

AN OVERVIEW OF THE STATE OF ELECTORAL DEMOCRACY IN AFRICA*

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Abstract

Most recent accounts paint a bleak and gloomy picture of the state of global democracy. This is particularly so in Africa where the optimism of a democratic revival in the 1990s is rapidly giving way to narratives of doom and gloom. Using survey data compiled by well-established regional and global international organisations, this paper assesses the state of electoral democracy in Africa, reviews the challenges that have been encountered, and considers the prospects for the future. The trend in the evolution of electoral democracy on the continent in the last three decades points to an authoritarian mobilisation and resurgence. Although elections have become the norm, these elections are increasingly being used to disguise all forms of undemocratic governance. The major lesson to be drawn from the study is that there is no African country where democracy and constitutionalism can be thought of as firmly consolidated and secure. The number of countries which are declining due to failed or flawed electoral processes, or which show signs of stagnation, far exceed those that have improved to one degree or another. Current developments are not random ad hoc efforts to undermine the credibility of elections and democracy but rather, rational and well-calculated responses by ruling African elites who seek to perpetuate their rule. What this points to is the need to rethink strategies for promoting genuinely competitive elections, democracy, and constitutionalism.

Keywords: Constitutionalism, democracy, elections, electoral democracy, state of democracy

1. INTRODUCTION

Many recent accounts paint a bleak picture of the state of global democracy. For example, they refer to ‘democratic recession’,¹ ‘democratic decay’,² ‘deconsolidation’,³ ‘autocratization’,⁴

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¹ Larry Diamond, ‘Facing up to the Democratic Recession’ (2015) 26(1) *J of Democracy* 141.

² International Institute for Democracy and Electoral Assistance (International IDEA), ‘Geographic Definitions of regions in the Global State of Democracy’ (*International IDEA*, 2017) <<https://www.idea.int/gsod-2017/files/IDEA-GSOD-2017-BACKGROUND-PAPER-REGIONS.pdf>> accessed 1 March 2021.

³ R S Foa and Y Mounk, ‘The Democratic Disconnect’ (2017) 28(1) *J of Democracy* 5; and Y Mounk, *The people vs. Democracy: Why our Freedom is in Danger and How to Save It* (Harvard UP 2018).

⁴ A Lüthmann and S I Lindberg, ‘A Third wave of Autocratization is here: What is new about it?’ (2019) 26(5) *Democratization* 1095; A Cassamo and L Tomini, *Autocratization in Post-Cold War Political Regimes* (Palgrave 2019).

and the writing of ‘democracy’s obituary’.⁵ The optimism about the prospects for and potential of democracy that marked the end of the Cold War and the advent of the so-called third wave of democratisation is giving way to narratives of doom and gloom in which some commentators even speak of a ‘third wave of autocratisation’.⁶ Recent developments in Africa appear to confirm this pessimistic appraisal. For example, Benin and Zambia, two countries once considered flag-bearers in Africa’s new era of democracy and constitutionalism in the 1990s, have backslid almost to where they started three decades ago. In spite of this, there is no doubt that in Africa today more people than ever before elect their leaders. Democracy, it is true, cannot be judged solely by looking at the ability of citizens to vote at elections and exercise their civil and political rights. However, as this paper aims to show, the quality of elections – and, more precisely, of electoral democracy – is crucial to the state of democracy in any country, and no less so in African countries.

At the advent of the third wave of democratisation, there was an assumption that all the countries on the continent were on a one-way transitional path from autocracy to democracy. However, in this analysis of the state of electoral democracy in Africa, it will be shown that many of them have done nothing more than hold regular multiparty elections and generally mimic democratic characteristics, all the while retaining diverse forms of undemocratic rule. The paper seeks to sketch out the phenomenon and examine its implications for the prospects of genuine democracy, good governance, and constitutional rule in Africa.

Three points need to be made about the approach taken in this paper. Firstly, although efforts towards developing electoral democracy in Africa can be traced to the post-1990 period, the paper looks only at trends in the short term, specifically 2018–2019, and those over the long term, that is, the last decade or two. The intention is to provide a holistic picture that combines the short- and long-term perspective. Secondly, the paper is based on survey data compiled by well-established regional and global organisations: the use of such diverse sources ensures that there is a balanced view. In this regard, the analysis carried out and conclusions drawn are based on surveys carried out by four global and one African international NGO. The only African survey used is the Ibrahim Index of African Governance (Ibrahim Index), which was first published in 2007.⁷ Four global surveys, each using different criteria, were also analysed. These are the Economist Intelligence Unit’s Democracy Index;⁸ Freedom House’s Freedom in

⁵ International Institute for Democracy and Electoral Assistance (International IDEA), ‘The Global State of Democracy 2019. Addressing the Ills, Reviving the Promise’ (*International IDEA*, 2019) <<https://www.idea.int/sites/default/files/publications/the-global-state-of-democracy-2019.pdf>> accessed 1 March 2021.

⁶ Varieties of Democracy Institute, ‘Democracy Facing Global Challenges. V-Dem Annual Democracy Report 2019’ (*V-Dem Institute*, 2019) <https://www.v-dem.net/media/filer_public/99/de/99dedd73-f8bc-484c-8b91-44ba601b6e6b/v-dem_democracy_report_2019.pdf> accessed 1 March 2021.

⁷ Mo Ibrahim Foundation, ‘2018 Ibrahim Index of African governance Index report’ (*Mo Ibrahim Foundation*, October 2018) <<https://www.tralac.org/documents/resources/africa/2363-2018-ibrahim-index-of-african-governance-index-report/file.html>> accessed 1 March 2021 (Provides an annual assessment of the quality of governance in every African country based on 90 indicators constituted into 14 sub-categories, four categories and one overall measurement of governance. Our focus is on the category of participation and human rights measures, more specifically, civil and political rights and freedoms, which is done by assessing citizen participation in the political and electoral process).

the World;⁹ International IDEA's the Global State of Democracy;¹⁰ and Varieties of Democracy's (V-Dem) Annual Democracy Report.¹¹ Thirdly, the paper adopts a comparative approach in order to discern to what extent factors such as the colonial legacy (with its impact on language, legal systems and culture), geography, history, religion and ethnicity affect levels of electoral democracy in Africa. To put this more precisely, the question becomes whether there are any differences between anglophone, francophone, lusophone and arabophone countries.

The discussion proceeds in section 2 to situate the concept of electoral democracy in the broader framework of democracy in general. Section three examines the major trends in the evolution of electoral democracy gleaned from the survey indices examined. After examining the main trends in the evolution of electoral democracy on the continent based on the surveys in section three, section four considers the prospects for the future. The concluding remarks in section five note that despite the gloom and doom many feel about democracy in Africa, there are still many ways in which the present predicaments can be addressed.

2. CONCEPTUALISING ELECTORAL DEMOCRACY IN THE DEMOCRATIC LANDSCAPE

To begin with, it is necessary to set out how electoral democracy fits into the wider democratic landscape. There is, as is often observed, no single agreed-upon definition of democracy. Over the centuries, philosophers and students of politics have offered innumerable competing or overlapping definitions, and this paper makes no claim to be about to settle the matter. Nevertheless, two important points must be noted about the concept of democracy and how it relates to electoral democracy.

