinery of the State (Darch and Underwood 2010: 243).

The machinery of the state in Africa is however significantly weakened in comparison to more developed states. In an attempt to explain the fact that Africa is not lagging behind in the ATI movement because of the slowness in the passage of ATI laws compared to what is happening globally, Darch argued that while the normative claims made for ATI have not been matched with the reality, it is not necessarily the lack of political will, weak legal-administrative systems and poor implementation of the law that has caused this (Darch 2013: 30). He argued that the inherently weak states in Africa after colonialism may be a cause for this due to the lack of well-established bureaucratic structures that might address issues of for instance, records management (Darch 2013: 31).

Despite these hindrances highlighted above, there are various reasons for the adoption of freedom of information laws in Africa. Darch and Underwood recognise the influence of specialist non-government organisations (NGOs) working with local partners to spread their ideology, the influence of Western governments and large international organisations such as the United Nations Development Programme (UNDP) who have also driven the spread of ATI (Darch and Underwood 2010: 52). The Obama-led administration in the USA introduced the Open Government Partnership; an initiative that encourages governments to raise the level of their openness in key areas to enable public participation. Other international organisations have also sought to use their position to influence the adoption and implementation of ATI laws. The World Bank Institute has sponsored initiatives on the continent that favour, among other initiatives, Open Contracting that ensures fiscal transparency in the use of public funds for public services.

While there has been recognition on the part of civil society that transparency is a powerful tool to hold government to account, hence the strong advocacy that has led to the successes in Uganda and Nigeria, the story has been different for other ATI contestations in Africa. As a result of this checkered history, sometimes ATI laws have been adopted by African governments to merely 'tick-the-box' to give them more legitimacy in an international space. The contestation for transparency in Africa has been a struggle with a mixed bag of successes. The understanding of transparency and its importance for open democracy has not been fully internalised and embraced. Civil society organisations working in African countries have also documented their struggles and the counter forces to scuttle the efforts.

In Uganda, the 1995 Constitution guarantees the right of ATI and prescribed the passage of a law that would deal with the classes of information that can be accessed and the procedures for obtaining access. This law was not passed by parliament soon enough and a campaign led by the Anti-Corruption Coalition and the Human Rights Network-Uganda (HURINET-U) which later formed a Coalition on Freedom of Information led to the passage of the law (Ngabirano 2013: 195). The key feature of the campaign was the role of the right to information in getting rid of corruption (Ngabirano 2013: 195). The campaign developed a draft law that was tabled in parliament as a private member's Bill and consequently passed by parliament (Ngabirano 2013: 195). Despite passage of the law in 2005 however, it took another five years before the law came into force due to a requirement for several regulations to be passed to govern the procedure for access, fees, among other issues. Despite the passage of the regulations, enforcement of some provisions in the Act remain problematic and litigation still remains a viable strategy to obtain access to records as previously done before the passage of the law (Ngabirano 2013: 199). Lack of knowledge about the right of ATI within the public service and the citizenry has been attributed to the lack of effectiveness of the ATI law. Similarly, the highly elitist and urbanisation of the campaign by the coalition that drove the ATI campaign in Uganda has been identified as a cause for this lack of awareness (Ngabirano 2013: 205). The sporadic and disjointed nature of advocacy campaigns around ATI, the limiting effect of the law in terms of fees and exemptions as well as the lack of a coordinated approach to the ATI campaign since the passage of the law and its regulations have been identified as factors responsible for the diminished success of the law (Ngabirano 2013: 211).

In Kenya, various obstacles have been identified as inhibiting the realisation of the right of ATI. These include prohibitive requirements that may be used to exclude information from being disclosed, lack of ATI with regard to key projects such as the community development fund where knowledge about the operations of the fund and its mandate are limited and the prevailing culture of secrecy applicable to the Kenyan public service where claims of preserving national security are used to withhold ATI (Abuya 2013: 215).

In Burkina Faso, the ATI law has been criticised for its lack of precision, for example, where information to be disclosed is that which is considered to be 'necessary' and the criterion of necessity is undefined (Sango 2013: 253). The bureaucratic constraints in the public service that requires civil servants to seek approval from a higher authority before the most basic of records is released has been attributed as part of the sociological context in Burkina Faso which hinders the effectiveness of the ATI law (Sango 2013: 256). This is a problem that is not only unique to the country but is common across African governments.

