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Reflections on African Democracy: The Rugged Terrain of the Past, Current Challenges and Issues of Contextualization

*Aschalew Ashagre Byness**

Abstract

In Africa, the expectation was that decolonization would be followed by democratization. However, this expectation was dashed particularly in the first three decades following the independence of most African countries. Because of this, serious pro-democracy movements appeared in the continent starting from the late 1980s which resulted in meaningful improvements. Nonetheless, the quest for genuine democracy has still been a real question throughout the continent. The purpose of this piece is to examine as to why the quest for democracy remained unfulfilled to date, the trend of democracy since the 1990s, the gains and the shortfalls, and the current challenges to democracy in the continent. It will also discuss whether accepting the Western Liberal democracy wholesale is right or not and whether there is a need to make some sort of contextualization so that democracy can gain ground in the continent. The author argues that despite the challenges and obstacles to democracy in the Continent, Africa has to work hard to make democracy real since no other form of governance seems to be more suitable to the continent. To this end, the countries of the continent should work aggressively and sincerely to entrench democracy by overcoming the challenges and removing the obstacles as much as possible. Nonetheless, the author believes that accepting the Western Liberal democracy without contextualization to the African reality does not seem to be appropriate.

Key terms: Africa, democracy, liberal democracy, challenges to democracy, contextualization

Introduction

Although there is no illusion that democracy is a perfect and infallible form of governance, there is an overwhelming consensus that it is the most acceptable system of government in the world today. In the post-colonial Africa, there are various issues surrounding democracy which have attracted interests of various

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African and international scholars from different disciplines. As a result, numerous researches have been conducted on democracy in Africa. This does not, however, mean that issues and problems concerning democracy in this continent have been exhaustively dealt with. Because of the continental and international economic, political and social dynamics, the discussions and arguments on democracy are still unabated.

Therefore, my objective in this piece is to discuss selected issues pertaining to democracy in the context of Africa. By engaging in the doctrinal analysis of the existing literature, I attempt to explore as to why post-colonial Africa failed to realize democracy from the 1960s to the 1990s. The trend of democracy in Africa after the 1990s democratic movements and the gains made and shortfalls observed will also be discussed. Finally, I will comment on the important issue of whether it is wise for Africa to accept the Western Liberal democracy without modification or whether we need to engage in contextualization.

This note proceeds as follows. Following this introduction, Section 1 discusses the origin, definition, features, principles and types of democracy. The second section is devoted to the discussion of the history, processes and challenges of democracy in Africa. Under the third section, issues pertaining to contextualization of democracy in Africa will be discussed. Finally, a brief concluding remarks is provided.

1. Some Preliminary Points on Democracy

1.1. Origin and Definition of Democracy

It is generally agreed that the concept of democracy is traceable to ancient Greeks particularly the city state of Athens in the fifth century B.C. The word ‘democracy’ comes from the combination of two Greek words ‘Demos’ meaning people and ‘Kratos’ meaning power or rule. Democracy, therefore, means ‘rule by the people’ despite the fact that the Greek word was originally meant to refer to the poor or the masses.¹ The central political institution in Athens during the fifth and sixth centuries B.C was what was called the Assembly. This institution was comprised of 5000 to 6000 members.² It was open to every adult citizen though women, slaves and foreigners were excluded from being members of the Assembly. As far as its power was concerned, the Assembly was able to decide on almost all domestic issues by simple majority vote without any legal restrictions. Leaders of the Athenian Assembly were not elected; rather, they were chosen by lot as there was a strong belief that every citizen was able to hold public office.³

¹ KONRAD-ADENAUER-STIFTUNG, CONCEPTS AND PRINCIPLES OF DEMOCRATIC GOVERNANCE AND ACCOUNTABILITY: A GUIDE FOR PEER EDUCATION, 2 (2011), available at www.Kas.De/Wff/Doc/Kas_29779-1522-2-30.Pdf?11121919022, accessed on November 30, 2017.

² *Id.*

³ *Id.*

However, in our modern world, the concept of democracy is one of the most perplexing concepts. This is so because the word is very popular. Its popularity has threatened the term's undoing as a meaningful political concept. Because democracy is considered as 'a good thing', it has come to be used as a little more than a 'hurray word' implying approval of a particular set of ideas or a system of rules. An author averred that democracy is perhaps the most 'promiscuous' word in the world of public affairs.⁴

It is argued that democracy as a concept is a much contested concept just like aesthetics, ethics and other political/moral concepts. Though it is possible to agree on basic elements of democracy, it is not possible to reach an agreement regarding its exact meaning, resulting in difference of understanding on its application.⁵ It means different things to different people and societies starting from the classical times.⁶ Hence, the term democracy has remained a relative concept since it no longer means the same to all peoples and cultures at all times.⁷ To date, there has not been an acceptable scientific definition of democracy though it is agreed that free competition among political parties, periodic elections and respect for the fundamental freedoms of thought, expression and assembly are its defining features.⁸

According to Tony Smith, 'democracy pertains to free elections contested by freely organized political parties under universal suffrage for control of the effective centers of governmental power.'⁹ However, this definition is not acceptable to some writers who believe that it is based on the Western concept of liberal democracy reflecting the Anglo-American cultural bias.¹⁰ According to Richard Joseph, 'the dominant way of characterizing democracy according to a set of 'electoralist', 'institutionalist' and 'proceduralist' criteria must be expanded into a broader conceptualization.'¹¹ On this point, Makinda proposed that 'democracy should be conceived as a way of government firmly rooted in the belief that people in any society should be free to determine their political, economic, social and cultural systems.'¹²

⁴ *Id.*, at 10.

⁵ In this regard, See Gavin Williams, *Democracy as Idea and Democracy as Process in Africa*, 88 THE JOURNAL OF AFRICAN AMERICAN HISTORY 339, 339-360 (2003).

⁶ See Apollos Okwuchi Nwauwa, *Concepts of Democracy and Democratization in Africa Revisited*, in DEMOCRACY AND GLOBALIZATION 1, 4 (Charles Nieman ed, Kent State University Press, 2005).

⁷ *Id.*, at 6.

