



## CONCEPT NOTE

### 11<sup>TH</sup> EISA ANNUAL SYMPOSIUM

#### CURRENT DEMOCRATIC REALITIES IN AFRICA: WHERE ARE WE HEADED BEYOND THE VOTE?

##### 1. Introduction

The Electoral Institute for Sustainable Democracy in Africa (EISA) is celebrating 20 years of committed service to the development and consolidation of democratic governance across the African continent. In celebration of this milestone, EISA will host its 11<sup>th</sup> annual symposium from 20 to 21 October 2016, in Johannesburg, South Africa. The symposium will reflect on “**Current democratic realities in Africa: Where are we headed beyond the vote?**”

EISA would like to celebrate this 20 year anniversary by reflecting on the continent’s democratic triumphs - those elements pulling states closer to democratic consolidation - while also acknowledging the democratic shortfalls - pushing African States backwards. In reviewing progress and challenges confronting the continent, the symposium will provide a platform for democracy-promotion stakeholders to examine current democratic realities in Africa and where the continent is headed on the current wave of democracy. The annual event will also serve as a lesson sharing and learning opportunity for democracy-promotion stakeholders as they deliberate on the development of shared culture of best democratic practices.

##### 2. Background

In Africa’s quest for self-determination, we have seen her liberation from colonialism starting in greater numbers from the late 1950s and early 1960s, and the continued struggle against authoritarian regimes in the subsequent decades. This struggle yielded dividends and over these years Africa registered a significant drop in the number of authoritarian regimes (from 43 in 1975 to 12 in 1995).<sup>1</sup> It has in many respects made democratic gains, considering the number of competitive multiparty

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<sup>1</sup> Joseph, Richard (1997) “Democratisation in Africa after 1989: Comparative and Theoretical Perspectives”, *Comparative Politics*, Vol. 29, No. 3. Page 46.

elections held on the continent.<sup>2</sup> Findings from Freedom House ‘*Freedom in the World Survey*’ show an increase in the number of electoral democracies from 10 in 1992/1993 to 24 in 2005/2006.<sup>3</sup> Peaceful transfers of power between ruling and opposition political parties witnessed in Senegal, Sao Tome and Principe, Ghana, Zambia, Mali, Malawi and recently in Nigeria and Cabo Verde provide further evidence of Africa’s gradual progress towards democratic consolidation. According to the Ibrahim Index of African Governance (IIAG), increased number of power transfers, and higher levels of judicial independence, recorded in Africa, pushed the average score for the rule of law from 48 out of 100 in 2010 to 50.8 out of 100 in 2014.<sup>4</sup> While this positive evolution of multiparty elections and the opening of the political space have been momentous, we risk sliding back towards authoritarianism in our current context if these achievements are not sustained. The disparate democratic practice in Africa and other regions of the World has triggered renewed debates about the credibility of Western liberal democracy and its inability to continuously inspire the democratic trajectory of Non-Western countries. The recurrence of democratic recession in different parts of the African continent has also raised questions about the applicability of Western forms of democracy to a socio-culturally heterogeneous Africa.<sup>5</sup>

## 2.1. Entrenching incumbents versus electoral institutional restraints

Trends in recent years suggest that the gains made on the continent towards the increase in electoral democracies in the early 21<sup>st</sup> century may be on a downward slope.<sup>6</sup> Results of the 6<sup>th</sup> round of Afrobarometer surveys point to a decreased level of public satisfaction with the quality of democracy in the 28-surveyed countries. The average level dropped from 50% in the 5<sup>th</sup> round of surveys (2011 – 2013) to 46% in the latest round (2014 – 2015).<sup>7</sup> Mauritius and Botswana, two internationally-acclaimed African democracies, with a pedigree of strong leadership, recently drew domestic attention to the 'quality' of political leadership and the shrinking of political choices. A perceptible deficiency in the quality of leadership is viewed by the public as having the potential of drawing these countries into democratic recession and making

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<sup>2</sup> Buhari, Muhammadu, (2015) “Prospects for democratic consolidation in Africa: Nigeria’s transition”, Chatham House, Page 2. 42 of 48 Sub-Saharan countries held multiparty elections between 1990 and 2002.