⁸ The Economist Intelligence Unit, 'Democracy Index 2018: Me too? Political Participation, Protest and Democracy' (*The Economist Intelligence Unit*, 2018) < https://275rzy1ul4252pt1hv2dqyuf-wpengine.netdna-ssl.com/wp-content/uploads/2019/01/Democracy_Index_2018.pdf > accessed 1 March 2021 (provides a global picture of the state of democracy in 165 countries in the world based on five categories: electoral process and pluralism, civil liberties, the functioning of government, political participation, and political culture. It uses these indicators to classify countries into one of four types of regimes: full democracy, flawed democracy, hybrid regime and authoritarian regime).

⁹ For a detailed explanation of the methodology, see Freedom House, 'Freedom in the World 2019 Methodology' (*Freedom House*, 2019) https://freedomhouse.org/sites/default/files/2020-02/Methodology_FIW_2019_for_website.pdf accessed 1 March 2021. Freedom House's Freedom in the World survey is a long-standing and widely consulted annual survey of the state of political and civil rights around the world. The 2019 edition covers developments in 195 countries and 14 territories. It uses a three-tiered system consisting of scores, ratings and status that provides a basis for classifying countries as either 'free,' 'partly free,' or 'not free.' A separate report is produced each year that rates electoral democracy to refer to countries that have met certain minimum standards for political rights and civil liberties.

¹⁰ See International IDEA, 'The Global State of Democracy 2019' (n 5) (assesses the state of the world's democracy by analysing trends, opportunities and challenges across and within the different regions. Unlike the other surveys, the Global State of Democracy Indices (GSoD Indices) provide information that is used to examine trends in democracy from a long-term perspective albeit with a focus on key developments in the preceding five years. that is, 2013-2018).

¹¹ Varieties of Democracy Institute (n 6) (Unlike the other surveys, V-Dem measures democracy from a historical, multidimensional, nuanced and disaggregated manner, using 27 million data points for 202 countries from 1989 to 2018. This enables it to analyse the nature, causes and evolution of democracy. The 2019 report assesses the state of democracy in the world in 2018 and developments since 1972, but with the emphasis on the last 10 years).

First, despite the lack of consensus on what ‘democracy’ means, scholars agree that the approaches to defining it range from the minimalist, or thin, definitions to the maximalist, or thick, definitions. Joseph Schumpeter¹² and Robert Dahl¹³ are the main exemplars of the minimalist approach, albeit that the latter uses the concept of polyarchy. Another proponent of the minimalist approach, Samuel Huntington, maintains that a system is democratic when ‘its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes’.¹⁴ From this perspective, the key features of this approach are that:

- all adults have the right to vote;
- elections are competitive, free and fair;
- voters decide who holds the principal offices in government; and
- the rule of law ensures that governors are accountable to the electorate.¹⁵

The minimalist or thin approach emphasises the procedural aspects of democratic politics, with a focus on elections.¹⁶ For proponents of this perspective, the crux of democracy is the ability of people to replace their leaders regularly by way of elections. By contrast, the maximalist or thick conceptualisation of democracy entails taking into account a large number of substantive attributes. Although elections are regarded as one of these attributes, on their own they are not sufficient for a country to be considered democratic under the maximalist approach; in turn, the numerous attributes needed are of both a procedural nature (for example, the rule of law, participation, and accountability) and a substantive nature (for example, equality, political liberties, and civil liberties).

Secondly, although a clear and consistent understanding of democracy’s attributes is essential to tracking its development over time, this is not possible given the existence of different approaches to defining democracy. In fact, democracy is not simply a dichotomous concept according to which a country can be said to be either democratic or not democratic, but rather a relative one. The possibility of the existence of degrees of democracy gives rise to a variety of classificatory typologies used by scholars and the regional and international non-governmental organisations (NGOs) that conduct surveys to monitor and measure the level of democracy in countries throughout the world. Generally, most of the attributes used in determining conformity to the maximalist or thick conceptualisation of democracy have been used over the years to assess the quality of democracy. On the basis of these attributes, scholars and organisations have come up with differing ways of categorising democracies. Again, there is a diversity of approaches.

In discussing differing forms of democracy, Andrea Kendall-Taylor, Natasha Lindstaedt, and Erica Frantz adopt a functional approach that makes the distinction between protective,

¹² Joseph Schumpeter, *Capitalism, Socialism and Democracy* (George Allen and Unwin 1943) 271.

¹³ Robert Dahl, *After the Revolution? Authority in a Good Society* (Yale UP 1970).

¹⁴ Samuel Huntington, *The Third Wave of Democratization in the Late Twentieth Century* (U of Oklahoma P 1991) 7.

¹⁵ Richard Prose, ‘Democratic and Undemocratic States’ in Christian Haerpfer *et al* (eds), *Democratization* (2nd edn, OUP 2019) 42.

¹⁶ Andrea Kendall-Taylor, Natasha Lindstaedt, and Erica Frantz, *Democracies and Authoritarian Regimes* (1st edn, OUP 2019) 17.

pluralist, participatory, and deliberative democracy.¹⁷ Larry Diamond, for his part, categorises regimes into six types: liberal democracy; electoral democracy; ambiguous regimes; competitive authoritarian; hegemonic electoral authoritarian; and politically closed authoritarian.¹⁸ This is similar to the classification adopted by Andreas Schedler. Within this classification system, a regime is either a liberal democracy, electoral democracy, electoral authoritarian system, or a closed authoritarian one.¹⁹

The typologies adopted by international NGOs are equally diverse. For example, the Economist Intelligence Unit, in its Democracy Index 2018, classifies regime types as full democracies, flawed democracies, hybrid regimes, and authoritarian regimes.²⁰ The Varieties of Democracy Institute, in its annual democracy report of 2019, classifies regimes as liberal democracy, electoral democracy, electoral autocracy, or closed autocracy.²¹ International IDEA's Global state of democracy 2019 report utilises a simple threefold categorisation: democracy, hybrid regime, and non-democracy.²²

The focus of this paper is on electoral democracy, which is one of the typological instances scholars have created over the years.²³ While it is true that an examination of the explanations given of these regime types reveals that the differences between them are not only blurred but controversial, the existence of grey areas does not rule out the possibility that meaningful distinctions can be still be made – particularly between electoral democracies and the other regime types.

Generally, the description of electoral democracy corresponds with the thin or minimalist definition of democracy. Although the surveys examined here use the thicker conceptualisation of democracy to assess developments over the past three decades, it was possible to identify and extract from them, those attributes that relate to electoral democracy, which is the focus of this paper. As will be seen, some of the core criteria that many of the organisations, such as Freedom House, among others, use to determine the existence of an electoral democracy include the following:

- a competitive, multiparty political system;
- universal adult suffrage;
- regularly contested elections based on secret ballots, reasonable ballot security, and the absence of massive voter fraud; and
- significant public access by major political parties to the electorate through the media and generally open political campaigning.²⁴

¹⁷ *ibid* 29-33.

¹⁸ Larry Diamond, 'Thinking About Hybrid Regimes' (2002) 13(2) *J of Democracy* 26.

¹⁹ Andreas Schedler, 'The Menu of Manipulation' (2002) 13(2) *J of Democracy* 47.

²⁰ The Economist Intelligence Unit (n 8).

