

DEMOCRATIC RENEWAL IN AFRICA

Trends and Discourses

EDITED BY
SAID ADEJUMOBI



Democratic Renewal in Africa

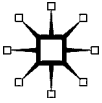
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Edited by
Said Adejumobi

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*To my late wife,
Dr. (Mrs.) Titilayo Fasilat Adejumobi*

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Acknowledgments

Africa is in transition of both political and economic renewal. This has had a significantly positive effect on the nature of the narrative about the continent. What is uncertain, and on which there is considerable divergence, especially among scholars, is on the meaning, trend, discourses, content, and possible outcome of Africa's democratic rebirth. In this book, some selected trends and discourses are captured. These include the trends and discourses on measurement indicators of Africa's democratic progress, elections and the changing tide of state-society relations, differing perspectives on constitution and constitutionalism, theoretical deconstruction of the corruption debate on Africa, and the role of regional institutions in democracy promotion in Africa.

Four of the chapters contained in this book were initially papers presented at a conference jointly organized by UNECA, CODESRIA, and Johns Hopkins University (JHU), Washington, DC, in Dakar, Senegal, in 2011, but were substantially revised by the authors based on reviewers' comments before being accepted for inclusion in this volume. I would like to thank my colleagues with whom we co-organized the conference—Ebrima Sall, executive secretary of CODESRIA, and Peter Lewis, director of the Centre for African Studies at JHU. Also, I would like to thank the two institutions (IDRC, Nairobi, and Trust Africa, Dakar, Senegal) and our contact persons in those institutions that supported the organization of the conference: Ms. Njeri Karuru of IDRC, Kenya Office, Bheki Moyo (then programme director at Trust Africa), and Akwasi Aidoo, executive director of Trust Africa, for their kindness and support. In particular, I would like to thank Akwasi Aidoo for his pan-African vision, who, with little effort, agreed to support the conference.

To the contributors to the book, I hope you will excuse my constant pressure on you to revise your chapters—it was all toward a common

good. To Gedion Gamora, my young brother and friend who is always prepared to give a helping hand, especially with the bibliography, I sincerely thank you. To my other colleagues and friends who cherish the value of knowledge and scholarship, I do acknowledge your interest and commitment.

Also, I would like to thank our colleagues at Palgrave Macmillan, New York, especially Chris Chappell, Mike Aperauch, and Brigitte Shull, for their diligence and commitment in the process of publishing the book. Our good professional relationship and the confidence they have in me makes for a healthy and fruitful collaboration.

As the manuscript of this book went to press for publication, a dramatic event took place in my life. My wife of over twenty years, and partner for over three decades, suddenly gave up life. Losing my alter ego not only left a big vacuum in my life but also left me with a sense of emptiness and pain that only my creator can compensate for. Losing a spouse, as the saying goes, is a “wound that never heals” but I pray to ALMIGHTY ALLAH that this pain ultimately turns into new joy for the children and I.

Since my late wife lived for and cherished knowledge so dearly, abandoning the book project was certainly not an option for me. All that I could do was to intensify my efforts in getting the book to the readers. I hope lying in the bosom of the LORD, she will find solace in the conviction we both share that making the world a better place for humanity is a task that must be accomplished. Knowledge is the most powerful tool of social transformation, which we both, as scholars, believe in and deploy.

To my children—Babatunde, Zainab, and Habib—you are a source of strength and joy to me and you rekindle my hope that after all another world—a just, fair, and equitable one—is possible and desirable. I do appreciate you dearly. Ultimately, to ALMIGHTY ALLAH belongs the glory.

If this book stirs debate, thought, controversy, dissent, approval, or provokes fresh ideas and perspectives in understanding and deconstructing Africa’s current realities, trends, and encounters on its democratic process, then our efforts will not have been in vain.