<sup>3</sup> Ibid

<sup>4</sup> 2015 Ibrahim Index of African Governance – sub-category insights: rule of law, Mo Ibrahim Foundation, [http://static.moibrahimfoundation.org/u/2015/10/02191556/01\\_Rule-of-Law.pdf?\\_ga=1.123265099.1169444377.1460354769](http://static.moibrahimfoundation.org/u/2015/10/02191556/01_Rule-of-Law.pdf?_ga=1.123265099.1169444377.1460354769)

<sup>5</sup> Khadiagala, Gilbert, (2016) “Looking beyond traditional Africa”, in Non-Western ideas for democratic renewal, [http://carnegieeurope.eu/2016/04/21/non-western-ideas-for-democratic-renewal/ixcx?mkt\\_tok=eyJpIjoiTkrZeU9UZzRNeEzTVRaaylsluQiOiJnUDIPHJJVGlzMXozOWtqRXE5T2JvTVhVQmNiZzJwWGF2SEoyMTZwRnRHdm92NmxCNHZpNktTQWZZMzd3TTZrQ093ZDN0N0JjaXU2Q3E1bDliY0lKN0dJYmFmXURURuYSt4NWJjM0F3dWhLdz0ifQ%3D%3D#Khadiagala](http://carnegieeurope.eu/2016/04/21/non-western-ideas-for-democratic-renewal/ixcx?mkt_tok=eyJpIjoiTkrZeU9UZzRNeEzTVRaaylsluQiOiJnUDIPHJJVGlzMXozOWtqRXE5T2JvTVhVQmNiZzJwWGF2SEoyMTZwRnRHdm92NmxCNHZpNktTQWZZMzd3TTZrQ093ZDN0N0JjaXU2Q3E1bDliY0lKN0dJYmFmXURURuYSt4NWJjM0F3dWhLdz0ifQ%3D%3D#Khadiagala)

<sup>6</sup> The number of electoral democracies on the continent went from 24 in 2007 to 19 in 2012.

<sup>7</sup> Bentley, Thomas & Han, Kangwook & Halley Penar, Peter, (2015) “African democracy update: Satisfaction remains elusive for many”, <http://afrobarometer.org/blogs/african-democracy-update-satisfaction-remains-elusive-many>

true MKandawire's concept of 'choiceless democracy'.<sup>8</sup> Despite the fact that popular uprising unlocked the democratic potential of countries like Tunisia and Egypt, these countries have been grappling with the stabilisation and entrenchment of their democratic dispensation in the aftermath of their post-Arab spring elections.<sup>9</sup>

Unconstitutional third presidential terms and engineered constitutional changes, as observed in Congo Brazzaville and Rwanda among others, or reinterpretation of the constitution as the Democratic Republic of Congo (DRC) is tempted to do, are a severe setback contributing to regression of democracy on the continent. The inability of many incumbents to comply with the rule of law is a perturbing indication of weak commitment of African political leadership to democratic values, shared by communities of African nations, and as enshrined in key regional and sub-regional normative frameworks, including the African Charter on Democracy, Elections and Governance (ACDEG).

## **2.2 Representation and accessibility versus marginalization**

There has been an increased rhetoric around creating electoral and political processes which are more inclusive of marginalised groups. In particular, certain national governments have made efforts to advance the cause of women in terms of their representation in elective and leadership positions. Affirmative action and quota systems have been incorporated into the legal framework of countries like Senegal, Rwanda, Tanzania, Namibia and Uganda. The implementation of affirmative action policies has significantly contributed to an increase in the number of women in leadership and decision-making positions. The systematic application of quota systems has, however, raised concerns about the quality of women in leadership positions and their ability to make a real impact. This viewpoint is obviously unfair because the quality of male candidates and their ability to deliver and make a meaningful impact can be questioned as well.

The integration of gender parity into the SADC normative framework marks a positive policymaking step towards the promotion of increased women representation.<sup>10</sup> With an average score of 54.8 out of 100, Africa achieved the best performance in the Ibrahim Index of African Governance IIAG sub-category of gender due to the positive contribution of indicators of gender equality, of women in politics and of women in the judiciary.<sup>11</sup> Despite this growing numerical presence of women in elected institutions, women continue to be marginalised in the majority of African countries.<sup>12</sup>

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<sup>8</sup> Mkandawire, Thandika. 1999. 'Crisis Management and the Making of "Choiceless Democracies" in Africa', in *The State, Conflict and Democracy in Africa*, edited by R. Joseph. Boulder CO: Lynne Rienner.