²¹ Varieties of Democracy Institute (n 6).

²² International IDEA (n 5).

²³ See generally, David Collier and Steven Levitsky, 'Democracy with Adjectives: Conceptual Innovation in Comparative Research' (1997) 49(3) *World Politics* 430.

²⁴ The Economist Intelligence Unit (n 8).

Countries that meet these criteria are classified under Freedom House's 'partly free' category. This is why some analysts, as mentioned above, make the distinction between electoral democracy and full or liberal democracy. The few countries in the latter category meet the rigorous requirements of maximalist or thick democracy. Nevertheless, understanding the state of electoral democracy is crucial to gauging the prospects for democracy in Africa because such democracy may, with time if not invariably, lead to a full democracy, stagnation, or decline.

3. MAJOR TRENDS IN THE EVOLUTION OF ELECTORAL DEMOCRACY FROM THE INDICATORS

As indicated above, our assessment of the state of electoral democracy in Africa today is based on the survey reports of Africa's only survey, the Ibrahim Index of African Governance (Ibrahim Index), and four global surveys, the Economist Intelligence Unit's Democracy Index; Freedom House's Freedom in the World; International IDEA's the Global State of Democracy; and Varieties of Democracy's (V-Dem) Annual Democracy Report. Although the surveys provide a reasonably clear indication of the state of electoral democracy in Africa, a number of caveats should be borne in mind when interpreting and drawing conclusions from the findings.

Firstly, because most of these surveys deal broadly with the state of democracy in general, we have, where possible, extracted and focused only on information that gives some indication of the state of electoral democracy.

Secondly, many of the global surveys, such as Freedom House's Freedom in the World and Fragile States Index, have been criticised for their perceived bias in favour of Western positions, especially those extolled by the US.²⁵ In spite of this, the use of several sources, particularly the respected African survey, the Ibrahim Index, can help correct the impact of any biases.

Thirdly, there is need to be mindful of subjective contextual factors that could affect some of the results. This is so because the implementation of the various criteria for electoral democracy are influenced by the judicial, historical, political, social, or cultural context of each country.

In other words, many of the surveys depend on responses to uniformly formulated questions, but there is no reason to assume that the local context does not play a role in the responses. This makes it difficult to arrive at an accurate, objective conclusion. For example, the quality of elections may be influenced by the extent to which courts play a supervisory role in them, but differences in legal tradition often play an important role too.²⁶ However, the combination of different sources, instruments, and methods used by the different surveys provides a reasonable basis on which to draw conclusions about the state of electoral democracy in Africa. It enables us to compare developments not only between African countries but between African countries and ones elsewhere in the world.

²⁵ 'Criticisms of Freedom House Methodology' (*ZeePedia*)
<http://www.zeepedia.com/read.php?reports_criticisms_of_freedom_house_methodology_gross_national_happiness_human_resource_development&b=32&c=22> accessed 1 March 2021.

²⁶ For example, in spite of international guidelines, the concept of an independent judiciary is understood and applied differently in common law and civil law countries.

Finally, it is important to also note that, although all the survey reports relied upon here categorise democracy in different ways and use slightly different indicators to determine what the key attributes of an electoral democracy are, the differences are not material.

Taken as a whole, there is indeed a reasonable degree of consistency between the reports. This forms the basis of the following main conclusions that can be drawn from them regarding the state of electoral democracy in Africa. Firstly, all the surveys clearly show that although Africa has made progress since 1990 in developing a culture of democracy, multipartyism and constitutional governance, the quality of the electoral democracy this has entailed has remained poor and is in fact declining.²⁷ Clear evidence of this is the fact that the continent has the longest-serving presidents in the world, with at least 18 of them having served for more than a decade.²⁸ This shows that the quantitative expansion of electoral democracy on the continent in the last two decades has not been matched by a qualitative increase.²⁹

Even in those countries where there have been various significant improvements in some attributes of electoral democracy, this is often negated by serious declines in other respects. For example, most of the indicators for electoral democracy in the Ibrahim Index show that the performance of African countries is below 50%.³⁰ From a global perspective, the Democracy Index shows that, Africa; with an average continental score of 4.36 in 2018 compared to a world average of 5.48, and an average continental score of 4.31 from 2006 to 2018 compared to a world average of 5.51; has consistently performed below the world average. Although the scores show a decline both globally and in Africa during these periods, Africa, with seven of the 15 lowest-ranked countries in the world, has the highest concentration of authoritarian regimes in the world.³¹

Another useful indicator of the state of electoral democracy in Africa is found in the work carried out as part of the Perception of Electoral Integrity project, which produces the perception of electoral integrity (PEI) reports.³² With electoral integrity understood to measure conformity to international norms governing the conduct of elections, the overall African PEI score of 58 for the period 2012 to 2014 is well below the global average of 64.³³ In one of the

²⁷ See, International IDEA, 'Emerging Trends and Challenges of Electoral Democracy in Africa' (*International IDEA*, 2016) <<https://www.idea.int/sites/default/files/publications/emerging-trends-and-challenges-of-electoral-democracy-in-africa.pdf>> accessed 1 March 2021.

²⁸ See, Claire Felter, 'Africa's "Leaders for life"' (*Council on Foreign Relations*, 30 June 2020) <<https://www.cfr.org/backgrounder/africas-leaders-life>> accessed 1 March 2021.

²⁹ As the Economist Intelligence Unit, Democracy Index (n 8) puts it, the fact that so many presidents have been in power continuously for more than a decade raises serious questions about the quality of democracy in those countries.

³⁰ Mo Ibrahim Foundation (n 7). Unsurprisingly, the Democracy Index states that less than 50% of African countries qualify as democracies. See, The Economist Intelligence Unit (n 8).

³¹ The Economist Intelligence Unit (n 8).

³² See the 'Electoral Integrity Report' (*Electoral Integrity Project*, 2021) <<https://www.electoralintegrityproject.com/>> accessed 1 March 2021.

³³ Max Gromping and Ferran Martinez I Coma, 'Electoral Integrity in Africa' (*Electoral Integrity Project*, 2021) <<https://www.electoralintegrityproject.com/electoral-integrity-in-africa/>> accessed 1 March 2021. It should be noted that the PEI index summary scale ranges from 0-100.

latest reports, based on a survey of all national presidential and parliamentary elections from 1 July 2012 to 31 December 2018, the PEI score for Africa was not only once more the lowest but had deteriorated to 46. With PEI scores of 24 each, Burundi, Ethiopia, and Equatorial Guinea had the lowest rating of elections anywhere in the world.³⁴

Secondly, the surveys show that in spite of the expansion of democracy in Africa, democratic backsliding and democratic fragility are on the increase.³⁵ Many countries on the continent remain democratically fragile and prone to regressing into hybridity or breaking down into non-democracy. In fact, according to the GSoD Indices, the continent is home to more than three-quarters of the world's fragile democracies.³⁶ There is growing backsliding due to a weakening of checks on government and a decline in civil liberties. This has, for example, been the case for both Tanzania and Zambia, which regressed to hybrid regimes in 2018 because of a deteriorating political environment.³⁷ Democratic erosion and backsliding is taking place not only in countries that have consistently performed poorly on all indicators but also in those that have regularly performed well, such as Botswana, Cape Verde, Namibia, and South Africa (see Table). Looking at electoral democracy related scores, particularly the three categories of participation and human rights for 2008 to 2017 in the Ibrahim Index for African Governance, the report shows that, on average, the continent lost momentum in its progress. The report also shows that, whilst a clear majority of countries show improvement in scores over the last decade, in the past five years few countries have improved and more than this number have begun to decline.

