DEMOCRATIC REFORM IN AFRICA

THE QUALITY OF PROGRESS

edited by

E. GYIMAH-BOADI

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Introduction

E. Gyimah-Boadi

Auspicious political and economic developments in Africa in the 1990s no doubt provided much of the basis for the optimistic proclamations of an "African renaissance," "rebirth," and "second liberation" in the middle to latter part of that decade. Political reform and neoliberal economic reform had been considered in almost every African country by the end of the 1990s, representing a major reform moment for the continent. But protracted violent civil conflicts in Rwanda, the Democratic Republic of Congo, Burundi, and Sierra Leone, stalemate in democratic reforms in Cameroon, Guinea, and Niger throughout the decade, the eruption of an irredentist war between Ethiopia and Eritrea, and economic recession at the dawn the twenty-first century fueled dismissive assessments of Africa as a "hopeless continent,"[1] replacing much of the optimism over African prospects in the 1990s with "Afropessimism."

The surge in despair over African political and economic prospects in the beginning of the twenty-first century raises serious questions about the quality of those reforms. What has changed, and what is the quality of this change? To what extent have reforms diluted or improved the African political and economic status? Has liberalization fostered renewal or imperiled African social stability and cohesion and induced civil conflicts and wars? And what sorts of strategies are being mobilized to build institutions, reinstate the rule of law, and empower citizens along with sound economic policies and management? The authors of this book examine these and allied issues through thematic and country studies highlighting the progress and challenges of reform. The contributions come at a time when the discourse on Africa's institutional reform is mellowing from the shrill tone of optimism that hailed the maiden transitions to democracy and liberal economic systems decades ago.

The first six chapters of the book take up important thematic issues: political and economic reforms (by E. Gyimah-Boadi; Nicolas van de Walle;

and Michael Bratton and Robert Mattes), civil society (by E. Gyimah-Boadi), corruption control (by Sahr Kpundeh), and internal conflict (by Stephen John Stedman and Terence Lyons). Following the thematic chapters, the book offers four country studies: Botswana, Mozambique, Nigeria, and South Africa (by Patrick Molutsi, Brazão Mazula, Adigun Agbaje, and Steven Friedman respectively). The country studies capture the primary challenges to democracy and development in each country and highlight the interactions between the two phenomena.

Gyimah-Boadi's opening chapter and indeed many other chapters in the book suggest that the results of reforms, especially in the political realm, have been sometimes outstanding. Ruling parties have been pressured into sharing political space with rival parties and civic and interest groups. In addition, and impressively, notional commitment to democratic politics has grown in the period. African citizens appear to roundly reject nondemocratic forms of governance and express strong preference for democracy, as the rich empirical data from the Afrobarometer analyzed by Bratton and Mattes reveal. Indeed, decent dividends have been realized in some countries and in some sectors. Civil society has surged and become a key actor in reform processes in many countries (Gyimah-Boadi); major peace implementation projects centered on democratization have been initiated and are being sustained against all odds in South Africa and Mozambique (Stedman and Lyons; Friedman; Mazula); and interest in corruption control is growing (Kpundeh).

However, the chapters in this volume also confirm that success is not the only theme in the story of Africa's reform experience. Over a decade after the winds of economic and political reform came to town, the jury is still out on long-term prospects of the reform movement. What is certain is that the pace and quality of current progress have varied across states and from sector to sector. It is clear, especially from van de Walle's chapter, that progress on the economic and institutional reform front has been subpar and African countries are mired in "partial reform syndrome." Foreign exchange regimes may have been liberalized and import restrictions largely removed as import substitution advocates lose ground to the forces of globalization. But institutional renewal has continued to lag behind. Bureaucracies remain bloated, inefficient, and corrupt; legal infrastructure in most states is also still too weak to adequately supervise state business of resource extraction and allocation as well as safeguard property rights and manage the new challenges facing transforming economies; and privatization of state-owned industries is not yielding expected dividends and has largely served only to entrench avenues for rent-seeking. Above all, official corruption and neopatrimonialism persist, in spite of liberalization. It appears that largely externally driven neoliberal economic reforms are proving to have shallow roots in African countries. Not only is elite commitment

to neoliberal economic reforms weak, but there is also deep popular opposition to key aspects of the reforms such as job retrenchment and removal of subsidy, as Bratton and Mattes indicate.