In Nigeria, the former President, Obasanjo, declined to sign the ATI law for among other things, the title of the law which implies a right of ATI as well as the extension of this 'right' to non-citizens (Darch and Underwood 2010: 220). It took 18 years for Nigeria's ATI law to be enacted (Adebayo and Akinyoade 2013: 261). There was a coordinated campaign largely driven by journalist

associations for the adoption of the law. Since the passage of the law in 2011, a number of implementation challenges have arisen. In some quarters, it is still perceived as a press law due to the heavy involvement of journalists in the campaign for the law. In others, the progressive commitment of the courts in promoting transparency has been questioned due to the rather restrictive interpretations adopted by the courts in some of the early rulings that emerged from the FOI litigation. The culture of secrecy prevalent in most African governments and the state of record keeping in the public service have also been identified as factors restricting ATI by the public.

Given the state of myriad challenges facing ATI implementation in Africa, it is necessary to ask whether the claims put forward that ATI is central to open democracy is a valid one. In Darch and Underwood's seminal book, they make the argument that the developmental claim that links transparency and development is false given the fact that some closed economies do well in terms of economic development; that the open democracy claim is overstated and the elimination of corruption claim depends on the existence of other conditions such as making the connection to a right to livelihood; whereas, ATI as a leverage right remains true (Darch and Underwood 2010: 46).

The emerging trends and outcomes for ATI in Africa

The idea of an ATI law is premised on requests for information by members of the public for specific records. Various surveys conducted on the efficiency of accessing records from government institutions show that it takes on average two months to access a record where access has not been denied or the information request ignored.⁶ In the information age where information is found in less than a minute online, the attractiveness of ATI laws for accessing records has diminished.

A key problem that threatens the legitimacy of governments and creates distrust in society is corruption. While more openness can indeed curb corruption, a shift is needed in terms of our cultural understanding of holding government accountable in a number of ways. First, it must be understood that the gap between government and the private sector is becoming blurred in terms of delivery of social services. Second, in the light of this recognition, demand for accountability is something that must be extended to the private sector as well. The private sector is often seen as corrupting the public service in terms of bribery and other related acts which results in the misuse and theft of public funds. As a result, transparency initiatives are needed to advance ATI norms and standards in the private sector as well. An initiative such as Open Contracting, which has taken the forefront in ATI campaigns in Nigeria and Uganda, is premised on the idea that government and the private sector recognise and take seriously their responsibility to be accountable to the public. This requires an element of trust from both sides and a proactive commitment from both sides that ensures relevant information relating to tenders for public contracts are publicly made available.

Transparency through the proactive and voluntary disclosure of information must be the new shift that is embraced for the realisation of ATI in Africa. The voluntary and proactive disclosure of information is a more desirable outcome for the objectives of ATI laws to be realised. Emerging trends such as open data achieves the desired objectives of open government and public participation in a way that was not previously envisaged by the drafters of the traditional ATI laws currently in existence.

The notion of open data has been embraced in countries like Kenya and Ghana where there has been an appreciation for the value of placing information online to assist the public in tracking and analysing data relating to expenditure information and developmental objectives. The objective of the open data initiative in Kenya include data-driven decision making as well as a platform for the generation of economic and social value (Dimba 2012). The problem of lack of awareness about the right of ATI has been highlighted in various country case studies as part of the problem of implementation. The standard recommendations that have been proposed include more education and awareness raising programmes. This however hardly solves the problem. The knowledge of the right of ATI does not necessarily mean people will start exercising this right. This was the case with Uganda where the public assumed that regulations were needed to be in place before the ATI law could come into force and no one simply bothered to file an information request to test the law (Ngabirano 2013: 191). A more effective solution to the problem is to make information freely available without a request for it, which is more likely to be used by the public for active citizenship and participation in governmental affairs.

Through ATI laws, members of the public file requests for information. This is a reactive process that is separate from a public or private entity disclosing information to the public at its own initiative-a proactive process (Darbishire 2009: 3). This proactive means of disclosure is traditionally and commonly achieved through the release of information on websites. This form of information disclosure is a response to the information age where government records are no longer generated through typewriters and stored in filing rooms. With the advances in information technology and the digitisation of information, a new approach is needed on the dissemination of information to the public at a time where production of records is cheaper and can be more easily disseminated and reused. Globally, there is recognition for greater transparency on the part of public and private institutions given the advantages that voluntary and proactive disclosure offers. These advantages include for the public sector, the duty of the state to inform the public about laws and decisions that affect them as well as how government functions for the public to access government services (Darbishire 2009: 3). It also includes the ability of the public to hold government to account in the use of public funds and for the public to participate in decision making (an example is in South Africa where there is a statutory requirement imposed on the extractive industry to develop social and labour plans for the benefit of the communities they work in and the development of those plans include a requirement to consult the communities affected on what should go into the plan).