<sup>9</sup> Diamond, Larry, (2011) "A Fourth Wave or False Start? Democracy after the Arab Spring", Council on Foreign Affairs.

<sup>10</sup> Odhiambo, Felix (2011) Elections and democracy in Africa: democracy assistance – spaces for improvement, Paper presented at a Regional Conference: CMI and Makerere University, Jinja Uganda.

<sup>11</sup> 2015 Ibrahim Index of African Governance – sub-category insights: gender, Mo Ibrahim Foundation, [http://static.moibrahimfoundation.org/u/2015/10/02191610/07\\_Gender.pdf?\\_ga=1.131123023.1169444377.1460354769](http://static.moibrahimfoundation.org/u/2015/10/02191610/07_Gender.pdf?_ga=1.131123023.1169444377.1460354769)

<sup>12</sup> Tadesse, Zenebeworke, (2002) "Gender and democratisation in Africa: the long road to the front seat", African Gender Institute Newsletter, Volume 10, Page 4.

Other groups, including the youth, minority groups and the diaspora, are not on a par with women in terms of the level of political representation and access in the electoral and democratic process. The African Youth Charter considers that a youth is an individual who is between the ages of 15 and 35 years. An enabling legal framework is critical to youth political participation. The electoral legislation of several African countries impose to candidates a minimum age requirement of at least 35 years for presidential elections (Zambia, Niger, Uganda, Burkina Faso and Sao Tome and Principe) and of at least 25 years for National Assembly elections (Chad, Côte d'Ivoire, Egypt, and Burundi) . The minimum age restriction has been a barrier to youth accessibility to and representation in different spheres of decision-making in African countries. Equally important to the adoption of youth friendly legislation is the need to devise effective mechanisms for youth representation in formal political processes and in all levels of leadership. The lack of a common universal definition of a minority and the dissimilar contextual realities of minority groups across Africa have impeded further advancement of the political rights of these groups.

Several African countries have adopted enabling legal reforms for the participation of their diaspora in the electoral process, including Benin, Cape Verde, Ghana, Mauritania, South Africa amongst others. These critical reforms are yet to be implemented, for political and financial reasons, in some countries, including Angola and Burkina Faso. The potential of the diaspora for democratic consolidation in Africa is yet to be sufficiently tapped into by national governments. The human resources potential of African diasporas, their ability to mobilise financial resources, and their exposure to democratic practices of other countries and regions of the world could play a non-negligible role towards the consolidation of democracy in Africa.

## **2.2. Human rights versus security**

The constitutional framework of most African countries guarantees basic human rights and civil liberties of citizens – enabling the free participation in a country's political processes - thus creating the foundation for political participation of citizens. The Ibrahim Index of African Governance points to increased participation of citizens in political processes in 2014. In spite of being one of the lowest scoring sub-categories in Africa, the continent made the most improvement in the area of political participation of citizens from 2010 to 2014. Owing to low levels of freedom of association and assembly, civil liberties and human rights, the continent equally registered a decline in its average score for rights within the category of participation and human rights in 2014.<sup>13</sup> Top performers, such as Cabo Verde, disturbingly recorded a decline.

Human rights are not always upheld by Governments, particularly within the context of the fight against terrorism and other perceived national threats. During the 2014

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<sup>13</sup> 2015 Ibrahim Index of African Governance – sub-category insights: participation, Mo Ibrahim Foundation, [http://static.moibrahimfoundation.org/u/2015/10/02191606/05\\_Participation.pdf?\\_ga=1.220391512.1169444377.1460354769](http://static.moibrahimfoundation.org/u/2015/10/02191606/05_Participation.pdf?_ga=1.220391512.1169444377.1460354769)

presidential and 2015 parliamentary elections, the Government of Egypt used the anti-terrorism law to justify the curtailment of rights and liberties purportedly in the interest of national security. Similarly, the outbreak of a medical emergency, such as Ebola, had the potential to pose a threat to the holding of the 2015 presidential election in Guinea. Ebola presented, an opportunity for the postponement of the election, to the electoral commission, beset with technical and logistical difficulties.