The downward spiral became worse between 2013 and 2017.³⁸ For example, since the end of apartheid in 1994 and the start of a new era of multiparty democracy, South Africa has undergone decline or stagnation not only in some of the attributes of electoral democracy but in its levels of electoral participation. Voter turnout was 88% in 1999, but this has now dropped to an alarming 65% – a 20% decline over 20 years.³⁹ What is worrying here is that studies show

³⁴ Pippa Norris and Max Gromping, 'Electoral Integrity Worldwide' (*Electoral Integrity Project*, May 2019) <<https://static1.squarespace.com/static/58533f31bebafe99c85dc9b/t/5ce60bd6b208fcd93be49430/1558580197717/Electoral+Integrity+Worldwide.pdf>> accessed 1 March 2021.

³⁵ Other surveys and studies have arrived at similar conclusions. See for example, Elena Gadjanova, 'Democracy in Decline in Africa' (*Max-Planck-Gesellschaft*, 18 September 2018) <<https://www.mpg.de/11863498/democracy-in-decline-in-africa>> accessed 1 March 2021. See also, Christopher Fomunyoh, 'Facing Democratic Backsliding in Africa and Reversing the Trend Democratic' (*NDI*, 20 September 2020) <<https://www.ndi.org/publications/christopher-fomunyoh-facing-democratic-backsliding-africa-reversing-trend>> accessed 1 March 2021; and Lise Rakner, 'Democratic Rollback in Africa' (*Breaking BAD: Understanding the Backlash Against Democracy in Africa*, 2019) <<https://www.democraticbacklash.com/democratic-rollback-in-africa>> accessed 1 March 2021.

³⁶ See International IDEA, 'The Global State of Democracy 2019' (n 5) 76. In fact, 21 of the 30 most fragile countries in the world are found in Africa. See further, The Fund for Peace, 'Fragile States Index Annual report 2019' (*Fund for Peace*, 2019) <<https://fundforpeace.org/wp-content/uploads/2019/04/9511904-fragilestatesindex.pdf>> accessed 1 March 2021.

³⁷ See Varieties of Democracy Institute (n 6). (noting that countries that were previously electoral democracies, such as Comoros, Kenya, Togo, and Zambia, have declined into electoral autocracies).

³⁸ Mo Ibrahim Foundation (n 7).

that it is youths and the poor, who rely on government services, who are least likely to vote.⁴⁰ The problem of democratic erosion and decline is underscored in Table 1, based on Democracy Index's reports, which contrasts the overall scores and global rank of the best and poorest performers in 2018 with their performance in the period 2006 to 2017.

Table on democracy index trend of best- and poorest-performing African countries

Country	Democracy Index 2018				Democracy Index 2006-2017	Decline or improvement
	Overall score	African rank	Global rank	Regime type	Overall score	
Mauritius	8.22	1	17	Full democracy	8.14	Improvement
Cape Verde	7.88	2	26	Flawed democracy	7.83	Improvement
Botswana	7.81	3	28	Flawed democracy	7.75	Decline
South Africa	7.24	4	40	Flawed democracy	7.71	Decline
Lesotho	6.64	5	56	Flawed democracy	6.49	Improvement
Guinea Bissau	1.98	40	157	Authoritarian	2.04	Improvement
Equatorial Guinea	1.92	41	161	Authoritarian	1.61	Improvement
Chad	1.61	42	163	Authoritarian	1.54	Improvement
Central African Republic	1.52	43	164	Authoritarian	1.67	Decline
DR Congo	1.49	44	165	Authoritarian	1.94	Improvement

The table is based on the Economist Intelligence Unit's Democracy Index.⁴¹

The table shows that there appears to have been some marginal improvements amongst both the well- and poor-performing states in Africa. However, it must certainly be of concern that the state of democracy of countries that have consistently been highly ranked and rated like Botswana and South Africa has been in decline for more than a decade. Of the 50 African countries surveyed in 2018 by Democracy Index, only Mauritius is classified as a full democracy; eight other countries are classified as flawed democracies (with the top of this list consisting of Cape Verde, Botswana, South Africa, Lesotho, and Ghana). Fifteen other countries are classified as hybrid, and the 26 others (that is, 52%) are classified as authoritarian. The poorest five performers in 2018 were DR Congo, Central African Republic, Chad, Equatorial Guinea, and Guinea Bissau.⁴²

A similar gloomy picture emerges from examining the Freedom House survey reports. According to its 2019 report, only 17 of the 54 African countries (that is, 31.4%), qualify as electoral democracies.⁴³ This is the lowest number of African countries that have ever been

³⁹ Tom Head, 'SA's Voter Turnout "Lowest Ever": Here's How it Compares to Other Countries' (*The South African*, 09 May 2019) <<https://www.thesouthafrican.com/news/south-africa-elections-2019-latest-voter-turnout-figure/>> accessed 1 March 2021.

⁴⁰ L P Ramalepe, 'Young Voters Are Turning Their Backs on South Africa's Elections' (*Bloomberg*, 30 April 2019) <<https://www.bloomberg.com/news/articles/2019-04-30/youth-voters-at-20-year-low-as-south-africa-protests-beat-polls>> accessed 1 March 2021.

⁴¹ The Economist Intelligence Unit (n 8).

⁴² *ibid.*

classified as electoral democracies. An analysis of the trend from 2009 to 2019 shows that the number has declined progressively.⁴⁴ In other words, according to the Freedom House criteria, there are fewer electoral democracies in Africa today than a decade ago. Using slightly different set of criteria, the GSoD Indices data for 2018 suggests that representative government has been strengthened, with 20 countries categorised as democracies (of which, only Mauritius is in the high range), 18 as hybrid regimes, and 11 as non-democracies.⁴⁵

Thirdly, all the surveys show that, over the last decade, there has been progress in democratic elections, with free and fair elections becoming more frequent. However, four countries (Eritrea, Libya, Somalia and South Sudan), for diverse reasons, currently hold no elections.⁴⁶ Besides this, the level of political participation, especially in the last five years, shows a decline that suggests the closing of civic and political space for citizens.⁴⁷ For example, the Ibrahim Index report shows a 56.2% decline in Africans' freedom to participate in their countries' political process or join a political organisation between 2013 and 2017.⁴⁸ According to this report, there has also been a decline in civil society participation. This has seen the civil space shrink for almost 72.9% of African citizens in the last decade, with the largest decline occurring in the last five years. This is worrying because of the important role that civil society organisations (CSOs) play in enhancing a democratic culture and promoting the delivery of essential public goods and services.

Based on the Perception of Electoral Integrity project findings, Pippa Norris is able to show that electoral processes in sub-Saharan countries are almost identically distributed among three categories: failed elections (29%), flawed elections (27%) and acceptable elections (27%).⁴⁹

⁴³ Freedom House, 'About Freedom in the World' (*Freedom House*, 2021) <https://freedomhouse.org/report-types/freedom-world> accessed 1 March 2021.