⁸ See Cherif Bassiouni, *Toward a Universal Declaration on the Basic Principles of Democracy: From Principles to Realization*, in DEMOCRACY: ITS PRINCIPLES AND ACHIEVEMENT 1, 1-19 (Inter-Parliamentary Union 1998).

⁹ See TONY SMITH, AMERICA'S MISSION: THE UNITED STATES AND THE WORLDWIDE STRUGGLE FOR DEMOCRACY IN THE 20TH CENTURY 13 (Princeton University Press 1994).

¹⁰ Nwauwa, *supra* note 6, at 6.

¹¹ Richard Joseph, *Democratization in Africa after 1989: Comparative and Theoretical Perspectives*, 29 COMPARATIVE POLITICS 363, 365 (1997).

¹² Samuel M. Makinda, *Democracy and Multi-Party Politics in Africa*, 34 JOURNAL OF MODERN AFRICAN STUDIES 555, 557 (1996).

The foregoing discussion is hoped to show that the term democracy is a subject of varied understanding. That is why democracy may mean

a system of rule by the poor and disadvantaged; a form of government in which people rule themselves directly and continuously without the need for professional politicians or public officials; a society based on equal opportunity and individual merit, rather than hierarchy and privilege; a system of welfare and redistribution aimed at narrowing social inequalities; a system of decision making based on the principle of majority rule; a system of rule that protects the rights and interests of minorities by planning checks upon the power of the majority; a means of filling public offices through competitive struggle for the popular vote; a system of government that serves the interests of the people regardless of their participation in political office.¹³

1.2. Features and Principles of Democracy

Since democracy is more than a set of specific government institutions, it hinges on a well understood group of values, attitudes and practices. These values, attitudes and practices take different forms and expressions depending on cultural and societal differences around the world.¹⁴ Although it is not possible to exhaustively provide all basic features of democracy here, writers have enumerated the most important ones. Accordingly, the following have been recognized as the basic features of democracy. The first feature is the presence of a government in which power and civic responsibility are exercised by all adult citizens directly or through their freely elected representatives.¹⁵ The second feature of democracy is the principle of majority rule where decisions are made by majority and have to be accepted by all, though the view points of minority should be respected and protected.¹⁶ The third feature of democracy is decentralization of power to guard the people against all powerful central governments. Fourthly, democracy is characterized by the protection of human rights such as freedom of speech, religion, the right to equal protection under the law, the opportunity to organize and participate fully in political, economic and cultural life of society.¹⁷ The conducting of free and fair elections regularly which are open to all citizens of voting age is also another feature of democracy.¹⁸

¹³ Concepts and Principles of Democratic Governance and Accountability, *supra* note 1, at 8.

¹⁴ *Id.*, at 4.

¹⁵ Nwauwa, *supra* note 6, at 11.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

2. Democracy in Africa: History, Process, Challenges and Issues of Contextualization

2.1. Sketching the Background: Indigenous Roots, Foreign Occupation and Era of Despotism

It is widely accepted that democracy was not unknown to pre-colonial African societies. According to writers, there was radical republicanism of the lineage system of government and decentralization of power. Even in the case of centralized kingdoms, there existed major forums that would enable citizens to challenge the royals and their bureaucracies.¹⁹ In this regard, ‘the evidence suggests that, while there was inequality in the societies of pre-colonial Africa, those who held positions of privilege had to assure that the benefits created by societies were widely shared.’²⁰

When imperial powers occupied Africa, they imposed local rulers on societies that had long resisted political authority. In the case of societies which had chiefs, the colonial powers either removed the chiefs and imposed their own rulers or forged opportunistic alliances with chiefs exercising power over their societies.²¹ As it is well documented, chiefs got the opportunity to maneuver in the contested space between the colonizers and the people with the purpose of pursuing their own agenda. The chiefs resorted to exploiting their political positions to acquire and sell land, levy and collect tax revenues, and promote the benefits of their kin within the framework of the new political order. The emergence of colonialism enabled these chiefs to avoid many of the restraints which could limit their powers before the advent of colonialism.²²

As a matter of fact, the 20th century was full of global conflicts. Of these global conflicts, the Cold War Era, which emerged following the conclusion of the Second World War, was important as it brought the Soviet Union and the USA to the center of the global stage. Despite their ideological differences, these two countries helped Africans to free themselves from the European colonial dominance.²³ The anomaly, however, was the African forces that took over the colonial states were not able to endorse open political competition, an important feature of democracy, while they celebrated self-government and end of colonial rule. In addition, they declined to give recognition and protection to the rights of political expression and public assembly.²⁴ Opposition political parties also encountered serious problems in the hands of their fellow Africans. Although many African countries gained independence starting from the 1960s, several

¹⁹ Robert H. Bates, *Democracy in Africa: A Very Short History*, 77 SOCIAL RESEARCH 1133, 1134 (2010).

²⁰ *Id.*

²¹ *Id.* at 1135. See Also GLUCKMAN, M., CUSTOM AND CONFLICT IN AFRICA (Blackwell 1955).

²² Robert Bates, *supra* note 19, at 1135.

²³ *Id.*

²⁴ *Id.*

countries established a single party system. To be specific, by 1960, nine countries formed one party regimes while by 1970s, seven countries imposed single party rule on their people.²⁵

Throughout the second half of the 20th century assumption of political power by the military was a common phenomenon in the continent.²⁶ Military intervention in the form of coup d'état was the visible and recurrent feature of the post-colonial Africa.²⁷ As a result, it was only few democratically elected presidents that were able to complete their terms without being removed from power by a military coup.²⁸ The military establishment became a strong force in the political process and it arrogantly believed that it had an unquestioned right to make an intervention in the political process.²⁹ However, military regimes had their own justifications for their intervention in politics and resorting to coups. For instance, they justified coups based on a need to save a given country from breaking up or the need to address economic and social problems prevailing in the given country. Military regimes seized power declaring that their intervention was meant to rectify the ills of the government removed by them.³⁰ When military regimes assumed power, they made clear commitments to respect civil rights, to promote economic development and to lay a firm foundation for an enduring democratic order. These false promises were being made with a view to capturing the attention of the general public to consider them as a messiah capable of solving all the problems of the country concerned.³¹ Military regimes in Africa were built on the theory of legal positivism which believed to rule by force disregarding the consent of the governed. They were essentially known for dictatorship whose *modus operandi* was absolutely incompatible with constitutional democracy.³²