### **2.3. Building electoral institutional frameworks versus erosive political power**

The creation of independent Electoral Management Bodies (EMB) in many African countries in the early 90s changed the electoral governance landscape in Africa. The opening of the political environment necessitated impartial, professional and technically-sound arbitration of electoral competitions. The tradition of election administration has aided certain of these bodies to deliver elections widely considered to be of a good standard, including in South Africa, Cabo Verde, Mauritius, Sao Tome and Principe, Benin and Ghana. Election administration has, nonetheless, been a daunting task in the DRC and Guinea Conakry. The recurrence of election-related disputes in Kenya, Côte d'Ivoire, Zimbabwe, and Guinea Conakry has severally put electoral and related courts to the test.

Improved quality of election administration has been a notable achievement in a large number of African countries. This positive development has not always gone hand in hand with the delivery of sound democratic education in light of citizens' level of awareness of the significance of the ballot and the implications of election outcomes for national democratic projects.

The subordination of the judiciary and the legislature and centralisation of powers in the hands of the executive has enabled incumbents to manipulate the constitutional framework and the electoral process. Election-related disputes ensuing from flawed processes and contested results (Kenya, Côte d'Ivoire, Guinea Conakry, Zimbabwe, Guinea Bissau, Nigeria, and Sierra Leone) underscore the shaky foundations of electoral institutional frameworks.

### **2.4. The influence of money in politics versus ideals of democracy**

African countries have over the decades grappled with the pervasive influence of political finance during election periods and its implications for the competitiveness and fairness of the political system. The legal framework of a sizeable number of African countries provides for funding of political parties in non-election period as well as for election campaign. Provisions for public funding are not always equally applied to parties across the political spectrum. In a number of cases, the state disbursed public funds to opposition political parties with long delays. Access of independent candidates to public funding, when applicable, was further limited in comparison with political parties.

The disproportionate level of access to public resources has, in most respects, been to the advantage of the ruling political party. Easy access of incumbents to state resources for election campaign purposes continue to be a source of tensions and contention during election time in several African countries. The annual survey of the Electoral Integrity Project suggests that campaign finance is the “worst sub-dimension in African elections”.<sup>14</sup> The continent sloped downward in the accountability sub-category of IAG with the average score of 35.5 out of 100 in 2014.<sup>15</sup> Effective regulation and control of the influence of the ostensibly pervasive influence of money in politics is key to promoting a level playing field to contesting political parties and candidates. The effectiveness and implementation of transparency measures has been raising questions about the ability of countries to take a sustainable grip on political corruption.

The emergence of opposition political parties in the multiparty political system of African countries was meant to offer political and electoral alternatives to the people. The critical role of opposition political parties in steering countries towards democratic consolidation has been impacted upon by intra-party weaknesses and inter-party rivalries and polarization, and intricate conditions under which these political formations have operated in Africa over the decades. African countries have been recipients of election-focused democracy assistance from foreign aid agencies. The differential treatment of African countries has, in several instances, been detrimental to the broader democratisation project in Africa. Certain recipient governments did not shy from using elections as a means to reassure the international community of their commitment to democratic consolidation.<sup>16</sup>

## **2.5. Access to information and the media versus censorship**

Africa over the last decade has witnessed an important information and communication revolution. Recent statistics show that every one in three people in Africa own a mobile phone, which is becoming the most popular source and platform of information.

Despite the growing popularity of mobile technology (especially among the youth), media continue to play a role in shaping political debates and public opinions during and between elections in Africa. While playing its role in the electoral process, the media, particularly state-owned media, have not always been renowned for balanced and fair election reporting. Media coverage and access of contesting opposition political parties to public media has been especially wanting in closed political settings, including Equatorial Guinea and Ethiopia. Owing to their control of the state apparatus,

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<sup>14</sup> Gromping, Max & Dr Coma Ferran Martinez “Electoral Integrity in Africa”, page 21.