SAID ADEJUMBI
Lusaka, Zambia
June 2014

Abbreviations

ACDEG	African Charter on Democracy, Elections and Governance
ACE	Alliance for Credible Elections
ACHPR	African Commission on Human and People's Rights
ACPCC	African Convention on Preventing and Combating Corruption
AFDL	Alliance de Forces Democratique pour La Liberation du Congo
AFISMA	Africa Led International Support Mission to Mali
AGR	African Governance Report
ANC	African National Congress
APRM	African Peer Review Mechanism
ASB	Association of Senegalese Bloggers
ASUU	Academic Staff Union of Universities
AU	African Union
AUCPCC	African Union Convention on Preventing and Combating Corruption
AQIM	Al-Qaeda in the Magrib
CAR	Central African Republic
CD	Campaign for Democracy
CDD	Centre for Democracy and Development
CFCR	Citizens Forum for Constitutional Reforms
COCSE	Coalition for Civil Society on Elections
CODESA	Convention for a Democratic South Africa
CODESRIA	Council for the Development of Social Science Research in Africa
CRC	Constitutional Review Commission
CRD	Congolese Rally for Democracy
CSCCER	Civil Society Coordinating Committee on Electoral Reforms

CSOs	Civil Society Organizations
DE	Democratic Engineers
DRC	Democratic Republic of the Congo
DWR	Doctors Without Rights
ECCAS	Economic Community for Central African States
ECOSOC	Economic and Social Council
ECOWAS	Economic Community for West African States
ECPF	ECOWAS Conflict Prevention Framework
EIE	Enough Is Enough
ERC	Electoral Reform Committee
ERN	Electoral Reform Network
FDC	Forum for Democratic Change
FPTP	First Past the Post
FOWAPP	Forum for West African Political Parties
FRODEBU	Front Democratique Burundais
GAf	Group for Academic Freedom
HRO	Human Rights Observers
ICG-GB	International Contact Group on Guinea Bissau
ICG-G	International Contact Group on Guinea
ICGLR	International Conference of the Great Lakes Region
IEBC	Independent Electoral and Boundaries Commission
IEC	Independent Electoral Commission
IFI	International Financial Institutions
IMF	International Monetary Fund
INEC	Independent National Electoral Commission
INGOs	International Non-Governmental Organizations
JHU	Johns Hopkins University
KAF	Kenya Asia Forum
KANU	Kenyan African National Union
KAP	Kalangala Action Plan
KFC	Kikuyu's for Change
KHRC	Kenya Human Rights Commission
KLA	Kenya Land Alliance
KPSA	Kenya Private Sector Alliance
KPTJ	Kenya for Peace with Truth and Justice
KYFM	Kenya Youth Foundation Movement
MLC	Movement for the Liberation of the Congo
MNcs	Multinational Corporations
MNLA	Movement for the Liberation of Azawad
NACIWA	Network of Anti-Corruption Institutions in West Africa
NANS	National Association of Nigerian Students

NBA	Nigerian Bar Association
NCC	National Constitutional Conference
NCCK	National Council of Churches of Kenya
NCDD	National Council for Democracy and Development
NEPAD	New Partnership for Africa's Development
NEW	National Election Watch
NGO	Non-Governmental Organization
NLC	Nigerian Labour Congress
NPOA	National Programme of Action
NYM	Nigerian Youth Movement
OAU	Organization of African Unity
OECD	Organization for Economic Cooperation and Development
OSIWA	Open Society Initiative for West Africa
PCT	Parti Congolais du travail
PDCI	Parti Democratique de Côte d'Ivoire
PDP	People's Democratic Party
PSC	Peace and Security Council
RDA	Rassemblement Democratique Africain
RPF	Rwandan Patriotic Front
RSVP	Register, Select, Vote, and Protect
SADC	Southern Africa Development Community
SANDF	South Africa National Defence Force
SAPs	Structural Adjustment Programs
SDR	Special Drawing Right
SFIO	Section Française de l'Internationale Ouvriere
SWAPO	South West African People's Organization
TMG	Transition Monitoring Group
TNA	Training Needs Assessment
TNCs	Transnational Corporations
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNOWA	United Nations Office for West Africa
WABA	West African Bar Association
WACSI	West Africa Civil Society Institute
WANEP	West African Network of Peacebuilding
WAANSA	West African Action Network on Small Arms
WASU	West African Students Union
ZANU-PF	Zimbabwe African National Union-Patriotic Front