The chapters in this volume highlight the persistence of weak governance in spite of reforms. They also underscore the real threat that the failure of economic reform and continued weaknesses in governance poses to the medium- and long-term prospects for democracy and development on the continent. The chapter on Nigeria vividly captures the erosion of state capacity, confidence in state abilities, and perception of the value and viability of liberal democracy arising from persistent problems of economic mismanagement, bureaucratic ineptitude, institutional opacity, corruption, and social strife. The administration of Olusegun Obasanjo emerges as an example of a regime that assumed power with high approval rates (courtesy of the horrible records of departing regimes) but whose credibility is being dissipated quickly as persistent or worsening economic conditions sink mass confidence in state abilities. Botswana's impressive credentials as an African "success story" are tarnished by alarmingly high rates of HIV infection (about 40 percent of adults by mid-2002), lack of economic diversification, high unemployment, and persistent income inequalities. And while acknowledging the democratic and developmental progress in post-apartheid South Africa, Steven Friedman perceptively points to the danger posed to democratic consolidation in that country by the growing emphasis on enhancing government effectiveness, promoting economic growth, and delivering services and other managerial and technocratic aspects of governance.

The evidence presented in this volume indicates that African reform programs have only achieved less than optimum results, even by "African standards." Patronage, corruption, neopatrimonialism, and other "unprogressive" aspects of African politics persist. But the situation remains far from bleak, and there is strong evidence of progress. This books shows that these negative structures and practices have come under unprecedented pressure from the new forces unleashed by increasing openness, competitive elections, and citizen confidence as well as efficacy in demanding good governance in African political systems.

The lessons of this volume point to the various permutations for sustaining reform and highlight areas where opportunities for progress have been missed. Stedman and Lyons provide a poignant reminder of how reforms have presented both a risk of intensifying or provoking violent conflicts in Africa and an opportunity to foster peace. To be viable, reform movements must yield dividends not only in the sphere of governance but also in tangible socioeconomic terms. African states have taken only modest steps in this regard, but they are steps in the right direction. The responsibility for staying the course of "real" and "developmental" political and

economic reforms remains largely in the African domestic realm. But as Larry Diamond points out in the concluding chapter, such reforms deserve and can be well served by external support and external encouragement that actively discriminate in favor of African governments that show a clear commitment to free, open, and accountable government.

Note

1. *The Economist,* May 13–19, 2000.

1

Africa: The Quality of Political Reform

E. Gyimah-Boadi

Africa has been the scene of some of the most dramatic political changes since the fall of the Berlin Wall and the end of the Cold War. Within this period, some form of pluralism has been introduced or reintroduced in the politics of over thirty out of the fifty-three countries of Africa.[1] The period has also seen the departure from power of the older and first generation of political leaders (such as Julius Nyerere, Félix Houphouët-Boigny, Kamuzu Banda, and Mobutu Sese Seko) and the emergence of new leaders with no roots in the anticolonial movements (such as Jerry Rawlings, Blaise Compaoré, Yoweri Museveni, Yaya Jammeh, Meles Zenawi, and Isaias Aferworki) and leaders with no roots in the military (such as Frederick Chiluba, Bekuli Muluzi, Nicophere Soglo, Abudulaye Wade, Laurent Gbagbo, and John Kufuor). It also ushered in the spate of dramatic antiauthoritarian movements that opened the way for democratic transitions in the early 1990s. Since then, there has been talk of an African political renewal and political rebirth, even if it exists side by side with considerable political violence.[2] But how has African politics changed in past decade or so of democratization and redemocratization? What is the quality of the reforms and what are their implications for politics and governance in African countries? And what do these changes portend for governance in Africa and the future of African politics?

This chapter attempts to address these questions and examine the quality of political progress in Africa. I begin with an overview of the political changes centered around the democratic experiments of the past decade, highlighting important progress, setbacks, and outstanding problems. I follow this with an analysis of the changing nature of politics in Africa, focusing on the handling of old and new challenges such as state/nation building, HIV/AIDS, civil-military relations, and citizenship. The principal contention here is that, alongside the democratic failures, deficits, and dilemmas, there lies another reality: a positive reality of a modest but appreciable degree of

improvements in the quality of governance in many African countries. In short, democratic reforms and political liberalization have helped to improve the quality of politics in Africa; they have helped to make the African state significantly less autocratic, even if it remains largely neopatrimonial.