In governing a nation, the military was omnipresent giving no recognition to any constitutional restraint. Military regimes had a clear contempt of law and legal rules. Rather, they cared only about achieving their own objectives. It was unthinkable to talk about accountability and respect for human rights. The courts played no role to ensure the legality of governmental actions. Under such military regimes, the ruling dictator viewed law as an instrument employed by the state for the purpose of preservation of authority. The sole purpose of the law was to consolidate state power and to induce compliance under the threat of sanctions. As a result, laws and institutions that would facilitate the enjoyment of rights were not

²⁵ *Id.*

²⁶ See Paul Beckett and Crawford Young, *Introduction: Beyond the Impasse of "Permanent Transition"*, in *DILEMMAS OF DEMOCRACY IN NIGERIA* 1, 1 (Paul A. Beckett & Crawford Young eds., 1997).

²⁷ See SAMUEL DECALO, *COUPS AND ARMY RULE IN AFRICA: MOTIVATIONS AND CONSTRAINTS* (2nd ed., 1990).

²⁸ Okechukwu Oko, *Consolidating Democracy on a Troubled Continent: A Challenge for Lawyers in Africa*, 33 *VANDERBILT JOURNAL OF TRANSNATIONAL LAW* 573, 585(2000).

²⁹ *Ibid.*

³⁰ *Id.*, at 586.

³¹ *Id.*

³² *Id.*

able to serve their purposes since they were either abrogated or seriously circumscribed.³³ Because military regimes were working for the sole purpose of achieving their own short range political and economic objectives, they were not interested in establishing constitutional democratic orders. To achieve their objectives, they were engaged in violating constitutional and civil liberties.³⁴

For instance, in Nigeria, all military regimes promulgated a decree called the Constitution Suspension and Modification Decree which conferred plenary power on the military to disregard or dismantle the then existing legal and political institutions. As a result, parts of the constitution were suspended, abrogated and modified; political parties were disbanded and civil liberties were severely restricted. Such decree would often herald the desire of the military to neutralize legal rules and processes that would otherwise harness the undue exercise of state power. The military regime was able to accomplish these using four distinct mechanisms. These were: the arrogation to itself of legislative and executive power, the insulation of legislative and executive actions from judicial review, the abridgement of civil liberties and the assigning of adjudicatory functions to tribunals.³⁵

2.2. The Struggle for Democracy in Africa

In Africa, the struggle for genuine democracy is not a recent phenomenon. Rather, it started immediately following independence from the colonial domination. Unfortunately, the African masses soon realized the reluctance of the new leaders of Africa, who inherited power from the colonial masters, to fulfill the promises of nationalist struggles although they had high expectation for democracy. Contrary to the expectation of the African masses, the new rulers firmly occupied the seats of power and controlled allocation of resources and power. Consequently, there was concentration of resources in urban centers resulting in marginalization of rural people and areas. Though such marginalization affected the whole people, women in particular were victims of marginalization.³⁶ To mention but few examples, in Kenya under Jomo Kenyatta, Nigeria under Abubakar Tafawa Balewa, Ghana under Kwame Nkrumah and Senegal under Leopold Sedar Senghor as well as in other post-colonial societies, the relationship between the people and the leaders was not harmonious; rather, it was characterized by antagonism, suspicion and violence.³⁷

³³ *Id.*, at 591.

³⁴ *Id.*

³⁵ See generally Okechukwu Oko, *Lawyers in Chains: Restrictions on Human Rights Advocacy under Nigeria's Military Regimes*, 10 HARVARD HUMAN RIGHTS JOURNAL (1997.)

³⁶ Julius O. Ihonvbere, *Where Is the Third Wave? A Critical Evaluation of Africa's Non-Transition to Democracy*, 43 AFRICA TODAY 343, 344 (1996).

³⁷ *Id.*

On account of absence of trust in the elites (the leaders), several self-help associations, trade unions and opposition political associations mushroomed in several countries of the continent. Although decolonization was originally thought to be important bedrock for democracy and democratization, people came to consider independence as a kind of punishment. This is because independence was soon followed by misery, pain, dashed hopes, terror, exploitation, marginalization, frustration and hopelessness.³⁸ These bad consequences in post independence Africa came into the picture as a result of African leaders becoming cruel dictators and life presidents. There were leaders who consider themselves as little gods. Hence, women, students, workers, the unemployed and professionals began to call for a genuine second independence - realizing democracy and democratization in the continent.³⁹

The democracy movement in Africa was a social protest motivated by various factors. Chief among these factors are: the failure of the post-independence states to live up to the expectations of the people, the inability of the state to build hegemony and to promote national unity, the unwillingness of the state to resolve minority issues, inability of the state to promote development in rural areas, to provide infrastructure and basic needs and to democratize the political landscape.⁴⁰ In addition, the struggles for democracy in the 1980s were encouraged by the emergence of new organizations focusing on human rights, gender equality, environmental protection, democratization and the like.⁴¹

Despite their costs in terms of material and human losses, the new struggles for democracy in the African Continent did not remain fruitless. Rather, they produced a number of positive consequences.⁴² The major ones are the following. First, the struggles encouraged challenges to authoritarian military and repressive one party regime. Secondly, they encouraged the appearance of new political parties and movements; thirdly, they facilitated the re-composition or rejuvenation of political and social movements that were seriously suppressed, marginalized and intimidated in the past; fourth, because of the struggles, many political organizations engaged in the development and support of political programs; fifth, as a result of the struggles, new leaders emerged. These new leaders were not part of the independence struggle having no connection or affiliation with the discredited detested authoritarian regimes; sixth, as a result of the new struggles for democracy, the political landscape was opened up for articulation of alternative political programs in many African states such as Togo, Nigeria, Kenya, Malawi and the like. Because of this, many Africans who were abroad came back to their respective home countries; there appeared debating on ideas openly. Freedom of