The more information is made available proactively, the less strain it places on government bureaucracy to process information requests, the more timely the information is available, and the less arduous the process is for any member of the public who wishes to access government information (Darbishire 2009: 3–4). New ATI laws contain provisions that deal with proactive disclosure of information. The African Union Model Law on Access to Information has a detailed provision on proactive disclosure that is necessary to be reproduced below:

Each public body and relevant private body must publish the following information produced by or in relation to that body within 30 days of the information being generated or received by that body:

- a manuals, policies, procedures or rules or similar instruments which have been prepared for, or are used by, officers of the body in discharging that body's functions, exercising powers and handling complaints, making decisions or recommendations or providing advice to persons outside the body with respect to rights, privileges or benefits, or to obligations, penalties or other detriments, to or for which persons may be entitled;
- b the names, designations and other particulars of the information officer and deputy information officer of the public body or relevant private body, including their physical contact details and electronic addresses where persons may submit requests for information;
- c any prescribed forms, procedures, processes and rules for engagement by members of the public with the public body or relevant private body;
- d the particulars of any arrangement, statutory or otherwise, that exists for consultation with, or representation by, members of the public in relation to the formulation or implementation of its policies or similar documents;
- e whether meetings of the public body or relevant private body, including its boards, councils, committees or similar other bodies, are open to members of the public and, if so, the process for direct or indirect engagement; but where a meeting is not open to the public, the body must proactively make public the contents of submissions received, the process for decision making and decisions reached;
- f detailed information on the design and execution of any subsidy programmes implemented with public funds, including the amounts allocated and expended, the criteria for accessing the subsidy, and the beneficiaries;
- g all contracts, licences, permits, authorisations and public-private partnerships granted by the public body or relevant private body;
- h reports containing the results of surveys, studies or tests, including scientific or technical reports and environmental impact assessment reports, prepared by the public body or relevant private body; and
- i any other information directed by the oversight mechanism.

Other categories of information that must be made available include:

- a directory of its employees including their powers, duties and title, indicating the permanent staff, the temporary staff and the outsourced staff, recruitment procedures and vacancies;

- the yearly band of remuneration for each public employee and officer, including the system of compensation as provided in its laws, the procedures followed in its decision-making process, including channels of supervision and accountability;

- detailed travel and hospitality expenses for each employee and officer, and gifts, hospitality, sponsorships or any other benefit received by each employee and officer;

- a description of the composition, functions, and appointment procedures of the boards, councils, committees, and other bodies consisting of two or more persons, constituted as its part or for the purpose of advice to or managing the public body or relevant private body;

- the detailed actual budget, revenue, expenditure and indebtedness for the current financial year, including all related estimates, plans, projections and reports, including audit reports, and for any previous financial years from the date of the commencement of this Act.

Central to the disclosure of information detailed above are how to ensure these categories of information are accessible by members of the public, how to ensure the organisation of the information that it is relevant to the users, complete, accurate, free, timely and reusable. In recognition of these considerations and the digital age we live in, the concept of open data has been developed to create an online platform whereby government information can be shared freely.

The term open data has been defined as ‘information proactively released, in an open format, accessible to the user at no cost, with no limitations on user identity or intent; it is in a digital machine readable format, reusable and interoperable and free of restriction on use’ (McKinley 2012: 10).⁷

Open data has been endorsed by the Open Government Partnership, for instance as a means to achieving the objectives of transparency in government.⁸ It is also used by resourceful civil society organisations to monitor and track data supplied by private institutions in compliance with various regulations to better inform the public about the activities of companies. The relevance of open data cannot be underestimated in an age where there is a desire for increased active citizenship. In the light of politics of transparency and the desire to shift the balance of power from the state to the citizen, proactive disclosure of information through open data creates a new form of engagement between the citizen and the state which increases the ability of the public to make better and informed choices when engaging with the private sector or access government services and monitor usage of public funds when engaging with the public sector. In the context of South Africa, open data has been seen as a tool that might lessen the confrontation of state by citizens through

protests in the delivery of social services and as a possible anti-corruption strategy (McKinley 2012).

For open data to be achievable, what is important is the existence of bureaucratic structures in place relating to records management and effective archival practices that will store and facilitate the reproduction of these records in a digital form that can also be reused by the user. This will require an investment in information technology services by the state and a commitment by the state to also make relevant information available to be placed online. Given the fact that most governments in Africa are constrained by financial resources, the importance of the private sector in playing a role to fund this venture cannot be overstated. In Africa, there is an increasing use of mobile phone technology to access online services, and an unprecedented opportunity arises in dropping volumes of information to people literarily in their hands. Various initiatives have been introduced in African countries for the voluntary disclosure of information to the public using open data.