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CHAPTER 1

Democratic Renewal in Africa: Trends and Lessons Learned

Said Adejumobi

Introduction

The process of democratic renewal in Africa began about two decades ago. Some have labeled it as Africa's third liberation (Mills and Herbst, 2012). The first consisted of the anticolonial struggles that led to political independence, the second was when the continent shed itself of military dictatorships and one-party rule, and the third involves the current efforts to reclaim politics and power by the people, in the ongoing struggle for democratic change. The political currency and the object of the struggle for democratic renewal in Africa, either from the West or the recent experience in the North, are basically the same. The demands of the protesters in Benin Republic in 1989 against the Kerekou government, which ousted the regime shortly thereafter, is not particularly different from those of the demonstrators in Tunis in December 2010 or in Tahrir Square, Egypt, on January 25, 2011, which eventually ousted the Mubarak regime. The political echoes were essentially a demand for "bread, freedom and dignity." This demand embodies the essence and philosophy of genuine democracy, which is inclusive, participatory, and empowering.

The object of the message by the people therefore responds to the enduring theoretical debate among scholars, on the interface between democracy and development.¹ Using the public sphere as a platform for popular agitation, the people were insisting that economic progress is not enough, as Tunisia was one of the most celebrated economic "success stories" in Africa before the Arab Spring started; that civil and

political rights are necessary public goods; and that human dignity encapsulated in decent livelihood should be the end goal of democracy and governance. In other words, there is an organic linkage between democracy and development and the intellectual debate about it may be superfluous. Sustained economic progress is good, but not enough; likewise, democracy denuded of tangible social and economic goods will certainly create political inertia and eventually approach a dead end. Ultimately, democracy and governance are about the delivery of public goods to the citizenry and improving their life chances in a free and dignified environment and society (Bujra and Adejumobi, 2002; Rotberg, 2009; Adejumobi, 2010; Cheru, 2012). As such, both democracy and development must be intertwined and defined in a seamless symmetrical relationship.

The regional and global economic and political context has changed remarkably since the process of democratization began in Africa over the last two decades. In contrast to the late 1980s and early 1990s, when the continent was steeped in a deep economic crisis, Africa is now the “darling” of the World—a massive reserve of labor and natural resources;² of growing economies and prospects of economic take-off;³ of substantially reduced internal conflicts and armed insurgency; and of regional frameworks and infrastructure that support national efforts toward sociopolitical change.⁴ In the international system, the current power structure is unraveling with the rise of the East and the gradual decline of the West; with the emergence of new economic relations and trading opportunities; with the boom in natural resources for one pole and economic crisis for another; with the discrediting of the neoliberal ideology, and with new power blocs taking the center stage. Evidently, the power map of the World is gradually being redrawn, not through political conquest but economic reconfiguration.

Africa is not immune to regional and global dynamics. Indeed, Africa is a player in the global system, however peripheral it might be. Africa’s democratization has also not been insensitive to this changing tide. The ascendance of liberal democracy as a global political creed has seen Africa jettisoning authoritarian political systems for nascent or inchoate forms of liberal democratic models. The market ideology, though within a new context of state-private sector relations away from the neoliberal fundamentalism of the 1980s, constitutes the economic framework in which political liberalization and democratic governance were instituted in Africa.

Africa’s democratic renewal is not a settled issue; it is filled with advances and setbacks, progress and retreats. The process remains

variegated with trepidations. This chapter does two things. First, it captures the trends and lessons learned in Africa's fragile, yet uneven democracy, and second, it undertakes a snappy review of the other chapters of the book, which are on the discerning trends in Africa's democratic renewal. The trends covered by those chapters are in five areas. The first covers how to measure the progress of Africa's democratization in which perspectives, tools, indicators, and methodology used by various organizations and individuals differ remarkably; second, on the shifting landscape of state-society relations based on the regularity of elections in Africa; third, on constitutions and constitutionalism in Africa, and the various dimensions that this has assumed; fourth, on corruption as being problematic for governance and the theoretical discourse that underpins it; and finally, on the regional impetus for the support of democratization in Africa based on the West African experience by the Economic Community for West African States (ECOWAS).

Trends and Lessons Learned

Since the process of democratization begun in Africa in the late 1980s and 1990s, several issues have arisen, some trends discernible, and lessons have been learned. I tease out six lessons of those in Africa's democratization process.