<sup>15</sup> 2015 Ibrahim Index of African Governance – sub-category insights: accountability, Mo Ibrahim Foundation, [http://static.moibrahimfoundation.org/u/2015/10/02191558/02\\_Accountability.pdf?\\_ga=1.22062331.1169444377.1460354769](http://static.moibrahimfoundation.org/u/2015/10/02191558/02_Accountability.pdf?_ga=1.22062331.1169444377.1460354769)

<sup>16</sup> Tar, Usman (2010) “The challenges of democracy and democratisation in Africa and Middle East”, Information, Society and Justice, Volume 3. No. 2, Page 86.

ruling political parties have successfully managed to utilise public media for the purpose of electioneering.

Media regulatory bodies, which were established to promote the impartiality of the media, balanced coverage and reporting of political events, and pluralism of political opinions during and outside election periods, have fallen prey to executive control as a result of their mode of appointment and the fact that they are financially dependent on the State. Some opposition figures have created their private media outlets as a reaction to the incumbent's monopoly of state media. Another worrisome trend in a number of African countries is self-censorship among journalists and within certain media houses, notable cases are Rwanda, Kenya, Uganda and Tanzania.

Elections, particularly high-stake elections, in Africa have attracted the attention of international media. The propensity of international media to principally report on shortfalls of the process contributed to distorting general perceptions of elections in Africa. Observers of African affairs have questioned the impartiality of international media in light of perceived biased reporting in favour of certain contesting candidates in elections.

### **3. Problem statement**

An inquiry into the democratisation trajectory of African countries points to a mixed picture of the state of democracy on the continent. Notwithstanding recorded democratic progress, certain indicators worryingly point to a reverse wave of democratisation in Africa. Africa ranks among the least democratised regions of the world. Several African countries appear to be continuously swinging between the liberalisation and transition phases of the democratisation process.

There are several factors pushing African states backwards in their democratisation trajectory, giving additional impetus for an introspective assessment of Africa's state of democracy in this current wave: The regularity of elections which were previously uncommon; the exercise of human rights and civil liberties by citizens; the liberalisation of the political space and the media landscape; the pivotal role played by key actors, including independent electoral management bodies, opposition political parties, and civil society organisations; political accommodation of ethno-regional diversities; and the promotion of interests of marginalised and minority groups; and assessment of African elections by home-grown and African observer groups.

### **4. Objectives**

The overarching objective of the 11<sup>th</sup> annual symposium is to review the current state of democracy in Africa by taking stock of progress and challenges confronting the continent in its trajectory of democratic consolidation.

Specifically, the symposium will seek to:

- Look back at Africa's democratic challenges with a view to pinpointing contributing factors that are holding the continent back in its trajectory of democratic consolidation.
- Look forward to underscore elements that are pulling the continent towards further democratic consolidation based on gains made in the field of elections over the past decades
- Offer prospects for the sustenance of democratic consolidation in Africa.

## **5. Methodology**

The symposium will be conducted over two days. The event will be opened with a keynote address from an eminent African personality with a track record of positive contributions to democratic progress in contemporary Africa. Symposium objectives will be met through sessions that will provide a platform for democracy-promotion stakeholders to review the progress and challenges recorded at national and regional levels through the juxtaposition of contrasts of consolidation and regression of democracy; human rights and security; rules of the game and rule of law; building electoral institutional frameworks and erosive political power; the influence of money and ideals of democracy; representation and accessibility and marginalisation; and access to information and the media and censorship.

Prior to the symposium, selected authors will receive guidelines for writing papers that will be presented at the symposium, and considered for publication after the event. The knowledge produced will be disseminated to inform future policy debates on democratic consolidation and shape actions of democracy-promotion stakeholders at multi levels across Africa.

## **6. Participants**

Participants will be drawn from key democracy-promotion stakeholders, including international NGOs, election management bodies, civil society organisations, aid agencies, African Union, Regional Economic Communities (RECs), representatives of political parties, members of Parliament, and academia.

Selected former African heads of states, chosen for their crucial political leadership role in support of democratic consolidation in their country and/or in their sub-region, will be invited to preside over the high-level panel of eminent personalities. Additionally, an invitation will be extended to a distinguished African personality to deliver the keynote address.