In 2011, the Kenyan government introduced an open data portal, the objective of which is to make public government data accessible to the people of Kenya, to publish census data, government expenditure at national and county level, parliamentary proceedings and public service locations (Dimba 2012). A similar initiative exists in Uganda where the government implemented a national local government development programme that provides capital grants for infrastructure development to local authorities (Dimba 2012). In accessing this grant, local authorities have to show communication and accountability performance by making information easily available to the population for instance by way of posting of plans, approved projects, members of project management committees etc. on public notice boards (Dimba 2012).

Other global initiatives for voluntary disclosure of information are also gaining ground. For instance, CoST has been launched in four African countries even without the constitutional guarantee of a right or the existence of an ATI law. CoST is a country centred multi-stakeholder initiative designed to promote transparency and accountability in publically financed construction.⁹ It was launched in 2008 to tackle some of the problems faced in public construction such as overcharging, excessive delays, low standards and theft.¹⁰ The two vital elements to CoST which were identified in the pilot study are transparency and mutual accountability of the various stakeholders.¹¹ In Tanzania, the outcome of the process resulted in amendments being made to the Public Procurement Act, 2004. In Ethiopia, the Ministry of Education is focusing on increasing compliance with procurement regulations and the Health Ministry has committed to carrying feasibility studies for all major projects in future. In Malawi, the office of the Director of Public Procurement plans to include the CoST disclosure requirements in the public procurement regulations and finally in Zambia, the multi-stakeholder group is looking to scale up disclosure of project information from publicly funded construction projects with procuring entities.

CoST is closely linked to the EITI, which is a global standard that promotes revenue transparency and accountability in the extractive sector which monitors

and reconciles company payments and government revenues from oil, gas and mining at a country level.¹² Both initiatives share the same common goal, that is, to achieve transparency and accountability in major sectors and have gained traction in a lot of African countries with robust extractive industries.

Another drive that is gaining traction on the continent is the Open Contracting initiative. This broadly refers to the publication of government contracts from the award process to the monitoring and evaluation of contract implementation.¹³ It also refers to the norms and practices for increased disclosure and participation in public contracting.¹⁴ It promotes the principle that government should recognise the right of the public to access information relating to the formation, award, execution, performance and completion of public contracts, and the publication of the listed information by government to guard against inefficient, ineffective or corrupt use of public resources.¹⁵

It is also crucial for civil society working on specific issues such as housing, health, education and agriculture to recognise the strategic advocacy tool that ATI offers in promoting their issues. In countries where there is no constitutional guarantee of the right of ATI or the existence of a specific ATI law, many African countries do have sector specific laws that provide for public disclosure of information that civil society organisations can utilise in obtaining ATI from government.

It is important that in the disclosure of information to the public, the government recognises the audience that is demanding the information requested, hence, the focus, the style and the medium of disclosure should be adjusted depending on the recipients when releasing information to the public.

Based on the challenges faced in the usage of ATI laws as discussed earlier, it is important that information accessed by the public is accurate and complete, verifiable, easily accessible and affordable. These features are necessary and must be present for the optimisation of transparency. If information is only accurate and complete without regard for the degree of accessibility and the timeliness of the release, then while such information is highly useful in terms of its quality, it does little to advance transparency. Where information is released in a timely way and at an affordable rate without regard for the accuracy of the information released, the quality of information is low and the appearance of transparency is merely created. In understanding transparency for public participation and engagement with government, transparency of the workings of government needs to take place at three levels. These are transparency of the decision-making process, transparency of the implementation and transparency of the results.

While a transparent system is expected to ensure public participation, such outcome will depend on how a particular society reacts and respond to its government and the information it receives. There can be situations and specific isolated circumstances that can lead the public to trust government in a particular situation. The opposite can also exist and in instances like the latter, government occupies a position where its motive would be to earn the trust of its citizens and the tendency to manipulate information to suit its purposes will be strong.

For the conditions of a transparent system to exist, a demand for information must exist. Demands for accurate information can ultimately change the incentives of suppliers but demands must be of the kind that is persistent (Michener and Bersch 2011: 20). Therefore, to focus on the optimisation of transparency and to avoid pitfalls of appearance of transparency, it is appropriate to look at the way transparency balances perceptions of openness and secrecy within a society.