³⁸ Ihonvbere, *supra* note 36, at 345.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*, at 349.

the press was also the fruit of the opening up. Academic institutions were liberated from siege and considering intellectuals as enemies of government was reduced. Seventh, the struggles resulted in the reconstruction of ideological agenda free from the leftist or rightist hard lines of the 1960s and 1970s.⁴³

Nonetheless, the new movement for democracy faced various challenges resulting in absence of sustainable democracy in the continent still now. This is basically attributable to the fact that many new leaders were nothing more than emergency democrats who tried to pretend to be democrats to the international community and exploit the political frustration and pains of the people. Because these leaders had abnormal fixation for power, they suppressed democracy and spent much money, time and energy for the purpose of liquidating real and imaginary opposition. They were also willing to share power with the 'devils of yesterday' as was witnessed in several countries.⁴⁴ The problems of the new political leaders were best summarized by Nzungula-Ntalaja in the following words:

Like most of the petit-bourgeois leaders of the independence struggle, the new leaders are for the most part self-centered seekers of political power and material benefits. Their main preoccupation [was] to position themselves for political office in the new dispensation of the post-authoritarian era. Evidence from both failed and aborted transitions (Zaire, Togo, Kenya, Gabon, Cameroon, Ghana, Sudan) and countries where elected governments have replaced the former dictators (Benin, Mali, Niger, Congo, CAR, Zambia, Malawi) suggests that there is little commitment to democratization as a process within the political class as a whole, even among prominent leaders of the democratic opposition or the democracy movement. Both power-holders and those seeking to replace them share a common political culture, one *that puts less emphasis on respect for the democratic process of open debate and transparent decision making than on deal making among politicians.*⁴⁵ (Emphasis mine)

According to Nzungula-Ntalaja, the brand of politics effectively practiced by many of the new movements reflected a political culture where principle gave way to opportunism. Decisions taken at democratic gatherings could easily be changed by politicians who were determined to serve their own self-interests.⁴⁶ The thirst for power encouraged 'political prostitution, grandstanding corruption, intolerance and strategic alliances that directly compromised the ability of the new movements and parties to make a difference. Motivated by hunger for power, the new leaders were engaged in manipulating and dividing the opposition.'⁴⁷

⁴³ *Id.*

⁴⁴ *Id.*, at 353.

⁴⁵ See Georges Nzungola-Ntalaja, *Democratic Transitions in Africa*, 9 NEWSLETTER OF THE AFRICAN ASSOCIATION OF POLITICAL SCIENCE 1, 2 (June-September 1995).

⁴⁶ *Id.*, at 3.

⁴⁷ Ihonvbere, *supra* note 36, at 355.

Although there was hope in the new democratic movements and struggles, they faced various serious challenges and democracy remained a nightmare at the close of the 20th century. Some of the major challenges and limitations in this regard were the following. First, the new movements were not able to nurture and win the support of new political constituencies which could have extricated the movements from elite politics and the well-established manipulation and exploitation of primordial differences and loyalties.⁴⁸ Secondly, the prodemocracy movements and the new political parties devoted much of their time to get support and legitimacy from the outside world.⁴⁹ Thirdly, because the prodemocracy movements were in search of foreign exchanges to set up their political agendas, they became dependent on international funding agencies which in turn damaged the originality, creativity and effectiveness of the new governments.⁵⁰ Fourth, the new movements had a difficult time to mobilize their members because they were largely based in urban centers, their programs were elitist, they articulated issues that could not reflect the struggles and aspirations of the majority, of heavy reliance on ethnicity, region, religion so on and so forth.⁵¹

2.3. A Sketch of Trends of Democracy in Africa since the 1990s

It has earlier been indicated that democracy did not take ground in the continent throughout the second half of the 20th century despite the fact that there were various struggles towards this end. As we know, Africa was late adopter of democracy in its modern sense though there were indigenous roots to democracy. Before the 1990s there were only handful of countries which adopted multiparty system and multiparty election. Mentionable in this regard were Botswana, Mauritius, Senegal and the Gambia.⁵² After the 1990s multiparty elections rapidly spread across the continent because of internal and external pressures. As far as the internal pressures are concerned, protests and demonstrations by civil society organizations, discontented students and labor organizations are mentionable while the influences of donors and international financial institutions have been external pressures.⁵³

However, there have not been genuine democratic transitions since many of the political elites have embraced democracy as a tactic to avoid full reform programs.

⁴⁸ See Ernest Wamba-Dia-Wamba, *Beyond Elite Politics of Democracy in Africa*, 6 QUEST: PHILOSOPHICAL DISCUSSIONS 28-43(June 1992).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² STEPHANIE M. BURCHARD, DEMOCRACY TRENDS IN SUB-SAHARAN AFRICA, FROM 1990 TO 2014 11 (Institute of Defense Analysis, 2014), Available at <https://www.Ida.Org/Idamedia/Corporate/Files/Publications/Ida.../Id/.../D-5393.Pdf>, accessed on January 2, 2018. Unfortunately, The Gambia experienced a coup in the 1990s and freedoms were extremely indeed under the reign of Yahya Jammeh until he was removed from power by Adama Baro in an election held in 2015.

⁵³ In This Regard, See Thad Dunning, *Conditioning the Effects of Aid: Cold War Politics, Donor Credibility, and Democracy in Africa*, 58 INTERNATIONAL ORGANIZATION 409, 409-423 (2004).