The African countries that had the status of electoral democracy in 2019 were Benin, Botswana, Burkina Faso, Cape Verde, Ghana, Lesotho, Liberia, Madagascar, Malawi, Mauritius, Namibia, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa and Tunisia.

⁴⁴ In addition to the countries listed in the 2019 survey, the following were classified as electoral democracies: Burundi, Comoros, Guinea Bissau, Mali, Mozambique, Niger and Zambia in 2009; Comoros, Mali, Tanzania and Zambia in 2011; Comoros, Mali, Niger, Tanzania and Zambia in 2012; Comoros, Libya, Niger and Zambia in 2013; Comoros, Kenya, Libya, Niger, Tanzania and Zambia in 2014; Kenya, Comoros, Niger, Tanzania and Zambia in 2015; Côte d'Ivoire, Comoros, Niger, Nigeria, Tanzania and Zambia in 2016; Côte d'Ivoire, Kenya, Nigeria and Tanzania in 2017; and Comoros and Tanzania in 2018.

⁴⁵ This, it should be noted, is in contrast to 1975, when 41 countries were classified as non-democracies, three as democracies and one as a hybrid regime. See further, International IDEA, *The Global State of Democracy 2019* (n 5) 83. See also Varieties of Democracy Institute (n 6) (only three African countries qualify as liberal democracies (Benin, Ghana and Mauritius), with 19 regarded as electoral democracies, a majority (28, or 50%) as electoral autocracies, and the remaining six as closed autocracies, namely Eswatini, South Sudan, Somalia, Morocco, Libya and Eritrea).

⁴⁶ That being said, the last elections in Libya and South Sudan took place in 2014 and 2010, respectively.

⁴⁷ With respect to clean elections, according to the Global State of Democracy report, only eight countries (16%) have a high performance, while 25 (51%) have a mid-range and 16 (33%) have low levels. Between 2013 and 2018, seven countries improved their clean election scores, whilst nine saw declines. The vast majority of African countries (45, or 92%) have high levels of inclusive suffrage, and only four countries (Eritrea, Libya, Somalia and Sudan) have low levels of it.

⁴⁸ Mo Ibrahim Foundation (n 7).

⁴⁹ Pippa Norris, *Strengthening Electoral Integrity* (CUP 2017).

Maximiliano Herrera adopts a threefold classification of countries into electoral democracies (that is, where the government can be changed by the people during elections), pseudo-democracies (where the country is ostensibly democratic but an authoritarian government does not allow free and fair elections), and dictatorships (where no elections, or only one-party elections, are allowed).⁵⁰ According to this classification, of Africa's 54 countries, only 22 (41%) are electoral democracies; 27 (50%) are pseudo-democracies; four (2%) are dictatorships (Equatorial Guinea, Eritrea, South Sudan and Eswatini); and one (Libya) is in a state of anarchy.⁵¹ Freedom House, in its 2019 report, puts the number even lower; only 17 of the 54 of African countries (that is, 31.4%), qualify as electoral democracies.⁵² But perhaps more significantly, it points out that this is the lowest number of African countries that have ever been classified as electoral democracies. Its analysis of the trend from 2009 to 2019, shows that the number has declined progressively.⁵³ In other words, according to the Freedom House criteria, there are fewer electoral democracies in Africa today than a decade ago!

Fourthly, in the last few years there have been some positive developments, such as the dramatic changes in Angola, Ethiopia, The Gambia, Algeria, and Sudan which suggest that the democratic aspirations of the people is strong.⁵⁴ However, it is too soon to see this as an indication that the democratic recession is due to bottom out. The progressive autocratisation taking place in countries such as Cameroon, Libya, Somalia, South Sudan, Gabon, Tanzania, Uganda, and Zambia gives no room for optimism or complacency. Although elections in these autocratic states do not mean much, the surprise electoral victory of the opposition presidential

⁵⁰ Electoral Democracies' (*Maximiliano Herrera Human Rights Links*, 1 January 2021) <<http://www.mherrera.org/electoral.htm>> accessed 1 March 2021. The only other country with a comparable PEI during this period is Syria.

⁵¹ It is worth noting that in some of the countries, such as Eritrea, Somalia and South Sudan, there have hardly been any genuine elections at all.

⁵² See, Freedom House, 'Freedom in the World 2019' (n 9). The African countries that had the status of electoral democracy in 2019 were Benin, Botswana, Burkina Faso, Cape Verde, Ghana, Lesotho, Liberia, Madagascar, Malawi, Mauritius, Namibia, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa and Tunisia.

⁵³ In addition to the countries listed in the 2019 survey, the following were classified as electoral democracies: Burundi, Comoros, Guinea Bissau, Mali, Mozambique, Niger and Zambia in 2009; Comoros, Mali, Tanzania and Zambia in 2011; Comoros, Mali, Niger, Tanzania and Zambia in 2012; Comoros, Libya, Niger and Zambia in 2013; Comoros, Kenya, Libya, Niger, Tanzania and Zambia in 2014; Kenya, Comoros, Niger, Tanzania and Zambia in 2015; Côte d'Ivoire, Comoros, Niger, Nigeria, Tanzania and Zambia in 2016; Côte d'Ivoire, Kenya, Nigeria and Tanzania in 2017; and Comoros and Tanzania in 2018.

⁵⁴The main change that Angola saw was the election of a new president, João Lourenço, on 23 August 2017. After 38 years in power, José Eduardo dos Santos of the ruling MPLA (Popular Movement for the Liberation of Angola) made way for a successor of his own choosing when he announced, in early 2017, that he would not seek re-election and the party selected the then defense minister, João Lourenço, as its top candidate for the August elections. As regards Ethiopia, in 2018, 42-year-old reformist politician Abiy Ahmed became prime minister. Abiy came to power during a deep political crisis with widespread grievances across the country and immediately embarked on a series of far-reaching political reforms. In the Gambia, Adama Barrow became president in 2017 after Yahya Jammeh was pressurised to concede defeat in the 2016 presidential elections, ending 22 years of repressive rule. In Algeria, popular peaceful and determined protest stopped former President Abdelaziz Bouteflika's bid for a fifth term, and forced him to resign on 2 April 2019, ending a 20-year dictatorship. Perhaps the most dramatic change, was in Sudan where wide-spread popular protest led the military to intervene and bring an end on 11 April 2019 to the three-decades long dictatorship of Omar Hassan al-Bashir.

candidate during the 2016 presidential elections in The Gambia suggests that, even in autocratic settings, elections can be a force for change. However, there are still many reasons for caution. An Afrobarometer survey in 2016/2017 indicated that, on average, almost 30% of African citizens are not free to say what they think, and that 70% of them, when discussing politics, have to be careful about what they say.⁵⁵

Fifthly, all the survey reports show that the greatest threat to democracy on the continent arises from the fact that most of the core attributes of electoral democracy have been consistently manipulated and distorted to suit the convenience of incumbents. Common examples of challenges revealed in the different reports include executive interference with key democracy-enhancing institutions, systematic manipulation of election principles and processes, corruption and abuse of state resources, restrictions on the activities of political parties and civil society organisations, and the violation of various fundamental rights that are critical to clean elections. For example, from V-Dem report's, many core components of electoral democracy, such as the freedom of media and civil society, have come under attack from governments in the last 10 years.⁵⁶

Sixthly, there are noteworthy, significant sub-regional variations.⁵⁷ All the surveys show that, relatively speaking, West Africa has made the most progress in entrenching a culture of electoral democracy, followed by southern Africa, North Africa, and East Africa. Central Africa is the only sub-region without a democratic country. This is also the sub-region where there has been little real change in terms of power alternation and where elections have been used essentially to legitimise the hold on power by some of the continent's longest-serving autocrats.