Democratic Developments

Key developments in African politics within the last decade of redemocratization, or what others have dubbed a "second liberation," include the rather dramatic end of formal single-party rule and military dictatorship in many African countries and the emergence of multiparty politics and competitive elections after over thirty years of farcical elections with predetermined outcomes and, in many cases, no elections at all after the last one to dislodge colonial rule.[3] This trend in African political liberalization is best exemplified in the end of apartheid in South Africa in 1994 and the subsequent promulgation of a liberal democratic constitution in that country. It has manifested in the rapid expansion of Africa's thin list of "electoral" democracies from only a handful in 1989 to about eighteen in Freedom House's 2000 ranking.[4]

At the institutional level, democratic developments in Africa include the renewed interest in constitutionalism. Generally neglected in the era of single or no-party presidents, military rulers, authoritarian strongmen, and charismatic political leaders, constitutionalism came into vogue in the 1990s. The old illiberal postindependence constitutions (proscribing opposition parties, conferring permanent tenure on presidents, and suspending habeas corpus) have been jettisoned, sometimes with considerable drama as in the "national conferences" in francophone Africa,[5] and liberal democratic constitutions have been promulgated in a number of countries such as Benin, Mali, South Africa, Ghana, Malawi, and Nigeria.

The unprecedented surge in civil society, including the media, is another key development in the current African political renewal. Relaxation of media censorship has paved the way for the emergence of independent newspapers, radio, and television. It is noteworthy that Malawi obtained television capabilities only in early 1999, and that by December 2002 Ghana could boast having over forty independent FM radio and three television stations compared to none before the mid-1990s. Not only has the media sector flourished in the past decade or so, but it has also been playing a major role in the transition and posttransition phases of various countries. Independent radio, for instance, is widely credited with the relatively honest elections in Senegal and Ghana in 2000.[6]

In those countries where the transition to democracy is relatively advanced, civil societies are keeping themselves busy in the service of

democratic consolidation. They are continuing their roles as watchdogs over the rights of citizens. African civil societies are gaining greater sophistication. Some are beginning to move away from the crude antigovernment and antistate confrontations of the early years and toward building consensus, fostering moderation, enriching the policy process, and other modes of constructive engagement. For instance, South Africa's nongovernmental organizations (NGOs) and "civvies" are reorienting themselves to play roles in the postapartheid social and economic reconstruction.

African civil societies have emerged as key forces in the political development of the continent. They are gaining in sophistication and building capacities. They are a major part of the change in the complexion and texture of internal African politics from unalloyed state hegemony and monopoly over power to the growing pluralism. Their growing self-awareness and determination to maintain their autonomy from both state and societal forces and to resist co-optation by government are but few of the indications that they will not disappear as their counterparts did in the aftermath of decolonization.

After years of marginalization, parliaments have begun to emerge as key institutions in African governance. Legislatures have been resurrected in many new African democracies, after a long hiatus. The legal and political status of parliaments have been substantially improved by virtue of the formal powers conferred on them in the new liberal constitutions. As products of relatively competitive multiparty elections and with stronger popular roots than their counterparts of yesteryear, the new parliaments seem to enjoy greater prestige. They also appear to exude greater confidence as key and formally autonomous bodies. Indeed, multiparty competition has made it possible for genuine parliamentary opposition to emerge; the popular image of African parliaments as rubber stamps for executive initiatives is gradually changing for the better. And there is some evidence of capacity building among African parliaments, especially in some of their specialized agencies.

Indeed, African parliaments are increasingly playing an important role in national policymaking and in the ratification of international agreements. They are attempting to enforce new and unprecedented levels of oversight over the executive and other branches of government. The Ugandan parliament, though organized on a no-party basis, has effectively confronted ministers on corruption. Zimbabwe's parliament, though dominated by the ruling Zimbabwe African National Union Patriotic Front, rejected tax proposals deemed unjust. The Public Accounts Committee of Ghana is gradually becoming a force in the auditing of the government account, building upon its success, especially in the second parliament, where the opposition parties had a strong presence.

More significant, the changes in the formal processes of African politics from mainly authoritarian systems to at least semidemocracies have

also brought significant gains. Democratic developments in Africa and the new politics have offered growing opportunities and expanded capacities for popular mobilization in Africa. The new political developments have helped to expand political space and enhance opportunities for citizen participation in public affairs. As the scheduling of elections becomes increasingly regular, voting becomes increasingly meaningful and appears to be having a greater impact on the selection of representatives.[7] Moreover, opportunities for citizens to contribute to public debates through radio phone-ins and letters to newspapers have grown, even if they are largely confined to urban areas.