Consequently, many African countries have seen incomplete democratic transition.⁵⁴ Because of the incompleteness of the transition, the political institutions exist on paper lacking capacity in practice.⁵⁵ The transitions to democracy have not constrained the powers of the executive resulting in the presence of what is called *hyper-presidentialism*, which has dwarfed other political institutions.⁵⁶ For instance, many African presidents have extensive appointment powers over other branches of government. In addition, the presidents have unlimited rights of legislative initiation. Such powers of the presidents have made the legislatures to serve as a rubber stamp that allows the executive to do whatever it wants to.⁵⁷ Other political institutions necessary for the proper functioning of a balanced democracy are compromised. Political parties are also relatively weak serving only the interests of individual politicians to access political power.⁵⁸ Worst of all, the judiciaries have been given the least attention and are probably the least developed democratic political institutions in many countries of the continent.⁵⁹

Because of the incomplete transition to democracy, the military has once again resorted to military coups to assume political power.⁶⁰ Writers argue that the military today is interested in political intervention for the purpose of curtailing the powers of an overly aggressive power-hungry executive and hence some writers refer such coups as ‘democratic coups’ or ‘democratic reset.’ For instance, the military intervened in Burkina Faso in 2014 and in Niger in 2010 following the outbreak of popular protests in each country. The protests in each country were caused by the attempt of the presidents of these countries to circumvent the constitution to stay in power longer than prescribed in the respective constitutions.⁶¹

Although African elites are reluctant to erect substantive and procedural democracy in the continent, studies show that the general public is anxious to see

⁵⁴ See Victor O. Adetula, *Measuring Democracy and Good Governance in Africa: A Critique of Assumptions and Methods*, in AFRICA IN FOCUS: GOVERNANCE IN THE TWENTY-FIRST CENTURY (Kwandiwe Kondlo And Chinenyengozi Ejiogu eds., Hsrc Press 2011).

⁵⁵ See Gabrielle Lynch and Gordon Crawford, *Democratization in Africa 1990–2010: An Assessment*, 18 DEMOCRATIZATION 275, 275–310 (2011).

⁵⁶ See Oda Van Cranenburgh, ‘Big Men’ Rule: Presidential Power, Regime Type and Democracy in 30 African Countries, 15 DEMOCRATIZATION 952, 952–972 (2008).

⁵⁷ *Id.*

⁵⁸ Giovanni M. Carbone, *Political Parties and Party Systems in Africa: Themes and Research Perspectives*, 3 WORLD POLITICAL SCIENCE REVIEW (2007). See also Matthias Basedau, *Survival and Growth of Political Parties in Africa: Challenges and Solutions towards the Consolidation of African Political Parties in Power and Opposition*, Conference Paper, February 27 – March 1, 2005, Accra; La Palm Royal Beach Hotel, Accra, Organized By The Friedrich-Ebert-Stiftung (FES) and the Institute of African Affairs (Institut Für Afrika-Kunde, Iak), Hamburg, Germany, available at: www.Library.Fes.De/Pdf/Files/Bueros/Ghana/50248.Pdf, accessed On February 2, 2018.

⁵⁹ Regarding the Problems Surrounding judicial independence in developing countries see Vyas Yash, *The Independence of the Judiciary: A Third World Perspective*, 11 THIRD WORLD LEGAL STUDIES (1992).

⁶⁰ Gabrielle Lynch and Gordon Crawford, *supra* note 56. See also Kristen A. Harkness, *The Ethnic Army and the State: Explaining Coup Traps and the Difficulties of Democratization in Africa*, 60 JOURNAL OF CONFLICT RESOLUTION 587, 587–616 (2016).

⁶¹ Burchard, *supra* note 53, at 15.

democracy being genuinely put in place. In a survey conducted between 2010 - 2012, seventy two percent of Africans surveyed made it clear that democracy is preferable to other forms of government.⁶² As far as the existing quality of democracy is concerned 19 percent said that their country should be considered a full democracy, 36 percent said that their country was full democracy with minor problems and 40 percent said that their country was a democracy with major problems or not a democracy at all.⁶³

2.4. Challenges to Democracy in Africa

Despite the various problems, it is hoped that Africa will have no choice other than democracy. However, it has to be borne in mind that there are grim challenges that Africa has to grapple with even in the 21st century. Brief explanation of these challenges follows.

1) Political and Leadership Challenges

It is widely agreed that for most African people the new system of governance is suffering from lack of good faith in certain leaders and administrators. Some politicians who have gained leadership positions have tried to corrupt the democratic system of governance just for the sake of satisfying their lust for power and money. These leaders disregard constitutionalism; they try to prolong their stay in power by manipulating constitutional term limits; they are also keen to convert a multiparty democracy into a one-man party state with the purpose of abusing separation of power, ignoring rule of law, undermining judicial independence, interfering with the fundamental rights and promoting parochial interests.⁶⁴ The other political challenge is how to avoid the politics of exclusion. Since Africa inherited the “winner-takes-all” mentality from the Western World, there has not been a practice of power sharing or the involvement of other party members in government powers, even in a situation where doing so would serve the national interest.⁶⁵ The refusal of governments to adhere to the good governance agenda is another political challenge in Africa. Needless to say, democracy cannot succeed in the absence of viable opposition, equitable decentralization, free, pluralistic and independent media, civil society organizations which have unfettered freedom and a strong commitment to the fight against corruption. To our dissatisfaction, however, all these prerequisites of democracy have not become real in Africa.⁶⁶ The bad political leadership manifests itself in the inclination of leaders to foster

⁶² *Id.*, for further information, see Afro-Barometer Round 5 Data Analysis; data available at <http://www.Afrobarometer.org>; accessed on December 16, 2017.

⁶³ *Id.*

⁶⁴ A.A. Adegboye, *Consolidating Participatory Democracy in Africa: The Challenges and the Way Forward*, 9 EUROPEAN SCIENTIFIC JOURNAL 241, 246 (January 2013). See Also Usman A. Tar, *The Challenges of Democracy and Democratization in Africa and Middle East*, 3 INFORMATION, SOCIETY AND JUSTICE 81, 81-94 (July 2010).