Finally, besides the sub-regional variation noted above, there are other differences that may reflect colonial legacies. The top-performing countries on most indicators, with the exception of Cape Verde, Mauritius, and Benin (at least, until early 2019), consisted mostly of anglophone countries such as Botswana, Ghana, Lesotho, Namibia, and South Africa. Conversely, the poorest-performing countries, apart from Eritrea, Ethiopia, South Sudan, and Sudan, consisted mainly of francophone countries like Chad, Central African Republic, Congo Republic, DR Congo, and Gabon. This clearly indicates that anglophone countries are doing better in terms of electoral democracy than francophone and lusophone countries. This is so both in terms of the trend in the last three decades as well as in the light of the most recent developments. In fact, the rate of decline in the francophone regions, particularly in the last five years, has been steady. Further, in-depth study is needed to confirm this, but these conclusions are consistent with other studies that have reviewed the prospects for constitutionalism and democracy in francophone Africa in the light of post-1990 constitutional revisions.⁵⁸

⁵⁵ Mo Ibrahim Foundation (n 7).

⁵⁶ Varieties of Democracy Institute (n 6).

⁵⁷ The regional patterns and variations are clearly brought in the Ibrahim Index surveys (Mo Ibrahim Foundation, n 20).

⁵⁸ See, for example, C M. Fombad, 'Post-1990 Constitutional Reforms in Africa: A Preliminary Assessment of the Prospects for Constitutional Governance and Constitutionalism', in A G Nhema and P T Zeleza (eds), *The Resolution of African conflicts* (OSSREA & James Currey 2008) 179.

Overall, the pattern of the crisis in electoral democracy suggests that unless something is done to arrest it, the trend of backsliding and deterioration is very likely to continue.

4. PROSPECTS FOR THE FUTURE

The holding of elections, whether regularly or not, is not enough to qualify a country for classification as a democracy. Thus, while many African countries today may be regarded as electoral democracies, the mere fact that they have regular elections does not necessarily make them democracies. Although elections are one of the key components of electoral democracies, they can serve just as well as a cover for authoritarianism as a means to democratic governance. Whilst protests in Algeria and Sudan in 2019 show that the aspiration to genuine democracy remains strong in Africa, the trends that emerge from the surveys discussed above suggest that although there is potential for further consolidation of democracy, there are many obstacles standing in the way of achieving this.⁵⁹ Sustaining the momentum towards genuine democracy requires that serious efforts be made to address the weaknesses highlighted in the surveys.

All African countries now have constitutional provisions and legislation that recognise the right of their citizens to vote or be voted for office. With the exception of Eritrea and Eswatini,⁶⁰ they also recognise the right to join or form political parties in order to participate in electoral processes. However, the right to vote is meaningless unless it can be exercised in a manner that gives citizens the freedom to choose from competing alternatives. Some of the main challenges to the quality of electoral democracy in Africa today stem from the weak protection of political rights and political pluralism, the declining quality of elections, and the absence of strong democracy-enhancing institutions.⁶¹

The legacy of the authoritarian past weighs heavily on current electoral practices. Although opposition parties are allowed to operate in most countries, members of opposition parties and their supporters are not only often burdened with election rules that place them in lose-lose situations, but are regularly harassed or sometimes even kidnapped and killed, and their property destroyed.⁶² Unless there are clear rules that both recognise and protect opposition

⁵⁹ Both countries are still in turmoil. See for example, Dimah Mahmoud and Jihad Mashamoun, 'Sudan: The Hijacking of the People's Revolution continues' (*The Africa Report*, 23 January 2021) <<https://www.theafricareport.com/59511/sudan-the-highjacking-of-the-peoples-revolution-continues-on/>> accessed 1 March 2021; and Zine Labidine Ghebouli, 'Algeria's Political Crisis: An Ongoing Vicious Cycle' (*Washington Institute*, 5 February 2021) <<https://www.washingtoninstitute.org/policy-analysis/algerias-political-crisis-ongoing-vicious-cycle>> accessed 1 March 2021.

⁶⁰ These are the only two countries where the constitutions implicitly prohibit multipartyism.

⁶¹ See further, C M Fombad, 'Conceptualising a Framework for Inclusive, Fair, and Robust Multiparty Democracy in Africa: The Constitutionalisation of the Rights of Political Parties' (2015) 48(1) *L and Politics in Africa, Asia & Latin America* 3.

⁶² For example, *Human Rights Watch* reported that the January 2021 elections in Uganda were marred by widespread human rights abuses especially against the opposition parties. The abuses included killings by security forces, arrests and beatings of opposition supporters and journalists, disruption of opposition rallies, and a shutdown of the internet. See, 'Uganda: Elections Marred by Violence' (*Human Rights Watch*, 21 January 2021) <<https://www.hrw.org/news/2021/01/21/uganda-elections-marred-violence#>> accessed 1 March 2021. See generally, Bertha Chiroro, 'The Dilemmas of Opposition Political Parties in Southern Africa' (2006) 5(1) *J of African Elections* 100 <<https://www.eisa.org/pdf/JAE5.1Chiroro.pdf>> accessed 1 March 2021.

parties and their members, multipartyism will remain a token gesture by African governments to create but a semblance of democracy.

The credibility of any democratic governance system depends on the existence of a number of democracy-enhancing institutions serving to ensure that elections are competitive, free, and fair. The gains made in the early post-1990 elections are under threat for several reasons,⁶³ not the least of which is the capture, control, and manipulation of key institutions whose independence and ability to operate impartially are critical to the success of elections. Over the years, there has been much criticism of the independence, impartiality, and competence of many of the electoral management bodies (EMBs) responsible for managing elections in African countries.⁶⁴ To address electoral fraud and vote-rigging, countries increase the use of technology such as biometrics. While the reality is that most of the strategic manipulation that seeks to tilt the electoral playing-field in favour of the incumbent takes place long before the first ballots are cast, the focus is usually on polling-day fraud.⁶⁵ This includes measures such as packing EMBs,⁶⁶ limiting the opposition's access to publicly owned media, changing electoral rules to suit incumbents, using state funds for campaigns, vote-buying, political intimidation, manipulation of voters' rolls, and gerrymandering of voting districts. Constitutionally entrenched and genuinely independent EMBs are critical to enhancing the quality of elections.

Another reason for the decline in the quality of electoral democracy on the continent has been the repeal of presidential term limits in many African constitutions. Democracy entails the sharing of power, which means that no leader, no matter how competent and effective, can consider him or herself indispensable. To end the pre-1990 culture of life presidencies – a culture that not only left military coups as the only means of removing dictators but also enabled corrupt, inept dictators to hold onto power indefinitely – presidential term limits were introduced in most of the new or revised constitutions.⁶⁷ The hope was that they would provide

⁶³ After the early founding or transitional elections that were held in the period more or less from 1989 to 1996 – a period during which a good number of incumbents lost – the prospects of opposition candidates or parties winning elections have diminished progressively. See generally Schedler (n 19) 36; Michael Bratton and Nicholas Van De Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspectives* (CUP 1997).