Transparency has been explored in various forms and in whatever way transparency is explored; transparency is an ideal that cannot be discounted as crucial to the notion of open democracy that we strive for in Africa. The lessons derived from the good practices of the various struggles documented in Africa are discussed next.

Understanding the past for the future: lessons from across Africa

Despite the bleak picture painted above, some good practices in the enactment of ATI laws do exist that can serve as useful lessons for campaigns in other countries. The recently adopted African Union (AU) model law in Africa on ATI will be a useful resource in ATI campaigns. In South Africa, a campaign group was formed to push the passage of the ATI and constituted a broad church of civil society organisations that included trade unions, legal services NGOs, church associations and environmental groups. This is similar to what consequently happened in Uganda and Nigeria where the initial draft Bills tabled in parliament originated from these campaign groups. The campaign initially tried to engage at the executive level without much success and later turned to the legislature where a number of useful lessons can be drawn.

First, this approach shows expertise and knowledge of ATI issues is vital to enable the development of arguments that will be well received by Parliamentarians (Dimba 2008). Approaching possible members of parliament who will support the initiative of campaign groups would be easier where the group serves as a form of legal research resource to aid the advocacy in parliament. What was central to the successes recorded in Nigeria, South Africa and Uganda was the identification of the members of parliament who were ready to take ownership of the campaign and who did so because of the level of support offered by the campaign group including the presentation of a draft Bill that could be tabled in parliament.

Second, it is important that members of the group, as was the case in South Africa, constitute a variety of organisations with different expertise (Dimba 2008). This is necessary considering the Nigerian situation where journalists' groups initially led the campaign and the campaign suffered a prolonged setback due to the perception that the ATI law was a press law.

What is important in the various case studies identified above was the usage of the unique situations in each country to the advantage of the campaign, for example, corruption in Uganda. This is incredibly important for the success of

any campaign and the ATI discourse must be grounded in the broader discourse in the country where a coalition can easily be developed around because of the many vested interests that will have a particular mandate in the subject matter.

It is important to mention however that the biggest challenge to South Africa's ATI law has been the lack of a cheap, quick and effective dispute resolution system that can facilitate a redress for infringements of the right to ATI. As a result, an important lesson to draw from the South African experience is to recognise that an excellent law does not suffice in the realisation of the right but equally important is a means of redress that enables members of the public to quickly and cheaply seek recourse for the realisation of their rights.

Conclusion

It has been suggested that the right to information is fundamentally a change process that needs to be managed in its social circumstances, rather than a simple constitutional or legislative act (Kearney and Stapleton 1998). This requires assessing how a government would respond to demands for transparency and how the citizen will utilise the power to demand accountability. In doing this, the administrative readiness of government institutions is important in terms of developing internal policies that promote transparency, dedication of financial and human resources, and the development of a records management system. It is also important that awareness of the right is created and usage is generated by the public. Only through usage of the right can the outcomes intended in introducing transparency initiatives be achieved.

The rewards of democracy have been elusive for Africans. The tangible benefits that the advent of democracy promised to offer, such as economic freedom, have not yet been realised for majority of Africans. This has resulted in human rights protection, which is fundamental to human dignity not being prioritised by African governments. Just as human rights are fundamental to human dignity, so is economic freedom. Both are not mutually exclusive and I have attempted to demonstrate here that the right of ATI is a powerful tool that can be used by the public to hold governments to account and to participate in governance in ensuring better service delivery that will improve the lives and livelihoods of Africans.

Notes

- 1 Others are Article 19 of the African Charter on Democracy, Elections and Governance, Articles 9 and 12(4) of the African Union Convention Against Corruption, Articles 10(3d) and 11(2i) of the African Union Youth Charter, Article 6 of the African Charter on Values and Principles of Public Service and administration, and Article 3 of the African Statistics Charter.
- 2 *Vaal Environmental Justice Alliance v Company Secretary of Arcelor Mittal* 39646/12 para. 16.
- 3 Ibid.
- 4 See www.mg.co.za.

- 5 See www.r2k.org.za.
- 6 See www.africafoicentre.org.
- 7 D Mckinley quoting Alison Tilley in 'The Right to Know, The Right to Live: Open Data in South Africa' ODAC 2012, p. 10.
- 8 For further information see www.opengovpartnership.org/tags/e-government.
- 9 For further information, see www.constructiontransparency.org.
- 10 Ibid.
- 11 Ibid.
- 12 For further information, see www.eiti.org.
- 13 For further information, see www.open-contracting.org.
- 14 Ibid.
- 15 Ibid.

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