⁶⁵ *Id.*

⁶⁶ *Id.*

ethnic or tribal ascendancy in political parties, the military and security forces.⁶⁷ The most persistent and terrible leadership failure is the manipulation of election results which has been described as ‘rigged election’, or ‘election manipulation’, or ‘sham election’, or ‘stolen verdict’ or ‘stolen mandate.’⁶⁸

2) Foreign Interventions

Though there are some positive aspects of foreign interventions, it has remained to be a challenge to African democracy. Recent research findings have clearly indicated that foreign intervention has the potential to belittle basic ideas of democracy and respect to fundamental human rights.⁶⁹ For instance, the sale of arms by state and non-state actors to warring factions in South-Sudan, Democratic Republic of Congo and Central African Republic has aggravated the conflict creating a ground where the seeds of democracy cannot germinate and grow.⁷⁰ Chinese increased sale of equipment of torture to several African countries could be inadvertently adding fuel to the fire which has been destroying the foundations of human rights in the continent.⁷¹ Under the guise of the threat of terrorism, several African governments have issued anti-terrorism laws whose implementation has resulted in the abuse of minority groups and obstructing the activities of civil societies and opposition political Parties. In addition, these laws have restricted fundamental rights and freedoms.⁷²

3) Ethnicity

The problem of ethnicity is not a phenomenon that emerged in the 21st century Africa since it draws its roots from colonial Africa.⁷³ Currently, negative ethnicity is another important contributing factor inhibiting democratic governance in Africa. Political organizing has been undertaken on ethnic lines as is the case in Kenya⁷⁴

⁶⁷ Japhace Poncian and Edward S. Mgaya, *Africa's Leadership Challenges in The 21st Century: What Can Leaders Learn from Africa's Pre-Colonial Leadership and Governance?*, 3 INTERNATIONAL JOURNAL OF SOCIAL SCIENCE STUDIES 106, 106-112, (May 2015).

⁶⁸ Ojo Oluwale, Adewunmi E. F. And Oluwale Emmanuel, *Electoral Malpractices and Problems in Africa: A Critical Analysis*, 1 JOURNAL OF RESEARCH AND DEVELOPMENT 11, 11-21 (2013). See Also Khadijah Sanusi Gumbi, *Rigged Re-Elections in Africa and the Legitimacy of Democratic Regimes: A Nigerian Scenario*, 4 INTERNATIONAL JOURNAL OF HUMANITIES AND SOCIAL SCIENCE 237, 237-239 (April 2014).

⁶⁹ See William Easterly, Shanker Satyanath and Daniel Berger, *Superpower Interventions and Their Consequences for Democracy: An Empirical Inquiry*, available at www.Research.Policyarchive.Org/14958.Pdf, accessed on January 15, 2018.

⁷⁰ Adhere Cavince Otieno, *Challenges of Consolidation Democratic Governance In 21st Century Africa: The Role Of China* (September 2017) (Unpublished MA Thesis, University of Nairobi) www.ERepository.Unbi.Ac.Ke/.../Adhere_%20challenges%20of%20consolidating%20democrpdf, accessed on December 6, 2017, P.66.

⁷¹ *Id.*

⁷² *Id.*

⁷³ See Bruce J. Berman, *Ethnicity and Democracy in Africa*, JICA Working Paper, *Ethnic Diversity and Economic Instability in Africa: Policies for Harmonious Development* (November 2010), available at https://www.Jica.Go.Jp/Jica-Ri/.../Workingpaper/...Att/Jica-Ri_Wp_No.22_2010.Pdf, accessed on January 3, 2018.

⁷⁴ See Frank Holmquist and Mwangi Wa Githinji, *The Default Politics of Ethnicity In Kenya*, 16 THE BROWN JOURNAL OF WORLD AFFAIRS 101, 101-117 (2009).

and Ethiopia.⁷⁵ Ethnicity is said to be a challenge to democracy because it goes against meritocracy, creates disunity among the populace and leads to instability. There are a number of examples in Africa in this regard.⁷⁶ For instance, the 1994 genocide in Rwanda was a result of negative ethnic politics between Hutus and Tutsis;⁷⁷ Kenya was plunged into violence in the aftermath of the 2007 election predominantly organized and executed through ethnic Balkanizing.⁷⁸ However, we have to bear in mind that although ethnicity is a serious challenge to democracy, we cannot build democracy in the continent by totally ignoring ethnic differences. Rather what we have to do is trying to strike a balance between national unity and ethnic diversity.⁷⁹

4) Poverty

Though it is believed that there has been economic progress in the continent in the 21st century, the number of people living in extreme poverty has increased since 1990. In this regard, studies demonstrate that about 330 million people were in extreme poverty in 2012 in contrast to 280 million people in 1990.⁸⁰ Hence, poverty in Africa has made the prospect of democracy very unlikely since studies have established that better performing economies have registered better governance and democratic ideals. This is because poverty afflicted population is vulnerable to manipulations by politicians and other state operators. Poverty also undermines popular sovereignty since there could be electoral malpractices through buying of votes.⁸¹ Owing to poverty, citizens cannot be in a position to acquire critical empowerment tools such as education, making the general public incapable of having a clear understanding of intricacies of modern governance.⁸²

⁷⁵ See Edmond J. Keller, *Ethnic Federalism and Democratization in Ethiopia*, 21 HORN OF AFRICA 30, 30-43 (2003).

⁷⁶ Otieno, *supra* note 70, at 67.

⁷⁷ *Id.*; See Also Paul Magnarella, *Explaining Rwanda's 1994 Genocide*, 2 HUMAN RIGHTS AND WELFARE 25, 25-34 (2002).

⁷⁸ See Opondo P.A, *Ethnic Politics and Post-Election Violence of 2007/8 in Kenya*, 4 AFRICAN JOURNAL OF HISTORY AND CULTURE 59, 59-67 (2014). There are also many more examples in Africa although it is not possible to mention all of them here because of time and space constraints.

⁷⁹ In this regard, see Thomas Hylland Eriksen, *Ethnicity versus Nationalism*, 28 JOURNAL OF PEACE RESEARCH 263, 263-278 (August 1991).

⁸⁰ See World Bank Report, *While Poverty In Africa Has Declined, Number of Poor Has Increased*, available At <http://www.Worldbank.Org/En/Region/Afr/Publication/Poverty-Rising-Africa-Poverty-Repo>, accessed on February 2, 22018. See Also Kathleen Beegle, Luc Christiaensen, Andrew Dabalen and Isis Gaddis, *Poverty in a Rising Africa*, available at www.Un.Org/Africarenewal/...Africarenewal/.../Poverty%20in%20a%20rising%20afric.., accessed on January 20, 2018.