⁶⁴ See for example, Paul Otieno Onyalo, 'Election Management Bodies in Africa: The Pity of it all' (2020) 4(6) *Intl J of Humanities and Social Science* 164 <https://www.researchgate.net/publication/342992287_ELECTION_MANAGEMENT_BODIES_IN_AFRICA_THE_PITY_OF_IT_ALL> accessed 1 March 2021.

⁶⁵ See Nancy Bermeo, 'On Democratic Backsliding' (2016) 27(1) *J of Democracy* 5.

⁶⁶ For example, the EMB responsible for Cameroon's elections on 7 October 2018, Election Cameroon (ELECAM), was little likely to act impartially given that 11 of its 12 board members were members of the central committee and political bureau of the ruling Cameroon People Democratic Movement (CPDM). See further, The Economist, 'Biya appoints additional members to ELECAM' (*EIC Cameroon*, 12 August 2011) <<http://country.eiu.com/article.aspx?articleid=1398376524&Country=Cameroon&topic=Politics&subtopic=Recent+developments&subsubtopic=The+political+scene:+Mr+Biya+appoints+additional+members+to+Elec>> accessed 1 March 2021.

a basis for eradicating personal authoritarian rule in favour of pluralistic governance in which citizens have the opportunity to change their leaders. But it was short-lived.⁶⁸ The steady removal of term-limit and age limit provisions has progressively undermined one of the main pillars of Africa's transition to democracy.⁶⁹

The removal of the term-limits⁷⁰ combined with sophisticated strategies for winning elections, has taken many countries back more or less to the life of past presidencies, with elections being held periodically merely to give this arrangement a semblance of legitimacy.⁷¹ Prolonged incumbency of presidents has not only facilitated the rise of dominant parties, but also allowed them to use their dominance to capture the entire apparatus of the state and enjoy unlimited access to its resources, thereby giving them the upper hand over all other parties.⁷²

The early 1990s saw media freedoms that enabled the African media to shift from the passive, informational role they formerly played to the active role of watchdog for the public benefit. However, the survey reports show that the incremental introduction of numerous restrictions has had a negative impact on electoral democracy, with civil and criminal defamation laws being used regularly to silence government critics.⁷³ Given that the government typically

⁶⁷ See Charles Fombad and Nat Inegbedion, 'Presidential Term Limits and Their Impact on Constitutionalism in Africa' in Charles Fombad and Christina Murray (eds), *Fostering Constitutionalism in Africa* (PULP 2010) 15-17.

⁶⁸ See Cheryl Hendricks and Gabriel Ngah Kiven, 'Presidential term limits: Slippery slope back to authoritarianism in Africa' (*The Conversation*, 17 May 2018) <<https://theconversation.com/presidential-term-limits-slippery-slope-back-to-authoritarianism-in-africa-96796>> accessed 1 March 2021.

⁶⁹ It was unconstitutional in some cases, such as the Republic of Congo, where the term-limit provision was explicitly entrenched as one of the unamendable provisions in the constitution. In Burundi, the change was also effected in violation of the constitution. Moreover, it violated the fundamental principles underlying a constitution that had been carefully crafted as part of a post-conflict settlement. In Uganda, the term and age limits were removed only after parliamentarians were bribed to vote in favour of the amendments.

⁷⁰ Since 2015, at least 13 African countries have sidestepped or weakened the presidential term limits provisions. See in general, Andrea Cassani, 'Law-abiders, lame ducks, and over-stayers: the Africa Executive Term Limits (AETL) dataset' (2020) *European Political Science* <<https://link.springer.com/article/10.1057/s41304-020-00291-w#Sec3>> accessed 1 March 2021.

⁷¹ For example, seven of the ten longest serving presidents in the world are in Africa. These are: Teodoro Obiang of Equatorial Guinea, 42 years; Paul Biya of Cameroon, 39 years; Dennis Sasso Nguesso of Congo Republic, 37 years; Yoweri Museveni of Uganda, 35 years; Idriss Deby of Chad, 31 years; Isaias Afwerki of Eritrea 28 years. To this list of presidential dinosaurs, one could add Ismail Omar Guelleh of Djibouti, 22 years.

⁷² See Steven Levitsky and Lucan Way, 'Why Democracy Needs a Level Playing Field' (2002) 21(1) *J of Democracy* 57.

⁷³ See, Sarah Repucci, 'Media Freedom: A Downward Spiral' (*Freedomhouse*, 2019) <<https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>> accessed 1 March 2021. They point out that, media freedom has been deteriorating around the world over the past decade and that even in some of the most influential democracies in the world, populist leaders have overseen concerted attempts to throttle the independence of the media sector. While the threats to global media freedom are real and concerning in their own right, their impact on the state of democracy is what makes them truly dangerous. Experience has shown, however, that press freedom can rebound from even lengthy stints of repression when given the opportunity.

controls the state media, this allows it to dominate the media space; limit or deny the opposition's access to media; and create a biased and unchallenged narrative that, particularly in electoral periods, favours its position.

The judiciary in constitutional democracies plays a crucial role in safeguarding the integrity of elections as the main channel of peaceful democratic change.⁷⁴ However, Africans' confidence in the ability of courts to settle election disputes honestly and fairly is not very high. In a Gallup survey of 19 countries in 2006, only 33% of respondents said they had confidence in the honesty of elections in their countries, whilst only 45% said they had confidence in the judicial systems and courts.⁷⁵ Although confidence in elections rose to 41% in a 2011 survey, courts remain the most distrusted of national institutions.⁷⁶ Generally, since the 1990s many Africans have lost their lives in protests against rigged elections. In fact, one study finds that almost 60% of elections in sub-Saharan Africa are plagued by violence, intimidation, and threats.⁷⁷ Confidence in the judiciary has been eroded largely due to its vulnerability to political manipulation and corruption and its tendency to defer to the government in power, especially in cases of electoral disputes. Only genuinely independent courts would be able to deliver the electoral justice that can enhance the quality of elections.

On the whole, one important lesson that can be drawn here is that there is no African country where democracy and constitutionalism can be thought of as firmly consolidated and secure. The number of countries which are declining due to failed or flawed electoral processes, or which show signs of stagnation (such as Botswana and South Africa), far exceed those that have improved to one degree or another (such as The Gambia, Ghana, and Nigeria). Two of Africa's top performers, Botswana and South Africa, illustrate why there should be no complacency.

Botswana for many years rightly earned a reputation as Africa's shining example of a liberal democracy.⁷⁸ However, the fragility of its democracy was underscored during the tenure of

⁷⁴ See Siri Gloppen, 'Elections in Court: The Judiciary and Uganda's 2006 Presidential and Parliamentary Elections' <http://www.svt.ntnu.no/iss/fagkonferanse2007/intern/papers/siri.gloppen@cmi.noGloppen-per cent20Elections per cent20in per cent20Court.doc> accessed in March 2021.