1. *A political transition process may not necessarily give birth to a democratic era; it may produce its antithesis:* The assumption in the literature and the approach of many Western agencies and institutions is that political transition signals a new era; an era of the birth of democracy and democratic governance. As such, the era of transition is celebrated with a lot of euphoria that democracy is around the corner; that old and entrenched political forces have been dismantled, and that the country is about to take a new lease on life. The lesson learned is that political transition is a very complex, contested, endangered, and sometimes reversible process. As Tunji Olagunju et al. (1993) noted, it is a political minefield that is open to different outcomes. It can reinforce authoritarianism, shield old political forces from direct political attack, or create new anti-democratic forces in society. It could also be stalled or hijacked by anti-democratic forces like the military, with a false democratic coloration. Two clear examples in this regard are Mali and Egypt. Hitherto, Mali was a celebrated success in the story of Africa's democratization. With a high level of decentralization, credible elections, regular transfer of power, and modest economic growth rate, Mali was certified by Western institutions as a new arrival in the

democratic club. However, after about a decade in which Mali entered the center stage, its democratization suddenly crumbled to the praetorian instincts of the military. While Mali may have negotiated electoral democracy, it had not negotiated democratic governance. Civil control over the military, national consensus on governance, and ethnic accommodation and balancing were lacking in Mali's democratic transition, and hence it suddenly collapsed. For plural and diverse societies, diversity management, minimum national consensus, and civil control over the military are some of major components of democratic transition.

The second example is Egypt. Egypt's political transition with the civil resistance of 2011, abdication of power by Hosni Mubarak in May 2011 and the presidential elections of June 2012 were to be major turning points in the country's political transition. Some regard the Egyptian experience as a "revolution," some others call it, "Africa's exceptional experience in political transition." Nevertheless, barely a year into the transition process, Egypt's democratization seems stalled, perverted, or hijacked. The military, on July 2, 2013, overthrew the elected government of Mohamed Morsi and the Egyptian Movement and Justice Party (The Islamic Brotherhood). Brandishing the language and discourse of democracy, the military annulled the election of Mohamed Morsi and installed an interim government citing the indifference and insensitivity of the Morsi government to some civil society demands, and arguing that it intervened in order to save the country's nascent democracy from religious zealots. Since the annulment, Egypt has entered a new era of political crisis, reechoing perhaps what Algeria went through in the 1990s when a similar political experience took place. The military is a deeply entrenched and nonneutral political constituency in Egypt. The military hierarchy is an established and favored part of the "old order" and the ruling class that has courted power since the independence of the country. The response of Western nations to the military coup in Egypt was not to refer to it as such, but to give it positive branding. Some call it a "positive or democratic coup"; others regard it as another phase of the "revolution"—"the military as a democratic agent." In a way, what those international observers seem to bring back is the logic of the modernization soldier theory (Huntington, 1968; Adekson, 1978), which privileges the military as being the most puritanical institution in society best positioned to facilitate the democratic project. This argument is not only perverse, but has been refuted by the experience of African countries. The Egyptian reality is that the military is a vested social force, and its hierarchy, a fraction of the ruling class that has deep interest in the survival of the old order. As such, the military intervention

of July 2013 is part of the ruling class contradictions in the struggle for and retention of power in Egypt. It is neither a phase nor a furtherance of the political transition, but a negation of it. The Egyptian process was consummated with the election of Field Marshall Abdel-Fattah el Sisi in May 2014, along with doubts as to whether Egypt is not back to the old Mubarak era.

Like with Mali and Egypt, military coups have endangered the growth of democracy in other countries too, like Guinea Bissau, Mauritania, Madagascar, Niger, and Central African Republic. Apart from military usurpation of power, several other trends are discernible, that are all indicative of stalled political transitions in Africa. In some countries, elections have become a mere smokescreen that reinforce the powers of enduring autocracies by serving as instruments of political legitimization rather than presenting the citizenry with democratic alternatives (Adebanwi and Obadare, 2011; Nwosu, 2012), and in some others, the nature and object of the nation-state remains contested, negating any real discourse or practice of electoral democracy.