⁸¹ Michael Bratton, *Poor People and Democratic Citizenship in Africa*, AfroBarometer, Working Paper No.56, available at https://www.Files.Ethz.Ch/Isn/92114/Afropaperno56_Poor%20people.Pdf, accessed on January 23, 2018.

⁸² See Clive Harber, *Education, Democracy and Poverty Reduction in Africa*, 38 COMPARATIVE EDUCATION 267, 267-276 (2002).

5) Corruption

Transparency and accountability are among the most important pillars of democracy which are important instruments of combating corruption, be it in Africa or elsewhere in the world. As such, the African people expect the new leaders to promote transparency and accountability which in turn help to control corruption and corrupt practices.⁸³ Nonetheless, contrary to the expectations of African citizens, public officials and political leaders have immersed themselves into the quagmire of corruption. They have been engaged in illegal, immoral and dishonest practices. Studies have brought to light that corruption and plunder of public resources has remained an important factor hindering democracy in the continent.⁸⁴ Worst of all, political corruption is the most important menace to democracy in Africa and other developing countries.⁸⁵

3. Issues Pertaining to Contextualization of Democracy in Africa

Despite the fact that there have been various attempts to entrench democracy in Africa, it has failed to properly grow roots. Because of the failure of democracy in Africa, one is obliged to ask whether there is a need to resort to contextualization of democracy so that it may flourish in the continent. This is one of the most important areas which have triggered various arguments among writers in the field. Concerning this issue, there have been three salient schools of thought which are worth discussing here. These are the universalist school of thought, the traditional School of thought and the eclectic approach.

1) The Universalist Approach and Liberal Democracy: Against Contextualization?

According to scholars who have written on liberal democracy, such kind of democracy is a model which is universally applicable everywhere in the world and hence it is the most desirable model of democratic government to be embraced by any society. In this regard, writers argue that with the collapse of communism and the victorious emergence of the USA from the Cold War, liberal democracy is globally victorious.⁸⁶ It is also argued that industrial development inevitably follows a universal pattern, which is set by the leading capitalist economics of the West - a process which will guarantee an increasing homogenization of all human societies irrespective of their historical origins and cultural differences. Moreover, it is

⁸³ See Kwabena Gyimah-Brempong, *Corruption, Economic Growth and Income Inequality in Africa*, 3 JOURNAL OF ECONOMIC GOVERNANCE 193, 193-209 (2002).

⁸⁴ Robert Mattes and Michael Bratton, *Learning about Democracy in Africa: Awareness, Performance and Experience*, 51 AMERICAN JOURNAL OF POLITICAL SCIENCE 192, 192-217 (2007).

⁸⁵ See Mark E. Warren, *What Does Corruption Mean in a Democracy?*, 48 AMERICAN JOURNAL OF POLITICAL SCIENCE 328, 328-334 (April 2004).

⁸⁶ Ademola Kazeem Fayemi, *Towards an African Theory of Democracy*, 1 THOUGHT & PRACTICE 101, 107 (June 2009). In this regard, the following two works are very much useful, FAKUYAMA, FRANCIS, *THE END OF HISTORY AND THE LAST MAN* (Penguin 1992), GYEKYE, K., *TRADITION AND MODERNITY: PHILOSOPHICAL REFLECTIONS ON THE AFRICAN EXPERIENCE* (Oxford University Press 1997).

contended that all countries undertaking economic modernization must increasingly resemble one another; they must unite nationally on the basis of a centralized state; they must urbanize and replace traditional forms of social organizations with economically rational ones based on function and efficiency and provide for universal education.⁸⁷

When we come specifically to Africa, we find scholars who vehemently argue in favor of liberal democracy. Such writers argue that the problem of underdevelopment in many African countries is not attributable to embracing liberal democracy in their political orderings. It is rather argued that liberal democracy has an inherent potential of guaranteeing development in Africa. Temporary failures of democracy and the economy are attributable to the fact that many African countries are in haste in the struggle to consolidate their democracies and impatient in achieving the developmental pace of the West. It is pointed out that older democracies in the West had certain conditions which facilitated the consolidation of democracy such as economic prosperity and equality enhanced by early industrialization, a modern and diversified social structure where primary roles are played by the middle class, national culture that tolerates diversity and prefers accommodation and a long time span of practicing democracy.⁸⁸

2) The Traditional School of Thought

This school of thought is the exact opposite of the universalist school of thought. According to this school, democracy, as it has been practiced in Africa, cannot be sustained and is not capable of solving the bulk of crises the continent is known for. Hence, the proponents of this school believe that an indigenous democratic system, which is more natural to African culture, should be put in place replacing Western idea of democracy which has been struggling to gain ground in the continent.⁸⁹

The question, however, is: do Africans have any indigenous democracy that is capable of replacing the western liberal democracy? It is argued that democracy was not alien to the African society in the pre-colonial period since various societies in different parts of the continent had their own democratic systems.⁹⁰ In this regard, Owusu wrote that:⁹¹

In the long period preceding colonial rule, Africans experimented with a variety of political structures and constitutions that ranged from direct and

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ See Nyambe Sumbwa, *Traditionalism, Democracy and Political Participation: The Case of Western Province, Zambia*, 21 AFRICAN STUDY MONOGRAPHS 105, 105-146 (July 2000); See Also Ikechukwu Anthony Kanu, *African Traditional Democracy*, 1 IGWEBUIKE: An African Journal of Arts and Humanities 1, 1-8 (June 2015).

⁹⁰ *Id.*

⁹¹ Maxwell Owusu, *Domesticating Democracy: Culture, Civil Society, and Constitutionalism in Africa*, 39 COMPARATIVE STUDIES IN SOCIETY AND HISTORY 120, 135 (January 1997).

representative democracy to various forms of strong centralized kingdoms and centralized states and state less lineage and age based systems of power distribution.