The recent political reforms have introduced some of the basic conditions for the establishment of rule-bound states and governments in Africa: reduction in official arbitrariness, expansion in the range of human rights enjoyed by Africans, increased spotlight on endemic public corruption, and above all, expanded opportunities for civic participation. For instance, habeas corpus laws have been revived, thereby circumscribing the power of governments to curtail the civil liberties and enjoyment of human rights by citizens. It is also noteworthy that constitutional documents are becoming the normative point of reference for African politicians, public and private institutions, and the public at large. The significant decline in the incidence of arbitrary confiscation of private property by African governments may be largely a reflection of the growing commitment to private sector–led development. But it also represents new levels of respect for property rights enshrined in new constitutions.

Moreover, human rights advocacy and elaboration of protection have been expanding beyond crucial but elite political rights (associational and media freedoms) to grassroots social issues such as customary bondage, child slavery, and female genital mutilation. For example, in Ghana the advent of constitutional and democratic rule in 1993 has seen an active campaign placing under the spotlight and targeting for abolition for the first time two of the most repressive and inhuman institutions—Trokosi and Witches Camps, rooted in traditional culture and religion and practiced over centuries. To be sure, Trokosi and Witches Camps have not been eliminated in Ghana, yet they are under assault, thanks largely to two pieces of legislation recently passed by Ghana's parliament, one criminalizing the practice of customary servitude and another protecting the rights of children, and joint monitoring by Ghana's independent human rights and administrative justice commission and a variety of civic and community-based organizations.[8]

Similarly, there has been a growing focus on the canker of corruption in the African public. The past decade has seen a significant growth in number and clout of independent anticorruption agencies. Nearly thirty ombudsman offices and anticorruption commissions have been established or reestablished, with many of them anchored in the new liberal constitutions;

there has been an explosion of independent media and the emergence of the subfield of investigative journalism (with icons such as Zambia's Fred Membe); and nonstate and civil society anticorruption pressure groups have proliferated, notably national chapters of Transparency International (the global corruption-fighting NGO). Some thirty African countries boast national chapters of Transparency International, in addition to other citizen watchdog groups.

Again, it is true that official anticorruption campaigns have been largely designed to secure public relations benefits and/or to expose misdeeds and mete out punishment to former ruling parties. The elected administration of Olusegun Obasanjo has been preoccupied with the recovery of assets looted under the previous military dictators and has canceled oil licensing contracts suspected to have been corruptly granted by the military government; the administration of John Kufuor in Ghana is trying officials of the erstwhile Rawlings government suspected to have misused or misappropriated state resources before a new "fast-track" court; and former Malian president Moussa Traoré and several of his associates in the previous government are standing trial for alleged economic crimes. In addition, despite serious legal and political complications, newly elected governments in South Africa, Senegal, and Ghana have enthusiastically embarked on "truth and reconciliation" projects in a bid to deter official impunity, foster transitional justice, and promote genuine national reconciliation.[9]

To be sure, enthusiasm for postincumbency accountability has not been matched by enthusiasm for institutional reforms that would prevent incumbents from looting assets. Typically, little attention has been paid to public sector and other institutional reforms that would promote transparency, streamline regulations, reduce official discretion, and prevent corruption. It may well be that the problem of corruption is too deep-rooted in African political cultures to be removed by popular pressure. But it is encouraging that the spotlight on the canker has been sustained, thanks largely to constitutional protection enjoyed by some public anticorruption agencies and expanding media and associational freedoms in the democratic era. It is most unlikely that the problem of corruption can escape the spotlight or be ignored without significant political costs. It is also noteworthy that corruption was a major campaign issue in elections in Benin (1996), Ghana (2000), and Zambia (2001).

Shortcomings and Failures

However, against this positive picture of African democratization and political progress lie many shortcomings, failures, and even reversals. First, the current wave of democratization has bypassed some of the large and important

countries in Africa, notably Sudan and the Democratic Republic of Congo, Libya, and Morocco. Second, many of the continent's democratic transitions have been protracted and stalemated, as in Burkina Faso, Cameroon, Côte d'Ivoire, Togo, and arguably Zimbabwe. Worse still, the prospects of consolidation remain weak in all but a handful of African countries (South Africa, Botswana, Mauritius, Senegal, and possibly Benin and Ghana). In some cases, elected incumbents are busily engaged in a process of denaturing or rendering hollow the democratic content of the newly installed political systems.