2. Democratic struggle is a long, tortuous, contested, and protracted process that requires intense engagement, innovation by democratic actors, and support and buy-in from the political leadership: One of the major deficits of the democratic transition process in many African countries is the assumption that foundation elections in the transition process marks the birth of democratic rule, or that mere regular elections automatically transform into democratic renewal or consolidation. Hence, in many countries, the trend is that, once elections are completed, the democratic label is inscribed, and there tends to be relaxation, indifference, or a loss of relevance and direction by a large section of the nonstate sector in the democratization process. Thus, politicians and political actors repopulate the center-stage and drive the political agenda. With decreasing state-society engagement, the result is usually a transition retreat. In other words, constant and deepened democratic engagement between the political and nonpolitical societies tends to be lacking in many posttransition election countries. With declining engagement, innovation in democratic engineering suffers.

Perhaps, the experience of Kenya provides a good example of democratic innovation and reengagement between political and nonpolitical societies triggered by the electoral crisis of December 2007. The Kenyan electoral crisis brought lingering national issues to the fore and shook the country to its very foundation. The flip but positive side of the crisis is that it awoke the nation and nonstate actors to the need for renewed engagement and the redefinition and essence of the nation-state project

in the country. The crisis provoked a national dialogue, which provided a basis for renegotiating the political compact, structure, and processes of the country. The nonstate sector played a major role in this new agenda. In a crisis context, the fractured political class welcomed the new process and engaged it in a nonunison approach. The result was quite resounding for Kenya. A new constitution was engineered, new institutions crafted and old ones redefined, inter-group relations reformulated, and new codes and standards developed to guide public governance. Kenya presents a good case in democratic innovation through intense political engagement in a protracted and conflict-ridden democratic transition process.

3. *Electoral turnover may not necessarily improve the quality of or consolidate democracy:* There has been a conventionalization of elections in Africa, to which some argue that elections are good in themselves, and will, overtime, improve the quality of democracy in African countries (Lindberg, 2009). While this may be true in some cases as it provides a learning curve for political practitioners on the rules and nuances of political engagement, it may not be true in many cases. Faulty elections encourage false starts, distort electoral mandates, undermine political legitimacy, and perpetrate political impunity in many countries. The logic that rigged elections will provoke political rebellion by the people, which may reshape the electoral landscape, is too optimistic because such is often not the case. Indeed, with manipulation and strong-arm tactics by the politicians, apathy and political demobilization are often the result. This is the trend and experience in a number of African countries (Adebanwi and Obadare, 2011; Nwosu, 2012; ECA and UNDP, 2013: 58).

4. *Ethnic fragmentation and poor consensus on the nation-state project stalls democratic progress:* Given Africa's colonial history based on ethnic divisiveness and fragmentation, with an enduring legacy on postcolonial politics, the management of diversity is a major constraint to democratic progress in Africa. This has inhibited the construction of the nation-state project, as there seems to be little consensus among groups and communities on what the "nation" is, and what should be its vision and direction. This is referred to in some cases as the national question. The national question is shorthand for ethnic discord and poor compromise on the object, essence, and direction of the state. In this context, national identity and citizenship are usually contested. The Boko Haram crisis in Nigeria, the Mombasa separatist movement in Kenya, the Cassamance ethnic agitation in Senegal, the movement for the autonomous state of Azawad in Mali, the religious polarization

in the Central African Republic, and the internecine conflict in Somalia are all illustrations of the dilemma of the nation-state project in Africa. With ethnic fragmentation and poor consensus on the nation-state project, democratic progress will at best be limited to issues regarding what form, content, and direction the state itself should assume, all of which are still contested. The constitution, which is designed to reset the rules and modalities of political engagement and serve as the basis of reconstructing the nation-state project, remains mostly unpopular, as many still bear colonial imprints or were exclusionary in their design process and hence do not reflect the wishes and aspirations of the generality of the groups and communities in many African countries. Perhaps, it is only in a few countries in Africa, like Kenya, that a bottom-up, people driven constitutional reform process was initiated. In the field survey of the African Governance Report of 2013, it was only in 11 out of 40 countries where the respondents that were interviewed considered their constitution to adequately protect and promote diversity and minority interests, reflecting the mostly noninclusive nature of those constitutions, which largely has to with their design process. Figure 1.1 gives a vivid illustration.