Other authors wrote that the structure of an African state demonstrates that kings and chiefs used to rule by consent. Although pre-colonial Africans recognized that men are not free from abuse of power, there were measures which were to be taken as a response to abuse of power. The measures, which would range from popular disapproval to movements of succession or revolt, were usually led by members of the royal family or subordinate chiefs.⁹²

Hence, the traditionalists argue for the absolute replacement of liberal democracy by an indigenous African democracy. To begin with, Wambia dia Wamba contended that western multiparty system is unrealistic for the African reality. Instead, he advocates a democracy from below rather than imported democracy from the Western World.⁹³ According to Moshi and Osman, 'liberal democracy has failed in many parts of Africa since the western style political parties organize mainly on class interest which is totally missing in Africa. In addition, these writers argued that the western style multiparty politics ignores the cultural values of the African people which have resulted in the degeneration of the electoral politics into ethnic and communal conflicts.'⁹⁴ By the same token, Eboh argues that Western style of democracy is not a true expression of contemporary African political culture. Hence, he argues that there should be an African democracy.⁹⁵ Moreover, Kwasi Wiredu argued that Africa's political salvation cannot come from the Western majoritarian democracy in which the party that wins more seats at the elections becomes the ruling party which does not accommodate the concerns of other groups of society.⁹⁶

3) Eclectic Approach to Democracy in Africa

As indicated earlier, the universalist and traditionalist approaches are extremely polarized. The golden mean, therefore, is what is called the Eclectic School of Thought which claims that though it is important to adopt certain democratic values and principles from traditional African culture, it is not wise to completely ignore the democratic ideals and practices that have been developed in other cultures.⁹⁷ In this regard, Ruch argues that African democracy must not be a blind

⁹² *Id.*, at 136.

⁹³ Wambia, Ernest Wambia Dia, *Democracy in Africa and Democracy for Africa*, in PHILOSOPHY AND DEMOCRACY IN INTERCULTURAL PERSPECTIVE 129 (Kimmerle, Heinz and Fraz M. Wimmer eds., Amsterdam, Rodopi 1990).

⁹⁴ See DEMOCRACY AND CULTURE: AN AFRICAN PERSPECTIVE (Moshi Lioba and Abdulahi A. Osman, eds., Lagos, Adonis & Abbey Publishers 2008).

⁹⁵ See Marie Eboh, *Is Western Democracy the Answer to the African Problem?*, in PHILOSOPHY AND DEMOCRACY IN INTERCULTURAL PERSPECTIVE, (Heinz, Kimmerle and Fraz M. Wimmer eds., Amsterdam: Rodopi 1990).

⁹⁶ Kwasi Wiredu, *Tradition, Democracy and Political Legitimacy in Contemporary Africa*, in REWRITING AFRICA: TOWARD RENAISSANCE OR COLLAPSE? (E. Kurimoto, ed., Osaka: The Japan Center for Area Studies, 2001).

⁹⁷ See K GYEKYE, TRADITION AND MODERNITY: PHILOSOPHICAL REFLECTIONS ON THE AFRICAN EXPERIENCE, (Oxford, Oxford University Press 1997).

return to traditional Africa; nor should it be a replication of Western modes of governance. He contends that Africa should map out its own original path without moving from one extreme to another.⁹⁸ In addition, it is also argued that some of the evident democratic elements found in indigenous African socio-political organizations should be nurtured and refined for contemporary application to realize political stability in the continent. Hence, scholars argue that 'we should find ingenious ways and means of hammering the autochthonous democratic elements as well as elements inherited from foreign source into acceptable and viable democratic form in the setting of the modern world.'⁹⁹

According to Owlabi, democratic as well as anti-democratic values may exist in traditional cultures. Therefore, he argues that in order to lay a solid foundation for Africa, our return to the past should be seriously cautious in order to avoid falling into a trap venerating an obsolete and anachronistic culture. He rejects the extreme position of the traditionalists as well as the universalists and he suggests that a blend of African as well as Western democratic values may be a useful tool to install a workable African democracy.¹⁰⁰

Concluding Remarks

Many African countries achieved their independence from colonialism in the second half of the 20th century. Following this remarkable achievement, the aspiration of Africans was to build democracy since independence from colonial administration would be meaningless in the absence of democracy. However, the aspiration of the African people for democracy was dashed since the era of colonialism was replaced by an era of despotism. In other words, the aspiration for democracy remained fruitless at least in the first three decades after independence - from the early 1960s to end of the 1980s - since the post independence leaders of African countries were not willing to embrace democracy. Rather, military coup d'état was the hallmark of many African countries in the period under consideration.

Starting from the late 1980s, however, there have been serious movements for democracy motivated by internal and external factors. It is possible to conclude that these movements have produced positive effects towards democracy. There have been encouraging trends of democracy and in many parts of the continent though the achievements vary from one country to another. However, the gains are also accompanied by various shortfalls; there are serious rollbacks of democracy in several African countries. In other words, the pace of democracy is not as such admirable given that democracy is very much indispensable for the

⁹⁸ E.A RUCH AND K.C ANYANWU, *AFRICAN PHILOSOPHY: AN INTRODUCTION TO THE MAIN PHILOSOPHICAL TRENDS IN CONTEMPORARY AFRICA* 305 (1981).

⁹⁹ GYEKYE, *supra* note 97, at 43.

¹⁰⁰ See Ademola Kazeem Fayemi, *supra* note 86.

people of the continent. Despite the positive moves towards democracy, there are various formidable challenges and obstacles which obstruct democracy in the continent. Chief among these challenges and obstacles are: political challenges, leadership challenges, foreign interventions, ethnicity, poverty, corruption, military intervention and the like. Hence, it is high time for African countries to aggressively work towards democracy by overcoming these challenges and obstacles.

In addition to dealing with the above challenges and obstacles, it is firmly believed that the Western liberal democracy needs to be adapted to the African cultural, social and economic reality so that democracy would work in the continent. In other words, resort to contextualization is obligatory. Nonetheless, it is hardly possible to fully subscribe to the arguments of the traditionalists who preach that Africa should altogether abandon liberal democracy and should turn its face absolutely to African indigenous democracy and traditional institutions. Rather, I personally believe that it will be wise to adopt the arguments of the eclectic approach to democracy since there are relevant values that we can take from the Western democracy and African indigenous values. Nevertheless, African countries should make deep country specific studies on how to make a good blend of the values of liberal democracy and African indigenous values on democracy as the one-size-fits-all approach of some writers does not work for all African countries.

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