⁷⁵ See Bob Tortora, 'Africans' Confidence in Institutions – Which Country Stands Out?' *Gallup News* (18 January 2007) <<http://www.gallup.com/poll/26176/africans-confidence-institutions-which-country-stands-out.aspx>> accessed 1 March 2021.

⁷⁶ See Magali Rheault and Bob Tortora, 'Many Africans Lack Confidence in Honesty of Elections' *Gallup News* (21 November 2011) <<http://www.gallup.com/poll/150842/africans-lack-confidence-honesty-elections.aspx>> accessed 1 March 2021.

⁷⁷ See Scott Strauss and Charlie Taylor, 'Democratization and Electoral Violence in Sub-Saharan Africa: 1998-2008' in Dorine Bekoe (ed), *Voting in Fear: Electoral violence in Sub-Saharan Africa* (USIP Press 2012).

⁷⁸ The only other African country with a similar experience is Mauritius. See generally, 'Africa's Best-kept Secret: Botswana, "a shining liberal democracy"' <http://ec.europa.eu/development/body/publications/courier/courier198/en/en_054.pdf> accessed 1 March 2020; 'Democracy in Africa: A Good Example' (*The Economist*, 24 October 2009) <https://www.economist.com/node/14699869> accessed 1 March 2021; and Jane Perlez, 'Is Botswana a Model for

former President Ian Khama (2008-2018), an ex-military commander whose only claim to the position he held with an iron fist for 10 years was that he was a son of the revered first president, Sir Seretse Khama. His intolerant and autocratic style of governance exposed the weaknesses of a system that, until his accession to power in 2008, depended entirely on the goodwill of the previous presidents rather than the solidity of the country's constitution and democratic institutions. He tried unsuccessfully to continue to rule from behind the scenes when he failed to manipulate his handpicked successor.⁷⁹ Predictably, most indicators of good governance show that the quality of democracy in Botswana has been in sharp decline, with commentators doubting whether the country still warrants its exceptional status.⁸⁰

South Africa is another illustration of the paradox of electoral democracy in Africa today. With its highly regarded progressive Constitution of 1996, it seemed set to take up the mantle of democratic leadership in Africa and become a beacon of hope for a democratically depressed continent. Whilst the holding of regular free and fair elections has underlined the country's democratic credentials, President Zuma's nine-year tenure exposed the fragility of those credentials. The robust constitutional framework could not prevent him and the corrupt party machine he built from capturing key state institutions and reducing Parliament to little more than an expensive talk-show. South Africa's saving grace came from the effective operation of one of the institutions that escaped Zuma's ravages, the Public Protector, whose independent reports on his corrupt activities led to his early recall from office.⁸¹

The lesson to be learnt from South Africa and Botswana is that in spite of regular and relatively free and competitive elections, democracy in Africa is still very much a work in progress.

Democracies in Africa?' *New York Times* (15 May 1990) <<https://www.nytimes.com/1990/05/16/world/is-botswana-a-model-for-democracies-in-africa.html>> accessed 1 March 2021.

⁷⁹ See Wene Owino, 'Botswana's President Masisi fooled his master Ian Khama' *The East African* (22 July 2019) <<https://www.theeastafrican.co.ke/oped/comment/Botswana-President-Masisi-feud-Ian-Khama/434750-5205508-14fu78r/index.html>> accessed 1 March 2021 and Joseph Cotterill, 'Botswana's ex-president hits out at successor ahead of election' *Financial Times* (Gaborone, 20 October 2019) <<https://www.ft.com/content/fda4c8e4-f1be-11e9-bfa4-b25f11f42901>> accessed 1 March 2021.

⁸⁰ See Kenneth Good and Ian Taylor, 'Botswana: A Minimalist Democracy' (2008) 15(4) *Democratization* 750 and S J Cooper- Knock, 'Botswana: Beyond the "Miracle"' (*Democracy in Africa*, 22 December 2014) <<http://democracyin africa.org/botswana-beyond-miracle/>> accessed 1 March 2021.

⁸¹ Public Protector South Africa, *Secure in Comfort: Report on an investigation into Allegations of Impropriety and Unethical Conduct Relating to the Installation and Implementation of Security Measures by the Department of Public Works at and in respect of the Private Residence of President Jacob Zuma at Nkandla in the KwaZulu-Natal Province* (Rep No 25, 2013-14) <https://www.gov.za/sites/default/files/gcis_document/201409/public-protectors-report-nkandlaa.pdf> accessed 1 March 2021; Public Protector South Africa, *State of Capture: Report on an investigation into alleged improper and unethical conduct by the President and other state functionaries relating to alleged improper relationships and involvement of the Gupta family in the removal and appointment of Ministers and directors of State-Owned enterprises resulting in improper and possibly corrupt award of state contracts and benefots the the Gupta family's businesses* (Rep No 16, 2016-17) <http://www.pprotect.org/sites/default/files/legislation_report/State_Capture_14October2016.pdf> accessed 1 March 2021.

4. CONCLUSION

The trend in the evolution of electoral democracy in Africa in the last three decades points to authoritarian mobilisation and resurgence. This underscores not only that electoral democracy should not be equated with democracy but that the transition to democratic governance in Africa will not happen overnight. Despite the considerable improvement Africa has seen since 1990 in the quality of its elections, the challenges to achieving genuine democracy through competitive elections have changed in nature and complexity in tandem with the way in which ‘born-again’ or ‘new-generation democrats’ enamoured of power devise novel strategies to prolong their stay at the helm of government.⁸² The present travails, and what some analysts see as incremental de-democratisation, raise critical questions for the future of democracy in Africa and its role in building a sustainable culture of constitutionalism and respect for the rule of law.⁸³

First, genuine democracy and free and fair elections should not be built on mere trust in the goodwill and benevolence of leaders, but rather on clearly stated values and transparent, predictable mechanisms and institutions. The experiences of the last three decades indicate that more needs to be done to establish and strengthen key democracy-enhancing institutions such as independent EMBs and independent judiciaries. Furthermore, strong legislation must be promulgated to recognise and protect political parties, especially opposition parties.

Secondly, the third wave of democratisation in Africa was accompanied by dramatic changes and drew widespread attention. It looked like the end of dictatorship and repressive authoritarian rule, but the last decade has been marked by a slow slide towards authoritarianism, a central danger of which is that it has not come with the fireworks that attract notice and provoke calls for firm action. For example, presidential term-limit provisions have been dismantled in a carefully calculated and surreptitious manner. Similarly, strategic electoral manipulation is carried out in ways that are not easy for election monitors and observers to detect.

It is thus clear that the current developments are not random, ad hoc efforts to undermine the credibility of elections and democracy but rational, well-calculated responses by ruling African elites seeking to perpetuate their rule. What this points to is the need to rethink strategies for promoting genuinely competitive elections, democracy, and constitutionalism. The reality is that, in spite of its challenges, democracy is still the preferred form of governance for the average citizen. Most people of them would abhor a return to the dark days of one-party dictatorship and its plebiscitary elections.

⁸² The phrase ‘born-again democrats’ refers to dictators such as Paul Biya of Cameroon and Yoweri Museveni of Uganda who survived the winds of change in the 1990s by strategically adopting some of the symbols of democracy, whilst ‘new-generation democrats’ refers to those leaders who were elected in the new era of multipartyism.

⁸³ On the notion of de-democratisation, see Bermeo (n 65) 5-19.