It is also true that Africa's new legislatures remain deficient in physical infrastructure and basic equipment, as well as technocratic and analytical capabilities. Furthermore, constitution-making processes and amendments have not been sufficiently liberated from the hold of incumbent autocrats. It has been a source of dismay and frustration among many African democrats that some of those constitutions appear to have been designed to ensure that incumbent strongmen would retain most of their autocratic powers. Also, antidemocratic laws such as criminal and seditious libel legislation have been retained. Even in countries such as Benin, Zambia, and Nigeria, where democratic advances have been secured, the potential and real possibility for reversal cannot be ruled out. It is only in a few cases, such as Botswana, Mauritius, Senegal, and arguably South Africa and Ghana, that the prospects of democratic consolidation may be considered as better than fair.

Indeed, standards of democratic performance tend to be low, even in the best of cases. Newly installed democratic regimes in Africa insist on, and their publics largely tolerate, the self-serving excuse of newly installed democratic regimes that, being such, they only have to perform slightly better or no worse than a previous autocratic regime. The negative implications of such latitudes on African political practice are obvious: governments and public officials of what Richard Joseph refers to as Africa's newly "liberalized autocracies"[10] comply with the laws and constitution only in the most minimal way and in disregard of the democratic spirit in which such laws had been formulated; incumbent regimes use their majoritarian control over parliament to push through amendments and enact laws that contravene democratic norms, then rationalize such undemocratic actions on the untenable and backward grounds of consistency with what prevailed in a previous undemocratic regime. Thus, undemocratic amendments extending presidential terms beyond what was originally prescribed in the constitution in Namibia (under Sam Nujoma), Senegal (under Abdou Diouf), and Côte d'Ivoire (under Henri Konan Bedie), or those banning Alassane Quattara (Côte d'Ivoire) and Kenneth Kaunda (Zambia) from contesting in presidential elections in their respective countries, have been defended on the grounds that they were decided in popular legislatures.

Notwithstanding admirable African traditions of consensus building,[11] politics in democratizing Africa tends to be characterized by brinkmanship and "machismo." As an approach to national politics, it has fostered the practice of "crude majoritarianism," winner-takes-all, and neglect of minority interests instead of moderation, reciprocity, and give-and-take. It has also meant that in Africa, politicians, including self-professed democrats, regard concessions to their opponents or negotiated settlements or anything less than total defeat of opponents as tantamount to failure; and that incumbents are unwilling to ask for and to be granted forgiveness, setting the stage for messy transitional justice and national reconciliation projects.

Closely related to the "macho politics" is a gung ho attitude toward the exercise of discretionary power and display of gross impunity by power holders. In this "macho" mode, elected leaders have continued to behave brazenly by appointing hacks to key public and political offices, often as a reward for loyalty and sycophancy. This may largely reflect Africa's precolonial, colonial, and postcolonial authoritarian political heritage. But it is also a reflection of weak internalization of democratic values on the part of political actors as well as the entrenched patrimonialism in African politics, notwithstanding liberalization efforts. Evidently, the very low standards of authoritarian colonial and postcolonial rulers are still being used to judge the performance of African democrats, thereby threatening to consign African political practice to permanent mediocrity.

While elections are invested with unrealistic expectations and powers to resolve all sorts of problems (such as conflicts and resource distribution), they have tended to be rigged and bastardized. Incumbents are keen to rig elections to the extent that that they can get away with.[12] Indeed, in Africa's multiethnic and multinational states, elections have caused or aggravated social tensions and exacerbated fragility. Serious instability has followed multiparty polls in Burundi, Sierra Leone, Congo-Brazzaville, Togo, and recently Côte d'Ivoire. These may represent the worst examples of election-induced instability and violence, but in fact there are only a few African elections that have not been tainted by this problem.[13] Indeed, disappointment with electoral systems has been a source of some disaffection with politics in general and pervasive cynicism about the democratic political processes and associated institutions.

Furthermore, African democratic experiments have yet to marry the "representative" elements of liberal democratic politics with the "participatory" elements emphasized by mass-based all-inclusive single-party or "movement" systems.[14] The "movement" and single- or no-party systems may suffer from a politically unsustainable lack of engagement with the urban-based and educated/professional populace; and self-serving motives must be at work when urban-based political elites and technocrats make claims on behalf of peasants that are inherently difficult to verify or do not