5. *Institutional capacity deficit*: Democracy has procedural and institutional dimensions. The institutional facility involves the countervailing structures that make not only for political participation, but also for democratic accountability. This includes the elected institutions like the parliament and executive, and the unelected ones like

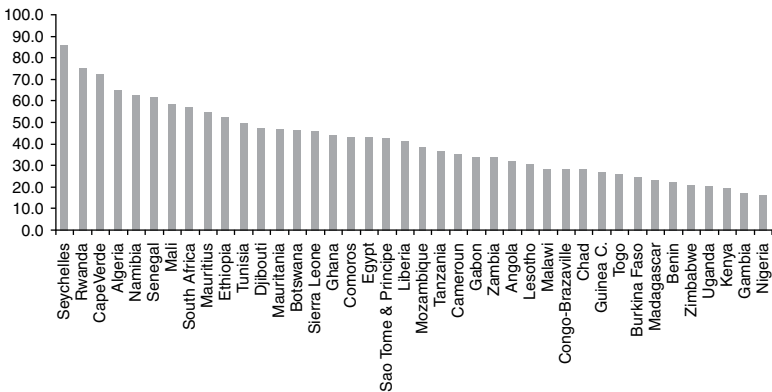


Figure 1.1 The constitution protects diversity and is mostly or always respected.

Source: UNECA and UNDP (2013), *African Governance Report III: Elections and the Management of Diversity in Africa*, field survey.

the judiciary, public service, electoral commission, human rights and anticorruption institutions, and other oversight bodies. While the relative strength and capacity of these institutions differ across sectors and countries, the general trend is one of relative weakness in their capacity. As Gregg Mills and Jeffrey Herbst (2012: 14) noted, “Democratic institutions in many African countries are still nascent and it would take years for them to take on a permanent institutional character. For instance, few countries have legal systems that can effectively protect property rights, a prerequisite for sustained economic growth.” In a survey conducted in 40 African countries through the African Governance Report project by the United Nations Economic Commission for Africa (UNECA) and the United Nations Development Programme (UNDP) in 2013, the findings about the independence of the judiciary are revealing. As Figure 1.2 illustrates, it was only in 13 countries that 50 percent of the respondents consider their judiciary to be largely independent of other branches of government. These countries are South Africa, Ghana, Namibia, Cape Verde, Rwanda, Mauritius, Malawi, Seychelles, Botswana, Uganda, Liberia, Algeria, and Nigeria. Indeed, the relative independence of the judiciary in Malawi, for example, was confirmed by the role it played in the presidential election imbroglio of June 2014, when the incumbent president, Dr. Joyce Banda sought to annul the election results when it became obvious that she might lose the elections. The court had to intervene to protect the sanctity of the elections, which were eventually won by Peter Mutharika.

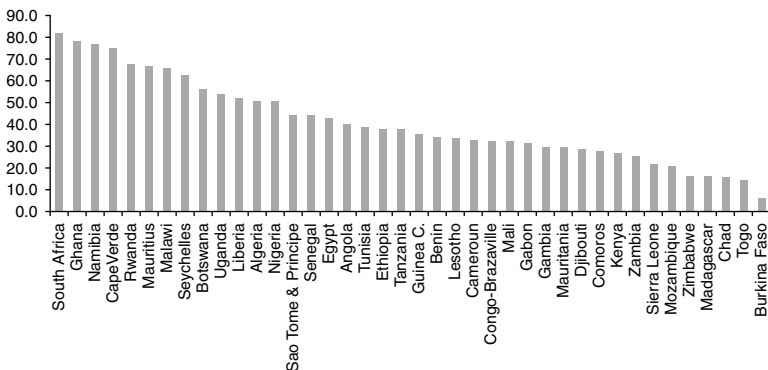


Figure 1.2 Judiciary’s independence from other branches of government in its operations— independent or largely independent.

Source: UNECA and UNDP (2013), *African Governance Report III: Elections and the Management of Diversity in Africa*, field survey.